

ENG Case: Ershad's counsel contrives an adjournment

The trial of deposed president Hussain Muhammad Ershad in a corruption case involving the procurement of television cameras and other accessories was adjourned yesterday for the second time in three weeks, in pursuance of a request from the defence, reports BSS.

Ershad is the lone accused in this case — Special Case No 34 of 1993 — popularly known as the ENG Case (Electronic News Gathering case).

Like January 14, yesterday was the date fixed for charge framing.

Immediately after Divisional Sessions and Special Judge Anwaruddin Sikdar took his seat in the special court, Yusuf Hossain Humayun, the chief counsel for Ershad, requested an adjournment by registering a complaint against the authorities of the Central Jail, Dhaka.

Humayun pleaded that despite a court order, he could not hold consultations with his client.

He complained that interference by the jail authorities had prevented him from effectively consulting his client.

The counsel prayed for another opportunity of holding a real, exclusive meeting with his client, as allowed by law, in the Central Jail and an adjournment of the hearing till such time.

Ashrafuddin Ahmed, special public prosecutor, objected to the adjournment prayer and stated that the defence was never in dearth of any excuse or plea to delay the proceedings of the court. He suggested that if the defence counsel had not succeeded in having consultations with his client in jail

Hearing writs

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situation which he received yesterday from the three respondents.

Lawyers of the respondents Barrister KS Nabi, Barrister Abdur Razzaque and Barrister Moudud Ahmed himself opposed the prayer and said that filing of such reply was not necessary since the writ matter was related to the Constitution which needs interpretation by the court.

The court rejected the prayer for time after hearing arguments for and against for a long time.

During the arguments, the respondents' lawyers pointed out that the stay order for 10 days on the Speaker, issued by a two-member High Court bench, was found missing from the written order. They sought vacation of the stay order. They maintained that indefinite period of the stay would create further complications and constitutional crisis.

The court rejected the verbal prayer for vacating the stay and decided to continue the hearing which resumes this morning.

PM: Ekushey

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need for cooperation of the educated in increasing literacy rate and developing reading habit among the people.

She said that holding of book fairs in different regions of the country was also stressed in the national book policy, being implemented in phases.

"With the modernisation of communications system, the smaller the world is becoming, the greater the need for safeguarding one's own culture is being felt," Begum Zia said. "Nation's image and dignity could be upheld by preserving and enriching our own culture."

"Bengali language is now one of the richest languages in the world," she noted and recalled that the language was enriched by the poets and literatures during the past thousand years. The process would continue, she hoped.

The DG of Bangla Academy underscored the need for making it more research-oriented.

Prof Rashid said that the Academy had made agreements with different institutions in India, Malaysia, Turkey and many other countries to project the literature and culture of the country in international arena.

The function was also addressed by Secretary General of Bangladesh Book Publishers and Sellers' Association Akhlaqur Rahman and Convenor of the fair organising committee Golum Moinuddin.

The Prime Minister was presented with a crest of the Bangla Academy and a book on Maulana Abdul Hamid Khan Bhasani, written by Syed Abul Maqsood and published by the academy.

Later, the PM saw the newly introduced modern printing system at the academy and went round different book stalls in the academy premises.

as he wished, he may be allowed to have it in the court premises.

Judge Sikdar asked the defence counsel if such consultation in the courtroom would serve the purpose. In this the defence politely declined to have the consultation in the courtroom.

After consulting the two sides, the judge adjourned the trial till February 15. He also issued directives to the relevant authorities so that Ershad's defence counsel could have exclusive consultations with his client in the Central Jail before the resumption of the trial.

The case first came up for hearing in September 1993. But subsequently, on the order of the court, reinvestigation was carried out and a fresh charge-sheet submitted in October last year.

According to the allegations the then president, by abusing his official position, had ordered the procurement of two sets of TV cameras, accessories, vehicles, etc for prompt coverage of himself and his wife Raushan Ershad, the then first lady, at a cost of Taka 2.93 crore, including a foreign exchange component of Taka 1.65 crore.

Prices of essentials

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and Malaysia were selling at Tk 29 per kg.

A cross-section of people, who crowded different city markets yesterday for Ramadan shopping complained that prices of most of the essentials have gone out of their reach.

They demanded immediate steps to arrest the price hike.

Meanwhile, the Ministry of Commerce will review the demand, supply, and price situation of essentials in the month of Ramadan at a meeting on February 4 at 4:30 pm.

With the Commerce Minister in the chair the high-level meeting will be attended by secretaries, government officials and representatives of traders associations.

BB decision

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and Exchange Commission (SEC) Sultanuzzaman Khan said the decision was taken at the request of the SEC.

He said implementation of the decision would help increase the liquidity of the share market and make the market more vibrant.

The SEC Chairman also hoped the response of the banks would be positive as lending to the share investors would be more viable for them than lending to many other sectors.

Prof Abu Ahmed of the Economics Department of Dhaka University said, "It's a good decision and should have been taken much earlier."

"The decision would help improve the liquidity situation of the share market and also increase the participation of the small investors," said Prof Ahmed, who is also President of the Bangladesh Share Investors' Forum, representing the small equity investors.

Prof Abu Ahmed said another good side of the decision is the integration of the banking sector and the capital market, which will make the market more vibrant.

"The banks had to purchase securities of the Bangladesh Bank and get only one to two per cent interest for the excess liquidity problem. But now they will get more than 10 per cent interest by lending for share investments," Prof Ahmed said, adding it would help the banks utilise their idle funds in a more profitable way.

He said the prices of securities may also rise after implementation of the decision as more funds would be generated into the market. It may also make the market more competitive, he added.

An official of a commercial bank, talking to The Daily Star last night, said, "It's a positive step. Small investors will find their access to the stock market increasingly after implementation of the decision."

It would also help remove the excess liquidity problem of the banks and make them more market-oriented, the official said, speaking on condition of anonymity.

He said the ceiling of five lakh taka for one share investor may discourage some of the banks to lend.

A Bangladesh Bank official, however, said the ceiling was kept because the stock market is too sensitive and large scale lending at this stage may cause problem to some of the banks.

"Let the banks and the share investors cope with the new situation. The minimum control will ultimately be withdrawn," the official said.



Poet Sufia Kamal inaugurating the National Poetry Festival near the TSC of Dhaka University yesterday. — Star photo

Poetry festival begins in city

By Staff Correspondent

The ninth national poetry festival began at the TSC road crossing in the city yesterday morning.

Poet Begum Sufia Kamal inaugurated the two-day festival.

Addressing the annual meet of the poets, Sufia Kamal alleged that there is no rule of law in the country.

She urged the people to fight injustices and communalism.

The inaugural function was presided by Syed Shamsul Huq while Faiz Ahmed delivered the welcome address.

The function was also addressed by Shamudra Gupta, Rafiq Azad, Mazharul Islam, Mohon Raihan and Shamendra Sen Gupta.

Some 300 poets from home and abroad are participating in the poetry festival this year.

The programmes of the festival organised by the National Poetry Council includes seminars, recitations and prize distribution.

Oli in Tripura

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venor of the Special Committee on CHT Affairs, and his entourage including Rashed Khan Menon MP and Kalpana Chakma MP are expected to hold discussions with Bhandari and Tripura Chief Minister Dosharat Dev on resumption of the repatriation of the rest of the tribal refugees encamped in Tripura.

Besides, the delegation will pay visit to refugee camps at Subroom and Amarpur to make a fresh call to the tribal refugees to return home.

Earlier, during the two phases of repatriation in February and July, 1994 about 5195 refugees returned to their homes and settled down in CHT.

The repatriation took place as per an agreement reached among the representatives of Bangladesh, India and the Chakma refugee leaders.

State Department report

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divided into six sections: respect for the integrity of the person, respect for civil liberties, respect for political rights, governmental attitude regarding non-governmental investigation of alleged violations of human rights, discrimination based on race, sex, religion, disability, language of social status and worker rights.

Under the sub-section on political and other extra-judicial killing, the report quotes the government figure of 64 deaths in police custody last year. The report mentions that the post-mortems of prisoners who have died in custody usually do not provide any evidence of maltreatment.

"However, continual reports of police abuse and deaths of prisoners indicate that this claim is deceptive and masks serious abuse."

The report mentions that violence is a feature of the national process in Bangladesh. Violence among student political parties, for example, resulted in 27 deaths in 1994.

"Police systematically employ psychological and physical torture and other abuse during arrests and interrogations," the report notes under the heading of torture and other cruel, degrading treatment or punishment. It cites the "climate of impunity" as a main hurdle to end torture. It mentions that most of the prisoners are overcrowded and lack adequate facilities.

The huge backlog of cases is the main impediment in the court system. As of September last year, there were 500,000 cases pending in the criminal and metropolitan courts. Scarcity of legal aid and the illiteracy were cited as other obstacles to the assertion of legal rights.

"The government generally respects freedom of speech, with the exception of perceived criticism of Islam," according to the US Department of State. Under the heading of freedom of speech and press,

the report also says that advertising is used as a means to influence newspapers. The government ownership of the only newspaper in the country also gave it the power to shut down a newspaper, it observes.

The report also mentions the arrest of several journalists for "offending the religious sentiments of the people," under 295(A) of the Penal Code. Islamic fundamentalists also attacked several newspaper offices, but no legal action was taken against those responsible.

The government-owned broadcast media also provides more favourable coverage of the opposition, according to the report.

Under the sub-section on freedom of peaceful assembly and association, the report mentions that the government frequently interferes with opposition rallies and public meetings and "often cite a law which allows public assemblies to be prohibited, to prevent possible violence, if two or more parties have scheduled rallies for the same time and place."

On discrimination, the report notes that the relevant laws are hardly enforced. Women still remain in a subordinate position. Under the 1961 Muslim Family Law Ordinance, female heirs receive less than male heirs.

Under the heading of freedom of association, the report says that labour unions in Bangladesh are highly politicised. It also mentions that nation-wide strikes are a criminal offence but are used as a pressure tactic by the opposition parties.

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Train derails

From Staff Correspondent

CHITTAGONG, Feb 1: A goods train bound for Laksam from Chittagong was derailed this afternoon near Mirsharai station, railway police said. The cause of derailment could not be known.

Sylhet-Sunamganj transport strike called off

From Staff Correspondent

SYLHET, Feb 1: Public transports resumed plying today between Sylhet and Sunamganj after a break of four days.

The bus, minibus and microbus owners and workers were on a strike in the route following a clash between rival groups of transport workers.

The dispute was resolved this afternoon at a meeting with the Deputy Commissioner of Sylhet and leaders of transport owners and workers associations. Sunamganj district officials, Khandaker Abdul Malik MP and Suranjit Sengupta.

Money stolen at bank counter in Sirajganj

From Our Correspondent

SIRAJGANJ, Feb 1: Tk 30 thousand was stolen from a staff of the Sirajganj Collectorate at the counter of Sonali Bank today.

According to Sirajganj police, an employee of the Collectorate this morning came to Sonali Bank to draw salary of the court staff. After receiving Tk 30,000 the employee kept amount in a bag, but the money was found missing.

The employee, caught one Abdul Matin of Munshiganj on suspicion of stealing the money by cutting the bag and handed him over to the police.

The stolen money, however, could not be recovered till filing of this report late tonight.

Rural telecom

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Telecom Authority.
While inaugurating the rural telecom the Prime Minister thanked the people of the locality and said the beginning of this modern system would enable the people of this area to directly communicate with others both at home and abroad. The system, she said, would also speed up business activities.

Under the arrangements the subscribers will be able to talk and receive calls in rural areas from any part of the country and outside the country.

The system is being implemented through wireless.
Post and Telecommunications Minister Tariqul Islam was present on the occasion.

SC office timing during Ramadan

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The office timing of the Appellate Division of the Supreme Court will remain unchanged during the month of Ramadan. The SC office will remain open from 8:30 am to 2 pm with a 15 minute break for prayer from 1:15 to 1:30 pm from Saturday to Thursday, says an official handout yesterday, reports UNB.

PM: Food crisis

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guard against the enemies in the greater interest of the nation.
The BNP government has fulfilled 80 per cent of election commitments within nearly four years. It also implemented many other pro-people programmes outside the election pledges, she said refuting the Opposition charges.

About 800 people from Hindu Community formally joined the BNP at the meeting.

Appeal for separation of judiciary

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Constitution," he said.

He pointed out that the constitutional provisions relating to the judiciary have so far been changed 20 times since the 1972 Constitution came into effect.

Referring to a pending bill in Parliament on the separation of the judiciary from the executive, he said "If the members of Parliament pass the Bill then it will be a great work done."

Presided over by M Hafizullah, president of the Supreme Court Bar, Attorney General Aminul Huq and the former presidents of the association also spoke on the occasion. Ozair Faruk, secretary of the Association, conducted the function.

The bar presented a gold-plated crest to Justice Shahabuddin in "recognition of the services rendered to the judiciary and to the nation" while bouquets were also presented to both him and the incoming chief justice.

Judges of the Appellate and High Court divisions of the Supreme Court and members of the bar association were present on the occasion.

Justice Shahabuddin Ahmed further noted that Article 95 places the authority to appoint judges of the Supreme Court in the President, but traditionally the Chief Justice is consulted in such matters.

However, he pointed out that the traditional consultation was not done while appointing judges in February last year. But bowing to public opinion, consultation with the chief justice, was held later, he added.

Justice Shahabuddin lamented that the Fifth Parliament is facing problems in completing its full term while recalling how he had hoped that this Parliament would be able to fulfill its full term, which none of the others were able to do, when opening the first session as the Acting President in 1991.

"We had set an example of free and fair polls, during the 1991 elections and I had hoped that this Parliament would be able to complete its full term," he said. "But what I see today makes me feel that it would have been better if I had died before returning to the Supreme Court. Then I wouldn't have had to see this dismal state of affairs."

Urging the political parties to resolve the current impasse, Justice Shahabuddin, in an indirect reference to the resignation of the Opposition MPs, noted that there are two constitutional provisions to recall members of a dissolved parliament: at times of war and during an interim period before the next elections are held.

The former head of the country's judiciary also called for enhancing the remuneration and benefit packages of the judges which, he said, are currently "very inadequate". He also suggested establishing government law colleges to improve the standard of legal education, and for setting up of a judicial officers' training institute.

He urged the Bar Council to implement stricter enrollment procedures for lawyers and to be more strict in punishing professional misconduct.

Referring to the frequently asked recent questions about his future plans, the former Acting President categorically said that he has no intention of entering politics. "But as a citizen of this country I won't hesitate to express my opinion."

Responding to the felicitations, Justice Muhammad Habibur Rahman said the law relating to contempt of court should be amended in light of the freedom of speech.

"No judge is above criticism... I think the right to criticise the opinion of a judge is part of citizen's freedom of speech," he said, adding that the Constitution ensured the freedom which is subject to reasonable restriction.

Stressing informed criticism from the prevailing "free journalism", he said the arm of the law is long enough to punish the abuser of the freedom of press.

The Chief Justice said although the Supreme Court protects the Constitution and enforces citizen's fundamental rights, the power of Supreme Court is limited.

"It is to work under laws... Justice cannot be done where there is no one to shed tears for a victim," he said, blaming the "inherent limitation in the nature of legal proceedings" for it.

Justice Rahman, however, observed that with innovative advocacy a counsel can persuade a judge to do justice even in a hopeless case.

Chief Justice Rahman noted the language problem in the courts where the lower courts use Bangla while the higher courts use English.

"The discord between the superior courts and the subordinate courts over the question of language of judgements must not be allowed to continue for an indefinite period," he said, in a written text.

"Our present day judgements suffer from linguistic dualism and lose its lucidity. Somehow we are doing our job. We are not doing it well," he said and suggested that the judgement should be written in Bangla so that it is read over to an illiterate people.

He called for undertaking research work on people's orientation towards the law while noting that ways to conform to international human rights norms is also an important question to look into.

Justice Rahman in his address also sought assistance and full cooperation from the Attorney General and the members of the Bar in upholding the prestige and honour of the Court of Record.

The function was also addressed among others, by Attorney General Aminul Huq and past presidents of the

Supreme Court Bar, Justice T H Khan, Barrister Syed Ishtiaque Ahmed, Khandker Mahbubuddin Ahmed, Dr Rafiqur Rahman, Kazi Golam Mahboob and Shamsul Huq Chowdhury.

The speakers described Justice Shahabuddin Ahmad as a sincere, dedicated, honest, punctual and good soul during his long 40-year career, including eight months in the office of the Acting President from December 1990 to October 1991.

They said Justice Shahabuddin, as the head of state and government, and also as the Chief Justice of the Supreme Court, had done so many great deeds for which he would be ever remembered.

They also described new Chief Justice Mohammad Habibur Rahman as a scholar as well as a patriot who proved himself during the great Language Movement.

Justice TH Khan said Justice Shahabuddin contributed a lot to the restoration of democracy as well as set an example for posterity. He hoped Justice Mohammad Habibur Rahman would also be able to make commendable contribution during his tenure.

Barrister Syed Ishtiaque Ahmed described Justice Shahabuddin as a legend as the Acting President of the Republic and said he would remain the conscience of the nation for a long time.

Advocate Shamsul Huq Chowdhury said Justice Shahabuddin has always been a powerful personality because of the virtues of his character. He said Justice Mohammad Habibur Rahman is a man of parts who has already proved himself a farsighted person.

Kazi Golam Mahboob said Justice Shahabuddin had proved by his own qualities that free and fair elections could be held in a country like Bangladesh. He hoped that Justice Mohammad Habibur Rahman would also give the nation a positive guideline.

The Midnight File

Plan to compensate BCCI creditors approved

LUXEMBOURG, Feb 1: A plan for compensating creditors of failed bank of Credit and Commerce International (BCCI) was approved yesterday by the Luxembourg Commercial Court. It calls for payment by the majority stockholder in the scandal ridden bank, the Emirate of Abu Dhabi, of 1.8 billion dollars to creditors, reports AFP.

Alitalia cancels 27 flights

ROME, Feb 1: Alitalia cancelled 27 flights Wednesday after flight attendants struck to protest the leasing of planes and crew from Australia. The four-hour-long strike was the first of several set for this month against Italy's financially-ailing state airline. An Alitalia spokeswoman said that 11 of the cancelled flights were for international routes, reports AP.

SEC body working to upgrade audit system

Amid insistence by foreign investors on upgradation of the country's auditing standard, the Securities and Exchange Commission (SEC) said a special committee was now working for improvement in the area, reports UNB.

A senior SEC official yesterday said a four-member committee with representation from the Commission and the Institute of Chartered Accountants of Bangladesh (ICAB) had recently been formed to upgrade the auditing standard.

The committee will ensure implementation of international standard in auditing and disclosures of the companies, already in the share market or willing to come in.

It will also review any specific complaint about auditing or disclosure against any company and take actions accordingly.

The official said although the committee had been formally constituted a couple of months back, the SEC was only now taking initiative to activate it.

The members of the committee are: Dr Shahabub Alam and Alamgir Kabir, both members of the SEC, and two of the most senior chartered accountants, MJ Abedin and Zahiruddin Ahmed.

Also the ICAB has recently started a programme, with financial assistance from the UNDP, for continuous training of accounting professionals to keep them abreast with international accounting and auditing.

The EC official said the draft report is almost similar to that of 1984 which was based on the 1981 census, barring some exceptions. The latest population census was conducted in 1991.

Meanwhile, the Awami League, in a memorandum to the EC on Sunday, alleged that there was wide difference in terms of number of voters among the constituencies, delimited in 1984.

The memorandum also said, in the general elections of 1991, the average number of voters in each constituency was 2,07,631. But, the number was more than 2,25,000 in 98 constituencies and below 1,75,000 in 73 others.

The AL also gave a list of constituencies showing that in some cases the number of voters of a particular constituency is almost double that of another constituency.

When his attention was drawn to such allegations, the EC official said "the territorial delimitation is not always based on population report. Administrative and geographical aspects are also considered in the delimitation process."

Discussion on HC ruling

From Page 1 Col 7
party Chief Whip Khandakar Delwar Hossain supported the proposal for a discussion while the other including Law Minister Mirza Golam Hafiz opposed it.

Taking the floor yesterday, Nurul Islam Moni first read out his notice in which he said he believes the HC ruling has infringed the sovereignty of Parliament.

"The Speaker is the guardian of the House. He is not an individual but an institution. Issuance of a rule on the Speaker amounts to issuing rule on the 330 MPs," the notice said.

The judiciary is one of the organs of the state, Moni said, adding issuance of rule by one organ on the chief of another organ is highly regrettable.

He said this Parliament should determine the jurisdiction of the court. The House should take a decision on whether or not we should make politics dependent to the court, he said.

This Parliament would ask the Speaker, not the court, to give a decision on the opposition MPs' resignations. So Parliament should discuss the matter and take a decision, he proposed in his notice, submitted under Section 147 of the Rules of Procedure.

Moni supported his notice by saying we are now accused in the eye of the court.

The court has infringed the authority of Parliament and the Speaker given by the Constitution. When the Speaker was carrying out his constitutional responsibilities, the court obstructed it by issuing the rule, he added.

He also termed the HC ruling "premature and contradictory".

"It is premature because it is issued without any cause of action and it is contradictory to the rules issued by the same HC bench on the chiefs of the parliamentary parties," Moni said.

He cited various clauses and sections of relevant rules to justify his contention.

Chief whip Delwar Hossain

was conspicuously absent during yesterday's session but the law minister was present.