

## Case against Taslima Nasreen Judgement on prayer for quashment Aug 1

By SC Correspondent

The High Court judgement on the prayer for quashment of the criminal case against Taslima Nasreen is scheduled to be delivered on August 1.

The criminal case is now pending before the Chief Metropolitan Magistrate's Court, Dhaka.

The Division Bench comprising Justice Md Mozammel Huq and Justice Md Nurul Islam fixed the date for the judgement, following conclusion of the hearing yesterday.

Barrister Amirul Islam, counsel for the petitioner, submitted that the alleged offence was committed in India, outside the periphery of the country, but in this regard sanction under Section 188 of the Code of Criminal Procedure was not obtained properly.

He also argued that though the case was filed under Section 295 (A) of the Penal Code, the informant did not obtain sanction of the government as required under Section 196 of the Code of Criminal Procedure.

He also argued that the Ministry of Law and Justice was the proper authority to give such sanction, but in this case the sanction was accorded by the Ministry of Home Affairs. The proceedings, therefore, should be quashed, he argued.

Assistant Attorney General Syed Abu Kawsar, on behalf of the government, submitted that as the accused was a fugitive, no petition on behalf of her could be entertained. He also argued that there were some problems in getting the sanctions, but it could be modified later.

In reply to the submission of the prosecution, Barrister Islam further argued that as the petitioner went abroad with valid passport and visa she was neither a fugitive nor an absconding person.

Barrister Amirul Islam was assisted by advocate Nizamul Hoque Nasim, Idrisur Rahman, Barrister Sara Hossain and Barrister Tania Islam while Assistant Attorney General Syed Abu Kawsar appeared for the state.

## Gold smuggling case

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tenced and convicted him to suffer imprisonment for life. This is the first case of its nature under Section 561 (a) of the Code of Criminal Procedure (CrPC) wherein the High Court division in exercising its inherent power had set aside a conviction and quashed the proceeding of the trial court.

Because of time bar the accused person failed to appeal against the verdict of the lower court and advocate Mahbubur Rahman and Advocate Farah Mahbub appeared in the High Court for the accused for converting the appeal into criminal miscellaneous case under Section 561-a of the CrPC with amendments of memo of appeal to prevent the abuse of the process of court.

The appeal was made to secure the ends of justice as there was no forum or remedy available to redress the grievance of the aggrieved person, the accused's lawyers said.

The judges after hearing the submissions of both sides, allowed the prayer and

converted the memo of appeal.

During the final hearing of the matter invoking the inherent powers of the High Court Division, the judges accepted the contention of advocate Mahbubur Rahman.

The lawyer contended that the case was one of no evidence or insufficient evidence to warrant the punishment awarded to suffer imprisonment for life. He further submitted that the conviction was not based on sufficient evidence to sustain the same and there were gross irregularities which is tantamount to committing illegality. As such, he contended the trial court erred in law and acted without jurisdiction and hence the conviction and sentence is liable to be set aside and quashed.

The High Court accepted the argument and passed the order setting aside the verdict of the lower court and quashed the conviction and sentence of life imprisonment of Sohail Ahmed Chowdhury.

## Tanbazar tragedy

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Shadhina told the press, there are 18 underaged girls in Shilpi's quarters. Two of them — Lipi and Josna — wanted to come out with Shadhina, but Shilpi mercilessly beat them into staying back.

We would like to seriously raise questions about police conduct in this matter. While praising them for rescuing Shadhina, we are stupefied by the way they behaved about the other girls. Why were Josna and Lipi not also rescued? Why no investigation was carried out about other underaged girls, once Shadhina made it known.

In fact there appears to be an inexplicable (or may be it is not that inexplicable) reluctance on the part of the Narayanganj police to go after Shilpi. According to press reports, on being questioned as to why Shilpi and her associates were not being arrested, local police officer-in-charge said "they are hiding".

When newsmen, after making their own investigation, told the police that Shilpi, who happens to be pregnant, was very much in her house, the OC allegedly said "a pregnant woman cannot be arrested".

We appeal to the highest authority of the police, that the 18 girls (who may have already been dispatched somewhere else) mentioned by Shadhina in her press statement, be rescued immediately. Special search be made for Josna and Lipi. Investigation be launched against the police officers who did not take action to release the other underaged girls in Shilpi's captivity, while they were rescuing Shadhina.

We appeal to all the women's organisations to help give a new turn to Shadhina's life. The legal bodies that look after women's rights should immediately do whatever they can to release Josna and Lipi and the other 18 girls in Shilpi's clutch.

Let us also think what we can do about the thousands of 'Shadhinas' (imagine, just 14 year old, and many are far younger), who continue to lead the life from which Shadhina has been rescued.

From this story, and many others published at different times, it appears that young girls are usually picked up from such places as bus and launch terminals, and from railway stations. Can we not place social workers at these places, or special squads of women police to protect such young girls? Big sign boards, warning young women from falling in the hands of such touts, should be put up in these places. Meetings should be organised by social welfare department and by private women's groups, in all places where women work, warning young girls about accepting offers from strangers, and how to deal with such situations.

NGOs working in the urban areas must develop programmes to educate young factory workers to protect themselves in such situations. Finally a special department should be created within the police force, to deal with the rising child prostitution problem in Bangladesh. This could, but not necessarily, be staffed by the women police force. Social welfare Department and NGOs should be brought together with this special department, and all made to work together to address this problem.

We appeal for urgent police and government action in this regard. Remember, for every moment of delay, a minor girl's life is being put to risk of being crushed under the hideous lust of sexual pervers.

## Lanka to deport held American

COLOMBO, July 26: Sri Lanka will deport an American held for alleged links with Tamil rebels, an official said today, reports AP.



A mini bus overturned with passengers aboard near the Institution of Engineers in the city yesterday. — Star photo

## All set for SAARC women's affairs ministers' meet

The preparation for the women's affairs ministerial level meeting of the SAARC countries to be held in Dhaka has already been completed, reports BSS.

The ministries of women and children's affairs, foreign affairs, information and home affairs have completed their preparation for the two-day meeting beginning Saturday.

The SAARC delegates will start arriving in Dhaka from today. The Bhutanese delegation headed by Minister for Planning Lyonpo C. Dorji arrives in Dhaka this afternoon.

The Indian delegation headed by Minister of State for Women and Child Development Ms Basava Rajeshwari, the Maldives delegation headed by Director-General, Ministry of Youth, Women's Affairs and Sports Ahmed Saleem, the Nepalese delegation headed by Minister for Education, Culture and Social Welfare Modnath Prashrit and the Sri Lankan delegation headed by Minister for Transport, Environment and Women's Affairs Srimani Athulathmudali will arrive in the city tomorrow.

The Secretary-General of SAARC Y K Siliwal will also arrive here on Friday.

The inaugural session will be held at the international conference centre. Prime Minister Begum Khaleda Zia will formally inaugurate the meeting.

## 2 sisters drown

From Our Correspondent  
NOAKHALI, July 26: Two sisters drowned in a pond at Fakirpur under Sudharam thana today.

The victims Mithila, 8, and Nabila, were the daughters of a local physician.

They drowned reportedly while trying to lift water from the pond as they did not know how to swim.

The two sisters were rushed to the Noakhali General Hospital where doctors declared them dead.

## Transport strike on Ctg-Cox's Bazar road

From Our Correspondent  
COX'S BAZAR, July 26: A transport strike in the Chittagong-Cox's Bazar road continued for the second day today.

The transport workers' union called the strike for an indefinite period from Tuesday, in protest against a clash between some transport workers and local college students the day before.

## One shot dead as villagers clash in Satkhira

From Our Correspondent  
SATKHIRA, July 26: One person was killed and at least eight others were injured in a clash between the people of two villages at Jhaudang bazar under Sadar thana here today.

The dead was identified as Golam Sarwar, 30, of Gobindakathi village. He received bullet injuries in his abdomen and died while being taken to the Satkhira Hospital.

Police arrested eight persons in this connection and recovered a gun and 38 rounds of bullets from the spot.

Police said the clash erupted at Jhaudang bazar when the office-bearers of a local club asked one of its members to pay Tk 100, the price of a club lottery ticket he had purchased on credit.

The residents of Gobindakathi and Patharghata villages, equipped with sticks and other weapons, joined the clash between the two groups of the Jagoroni Club members.

## Pollution of Dhanmondi Lake BELA serves legal notice, seeks necessary steps

The Bangladesh Environmental Lawyers Association (BELA) has served a legal notice upon authorities concerned with appeal for appropriate measures about the pollution of Dhanmondi Lake, reports UNB.

The BELA served the notice Tuesday on the Mayor of Dhaka, Secretaries of the ministries of LGRD and Cooperatives, Public Works, and Fisheries and Livestock, Chief Engineer of Public Works Department, Director General of the Department of Fisheries, WASA Chairman, Director General of the Department of Environment (DOE) and Organising Secretary, Bangladesh Shaikhin Matsya-Shikari Samity, says a press release.

The notice said lack of concern and negligence of the authorities responsible for maintaining the lake had created an undesirable situation in the surrounding area. The water of the northern part of the lake turned thick and black spreading unbearable stench.

According to the press release, the residents of Dhanmondi area requested the BELA for legal measures with regard to certain actions and inactions of the authorities allegedly contributing to the rot.

The level of recent pollution reached such a stage that the entire fish lot of the northern part of the lake floated upwards, either dead or struggling for survival.

## Ban on movement of vehicles thru' Tin Bigha lifted

LALMONIRHAT, July 26: India withdrew the ban on the movement of vehicles between Dahagram and Angarpota enclaves through the Tin-Bigha corridor this morning at 6 am, reports UNB.

BSF Company Commander allowed the road communication in a letter sent to Panbari BDR Company Commander at 5 am this morning. The details of the letter could not be known immediately.

Tin-Bigha corridor was given over to Bangladesh by India for use as transit route that was halted since Sunday afternoon following an Indian-imposed ban that also disrupted the business and development activities in the enclaves.

## Nat'l council

"Settlement of a case in court also takes a long time" he said and suggested creation of separate benches in the High Court to deal with commercial disputes involving Tk 5 million and above.

He also called for a consensus in the Cabinet on "what to privatise, when to privatise and how to privatise".

The MCCI president also suggested exchange of views between the government and major political parties on important government policies and called for ending the political stalemate over the caretaker government issue.

Senior officials of different divisions of the Finance Ministry, Bangladesh Bank and leading private sector representatives were present in the meeting.

## US Senate votes

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are going to be an awful of people who are going to end up dying as a result," he added.

Meanwhile, NATO ambassadors today agreed to plans for major air strikes against Bosnian Serb targets in the event of an attack on the Gorazde enclave, NATO Secretary General Willy Claes told reporters in Brussels.

NATO will now be working urgently together with the UN to ensure the necessary coordination. Claes added.

A Sarajevo report says: More than a thousand exhausted refugees driven from the Muslim enclave of Zepa by rebel Serbs arrived in gov-

## Bangladeshi shot dead by BSF

JESSORE, July 26: A Bangladeshi national was shot dead by the Indian Border Security Force (BSF) early Tuesday, BDR sources said today, reports UNB.

The victim, identified as Bara Khokon, 28, of Bag Ashra village under Sharsha Thana in the district, was shot when he tried to cross the border near Radrapur.

Sources said the body of Khokon was still lying at Gar Jala, inside Indian territory.

## Arrest warrants for Karadzic, Serb army chief

THE HAGUE, July 26: A court investigating war crimes in the ex-Yugoslavia Tuesday issued arrest warrants for Bosnian Serb leader Radovan Karadzic and his military chief Ratko Mladic after charging them with genocide, reports AFP.

In a development that will seriously complicate the work of international mediators the international criminal tribunal for the former Yugoslavia sent warrants for their arrest to the Bosnian stronghold of Pale, Sarajevo and Belgrade.

Court prosecutor Richard Goldstone said in his indictment that Radovan Karadzic and Ratko Mladic committed genocide, from April 1992, in the territory of the republic of Bosnia and Herzegovina by their acts and omissions.

The Serb leaders committed a crime against humanity in concert with others by persecution Bosnian Muslim and Bosnian Croat civilians on national, political and religious grounds.

Karadzic and Mladic head a list of 24 Serb officials which includes a leader of Serb separatists in Croatia, Milan Martić accused of responsibility for a reprisal shelling of Zagreb on May 2.

## Khaleda

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The Prime Minister asked them to join the BNP to advance the politics of communal harmony and development. "Once we unitedly liberated the country, Now let us build up the country."

She said: "BNP is the best guarantee to give you all security. The BNP is a liberal party and its politics is to ensure religious rights and security to all."

## ECNEC

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19 crore, was also approved by the meeting.

The project aims at setting up an LPG plant to produce 5,000 metric tons of LPG, 7,600 tons of motor spirit and 8,400 tons of high speed diesel. It is scheduled to be completed by June 1997.

The ECNEC okayed the revised Second Health and Family Welfare Service Project involving a cost of Tk 261 crore, including a foreign exchange component of Tk 76 crore.

The Asian Development Bank (ADB) will provide financial assistance for the project which, according to schedule, will be completed by fiscal 1996-97.

The project includes setting up of three district hospitals and one nurses' training centre, and renovation and repair of a medical college hospital, five district hospitals and two institutes of health technology.

The meeting also approved a project aimed at establishing three trunk automatic exchange at a cost of Tk 32 crore. The project is scheduled to be completed by next June.

Post and Telecommunications Minister Tariqul Islam, Energy Minister Dr Khandaker Mosharrar Hossain, Health Minister Chowdhury Kamal Ibne Yusuf, Religious Affairs Minister Keramat Ali, State Minister for Industries Lutfor Rahman Khan, State Minister for Planning Dr A Moeen Khan, members of the Planning Commission and secretaries concerned attended the meeting.

## The Midnight File

### Ghali delegates power to his military commanders

UNITED NATIONS, July 26: UN Secretary-General Boutros Boutros-Ghali today delegated decisions on whether to carry out air strikes around the Bosnian safe area of Gorazde to his military commanders, his spokesman said. Spokesman Ahmad Fawzi said Boutros-Ghali would relinquish his decision-making power on air strikes to French General Bernard Janvier, head of the UN protection force in Bosnia. Janvier could delegate that power to commanders in Bosnia in case close air support was needed to defend UN troops, reports Reuter.

## Collective action

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society in which they are embedded, added the noted economist who is also a fellow of the Somerville College at Oxford.

All this is important because groups are crucial for individual and collective wellbeing, especially among the poor," she observed.

She contended that 'positive' collective action could avert the tragedy of the commons and advance the situation of the weak. Otherwise, in its absence, she maintained, "desertification and destitution go in hand in hand."

Moderated by the CPD executive chairman, Prof Rehman Sobhan, the dialogue was participated by leading politicians, academics, development practitioners, present and former high government officials, NGO representatives, business leader and diplomats.

Referring to the labyrinth nature of the bureaucracy, Abul Hasan Chaudhury of the Awami League suggested that the objective should be devolution of power and bureaucracy rather than decentralisation of those.

Taking part in the discussion, a former member of the Planning Commission, Prof Mosharrar Hossain, said that the NGOs had done what the donors wanted them to do.

"It is the traditional trust, reciprocity and group action that can play a great role in promoting desirable patterns of development," said another former Planning Commission member, Kazi Fazlur Rahman.

Prof M Yunus, Managing Director of the Grameen Bank opined that it was not the government but the design of the government that failed in delivering services to the people.

"It is not the fault of an individual but the weakness of the mechanism. It can be designed in a way, the way we desire to have it," he added.

Criticising the ruling party and the main opposition party for their policy towards the local government, he said, "The ruling BNP hardly say anything about one of its 19-point programme — 'gram sarker' and the Awami League does not say as enthusiastically as I want to hear from them."

Prof Anisur Rahman, president of the Bangladesh Economic Association, said that the government should be made accountable through strong public pressure. He expressed his skepticism

about the sustainability of the NGO-initiated development process which he found as outside-led growth.

Termining the decentralisation a political process, A H M A Hye, secretary, ministry of land, said, "There is a distinct conflict in transferring power — the bureaucrats are following a dilly-dally tactics while some vested political groups do not want to share it with the local government."

"The government is biased towards the rich while the NGOs have successfully met the demands of the poor," said Qazi Faroque Ahmed, Executive Director of Proshika.

Characterising the NGOs as a corporate body, S H Kabir, former chairman of MCCI and chairman of BRAC, said the NGOs could take up project-like task but could not take up the role of decentralisation.

"There is nothing wrong in handing over some of the functions of the local government to the NGOs," said FRM Hasan, executive director of GSS.

Quoting Tagore, Dr Atiur Rahman of the BIDS, said that the NGOs were successful as they were following the method of 'personalised knowledge system.'

## 13 hurt in Cox's Bazar clash

From Our Correspondent  
COX'S BAZAR, July 26: At least 13 persons were injured in a clash between two rival groups over a land dispute at a village in Ramu Thana here today.

Of the injured, three were admitted to the Thana Health Complex with bullet injuries.

According to police, the clash occurred in the afternoon at the Malipara village.

Separate cases have been lodged with the Ramu police station. No arrests were made till the filing of this report last night.

## Prisoner dies at Dhaka Central Jail

By Staff Correspondent  
A prisoner died at the Dhaka Central Jail yesterday. Jail sources said, Zakir Hossain (45) died of heart attack. He was in the jail since 1993.

Zakir, who hailed from Gheor, Manikganj, suddenly became ill. He was immediately taken to the Jail Hospital where he died shortly afterwards.

A magistrate went to the jail and sent the body to the Dhaka Medical College Hospital for autopsy.

## Shilpi held

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convicted. Shilpi was arrested at around 8 pm after a group of journalists visited the 'red light area' and found her carrying on normal business.

Police yesterday claimed that Shilpi and her accomplice Bibi had seen absconding.

It was alleged today that an influential quarter of the area was trying for her release from the police custody.

During the visit the journalists came across many underaged girls in the brothel who pleaded to the "outside world to do something" for their release from the "hellish life" in the brothel. Shathi, a teenaged girl in the 'red light area' was found in a totally distressed condition. She was mentally abnormal due to the inhuman treatment in the brothel.

## JEC meet ends

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vate sector. He appreciated the education and population control programmes undertaken by the Bangladesh government and said Pakistan too was trying hard to bring down its population growth rate from over three per cent to about two per cent.

He said steps were being taken to increase the rate of literacy with particular emphasis on women education.

Shamsul Islam conveyed to President Leghari the best wishes from Prime Minister Begum Khaleda Zia.

He expressed the hope that there would be more investment and trade cooperation between the two countries.

## Writ rejected

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Election Commissioner on April 18 last and returned to his earlier office of a judge of the High Court division on April 19. Later he was elevated as a judge to the Appellate Division of the Supreme Court on June 8.

Abdur Rouf is now an Honourable Judge of the SC Appellate Division.

It was also held in the judgement that the then acting President Justice Shahabuddin Ahmed appointed Justice Rouf as the Chief Election Commissioner on condition that he may return to the High Court which had been ratified and confirmed by the 11th Amendment of the Constitution.

Moreover, according to Proviso of Article 147 (III) of the Constitution there is no bar to appoint a judge to the post of the Chief Election Commissioner.

In discharging the Rule the court gave findings that the questions raised by the respondents on the locus standi and maintainability of the writ petition are not valid and logical.

Advocate M I Farooqi assisted by advocate M Saleem Ullah appeared on behalf of the petitioner. While Dr Ahmad Ali moved for Justice Rouf and Additional Attorney General Abdul Wadud Bhuiyan and advocate Khademul Islam Chowdhury stood for the Election Commission and Additional Attorney General Abdul Wadud Khandaker assisted by Sanaiyya Faheem Anari represented the government.