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People's Right to Know

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A sad day for independent electronic media

ETV switched off

Judicial decision shuts up an independent voice

STAFF CORRESPONDENT

The sad end to the ETV broadcast on a court order came yesterday as a shock to viewers.

They think the closure of the country's only private terrestrial television will stifle the growth of independent electronic media.

Novelist Humayun Ahmed in his reaction said, "It's sad to hear that there is no ETV programmes from today."

"However, we have nothing to do but to accept the court order." Playwright Mamun-ur-Rashid said the ETV was a trendsetter and it's painful to hear its end.

"It is unexpected and we are aggrieved," Mamun said.

Economist Prof. Muzaffer Ahmad said people should know who masterminded the issuance of an illegal licence to ETV.

"The government should bring those influential people to the court," he said.

Former vice-chancellor of the Dhaka University (DU) Prof. AK

STAFF CORRESPONDENT

Ekushey Television (ETV), the country's first private terrestrial television channel, went off air yesterday.

The ETV's terrestrial broadcast was put to an end at 5:00pm yesterday by the government after the Appellate Division of the Supreme Court upheld a High Court Division verdict declaring the license of the ETV illegal.

At 10:50pm, the ETV went off air following a formal announcement.

However, it is contemplating filing a writ against the government's stopping the telecast.

The Appellate Division yesterday dismissed the review petitions filed by the ETV and the ETV chairman and the foreign investors. A seven-member full court of the Appellate Division chaired by Chief Justice Mainur Reza Chowdhury delivered the judgement at 11:35am.

After the verdict, Information Minister Tariqul Islam and Attorney

General AF Hasan Arif briefed Prime Minister Khaleda Zia on the judgement. Later on, Director General of state-owned Bangladesh Television Nazmul Alam Chowdhury asked the ETV's Director, Programmes Nawajesh Ali Khan to stop terrestrial transmission. As the latter refused to oblige, the BTV delinked the terrestrial access.

On March 27, the High Court declared the ETV's licensing agreement illegal upon a writ petition. On July 2, the Appellate Division rejected a leave to appeal petition by the ETV, upholding the High Court verdict that the ETV license was illegal. However, the court stayed the verdict for five weeks and then for three more weeks leaving the scope to file a review petition.

The time was granted to allow the ETV to file another petition seeking a review of the rejection of the leave to appeal petition. Subsequently, the ETV filed a review petition, and the hearing

began on August 24.

As the hearing continued for the sixth day yesterday, Chairman of the ETV AS Mahmud's counsel Barrister Syed Ishtiaque Ahmed, counsel for the US financier of ETV Dr Kamal Hossain and lawyer of the writ petitioners Barrister Abdur Razzak made their arguments. The hearing took place under a special arrangement although the court in vacation.

Yesterday during the hearing, Dr Kamal Hossain emotionally said, "Shortly we are to attend the funeral of a lawyer (Judge Masudur Rahman). Are we to read the last rites of the Constitution and the Supreme Court along with that?"

Getting further agitated, he said, "This is not a public litigation. The writ petitioners and their counsels have political identity and ill motive."

After this outburst, the attorney for the writ petitioners Barrister Abdur Razzak raged out, "Dr Kamal, please do not get personal. Keep your mouth shut."

The chief justice intervened at this stage and cautioned both sides to preserve the sanctity of the court.

The hearing ran for two hours from 9:15am through 11:15am, and the court was adjourned for 15 minutes. Once the court resumed, the full bench of the Appellate Division dismissed the review petitions and observed that, "our judgement will have no bearing in considering the application by the ETV for a fresh license," from the Bangladesh Telecommunications Regulatory Commission (BTRC), "which is free to decide the application in accordance with law."

The ETV had appealed before the BTRC for a fresh license, but the BTRC dismissed the appeal on Wednesday, according to sources. Information Minister Tariqul Islam told The Daily Star yesterday that under the Telecommunications Act 2001, the BTRC cannot grant license since it has no such authority.

However, advised by its coun-

sels, the ETV kept on airing its programmes even after the court rejected its review petition in the morning. Tariqul said the BTV director general verbally requested the ETV authorities to stop broadcasting. As the ETV authorities did not oblige, the government had to stop the terrestrial telecast.

"As the executive branch of the state, it's the government's responsibility to implement the court verdict," commented the information minister.

Once the BTV stopped providing terrestrial broadcast facilities to the ETV, viewers could watch its programmes at places through satellite. Then the information ministry sent directives everywhere asking for immediate stoppage of all ETV broadcast terrestrially or through satellite.

Earlier, one of the ETV counsels, Barrister Rafiqul Haq, advised that the channel could still broadcast programmes despite the court verdict. The BTRC Act empowers

the ETV Limited to continue till January 31, 2003 as necessary payments are being made. "Don't confuse the ETV with ETV Ltd.," he said, arguing that the High Court declared the license of the ETV illegal but transfer of the license to the ETV Ltd. was not declared unlawful. And this has not been set aside. Besides, Barrister Haq said the ETV has filed an application with the BTRC and a decision would have to come from the BTRC by January 31, 2003. Till that period, he argued, the ETV could air its programmes.

On the other hand, the attorney general, writ petitioners' counsel and law minister as well as the information minister disagreed.

Explaining the entire legal process, the attorney general said as the Appellate Division upheld the High Court verdict there was no scope for

"We're here to stay within law" Dring tells newsmen

STAFF CORRESPONDENT

The ETV management yesterday said the private television network has come 'here to stay' but within the legal framework.

They also said the ETV could continue its broadcast as advised by their legal counsels.

"(The) ETV is a window that should never be shut. We are here to stay, but not to confront the law. We will stay within the law and act in accordance with law," Simon Dring, managing director of the ETV, said at a hurriedly called press briefing yesterday evening after the Appellate Division of the Supreme Court declared its licence illegal.

Simon Dring read out a written statement of the ETV management and answered to questions from the press. Nawajesh Ali Khan, Director, Programmes, and other officials of the ETV were present at the briefing held at the ETV office in the city.

In the written statement, the ETV management quoting the advice of its legal counsel said the ETV can continue its normal broadcast until



Evicted slum dwellers from across the city hold a rally at Paltan Maidan yesterday, demanding immediate steps for rehabilitation. The Council for Slum Rehabilitation Unity organised the rally. (Story on page 12)

UZ to be reintroduced, announces Khaleda

REZAUL KARIM

Prime Minister Khaleda Zia has announced reintroduction of the upazila parishad.

The announcement came Wednesday night at the Chittagong divisional representatives' meeting after district, municipal and thana unit leaders of the Bangladesh Nationalist Party (BNP) demanded an immediate upazila parishad election.

Khaleda advised the cabinet committee on upazila to submit its recommendations to the cabinet meeting for consideration.

She asked the party delegates to curb all intra-party conflicts before the election, sources in the representatives' meeting said.

She also said many BNP nominees lost the local body polls earlier due to internal conflict.

"I've no objection to the upazila system. Let's remove the internal conflict at the local level and select candidates...we will then definitely go for the election," a senior BNP leader who attended the representatives' meeting quoted Khaleda as saying.

The cabinet committee has been

asked to make sure that the recommendations do not create any conflict between the local MP and the upazila chairman, the sources said.

Earlier, the decision on the upazila system was at stake, as the cabinet committee failed to reach a consensus even after six meetings. Communications Minister Nazmul Huda opposed the concept of the upazila parishad, saying it would create discord between MPs and upazila chairmen.

The sources said most grassroots-level leaders at the representatives' meeting argued in favour of the upazila system.

Sources said the BNP included the upazila parishad in its election manifesto because many competent leaders withdrew their candidatures from the last parliamentary election upon a promise of their nomination for the upazila parishad election.

At the representatives' meeting, many local leaders have cautioned that intra-party conflict may surface

SEE PAGE 11 COL 3

Judicial probe report in 2-3 days

STAFF CORRESPONDENT

The judicial commission probing the police atrocities on female students of the Shamsunnahar Hall of Dhaka University will submit its report to the government in two-three days.

The commission is working hard to finalise the report by today, sources said.

The probe report was scheduled to be submitted on August 26. But it could not be finalised due to a technical problem in computer.

The one-man commission is headed by Justice Tafazzul Islam.

Meanwhile, the 'Students Against Atrocities at Dhaka University', a newly formed forum of general students, at rally on the university campus yesterday demanded immediate publication

WHEATGATE SCAM

42,000 MT bought in last week of internal drive

REAZ AHMAD

Out of the one lakh MT increased wheat target, 42,000 MT was procured during the last one week of July. In certain cases, wheat was allegedly procured even beyond the July 31 deadline, the sources said.

In addition to the names of some ruling party lawmakers published in the press for wheat scam, the secretarial probe body also mentioned involvement of a state minister in the irregularities.

It was alleged that imported wheat was purchased hurriedly at the fag end of the 135-day long procurement drive though the government's decision to enhance the procurement target from 3 lakh MT to

4 lakh MT was taken on April 23.

A food ministry probe committee has earlier given identical report saying that almost half of the enhanced wheat quota was procured during the last one week of July. In certain cases, wheat was allegedly procured even beyond the July 31 deadline, the sources said.

He, however, noted that minister of state for energy was the chief advisor of the procurement committee in Mymensingh where controversy sparked over procurement of 20,363 MT of wheat during the extended period.

Rejecting his involvement as well, another ruling party legislature

denying their involvement in the scam.

In his press release, Khurram Khan Chowdhury, a BNP MP from Mymensingh district, said as no additional wheat was procured in his Nandail constituency and the question of his involvement did not arise.

He, however, noted that minister of state for energy was the chief advisor of the procurement committee in Mymensingh where controversy sparked over procurement of 20,363 MT of wheat during the extended period.

Rejecting his involvement as well, another ruling party legislature

MPs can now import 2 cars duty free

RAFIQ HASAN

The government has extended duty-free car import facilities for the members of parliaments.

According to a statutory regulatory order (SRO) issued yesterday by the National Board of Revenue (NBR), a member of parliament would be able to import two cars without customs duties and taxes.

Under the new facility, the member must be elected at least twice to import two duty free cars, and there needs to be a span of eight years between the two imports.

An MP would be allowed to import one brand new jeep and another car below 1650 cc without any duty.

Earlier, an MP was allowed to import only one car below 1300cc irrespective of the times he held his

JCD leader gunned down at N'ganj

OUR CORRESPONDENT, Narayanganj

A group of criminals allegedly belonging to Jubo Dal gunned down Bandar thana unit Jatiyatabadi Chhatra Dal (JCD) secretary Ashraful Huq Asha, 26, in Bandar on Wednesday night for opposing their drug trade in the area.

Asha's friend Zakirul Islam Ratan, 25, was also critically injured during the attack and was taken to the Dhaka Medical College Hospital (DMCH).

Sources said Asha was dead against drugs and succeeded in stopping drug trade in his native Rajbari area for the last one month. This angered the local Jubo Dal leaders including Hanif, Shahadat, Pichchi Shahadat, Bokhra Farid, Bocha Suman, Monir and Chhoikka Badal, all involved in the drug business.

Wednesday night's fatal attack was a sequel to that dispute.

According to sources, Asha and Ratan had gone to Nabiganj to organise a program of JCD scheduled for September 1. On his way back home in Rajbari under Bandar thana, a group of Jubo Dal cadres numbering about 12 stopped his rickshaw in HM Sen Road in front of Miapara mosque at around 11:00pm.

They then dragged Asha and Ratan out of the rickshaw and hacked them with sharp weapons. The criminals also opened fire on them before leaving the spot. Asha received two bullets in the chest and stomach. Both the injured were first taken to the Narayanganj General hospital and later shifted

