

## Justice Aziz made CEC Pledges to hold free, fair elections

SHAKHAWAT LITON

The government yesterday appointed Justice MA Aziz, a sitting judge of the Appellate Division of the Supreme Court, Chief Election Commissioner (CEC), ignoring the longstanding demand of the opposition and the civil society for a consensus appointment.

President Iajuddin Ahmed yesterday morning made the appointment on the advice of Prime Minister Khaleda Zia, causing widespread resentment among the opposition parties whose demand for a CEC acceptable to all was turned down.

The government maintains that there is no constitutional obligation to hold talks with the opposition on the issue.

Aziz, whose appointment came a day after MA Syed's tenure as CEC expired on May 22, took his oath of office yesterday afternoon. Chief Justice Syed JR Mudassar Husain administered the oath.

On entering his new office yesterday evening, MA Aziz told journalists that his first priority is holding elections in a free and fair manner. Asked about the criticism from the

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Newly-appointed Chief Election Commissioner MA Aziz, left, shakes hands with Chief Justice Syed JR Mudassar Husain after his swearing-in ceremony at the Supreme Court yesterday.

PHOTO: STAR

I don't understand politics

Claims new CEC

JULFIKAR ALI MANIK

The newly appointed chief election commissioner (CEC) has said he does not think that he is unacceptable to the opposition because he had always remained above politics.

"If they [opposition parties] refuse to accept me, I shall try to convince them that I am above politics," Justice MA Aziz said in an interview with The Daily Star at his Supreme Court office yesterday. "I never did politics in my life. I am above politics."

Justice Aziz, a judge of the Appellate Division, said he does not have any political ambition. "I do not understand politics...I would not want to be an MP (member of parliament), even if anyone says I do not need money to become an MP."

"I was appointed a High Court judge when no political party was in power. It was during the neutral and nonpartisan caretaker government's regime in 1996. The Awami League government had confirmed my services. Therefore my appointment is not a political one -- it was done through consensus," he argued.

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## HC bans agitation at court, boycott

### SC Bar says lawyers' voice gagged, vows legal battle against ruling

STAFF CORRESPONDENT

The High Court in an unprecedented ruling yesterday banned agitation on the Supreme Court or any other court premises and boycott of the courts.

The suo moto rule came a week into the speaker's ruling in parliament that suggested that the High Court take legal measures against the lawyers' agitation for removal of a controversial judge.

The court prohibited gathering, congregation, picketing and laying siege to the entrance to any court. It also slapped a ban on boycotting or abstaining from attending any court on the basis of any decision of any Bar associations or Bangladesh Bar Council.

The court also imposed a moratorium on activities interfering with judicial work or operations of any court or hindering access of any person to the courts. No rally can be held or human chain formed or sit-in

demonstrations staged on the Supreme Court premises or any court premises in the name of any forum or the Bar associations.

Besides, no lawyer can circulate leaflets, put up banners or give statements to or publish them in any way through the press or any other media.

"This injunction shall particularly be binding upon all advocates practising in any courts of law in Bangladesh and further that in the event of any breach by anyone of this order, proper steps to enforce this order shall be taken including proceedings for contempt of court and in the case of advocates," the order says.

"Such steps shall include making orders prohibiting them from appearing in court as advocates so long as they shall remain in contempt," said the order issued by the bench of Justice Md Abdul Matin and Justice AFM Abdul Rahman.

However, the court says, "Any

person affected by this order may apply to this court for an order setting aside or varying this order."

In case of such application, the attorney general will stand for the order while four senior lawyers will act as amicus curie (friend of the court). They are Dr Kamal Hossain, Rafique-ul Huq, Mahmudul Islam and Ajmalul Hossain.

The chairman of Bangladesh Bar Council has been directed to circulate this order to its members and the Supreme Court registrar to circulate the order through the media.

"A section of lawyers of the Supreme Court Bar Association have been agitating against a sitting judge of this court on the plea that the judge does not have the LLB certificate. (The) Bar Council cancelled his enrolment as an a d v o c a t e

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## Malaysia company shows no faith in bidding system

### Quits race for Sirajganj power project job

SHARIER KHAN

One of the three bidders of Sirajganj 450 megawatt power project has withdrawn from the bid that opens Thursday, expressing its 'no confidence' in Bangladesh bidding process citing examples of questionable handling of Meghnaghat-2 and 3 projects.

Genting Berhad of Malaysia, one of the three companies short-listed for the first re-tendering of Sirajganj project, said the government decision to proceed with the unsolicited Meghnaghat-3 process confirms the absence of level playing field for investors in Bangladesh.

Sources close to Genting said that in a message to the Power Cell the company asked why should it spend thousands of dollars in preparing a proposal and have millions of dollars of bid bonds stuck up when it cannot expect a transparent process?

Two other companies --

Bangladeshi Summit along with German Siemens, and Bagladeshi PHP group along with Indian Essar - are participating in the bid. Genting, Summit and PHP were selected through request for proposals (RFP) five months ago.

The Power Cell maintains total silence on the issue as powerful officials of the Prime Minister's Office (PMO) has intimidated it by initiating the firing of the director general of the cell and removing its technical director, sources pointed out.

The PMO officials through the power ministry managed these actions as the two officials had raised some questions about the faulty Meghnaghat-3 unsolicited negotiations.

Genting also cited its shock at the actions against the two officials for their opposition to the Meghnaghat-3 proposal given by US-Irish joint venture Cadogan-

Manning, with the backing of some businessmen closely linked to the ruling BNP, and some officials of the PMO.

Genting sources said the Power Cell tried to calm the Malaysian company saying that for the Meghnaghat-3 project, there will be Swiss Challenge asking others to meet the offer of Cadogan-Manning. Genting said such a ploy was only window dressing and a backdoor approach to justify violation of the rules of the game.

Genting further noted that unlike the terms and conditions applied for all other projects, including Meghnaghat-2 and 3, the Sirajganj bid terms have been designed in such a way that the lowest power tariff offer will be much higher than expected.

"Since the Meghnaghat-1 project, the bid rules allowed the contractor not to pay any tariff for gas (the raw

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## AL rejects CEC appointment

### Other parties shocked, govt slammed for unilateral decision

STAFF CORRESPONDENT

The main opposition Awami League (AL) yesterday rejected the appointment of the new chief election commissioner (CEC), terming it an effort to politicise the Election Commission (EC).

Other opposition parties expressed their shock and frustration at the appointment and came down hard on the government for the "unilateral appointment without any consultation with them".

The opposition leaders said the people were expecting of the government to appoint a new CEC acceptable to all through discussions with the opposition parties. The arbitrary appointment will deepen the political crisis, they observed.

"We are rejecting the unilateral

appointment of Justice MA Aziz as Chief Election Commissioner," AL General Secretary Abdul Jalil said yesterday evening.

"We, all the people of the country, were expecting that the government would appoint the chief election commissioner on the basis of a consensus," he said while briefing reporters after a meeting of senior party leaders with AL chief Sheikh Hasina.

Jalil said the unilateral appointment is part of the BNP-Jamaat-Islami-led ruling coalition's blueprint to get re-elected to office through vote rigging.

"The government has made a party man president and increased the retirement age of the High Court judges to have another party man as chief adviser to the caretaker

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## Moudud gets back SCBA membership thru' court

COURT CORRESPONDENT

A Dhaka court yesterday gave its verdict against the Supreme Court Bar Association's (SCBA) decision to cancel Law Minister Moudud Ahmed's associate membership of the Bar.

Moudud had filed a suit with the Fourth Assistant Judge's Court, claiming the SCBA decision and a letter informing him of the decision the next day were illegal, malafide and without jurisdiction.

The minister appeared before the court in person yesterday.

The SCBA on May 17 decided to cancel associate membership of the speaker and the law minister for their remarks against the SCBA lawyers' ongoing agitation demanding removal of an additional High Court judge.

The Bar also issued a letter to Moudud on May 18 stating its decision and asking him to explain why the decision should not be made

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## BIWTA's missing forests for trees

### Seizes 30 unregistered cargo vessels, exempts passenger launches

STAFF CORRESPONDENT

Bangladesh Inland Water Transport Authority (BIWTA) has started fresh block raids on the Buriganga and Shitalakhya rivers to apprehend unregistered cargo vessels while passenger vessels, exempted from the block raids, are plying as usual although three consecutive ferry disasters recently claimed around 300 lives.

Six teams of law enforcers led by magistrates using two speedboats and a launch, working under the Marine Court, apprehended around 30 sand carrying vessels in Sadarghat, Narayanganj and Fatullah areas yesterday.

"The cargo vessels sometimes create disturbance to the passenger vessels that has led us to conduct the block raid," said Abdul Rahim Bhuiyan, a magistrate of the court.

"We started conducting blocks raid last year and since then nearly 10,000

cargo vessels have completed their registration but 7,000 have still remained unregistered," Rahim added.

The mobile court held several sukani (master) and helpers of cargo vessels yesterday.

"I was apprehended earlier also. But the owner of the vessel managed to release me just paying them some fine," said a staff of an apprehended vessel requesting anonymity.

Every apprehended vessel will be fined Tk 20,000 to 30,000, BIWTA sources said, adding that the authorities have collected nearly Tk 9 lakh as fine.

Some one lakh motorised water transports ply on the rivers across the country, most of them do not have registrations and licenses, shipping directorate officials said, adding that the authorities will expand their operations in other parts of the country soon.

## RUN-UP TO BUDGET FY06

## Tk 381cr diesel subsidy planned, despite nay of finance

REJAUL KARIM BYRON

The agriculture ministry plans to pump in an additional Tk 381 crore as diesel subsidy for irrigation in the next fiscal year, despite a strong reservation of the finance ministry about it.

Sources said the agriculture ministry will seek prime minister's intervention to resolve the issue.

The ministry also has decided to allocate Tk 600 crore in direct subsidy for fertiliser from its own coffers in FY 2005-06, following the current pattern.

The government recently disbursed Tk 6,620 crore, the ministry's budget for the next three years, in advance for better programme planning and implementation. Of the sum, Tk 1,985 crore is earmarked as its budget for FY06, outlying a Tk 1,395 crore revenue expenditure and Tk 589 crore for development work.

But the ministry finds the budget, which does not allocate any subsidy for diesel used for farming, inadequate. The resource constraints also have forced it to limit the next year's fertiliser subsidy, its officials said. "We wanted a bigger subsidy. But the amount we have received for the next three years does not allow that," said one of them.

The current national budget initially allocated Tk 600 crore for fertiliser subsidy. In the revised budget, yet to be approved, the amount has been increased to Tk 614 crore, with Tk 376 crore for urea and Tk 271 crore for other fertilisers,

and Tk 7 crore for sugarcane farming.

The three-year budget of the ministry assigns Tk 650 crore farm subsidy for FY07 and Tk 700 crore for FY08.

TUG OF WAR ON DIESEL SUBSIDY

The agriculture ministry has for long been arguing with the finance ministry in favour of a diesel subsidy.

The finance ministry believes diesel subsidy is a waste, as many of the recipients use it for purposes other than irrigation, like running motorised boats and other transports.

The agriculture wing, on the other hand, argues that measures can be taken to ensure that the subsidy reaches only the true farmers, which would scale down the irrigation cost.

"Farm subsidy in our neighbouring countries is much higher than ours. Pakistan spends more than 300 million dollars and India as much as 10 billion dollars for this purpose," pointed out an official.

"Besides, as per the World Trade Organisation rules, there are much scope to increase agri-subsidy. They suggest it can be up to 10 percent of the agricultural GDP. Compared to that, the current Tk 614 crore farm subsidy is less than 1 percent," he went on.

Back in January, when the

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