

## HC bans agitation

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when he is already a judge in this court and his certificate is suspended and when the cancellation was challenged before this court and the matter is sub judice they convened a meeting of the Bar Council with such sub judge matter [on] the agenda," the court noted.

It further observed that "a group of lawyers entered the courtroom of the judge and tried to obstruct him in the administration of justice. They took out a procession that paraded the corridors of the court while the judges were engaged in conducting the cases inside and thus interfered with the administration of justice".

"They took resolution to boycott the court of the judge and threatened to boycott the court of the chief justice. They [aid] siege on two occasions [to] the entrance of the chief justice to obstruct him from entering the court and they are giving out that they will paralyse the entire court if their demand of removing the judge is not accepted by the chief justice knowing full that a sitting judge can alone be removed and his capacity or conduct can be enquired into only under Article 96(4) (b) of the Constitution by the Supreme Judicial Council."

The High Court also observed that the Bar Council could have taken disciplinary action against these lawyers, but it failed.

"The judicial function of this court cannot be allowed to be stonewalled by these activities, browbeating, bullying methodology whether it is by public, litigants or lawyers," the ruling said.

It observed that another group of lawyers is opposing these lawyers. "The Supreme Court Bar Association, the symbol of the legal fraternity both on and off the Bench, is on the verge of disintegration and state of confrontation is looming large on the horizon threatening the whole justice delivery system," it said.

### "VOICE GAGGED"

In his reaction to the unprecedented ruling, SCBA President Mahbubey Alam gagged his mouth with a handkerchief and said, "Our voice has been gagged."

"We will go for a legal battle against this order," he added.

Bangladesh Bar Council Member and Chairman of Human Rights and Legal Aid Committee of Bangladesh Bar Council Advocate ZI Khan Panna told The Daily Star, "This order is unconstitutional and unlawful. Even the martial law regime could not gag the voice of the lawyers."

"This order is an interference in the basic, professional and political rights of a lawyer," Panna added. "The Bar Council is considering legal steps against this order."

Ruling BNP's Law Secretary and General Secretary of Jatiyatabadi Ainjibi Jote Advocate Jainal Abedin welcomed the order, however. "The judge has the right to issue such an order if someone illegally hinders judicial works. After this order there will not be any hindrance to administration of justice according to the constitution by the judges."

### CHRONOLOGY

In October 2004, vernacular national dailies the Daily Prothom Alo and Daily Bhorer Kagoj ran reports that results of law graduation examinations of Additional

Judge Faisal Mahmud Faizee were tampered with, prompting the SCBA to boycott Faizee's court. The chief justice temporarily withdrew Faizee from his bench and the controversy-dogged judge did not sit in any bench for more than five months.

Earlier this year, the High Court punished Prothom Alo and Bhorer Kagoj journalists for contempt of court, saying that the reports did not prove Faizee's certificate fake, clearing way for Faizee to return to the court.

But the SCBA members continued boycotting Faizee's court, saying that it has not been proven that Faizee's certificate is genuine. Bangladesh Bar Council then cancelled Faizee's certificate of enrolment, a basic prerequisite for anyone to practise law in the country.

The SCBA intensified its movement, and staged demonstrations at Faizee's court and at the entry-way of the chief justice demanding Faizee's removal. Pro-government lawyers and government law officials, meanwhile, threw their weight behind Faizee and took a stand against the SCBA.

Speaker Jamiruddin Sircar in the Jatiya Sangsad last week issued a ruling against the agitating lawyers. Law Minister Moudud Ahmed also made strong remarks against the agitation, prompting the SCBA to cancel memberships of both the speaker and the law minister.

At this, the pro-government lawyers, the speaker and the law minister made statements against the SCBA. Finally, on Saturday the pro-government lawyers declared three SCBA leaders "unwanted" on the Supreme Court premises.

Private news agency BDNEWS adds: Senior lawyers of the Supreme Court yesterday termed the High Court order the "first precedent in the history of the country's judiciary".

"I'm feeling very much disheartened, frustrated, disappointed and scared at the order of the High Court," SCBA chief Mahbubey Alam told the news agency.

Former vice chairman of Bangladesh Bar Council and convener of Sammilita Ainjibi Samannay Parishad Barrister M Amir-ul Islam said this is for the first time the High Court has imposed injunction on the movement of the lawyers.

"As far as I know, the High Court previously did not pass such order imposing injunction on the movement of the lawyers," he said.

He observed that independence of the judiciary is linked to the independence of the Bars.

"I am sure that the High Court will consider the matter of independence of the lawyers and Bars, and freedom of speech in the next hearing on the case. Independence of the judiciary is needed to establish rule of law in society," he said.

Former SCBA president Barrister Shafique Ahmed said if they wish, the SCBA and the Bar Council can fight a legal battle against the High Court order.

Former attorney general AF Hassan Ariff would not make an instant comment on the order. "I can comment only after going through the details," he said.

## Moudud gets back

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effective. Moudud received the letter on May 21.

The SCBA president, secretary, executive committee, and the Bangladesh Bar Council secretary were made defendants in the suit.

After hearing, Judge Mohammad Mojibur Rahman directed the SCBA not to give effect in any manner whatsoever to its May 17 decision to expel Moudud as an associate member of the Bar and the May 18 letter to him conveying the decision.

The court also issued summons on the defendants to show cause within seven days from the date of receipt of those as to why an order of temporary injunction should not be passed against them.

The SCBA at its May 17 meeting chaired by its President Mahbubey Alam observed the speaker's ruling on the SCBA lawyers' movement was "undue and beyond his jurisdiction." It termed the ruling an ill move to destroy their ongoing agitation.

The speaker in a ruling on May 16 said the Supreme Court lawyers' movement against Faizee is a "violation of the constitution." He also said the chief justice could ask the Bar Council to take action against the lawyers for such illegal agitation.

The law minister criticised the Supreme Court for not taking action against the agitating lawyers for blocking the chief justice's entryway. Parliament would consider taking action if the Supreme Judicial Council does not take any move about the judges not signing their verdict after pronouncing it, he added.

The SCBA meeting said the law minister's statement has undermined the image of the judiciary and the judges. His remark is not only indecent, but

## Two muggers

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and legs tied, and tried to flee with the vehicle.

As the driver cried for help, locals and traders of a nearby market intercepted the muggers and caught two of them, while the remaining two managed to flee.

They beat up the muggers, resulting in their death on the spot. Meanwhile, one elderly man identified as Abul Hossain, 52, drowned when an engine boat capsized in the river Kamaphuli yesterday morning.

The boat with ten people aboard sank at Charlaikha point in the river when its propellers hit an anchorage of a vessel there, witnesses said.

However, the other passengers of the boat swam ashore, they said.

## Akbar

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prime minister is with me," he said when asked what prevented him from implementing decisions taken earlier to bring discipline in the sector.

The minister had earlier cited a set of government steps to reduce accidents following launch disasters in the country.

He had also talked of setting radar stations and taking a number of steps including introduction of local classification society.

The main causes of frequent launch disasters in the country are untrained masters and defective vessels, the minister said, adding that the government is examining the qualification of launch masters.

A work order for collecting two powerful rescue vessels from South Korea will be given in November this year, he told reporters.

To bring discipline at Sadarghat launch terminal, the government is planning to appoint Magistrate Munir Chowdhury again, the minister said.

Munir Chowdhury, appointed at Sadarghat two years ago, had brought some discipline at the premier launch terminal braving pressure from unscrupulous launch owners, but sent back after two months following alleged pressure from the influential launch owners.

## Malaysia company

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material for power generation) when gas is not used during the initial operating period (IOP). But the bid rules dictate that the contractors pay for gas even when it is not used during the IOP," the source added.

"As a result, the lowest power tariff in the Sirajganj bid will be around 4 cents per kilowatt hour. In contrast, for the unsolicited deal of Meghnaghat-3 and the disqualified bidder of Meghnaghat 2, which get the benefit of 'no use no pay' for gas, it will be 2.78 cents.

Even if the Sirajganj bid is conducted fairly, the prices of Meghnaghat-2 and 3 will look attractive and desirable. That makes the Sirajganj bid look like a farce where the bidders are just being used to justify some faulty and corrupt bids, the source mentioned.

Genting had been participating in various bids, including Meghnaghat 1, since 1998.

Sources said to avoid fresh conflicts, the Power Cell did not even inform the power ministry about Genting's withdrawal. Officials declined to make any comments to The Daily Star.

The Meghnaghat-2 bid that is being processed is set to go to the UAE-based company Belhassa along with Bangladeshi Orion Power Company. They do not have any experience to match this bid, Orion's proximity to a 'bhaban' considered an alternative centre of power, which already ensured its bidding the massive Gulistan-Jatrabari flyover project, remains the only qualifying factor.

Last year, the PMO cancelled the original bid for the Sirajganj project after it reached the final stage. Upon winning the bid, Bangladeshi Summit Power got the cabinet purchase committee's nod and even closed its financial arrangements with support from the World Bank and the Asian Development Bank, but the PMO cancelled it. No reasons for the cancellation could be known.

## Tk 381cr

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government raised the diesel price by Tk 3 per litre, the agriculture ministry expressed concern, saying it would affect agricultural production, and proposed a 25 percent subsidy for the diesel used in agriculture.

But the finance ministry did not respond positively.

Now, as the government mulls another round of diesel and petroleum price hike, the agriculture ministry has decided to appeal to the prime minister to arrange for a diesel subsidy for the agriculture sector subsequent to the hike.

"According to our survey, there are around 11 lakh deep and shallow tube-wells across the country," said the official. The Department of Agriculture Extension and Bangladesh Agriculture Development Corporation are now preparing a list of farmers using these wells, which will be completed by next month, he said.

The ministry will bring the whole situation to the PM's knowledge, he added.

## Indigenous people's temple

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month ago, setting off a wave of panic.

Since then, all the male members of some 32 Mahato families in the village have been fleeing their homes, fearing harassment by police, who, they say, have been siding with the influential Abdus Sattar, a wealthy man loyal to Jamaat-e-Islami.

Left behind, the women and children of the families allege that, in the absence of their men, they are now living in anguish amid intimidation by Sattar's men and frequent threats of crossfire by police.

The villagers alleged that the men of Abdus Sattar, acting on earlier threats, seized a piece of 88 decimals of cropland and forcibly reaped paddy from the field on April 21. When villagers protested, the musclemen injured an indigenous member named Abas.

"They (Sattar) want to evict us from our land, on which we have been living for years. Some 144 families in four villages are under threat of eviction," said Sreebhas Chandra Mahato, president of Handal Union Adibashi Samabay Samity.

Since then, their attempts to seek justice have only added to their woes, resulting in further harassment that underscores the extent of police bias, they said.

Guided by a NGO called Samata, the indigenous villagers went to file a case, but local police refused them, said Chibas Das Mahato, one of the affected.

Police, however, recorded a case of Abdus Sattar accusing 25 indigenous men and 5 Bengali men,

including a Samata worker, Golem Maola, for reaping the paddy.

As the villagers were making preparations to file the case with a magistrate court, Sattar's men raided their village on the night of April 23, the village alleged. Finding no men, they beat up female members, including Chandana Rani, Molina, Dipali and Bonoda.

Among those who participated in the raid were Sattar's wife, Feroza Begum, his sons Shariful, Faruk, his relatives Fazlu, Rajab, Bellal, Samad and others unknown, according to villagers. The attackers left the village by the temple road, threatening to kill the villagers and destroy their temple if they dared to file a case.

On the following morning, the villagers discovered their temple was destroyed, their Gods and Goddesses toppled to the ground.

In a silent protest, the indigenous families have left the temple unchanged, saying they will not clear away the broken idols until higher authorities look into their problems.

Abdus Sattar denied the allegations against him and told The Daily Star that he bought the disputed land in 1986. "We are quite brotherly to the indigenous people," he said, adding "Is it not very natural that I reap my own harvest?"

Asked about the temple attack, the 55-year-old bearded man replied, "Why should I go to harm another's religion?"

The indigenous families eventually went with local Bengali villagers to the Chalmohor police station to lodge a complaint. Police recorded

## Rights groups vow

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it will seize the mosque if a case filed against IKNMB leaders is not withdrawn by May 30. Ahmadiyyas filed the case with the Shammagor Police Station after supporters of the anti-Ahmadiyya outfit attacked them, injuring over 50 people, including women and children, and looted at least 10 houses at Sundarban Bazar of Shammagor upazila on April 17.

IKNMB has also demanded that a signboard, which they posted on the Ahmadiyya mosque on April 17, be hung again by May 30. The sign read, "A place of worship for the Ahmadiyya Community, Sundarban Bazar" and advised Muslims not to mistake the place as a mosque.

Police did not stop Sunday night's rally, which began as soon as IKNMB's Nayebe Anir Mufti, Noor Hossain Nurni, reached Mantala at about 8:30pm. Mufti Nurni, an accused in the case filed by Ahmadiyyas, said supporters of IKNMB will compel the government to declare the Ahmadiyyas as non-Muslim by December 31 by launching a mass movement.

"Police have violated the constitution as well as Islam by trying to prevent them from holding the rally, which is part of their religious rights," he said.

In light of such activities, human rights organisations yesterday

urged all, including the government, to create public awareness for protecting the rights of the Ahmadiyyas at the local level. "Religious bigots are acting against freedom of speech and freedom of religion - which is contrary to the spirit of the Liberation War and the Independence of Bangladesh - by launching attacks on the Ahmadiyyas," said Sultana Kamal, executive director of Ain o Salish Kendra (ASK).

Other speakers accused the government of turning a blind eye to the harassment of the Ahmadiyya community. "It is clear to us that the BNP-Jamaat government is giving indirect support to the religious bigots," said Advocate Ruhul Qudus of Jatiya Ainjibee Parishad.

Maksuda Akhter of Bangladesh Mohila Parishad, Dr Kaustina Pereira of Jatiya Ainjibee Parishad, SM Monjur Rashid of Action Aid Bangladesh, Farida Yasmin of Nari Pakkha, Maksuda Akhter of Bangladesh Mohila Parishad and Lina Jamin of Nari and Manabadhikar Foundation were present.

The other organisations taking part in the conference included Nijera Kori, Bangladesh Mohila Ainjibee Samitee, Manabadhikar Bastabayan Sangstha, Durbar Network and Odhakar.

## I don't understand

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The new CEC said, "During my tenure, I want to ensure free, fair and impartial elections which will be acceptable to all."

Asked what he will do if Awami League does not accept him on the grounds that the ruling party did not appoint him through discussion with other parties, Aziz said, "I shall try to convince them.....I am nobody's enemy."

"It is a political culture of our country that the government [unilaterally] appoints the CEC," Aziz pointed out. "But this should change. This should take place through negotiation. Our country lacks the negotiation culture. This should be developed."

On how would he deal with problems of black money and violence, which typically influence elections, and whether he thinks it is necessary to discuss these issues with the two main political parties to find out solutions, the new CEC replied in the affirmative. "It is necessary to hold discussion with them. I shall try as per my capacity."

"The country is now passing through a crisis....Black money and muscle power are the dominating forces now. Human qualities and ethics are absent. Tolerance, which is the prerequisite for democracy, has withered," he observed.

"In such a situation the CEC has huge responsibilities," Aziz said. "It is not possible to do such huge task without cooperation of the main political parties, journalists and the people."

Aziz said full cooperation of the main political parties and the media is essential to eliminate false voting, irregularities and corruption in vote counting, tampering with results and other election irregularities.

Aziz said he will be guided by the constitution, ethics and his conscience in discharging his duty as the CEC. "In the face of all adversities, I will do what I think right and reasonable," he added.

Asked to comment on his predecessor MA Syed's six-point proposal for reforms of the Election Commission and electoral system, Aziz said, "I have not seen his suggestions. I shall decide my course of action after seeing them."

the case against 18 suspects, but instantly arrested a villager, Abdul Latif, over the paddy reaping case.

Latif, who was freed on bail, told a group of visiting newsmen that the police tortured him and forced him to provide a statement saying it was the indigenous people who damaged their temple.

"Police are biased to Sattar and are still haunting innocent indigenous people, who are fleeing their homes as Sattar's men raid the village, often to humiliate the lonely girls," said Jotish Chandra Mahato, a villager.

Local indigenous leader Bheem Raj Mahato explained that the Raja Prodanath Roy's son, Prothibhanath Roy, bestowed the land for the temple, but that the government came to own it after Independence. "We have been enjoying the land from time immemorial and the temple is run with production from the land."

Handal union BNP organising secretary Anwarul Islam said that local people have held several demonstrations, including processions and meetings, to protest the temple attack and the land capture. "We informed local Jamaat-e-Islami lawmaker KM Anwarul Islam, but he did not paid heed to us," Islam said.

Speaking with The Daily Star, Abu Bakkar Siddique, officer in charge of the Chalmohor police station, said that police were investigating the matter without any bias to anyone. "We will take action if any policeman has been proven to pose threats to the indigenous people."

## Dr Kamal

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the Jatiya Press Club yesterday.

He was apparently annoyed at the dereliction of duty on the part of administration and said the Supreme Court had two years ago directed the government to ensure adequate number of life saving buoys in all vessels, legal documents before issuing route permit and prevent overloading. But no action had been taken against the violators, he added.

Dr Kamal, also president of Gono Forum, asked the Shipping Minister Akbar Hossain to resign immediately for failing to prevent tragic launch disasters. He estimated 3,000 people died in launch capsize since Akbar took over the office.

He also blasted the shipping minister for failing in his moral obligation to visit Aicha ghat where hundreds of waiting women and men waited for days together for their dear and near ones stuck up in sunken launch MV Rajpara.

He suggested the family of victims to file case against the launch owners for operating faulty vessels without necessary equipment and the authorities as well for failure of responsibility.

"We will extend all out support to the litigants," assured Kamal. Pointing to the government's indifference toward purchasing modern rescue vessels Kamal said 43 years old MV Hamza and MV Rustam are now obsolete to meet the needs.

A team of Jatiya Oikya Mancha led by Dr Kamal on Sunday visited the place in the river Jamuna where MV Rajpara capsized five days ago.

Advocate Zahirul Islam read out the statement on behalf of Dr Kamal. Saifuddin Ahmed Manik and Dr MA Hakim were present.

## Robber leader

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Char Bhelemari in Nandail upazila. They said Harun was wanted in at least six criminal cases.

Police arrested Harun in Hotapara area of Gazipur district in the morning. On his confessional statement, they took him to Balurghat village to recover illegal firearms at about 11:30pm.

When police reached the village, Harun's accomplices opened fire on the law enforcers, forcing them to retaliate.

Police said Harun was caught in the 'crossfire' while trying to flee and died instantly.

## PM warns

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through shedding blood," she said. She said no one in Bangladesh is minority - all are Bangladeshis irrespective of religious, racial and cultural identity.

"There is no difference between the inhabitants of plain lands and hilly areas since all enjoy equal rights in Bangladesh," she said.

Listing a number of programmes and schemes, Khaleda said her government has been working to ensure basic needs of people - food, clothing, education, Medicare and shelter.

Responding to some demands of the Buddhists, including expansion of land of Buddha Bihar at Merul Badda in Dhaka and preservation and renovation of

Buddha Bihars in many areas of the country, the prime minister assured of meeting their demands to preserve their religious heritage.

State Minister for Religious Affairs Md Mosharrif Hossain Shajahan, also chairman of the Bangladesh Buddhist Welfare Trust, and Deputy Minister for CHT Affairs Moni Swapan Dewan presented bouquet to the prime minister on behalf of the community on the occasion of Bouddha Purnima.

They also spoke on the occasion.

## Justice Aziz

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opposition parties of his appointment, he said he is not involved in politics. "I am nobody's man. I rather am a friend of everybody. I will try my best to serve the nation," he added.

The mainstream opposition parties, which have long been demanding appointment of the CEC through political consensus, strongly criticised the 'unilateral appointment'. The main opposition Awami League (AL) rejected outright the appointment. Sources said AL has already taken the issue seriously, and plans to add it to the ongoing movement.

By appointing Justice Aziz as the ninth CEC, the government has carried on the long tradition of appointing the CEC from the judiciary. With the exception of Abu Hena and MA Syed, all the previous CECs were from judicial services.

The new CEC will oversee the next parliamentary elections on dissolution of the current parliament on October 27, 2006. Political observers believe holding the next general elections would be a tough task as the main opposition parties have already declared that the polls will not be free and fair unless reforms in the EC and the caretaker government system are carried out.

Justice Aziz will assign new Election Commissioners (EC) before the next parliamentary elections, as the tenure of the present three ECs will expire in the coming years.

Tenure of EC Safur Rahman will expire on June 24 this year while the terms of the other two ECs - M Munsef Ali and AK Mohammad Al - will run out on April 18, 2006.

The present government totally ignored the main opposition's demand for talks on the appointment of the CEC. The AL government in 2000 had initiated steps to consult with the opposition in this regard. Even the then prime minister Sheikh Hasina and the leader of the opposition Khaleda Zia called on the president to discuss the appointment.

But the attempts failed as the then BNP-led opposition alliance kept saying that they would select a CEC in consultation with all parties only after the AL government hands over power to a caretaker government.

Against this backdrop, the AL

government appointed MA Syed as the CEC after the post had remained vacant for over two weeks.

This time, the BNP-led Four-Party alliance government has all along been rejecting the opposition's demand for discussion on the issue. Local Government and Rural Development Minister Abdul Mannan Bhuiyan and Law, Justice and Parliamentary Affairs Minister Moudud Ahmed categorically rejected the demand. Moudud in an interview with the media said so far there is no instance of discussion between the government and the political parties on appointing the CEC.

### PROFILE OF NEW CEC

Justice Aziz was born in Amboula village of Agajijhara, Barisal, on September 30, 1939. He had his Bachelor of Arts (Hons) in History from Dhaka University in 1961 and Master's in 1962. He completed Bar-at-Law from Inner Temple, London, in 1969 and then started practising as a lawyer in the High Court.

MA Aziz became a High Court Judge in 1996 and was elevated to a judge of the Supreme Court's appellate division in January 2004. His term as the judge is scheduled to end in September 2006.

### CEC IN HIS OFFICE

Officials of the EC secretariat were waiting at their offices till yesterday evening to welcome the new CEC. EC secretary SM Zakaria along with other officials received MA Aziz when he arrived at the office at 6:00pm.

CEC MA Aziz while speaking with journalists at the EC secretariat sought co-operation from all especially the political parties, as, he said, they are the major players in the electoral process.

The new CEC stayed at his office for over 20 minutes.

### THE FIRST CHALLENGE

The first challenge for new CEC MA Aziz will be June 22 Narsingdi-1 by-election where main opposition AL after a long break will take part in. The party has already nominated Narsingdi district AL President Advocate Asaduzzaman as its candidate.

## 16 Iraqis, 5 GIs die

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A fifth soldier was fatally injured in a vehicle accident at 2:30 p.m. near Kirkuk, 235km north of Baghdad, officials said. The cause of the accident was under investigation.

The names of the five soldiers were being withheld pending next-of-kin notification.

Police said a car bomb blew up outside a restaurant in northern Baghdad at lunch time, killing at least four people and wounding more than 100.