

Supreme Court

FROM PAGE 1
good for democracy and rule of law.

If we are to achieve the above within the ambit of our constitution, the only way out is for the Supreme Court (SC) to permit a time extension, say for three months, to hold a free and fair election. It can be done through an appeal by the Election Commission through a reference by the President seeking the SC's advice.

Before we discuss in details the above course of action we need to clarify a few things. Why should the SC, one may argue, grant extra time for elections just because the AL and its allies refuse to join the coming one. Should we allow one group to hold the nation hostage and force our hand in playing their game? Well, if the situation was as simple as that we would have no qualms in siding with this argument. If the malafide of the 14-party's action was obvious then there would not have been the quantum of public support that the boycott move, in reality, enjoys. There are sufficient grounds, known to all as we have written about them a thousand times, concerning the activities of the caretaker government, especially of its chief, and the role of the election commission, especially with the present voters list (which is yet to be made public with just two weeks left for the election. This is a clear violation of the constitution), to give the 14-party's boycott some credence. Whether one supports the move or not, there is no denying the fact that with the AL and all its allies withdrawing from the polls its acceptability has come into serious question. Most importantly such a one-sided poll will not give us either peace or credible government that we so desperately need. We'll be back to where we started from - debilitating political unrest that has done so much harm to our economy. A one-sided election will do nothing to quell the political rivalry that has been our bane for all these years.

The bottom line is the position of the so-called grand alliance cannot be brushed aside and ignored without serious damage to our democratic process and to our global acceptability and standing as a democratic nation. Nor can we, or should we, sidestep the constitution and its 90-day binding. The way out, therefore, is to go to the Supreme Court with an appeal for time extension. Grounds for this move is simple. Election must represent people's will, which can only happen if everybody participates. A one-sided election will only further fuel the social tension and political violence that will no doubt lead to further damage to our economy and the prospect of improving our economic lot.

The move for Supreme Court's (SC) reference has to be taken by the President and Chief Advisor. Given his track record one may seriously doubt whether he will do so. It is our hope that the reality of the situation will override whatever other proclivity he may have. The future of democracy, political stability, peaceful transfer of power, getting truly representative government acceptable to all (which can only come from a free, fair and credible election), the chance to move forward with strength and unity -- they all depend on the President making such a move. This move must be preceded by a dialogue between the two principal rivals, which again he can bring about. Though the record of BNP-AL dialogue is not very encouraging, yet there is no alternative to it.

If and when the reference to the SC comes, we think the honourable judges may consider some related issues. It cannot just extend the time of election for the two rivals to waste it again on bickering. So it may consider giving some guidance as to how we can move forward. We think, as it did in the case of CEC MA Aziz, where specific guidance was given as to how the voter list should be prepared, here also the SC may specify steps needed to hold a free and fair election. For voter list the SC can insist on the proper implementation of the existing High Court order. It can also vacate its earlier stay order on disclosure of candidate's vital personal information. The SC can also call a group of eminent jurists, former chief justices and constitutional experts as amicus curiae (friend of the court) to put their collective wisdom together to serve the nation at this critical juncture.

In this connection, we must recall the fact that three writ petitions were placed before the High Court, which were 'stayed' by the Honourable Chief Justice (CJ). These included one that dealt with whether the President's taking over as Chief Advisor was done according to the provision of the constitution. The Honourable Chief Justice, in his wisdom, had 'stayed' the petitions. If the CJ had allowed the petitions to go ahead and if there were clear pronouncements then much of the present day debate could have been avoided. A clear judgment on whether the president's becoming CA was constitutionally correct or not could

have buried much of today's debate.

From what little we understand of the law and of our constitution, we think there is something called the spirit of the law and of the constitution, as against the letter of it. For novices like us it is perhaps the letter of the law that attracts us most. But for the more learned and the wise such as our highest judiciary, it is both the letter and the spirit of the law and of the constitution that matter. Sometimes the spirit may become far more important than the other. If the 90-day limit is important, so also is the fact that we must have an election that brings a stable, acceptable and popular government in place reflecting public will. In the past while both the BNP and AL questioned the elections they respectively lost, yet they, though grudgingly, accepted the results and the government it brought to power simply because the elections were not one-sided. The only one-sided one in 1996 had to be redone. That one-sided election could also be somewhat justified because holding it was the only legal way to institute the caretaker system that the AL, Jamaat, and others demanded at that time. There is no similar justification to go for another one-sided election today. So then, why hold such an election and at such a high expenditure to the exchequer? An election that will only divide us further, lead to more hatred, more violence and inevitably to more bloodshed. Can anybody in their right mind want it, leave alone the learned judges of our highest courts?

Today we need our supreme judiciary to rescue us from this political impasse. It may be said why should the highest courts get involved in political issues. Normally this should not be done. But these are not normal times, and the nation really has nowhere to go but seek 'light' from our learned judges. On many occasions in the past our judges came to our rescue. We recall with pride the role played by Chief Justice Shahabuddin in leading us through the uncharted waters of a tripartite caretaker government system and helping us to move away from autocracy to democratic rule. So also now our highest judiciary and especially our Chief Justice has to pronounce on the legality of the 90 day limit and show us a way out. If the 90 day limit is inviolable, then by all means lets go for the election, knowing that we are heading for endless political conflict but at least with the satisfaction that our constitution provided no way out. But if it does let our Supreme Judiciary show the way. Please rise to the occasion with no other interest but that of the Nation and its 14 crore people at heart. We are so desperately in need of a legal way out.

"It further raises the prospect of protracted instability costing the country in human, developmental and economic terms," the statement adds.

Cold claims

FROM PAGE 1
Garadaha village, Jameda, 55, Saiful Islam, 65, of Dhangora village in Raiganj upazila, Fakir Ali, 60, of Khokshabari village in Sirajganj Sadar upazila and an unidentified boy in Ullapara upazila.

About 500 people were affected by the cold-related diseases and admitted to different health complexes, hospitals and clinics.

In Khulna and Bagerhat districts, the cold wave claimed four lives. They are Nazmul Khan, 55, of Kajdia village under Rupsha upazila of Khulna district, and Aman Begum, 60, of Halarbubania village, Kanchan Shaik, 75, of Shibpur village and Nikhil Biswas of Halishahar village under Chitalmari upazila of Bagerhat district, according to our staff correspondent.

Our staff correspondent from Bogra adds: Three people died of cold and cold-related disease in the district yesterday.

Local sources said Habibur Rahman, 75, of Nayapara under Sherpur municipal area and Ahlai Box, 65, of Raninagar village under Sharupur upazila died of cold-related diseases while Yesaser Uddin, 80, of Mahasthangarh area in Shibganj upazila died from severe cold.

In Chapainawabganj, two people died from severe cold on Friday night. They were identified as Razia Sultan, 20, of Hujrapur area in the district town and Darul Huda, 35 of Nawabjaigir village under Sadar upazila.

Khaleda's claim

FROM PAGE 1
EUEOM for the 2007 elections.

"We are going through all our files and statements from the 2001 election observer mission to look for the figures, but we have not been able to find it yet," Elson told The Daily Star over telephone yesterday afternoon.

Elson said this when he was asked to clarify Khaleda's comments made at the BNP-led four-party alliance's press conference on Friday, where she said the EU in 2000 had expressed doubts about the voter list prepared under the then Awami League government.

"If you would remember, the European Union had said there could be nearly 13 million false voters in that voter list [of 2000]," said Khaleda.

Khaleda had also quoted the US-based National Democratic Institute (NDI) as saying in 2000 that the voter list then contained 6.8 million false voters.

An examination of the NDI survey reports show that they thought there could be 6.4 million duplicate registrations of voters.

The NDI, however, found no evidence of false names in the voter list.

Khaleda, on the other hand, said, "On the basis of the NDI and European Union critique we can conclude that the Awami League is the pioneer of false voter lists."

41 killed

FROM PAGE 1
not think there are any more bodies in the wreckage."

"All of the bodies were burned beyond recognition," the DC added. The charred bodies were clustered together, making the body count even more difficult and it is feared the death toll might rise.

Mohibul said the fire service and police finished their rescue efforts early in the evening after the last of the human remains were recovered.

Witnesses and survivors said trapped passengers were heard screaming from inside the bus after it burst into flames but the ferocity of the flames made it almost impossible for the locals to attempt any rescue effort.

Yusuf, a survivor, was seen calling out the name of his friend Ramiz, aged 62, who he feared was burned alive in the bus. "I can't find him anywhere. I did not realise he was not with me when I escaped the bus," he said.

One of the handful of survivors told our Comilla correspondent the bus, which has the capacity to carry 52 passengers, was packed with nearly 70 passengers desperate to return to Chittagong after their Eid holidays and ahead of the blockade programme that the Awami League and its allies had called for.

The bus was already at capacity when it left Dhaka yesterday morning but it had picked up more passengers along the way, the survivors said. The dead were mostly women and children.

The DC also said no one was injured critically as the people who managed to escape the bus before it burst into flames had only suffered minor cuts and bruises. He said those were the only survivors of the accident.

Earlier, locals were seen chasing the firemen after two fire service units from Comilla arrived far too late to put out the flame.

While hundreds of locals thronged the spot, a large number of them were seen wailing under the shadow of the dark smoke.

As the rescue efforts continued, hundreds of trucks, buses, and cars were stuck on both sides of the highway resulting in a traffic jam. The traffic was stagnant for at least two hours.

Chittagong and Comilla police later brought the traffic situation under control.

Republicans join

FROM PAGE 16

policy in Iraq, Bush is tapping new generals to lead the military campaign.

Bush will nominate Adm William Fallon, who commands American forces in the Pacific, to replace Gen John Abizaid as top US commander in the Middle East. Army Lt Gen David Petraeus, who headed the effort to train Iraqi security forces, is slated to replace Gen. George Casey as top American general in Iraq. Casey in turn will replace the retiring Gen Peter Schoomaker as Army chief of staff.

Lawmakers said they were pleased with Bush's selections.

"I hope he matches it with a new strategy that will shift responsibility for security to Iraqis and begin the responsible redeployment of American forces," said Rep Lee Skelton, D-Montana, chairman of the Armed Services Committee.

EU poll mission

FROM PAGE 16

"In the absence of this, the EU expresses concern that it will not be possible for the EU Election Observation Mission to proceed as hoped," the statement said adding that the future of the mission is currently under review.

This press statement from the German Embassy, which currently holds EU presidency, comes on the heels of similar statements made by the Awami League-led 14-party alliance's grievances and demands.

The local EU presidency also expressed deep concern and disappointment at the major parties' boycott of the January 22 elections.

"A failure of the current electoral process would be a major setback for democracy in Bangladesh and for the international credibility of the country," the EU stated.

Expressing concern over the yet unsuccessful effort to secure electoral conditions that command the confidence of all parties and the electorate, the EU said that this threatens to deny Bangladeshis to fully enjoy their democratic rights to vote.

"It further raises the prospect of protracted instability costing the country in human, developmental and economic terms," the statement adds.

Polls to be held on time

FROM PAGE 1

He said steps have been taken for the people who will choose their candidates by casting their vote fearlessly.

The government firmly believes that the January 22 election will be held in a "free, fair and impartial manner", the president said.

Dwelling on the standoff over the polls, the president/ chief adviser pushed the ball to next government's court as he said the elected government would have the scope for resolving the prevailing political crisis in accordance with the constitution.

Regarding the constitutional bindings for holding election within the stipulated 90 days, he cited the valedictory speech of former prime minister Sheikh Hasina on April 12, 2001 in parliament.

He quoted Sheikh Hasina as saying, "... our sacred constitution says in any situation whatsoever, the election must be held within 90 days after the parliament is dissolved. In case of by-election, the polls can be deferred or advanced beyond 90 days for reasons of an act of God".

lajuddin Ahmed in his lengthy statement explained the situation he has been facing in dealing with the Awami League-led 14-party alliance's grievances and demands.

"I all along have tried to bring all political parties in the election process. But if any political party feels it's a right to withdraw from the race at the eleventh hour of the election process, nothing can be done," he said.

"Being a teacher, I always discharged my responsibility impartially. I had to ignore other parties in accommodating the demands of the agitating parties during the tenure of the caretaker government. Despite that question of my impartiality has been raised with a motive," he added.

Regretting the "sudden" withdrawal of the nomination papers by the grand alliance on the last day, the president said this announcement has led to a new crisis, which made him stupefied as well as

disappointed although they (grand alliance) had come to the election after "accepting everything".

About the task of the EC, President lajuddin said since the Election Commission is an independent constitutional institution, the government cannot interfere in its function.

"The EC has nothing to do except for holding the polls after the nomination-withdrawal stage is over," he noted.

He said those already declared MP-elect unopposed by this time have the scope for taking shelter of the court.

"At this stage of the election process, according to the constitution, there is no scope for sending reference to the court," the caretaker government chief categorically said to seal such an option suggested by many.

He said an accurate voter roll is a prerequisite for holding an election.

"But this illegal caretaker government headed by lajuddin Ahmed has been conspiring to hold an illegal election without a voter roll," Jali said, vowing to resist any "illegal" election in the country.

He called on President lajuddin to quit the office of the chief adviser for holding a fair election.

"Any election in the country will have to be held only after lajuddin's resignation from the post of chief adviser and preparation of a proper voter roll. If there is any move to hold a farcical election on January 22, we will resist," he said.

Jali also urged the law enforcement agencies and all officials related to the election not to engage them in an "illegal" election.

Senior leaders of the grand alliance Amir Hossain Amu, Abdur Razzaq, Tofail Ahmed, Kazi Zafar Ahmed, Ruhul Amin Hawlader, Maj (retd) Abdul Mannan, Suranjit Sengupta, Sheikh Fazlul Karim Selim, Kazi Zafarullah, Obaidul Quader, Rashed Khan Menon, Hasanul Haque Inu, Mahi B Chowdhury, Munshi Abdul Latif, among others, attended the meeting.

The new violence came after both President Mahinda Rajapakse and the LTTE wished for peace in their New Year messages.

"We hope the New Year will bring the long awaited genuine and sustainable peace," Rajapakse said, while the Tigers called for global backing for their "sincere effort to seek a permanent peace through a just political solution".

The conflict has claimed more than 60,000 lives since 1972.

Cry for fertiliser

FROM PAGE 1

Kofiluddin told The Daily Star last night. He demanded simplification of delivery system for smooth supply of fertiliser to remote areas.

He hoped that the problem of the fertiliser supply would be solved very soon as the delivery and transport started in full swing. He, however, expressed concern over the AL-led grand alliance's blockade programme from today that may hinder the supply again.

Kofiluddin ruled out the allegation of price hike by a section of dealers at the district level saying that there is hardly any scope for enhancing the price abruptly as a price monitoring committee formed by the government is not complied with, said a dealer seeking anonymity.

In the previous years the government supplied urea from the buffer stock from early September but this year the government ordered to supply it from December 3, he added.

Admitting a 'gap' between the supply and demand, Rangpur Deputy Commissioner Khandker Atiar said the problem would be solved in next two days as the government has enough urea in the buffer stock.

Urea crisis in Nilphamari district has taken a serious turn at the very outset of the Boro season, reports our Nilphamari correspondent.

They blocked Rangpur-Lamonirhat and Rangpur-Kurigram roads for about four hours, keeping hundreds of vehicles stranded, reports our Rangpur correspondent.

A large number of police were deployed at Nabdiganj to clear the highways but they refrained from taking any action in the face of serious protests by the farmers.

At around 1:00pm, UNO of Pirogacha Zakir Hosen along with a large number of armed police went there and persuaded the agitating farmers to move away from the highway saying that he would take steps to realise their demand for supplying urea within 24 hours.

Failing to buy the required urea for about fifteen days, which was high time to apply the fertiliser in their potato fields, the farmers of the district have become frustrated.

About one lakh hectare of land in the district was used for potato cultivation this season. Many farmers said potato plants in their fields were becoming curly as they could not put urea to the fields even once whereas they would have to use it twice by this time.

Nurul Amin, a farmer of Nabdiganj, who cultivated potato on 10 acres of land, said plants on his fields were dying for want of urea as he could use only one bag of urea against the need of 20 bags during the last two weeks. Many other farmers in the area spoke about the same problem.

The government initiative to import fertiliser has also been delayed.