

It goes against  
spirit of judiciary  
separation  
Observe legal experts  
STAFF CORRESPONDENT

Some legal experts yesterday said the government decision to give the executive magistrates some judicial power conflicts with the spirit of separation of the judiciary from the executive.

"It's not complete separation because the administrative officials, if given the power to hold summary trials or operate mobile courts, are becoming a party to the judicial power," said Justice Naimuddin.

Once the government concedes the power to them, they will demand more power in coming days, he apprehends.

"The government cannot move away from the principle of separation of the judiciary. It's conflicting with the main spirit of the separation; it's not complete separation," he said.

Barrister Amir-Ul Islam, the main counsel for the judiciary separation case, notes that it is not possible to give the executive magistrates any judicial power under the present dispensation.

"If the government wants to do so, such an act will amount to

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## Executive magistrates to get temporary judicial power

STAFF CORRESPONDENT

Caving in to some demands of the administrative officials, the government yesterday decided to give the executive magistrates temporary judicial powers in certain cases.

Announcing the decision after an inter-ministerial meeting, Law Adviser Mainul Hossain said rules would be amended later to give it a legal cover.

The admin cadres at a highly charged seminar on Sunday called for the government to defer and review of separation of the judiciary scheduled to take effect from November 1.

The following day Bangladesh Administrative Service Association met the law adviser and placed a set of recommendations. They urged the government to return some magisterial powers to the administrative officials so they can initiate

legal proceedings, order investigation into cognisable cases, maintain law and order, run mobile courts during anti-adulteration and eviction drives and inspect examination halls.

"The executive magistrates will continue work like running mobile courts," the law adviser observed.

An amendment to the rules in the process of separation of the judiciary took away the judicial powers of the executive magistrates.

"We'll have to bring some changes in the rules now to hand the powers back to the admin officials. It requires time. However, there is a provision to give them the powers temporarily and that's what we are doing," Mainul said referring to some sections of Criminal Procedure Code.

He said his ministry is working on a draft of amendments to give them the power permanently.

He said the government will also make necessary arrangements so that there is no discrepancy between the service experiences required for the admin and judicial cadres to be absorbed in the judicial service.

According to a circular issued on January 16, the administrative cadres must have satisfactory service rendered for 8, 12 and 15 years to be absorbed in the judicial service while the judicial officers need 4, 7 and 10 years.

"The admin officials said this is discrimination and they will join the judicial service only if it is removed. We'll sit to adjust the experience requirements," Mainul said.

"But it will be done only for once," he said.

The main grievance of the admin officials is the orders to vacate their offices for the judicial service men.

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## Separation of judiciary won't affect admin officials: SCBA

UNB, Dhaka

Supreme Court Bar Association (SCBA) President Barrister M Amir-Ul Islam yesterday made it clear that separating the judiciary from the executive control wouldn't affect services of administrative cadre officials who discharge judicial function.

"The separation of the judiciary from the executive is going to be implemented in the light of constitutional mandate and the Supreme Court judgment in Masder Hossain's case," he told the news agency, explaining legal points to dispel the dilemmas that have cropped up of late.

Barrister Amir, who was the principal counsel for the Masder Hossain case, said government had contested the case and lost the battle, clearing the way for separation of the judiciary.

During the case, he said, the government that runs the administration did not raise the issues, which are now being raised to create an unwarranted controversy.

"At a time when the nation's

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## DMP to punish cops for harassment

Decides to act against illegal arrest

SHARIFUL ISLAM

Dhaka Metropolitan Police (DMP) is going to introduce a mechanism to punish policemen for any illegal arrest and allow the victims to lodge complaints about any such harassment.

Under the new mechanism, the policemen concerned, the officer in-charge and the supervising officer will face punitive actions if any illegal arrest is made.

The step comes as a tough action to check harassment of innocent people by policemen through wrongful arrest and confinement.

To ensure accountability of their subordinate officers, DMP deputy commissioners (DC), additional DCs and assistant commissioners (ACs) will monitor all cases and arrests.

The victims of police harassment from now on will be able to lodge complaints to the commissioner, additional commissioner, DCs or ACs against the policemen responsible.

"If any illegal arrest is made the supervising officer, OC and the police officer concerned will face tough departmental action," DMP Commissioner Naim Ahmed told The Daily Star on Monday.

The DMP authorities have already identified 10 means corrupt police personnel have been using to harass people over the years. These include making illegal arrest, issuing threat of arrest, detaining wrongfully and releasing later in exchange for money, unnecessarily taking into police remand for illegal purpose, forcing people to provide money by issuing unnecessary inquiry slip, misusing court petitions to compel people to bribe the police, implicating people in false cases, taking bribe from complainants and misusing section 54 of Criminal Procedure Code and DMP Ordinance.

The authorities have found that usually the policemen posted in police stations harass people for illegal gains. Lack of efficiency is another cause behind the practice,

it was found.

Apart from the punitive actions, the DMP is going to organise a workshop titled "Addressing harassment" in the first week of the next month for motivating the police officials not to harass people. Through several sessions, 23,500 uniformed and 804 civilian force members will be given the motivational training.

"The process has already been started. We are going to organise motivational workshops alongside taking punitive action to give the process a complete shape," DMP Commissioner Naim Ahmed said talking about the steps taken for stopping harassment of people by policemen.

The efforts are to establish individual accountability, he said adding that the organisation will not take the responsibility for offences committed by a few of its members.

To clean up the police department, the police high-ups have

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## ACC seeks changes to its constitution

Submits proposal to become self-governed

STAFF CORRESPONDENT

The Anti-Corruption Commission (ACC) yesterday proposed bringing amendment to its constitution in order to determine its status as "independent, self-governed and impartial" instead of the present "independent and impartial".

The commission yesterday sent a letter to the Cabinet Division regarding the proposal as it has been facing difficulties in carrying out different tasks, including recruitment and formulation of recruitment rules.

Although the preamble to the ACC constitution declares the commission as independent, the anti-graft body will not be able to work effectively if it is not made self-governed, said officials at the ACC.

ACC Secretary Mukhles Ur Rahman, who submitted the proposal to the Cabinet Division yesterday, said, "In order to run the commission independently and work faster and better, it is neces-

sary to have the commission self-governed."

The commission has recommended bringing amendment to section 3(2) of the ACC Act 2004, which declares it as independent and impartial.

ACC sources said the Cabinet Division has already initiated moves regarding the proposal.

Under the present status, the ACC has not yet been able to recruit manpower for its 1,200-strong organogram approved by the government earlier this year.

At present the ACC has to go through at least 12 stages to get government approval for any of its initiatives. If its proposal is approved, getting government approval will require less time.

For recruitment, the ACC now requires its own approval once, thrice from the Cabinet Division, once at the secretary level, once each from the Public Service Commission and the law ministry, and then the final approval from

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## Number of income tax returnees decreases

STAFF CORRESPONDENT

Only 1.59 lakh people have submitted income tax return to the National Board of Revenue (NBR) until September 30 this year, marking a decrease of about 29 percent compared to the previous year's figure.

About 2.23 lakh taxpayers submitted income tax return during the corresponding time in fiscal year 2006-07.

This was revealed by NBR Chairman Mohammad Abdul Mazid when he made a courtesy call on Chief Adviser Dr Fakhruddin Ahmed at his office yesterday.

Sources said the number is less this year as taxpayers assumed that the government would extend the deadline for income tax return considering floods and anti-corruption drives. The NBR has extended the time frame until October 31, 2007.

The NBR chairman reassured the chief adviser that he would

continue his efforts to push the revenue income up to make the country economically sovereign, meeting sources said.

The sources said revenue collection this fiscal year grew up by more than 19 percent due mainly to an unusual rise in mobilisation of income tax through a government provision of legalising untaxed income.

The NBR has so far collected revenue amounting to Tk 9,103 crore, while the amount was about Tk 7,375 crore in the same period in the last fiscal year, official figures show.

Individuals have legalised Tk 5,213 crore under the given provision and the NBR earned Tk 802 crore in tax and penalty.

The NBR also collected Tk 1,750 crore in income tax and the figure was Tk 992 crore in the same period last fiscal year.

On the other hand, collection of value added tax (VAT) also increased by nearly 12.5 percent

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Relatives of a patient at Pangu Hospital in the capital carry him to another floor in a stretcher through staircase as the hospital lift is out of order.

PHOTO: SYED ZAKIR HOSSAIN

## Bangladesh takes pride in communal harmony: CA

UNB, Dhaka

Chief Adviser (CA) Fakhruddin Ahmed yesterday said Bangladesh takes pride as its people, irrespective of caste and creed, coexist enjoying communal harmony.

The CA made the remarks when the Ambassador of Holy See in Dhaka, Monsignor Paul Tschang in Nam, made a farewell call on him at his office.

Monsignor appreciated the caretaker government's various reform measures, especially the anti-corruption drive under the leadership of the chief adviser.

The envoy who has been here for about five years said the Pope's message is "religion is the vehicle of love and peace".

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## ACC gets permission to quiz Hasina, seeks remand of Koko

STAFF CORRESPONDENT

A Dhaka court yesterday permitted the Anti-Corruption Commission (ACC) to quiz detained Awami League (AL) President and former premier Sheikh Hasina in connection with the Tk3 crore graft case.

Meanwhile, the ACC yesterday sought permission from a Dhaka court to take Arafat Rahman Koko, younger son of detained BNP Chairperson and former PM Khaleda Zia, on a seven-day remand in connection with the Gato graft case.

Metropolitan Magistrate Mizanur Rahman yesterday allowed ACC Deputy Director

Morshed Alam, who is also the investigation officer of the case against Hasina, to interrogate her at the gate of the sub-jail.

The anti-graft body, which filed an application seeking the permission on Monday, is yet to fix the date for quizzing Hasina.

In the application, the investigation officer said it is necessary to quiz Hasina to have her statement regarding the allegations brought against her of helping a foreign company and its local partners win a deal for setting up a 100MW barge-mounted power plant in Khulna for a bribe of Tk3 crore.

The ACC filed the case with

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## Model, 2 others held with Yaba

STAFF CORRESPONDENT

Three people including music-video model Abu Shahed alias Shahed Biswas were arrested with 50 Yaba tablets, a drug containing morphine and amphetamine, at Siddheswari in the capital last evening.

A team of the Department of Narcotics Control (DNC), posing as buyers, captured the Yaba traders around 6:30pm.

The two other arrestees are Ismail Hossain, 30, and Kamruzzaman, 30. Thirty-year-old Shahed is the son of a ward commissioner in Kushtia Sadar and a resident of Mirpur.

Assistant Commissioner of the DNC (Dhaka Metro Sub-zone) Fazlur Rahman said they received information about the three Yaba

peddlers around 3:00pm yesterday. He said, "We somehow got the mobile number of Shahed and contacted him posing as buyers." He said the team asked for 100 Yaba tablets and persuaded them to sell those to them.

After around three and a half hours, the sellers asked them to go to New Circular Road to complete the transaction. The three were arrested there.

Shahed claimed his two music videos, acted and directed by him, have been released. Shahed is also a diploma engineer.

With the arrest of these three peddlers, the DNC and Rab personnel have so far arrested 12 youths including private university students since October 18 in connection with Yaba use and its peddling.

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