

Alternative method can settle disputes quickly, cheaply

Says law adviser

BSS, Dhaka

Law and Information Adviser Mainul Hosein yesterday said the Alternative Dispute Resolution (ADR) system would help settle disputes quickly and cheaply through understanding between the groups.

He said the ADR process would help settle disputes through consensual method as no side would bear any grudge for not winning as this method is chosen voluntary by the parties.

The adviser said this following a national consultation on alternative dispute resolution at a city hotel. The adviser addressed the consultation as the chief guest.

The Ministry of Law, Justice and Parliamentary Affairs and Bangladesh Legal Reform Project, funded by the Canadian government, jointly organised the consultation.

Chairman of the Law Commission and former chief justice of Bangladesh Justice Mustafa Kamal and Canadian High Commissioner to Bangladesh Barbara Richardson addressed the function as special guests.

Additional Secretary of the Law Ministry SM Harun Osmani chaired the function. Project Director Ian Morrison spoke on the occasion and Dr Rana P Sattar made a presentation on findings from ADR report. Joint Secretary of

Law Ministry Nasreen Begum delivered the welcome address.

The law adviser said under the ADR method, there would be involvement of the court in finally resolving the disputes after both groups reach an understanding over the solution, and so the judges will make the verdict to give the legal frame.

He, however, mentioned this is not a compulsory substitute for the normal dispute solution process by the court.

The adviser said everything should be done to ensure justice for all, both rich and poor, strong and weak, to help maintain peace and progress of the country.

He underlined the need for initiating more motivational works for the new method of dispute resolution and urged lawyers to come forward strongly in favour of the ADR process.

The adviser said judicial separation from November 1 would help the judiciary dispense justice uninterrupted by executive works and without interference of the executive organ of the government. Now, the judiciary takes the responsibility of doing justice to people exclusively as their full-time commitment.

"This is a major step along with others that must be taken to make the judicial system easy, speedy, just and less costly," he said.

Replying to a question, the

adviser told reporters that the government has to formulate some laws to adjust between the executive and judiciary and everything would be done with the approval of the Supreme Court.

The Supreme Court will examine the laws before it approves, he said. He also differed with the reports of some newspapers of making any consultation with the Chief Justice on these matters.

The adviser said the present government wants to establish a separate secretariat for the judiciary and said the judges would give verdicts and rulings and so there will be no scope of interference of the government.

Law Commission Chairman Justice Mustafa Kamal said alternative dispute resolution is not a substitute for formal adjudication of dispute by the courts rather it is an alternative to a more speedy and less expensive mode of settlement of all including the media.

Judicial separation is a constitutional obligation and the government is doing it, he said adding that the government should make necessary adjustment with the executive for making judicial separation successful and all should accept that.

Mentioning the distinction between the justice of court and that of the administration, the adviser said the executive magistrates operate mobile courts, traffic police charges fine for wrong car parking but judges do not do it as their jobs are separate.

Some measures taken to keep executive run properly would not hamper judicial separation, Mainul said adding the present caretaker government is working

courageously and sincerely to separate judiciary and so it would not want hamper the process.

The objective of judicial separation is to make the administration stronger and more active, the law adviser said, adding that for this, there is an understanding between the judiciary and the executive.

The adviser stressed the need for establishment of a separate secretariat for the judiciary and said the judges would give verdicts and rulings and so there will be no scope of interference of the government.

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Bangladesh, like India and Pakistan, has been obliged by circumstances to give ADR the recognition it deserves, a place in the formal judicial system, by amending respective Codes of Civil Procedure, he added.



PHOTO: STAR
Liberal Democratic Party (LDP) President Col (retd) Oli Ahmed speaks at a discussion at Institute of Diploma Engineers in the city yesterday. LDP organised the discussion to mark its first founding anniversary.

History speaks up

FROM PAGE 1
we will be deprived of the real history."

The war criminals have dared to make the audacious claim thanks to years of indifference to the demand for action against them, many observed.

Jamaat's active role against the independence has been documented in different publications including those by Jamaat itself during the war in 1971.

Thousands of people still bear the scars of war crimes by Jamaat-e-Islami and their student front Islami Chhatra Shangha (now known as Islami Chhatra Shibir), and some other groups such as Muslim League and Nizam-e Islam.

The incumbent Jamaat secretary general on Thursday told reporters, "In fact, anti-liberation forces never even existed."

At a rally in observance of 'Badr Day' on November 7, 1971, Mojahed, who was president of East Pakistan Islami Chhatra Shangha, came up with a four-point programme that included 'wiping Hindustan off the face of the earth'.

Rab also arrested three kidnappers identified as Atikur Hafizullah Chunnu, Mohammad Tufin and Sabir Ahmad on the same day.

The kidnappers demanded Tk 10 lakh in ransom over cell phone to free the boy.

The guardians informed the Rab about the incident with a list of suspects including Chunnu.

Rab arrested the three following the complaint.

Chunnu confessed to his involvement in the kidnapping and named the other two who were arrested later following his statement.

They informed that the boy was kept in Joydevpur under the custody of Shahin and Saikat.

As Rab initiated a drive in Gazipur, the kidnappers freed the boy leaving him in front of his house on Thursday night.

He used to collect funds, organise armed trainings for Razakars, and persuade students and youths to join the paramilitary force designed to eliminate the freedom fighters.

Addressing a function of the Chhatra Shangha in Faridpur on September 15, 1971, he said, "Razakars and Al Badr forces and all other voluntary organisations have been working to protect the nation from the collaborators and spies of India. But unfortunately we observe that a section of political leaders like ZA Bhutto, Kawsar Niazi, Mufti Mahmud and Asghar Khan have lately been making objectionable remarks about the patriots."

"Razakar Bahini" was established under supervision of former Jamaat secretary general Moulana Abdul Kalim Mohammad Yousuf while "Badr Bahini" was comprised of the Islami Chhatra Shangha members.

Professor Dr Anisuzzaman, one of the nine-member committee formed by the government for a king "Bangladesh Swadhinata Juddha Dalipatra" (History of Bangladesh's War of Independence), told The Daily Star, "The documentary evidence that Jamaat had opposed the Liberation War is found in black and white in the then newspapers."

The committee assigned by the information ministry on behalf of the Bangladesh government has compiled and published documentary evidence of the Liberation War in 15 parts.

Anisuzzaman said, "Al Badr and Al Shams (both the organisations collaborated with the occupation force) were formed following the initiative of Jamaat and Islami Chhatra Shangha. There is no room for doubt that they had killed many of our sons of soil including intellectuals."

Ironically, the 1971 publications of The Daily Sangram, a newspaper known as the mouthpiece of Jamaat-e-Islami, carry enough evidence to expose Jamaat's anti-liberation role.

Study of history reveals that 'Razakars' would organise drives against the freedom fighters, repress their families and carry out arsons while the 'Badr Bahini' would hunt down the people seeking freedom and kill them.

The 'Badr Bahini' also organised seminars and distributed pamphlets in futile attempts to make Bangalis "believe in ideals of

Act to try the collaborators and war criminals. The Act covers those individuals or organisations, who helped the Pakistani army in mass killings, conducted crimes against humanity, unleashed torture on men, women and children, destroyed property, or fought against the People's Republic of Bangladesh siding with the occupying forces. It also explained how 11 tribunals would be set up to punish them.

There is a view prevalent among a section of people that asking for trial of war criminals is irrelevant as the Awami League government had granted a general amnesty for all.

This was said time and again that none pardoned Pakistani war criminals.

The Collaborators Act that was published in a gazette notification on November 30, 1973 however says none of the war criminals had been pardoned.

The same was true for Golam Azam.

Section two of the Act said, "Those who were punished for or accused of rape, murder, attempt to murder or arson will not come under general amnesty under the section one."

* Out of 37,000 sent to jail on charges of collaboration, some 26,000 were freed after announcement of the general amnesty.

Around 11,000 were still in the prison when the government of Justice Sayem and General Zia repealed the Collaboration Act on December 31, 1975. After the scrapping, those behind bars for war atrocities appealed and eventually got released.

In the early 90s, a mother of martyrs, Jahanara Imam, launched a movement for trial of war criminals. Though it won overwhelming public support none of the governments had bothered to take notice of it.

At that time, the People's Inquiry Commission was formed to investigate the activities of the war criminals and the collaborators.

Led by eminent poet Sufia Kamal, the commission comprised renowned academics, litterateurs and other professionals. On March 26, 1994, it unveiled accounts of the war crimes committed by 16 persons.

The war criminals are former acting aamir of Jamaat Abbas Ali Khan, Matir Rahman Nizami, senior assistance secretary general of Jamaat-e-Islami Muhammed Sayeedi, Maulana Abdul Mannan, Anwar Zahid, Abdul Kader Molla, ASM Solaiman, Salauddin Quader Chowdhury, Maulana Abdus Sobhan, Maulana AKM Yousf, Mohammad Ayen Ud Din, Ali Ahsan Mohammad Mojahed, ABM Khaleq Majumder and Dr Sayed Sajjad Hossain.

Shamsunnahar, mother of Capt (retd) Dr Mujibur Rahman Fakir, a former Awami League lawmaker, passed away at her residence in Madrasa Quarters area in the town yesterday at the age of 84.

Shamsunnahar, a social worker, left behind four sons, six daughters and a host of relatives and admirers to mourn her death.

Her Namaz-e-Janaza will be held on the premises of Nasirabad Collegiate School after Zohr prayers today and she will be buried at Madrasa Quarters graveyard.

Mohammad Azim

STAFF CORRESPONDENT

4 killed in road accidents

STAR REPORT

Four people were killed and three others injured in separated road accidents in Gaibandha, Sathkhira and Sirajganj in the last two days.

Our Correspondent in Gaibandha adds: A man was killed and three pedestrians injured in a road accident at Fasitala on Bogra-Rangpur highway yesterday.

Police and witnesses said a speeding minibus knocked Nizamuddin, 40, of village Fasitala under Bogindaganj upazila, down while he was crossing the highway.

The bus also injured three pedestrians while fleeing away.

Our Correspondent in Sathkhira reports: Two people were killed in separate road accidents at Debhatta in the district on Thursday.

The victims were identified as Abul Hossain, 58, elder brother of Emadul Haque, a valiant freedom fighter, of village Kulia and Milon, 20, son of Shahjahan of village Parulia.

Quoting local people police said, a Sathkhira-bound pickup hit Abul Hossain while he was going to Kulia Bazar on a bicycle on Sathkhira-Kaliganj highway on Thursday evening, leaving Abul Hossain seriously injured.

He was rushed to Sathkhira hospital. Later, he succumbed to his injuries on way to Khulna Hospital the same night.

In another incident, a sand-laden truck hit Milon on Sathkhira-Kaliganj road while he was returning home from Parulia Bazar at about 10:00pm.

Seriously injured Milon was rushed to Sathkhira hospital and later shifted to Khulna hospital where he succumbed to his injuries about 2:30am early Saturday.

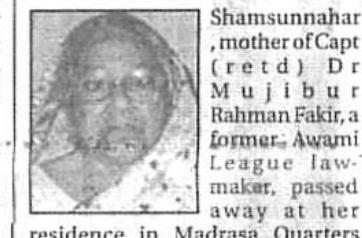
Our Correspondent in Sirajganj adds: An elderly man was killed in a road accident on Hatikumul-Bonpara highway at Horinchora in Sirajganj on Thursday.

The victim has been identified as Nowzesh Ali, 65, of Tarashin in the district.

Police and witnesses said the accident occurred when a Dhaka-bound speeding bus from Natore knocked him down while he was crossing the road.

Obituary

OUR CORRESPONDENT, Mymensingh



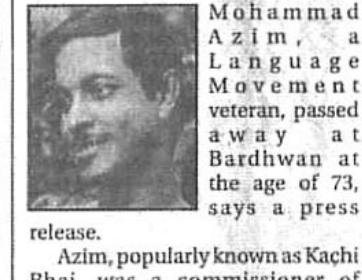
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Mohammad Azim

STAFF CORRESPONDENT



Mohammad Azim, a Langauge Movement veteran, passed away at Bardhwan at the age of 73, says a press release.

Azim, popularly known as Kachi Bhai, was a commissioner of Rangpur Pourashava during 1963-69.

He was also a singer, lyricist and composer and made significant contribution to the cultural arena.

Death anniversary



The 13th death anniversary of Rokeya Begum, mother of Hasan Jahid Tusher, a staff correspondent of The Daily Star, will be observed today, says a press release.

Rokeya, wife of Miah Md Abdur Razzaque, a retired government officer, passed away on this day in 1994. She left behind her husband, four sons, two daughters and a host of relatives and admirers.

Family members of the deceased have requested the relatives and admirers to pray for the salvation of the departed soul.

Qulkhwani



Qulkhwani of Zarif Ali, son of Maja Muhammad Ali and grandson of Maj Gen (retd) Subid Ali Bhuiyan, will be laid at Mohakali DOHS Jame Mosque after Asr prayers today, says a press release.

Zarif died in a road accident on October 22. He was buried at his family graveyard at Jurapur in Daudkandi, Comilla.

Relatives, friends and well-wishers are requested to attend the qulkhwani.



PHOTO: STAR

Rapid Action Battalion (Rab) rescued Amit Hasan, middle, who was kidnapped on October 21. His parents break down when Rab handed over Amit to them at the office of Rab-3 in the city yesterday.

New anti-HIV drug 'promising'

APP, PARIS

A prototype drug, tested on lab-dish samples of the AIDS virus, has shown great promise in attacking HIV from an unprecedented direction, French researchers reported yesterday.

The drug