

## High hopes, hurdles

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their administrative duties tomorrow.

The SC has already appointed 202 judicial magistrates to carry out the duties at the magistrate courts.

Meanwhile, the existing backlog of around five lakh cases pending with the magistrate courts is feared to worsen further due to the insufficient number of judicial magistrates.

The surfeit of cases at the sessions judge's courts is also feared to deteriorate as the judicial magistrates have been selected from different ranks at the sessions judge's courts.

SC Registrar Ikhted Ahmed, however, expressed a different view yesterday to The Daily Star: "The judicial magistrates will be carrying out judicial duties round the clock. So, the cases [at magistrate's courts] will be disposed of quickly."

He said more judicial magistrates will be appointed in the next three months.

The executive magistrates could not spend their full time dealing with cases at their courts as they also had a number of other duties to perform.

Ikhted said, "The executive magistrates do not have adequate judicial knowledge as they do not have any degree in law. The separation of the judiciary will be helpful to ensure justice."

It is widely believed that ministers or administrators used to largely influence the judicial processes, particularly granting bail and passing orders, as the executive magistrates worked under their control. In cases of non-compliance with the superiors' directives, the magistrates would mostly be stripped of their magistracy power and transferred to other administrative jobs.

Different political governments even used the magistrate courts to get political purposes served or gain other interest.

SC Registrar Ikhted said, "Separation of the judiciary is a constitutional mandate and a demand of the people for the welfare of the people. We hope judicial magistrates will be able to carry out duties independently once the separation is implemented."

Meanwhile, many expressed doubts about how much the SC will be able to manage the huge administrative task efficiently and properly after the separation.

Eminent jurist Dr Shahdeen Malik told The Daily Star, "This is a big step in maturing of state organ."

One killed

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Harun was driving the vehicle, officials said adding that his death ignited a series of clashes between locals and BDR.

Giving a spot account of the incident, locals said two persons aboard the pick-up managed to escape, leaving behind the vehicle while another was struck by bullet.

BDR jawans also beat up Mintu, brother of Harun, as he later came to the spot.

"Hearing the incident, local people got angry and swooped on the BDR men," says the spot report.

At 4:00pm, a clash between BDR and locals again flared up, and this time, the BDR men fired 30-35 gunshots. Local people were beaten up during the melee.

The situation was brought under control at about 6:00pm with the intervention of police.

BDR handed over the pick-up van with timber to local police. Police took the body for autopsy.

A local BDR official said the border force "fired in the air as smugglers tried to take away the smuggled timber and the body".

Six jawans of the BDR were also injured in the massive troubles.

## Tk 50 crore wealth

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seven pieces of Viagra, three guns, one revolver and over 200 rounds of bullet. It however could not be confirmed immediately if the firearms are licensed.

Rab officials said they found Nikita's photograph during the recent bust at the Gulshan office of Yaba dealer Amin Huda. And since then they have been on a hunt for her. They finally made some progress after Dipa who once went to Huda's office with Nikita was arrested recently. Under interrogation, she disclosed information about Nikita's life and her possible whereabouts.

Following up the leads, the crime busters raided a flat on the 16th floor of Karnaphuli Garden City market-com-residential block and hauled in Nikita's parents and a brother for questioning.

The brother told the interrogators that his sister had been living with Joyanal at his house in Dhanmondi. Rab said Nikita's sister Pushpa Noor alias Sabita too is a Yaba user and dealer.

Rab-3 Director Sultan Ahmed Noorani, Additional Director General of Rab Gulzaruddin Ahmed and some other top officials went to the scene of yesterday's raid and stayed there till the end.

and democracy. Our expectations are high, but it will not be a smooth process as the Supreme Court will have to shoulder a lot of administrative and management responsibilities about which it has hardly any experience. Nevertheless, the Supreme Court will usher in a new era of justice."

The SC has already formed a committee to monitor the activities of the magistrate courts. But experts said the committee will not do any management work; it will rather guide the magistrates and gear up the activities of the magistrate courts.

Ikhted said, "As article 116 of the constitution has not been amended, the Supreme Court will not be doing the management job independently. It will share the work with the law ministry."

Article 116 of the constitution says, "The control (including the power of posting, promotion and grant of leave) and discipline of persons employed in the judicial service and magistrates exercising judicial functions shall rest in the (President) [and shall be exercised by him in consultation with the Supreme Court]."

The SC registrar said, "The Supreme Court will not be able to perform the duties of posting, transfer and promotions of the magistrates without consulting with the government authorities concerned."

Many experts observed that the absolute independence of the judiciary cannot be ensured unless the article is amended.

## Quader

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Transport Corporation (BRTC) Taimur Alam Khandaker, former Islami Oikya lota lawmaker Mufti Shahidul, former Whip Ashraf Hossain and detained former state minister for communications Salahuddin Ahmed.

The case against Obaidul Quader was filed with Ramna Police Station under sections of 26(2) and 27(1) of the ACC Act and Emergency Power Rules. The former state minister was also accused of bribery in three cases filed with Paltan Police Station on September 30.

An anti-graft court on September 25 sentenced Isratunnesa, wife of Obaidul Quader, to eight years in jail in a tax evasion case. Quader was also convicted and sentenced in a tax evasion case filed by the National Board of Revenue, which the High Court stayed after he challenged it in that court.

The former minister submitted the wealth statement of Tk 1.11 crore through jail authorities on June 14 following an ACC notice on May 29. In the statement, he showed Tk 46.29 lakh in his name and Tk 64.12 lakh in the name of his wife.

The information concealed in the wealth statement includes that about a flat bought at Tk 13.62 lakh and Tk 11,634 in Fakirapal branch of Rupali Bank in the name of his wife.

Quader also showed lower price in the statement regarding purchase of a flat at Segunbagicha. He also showed different sources of his income in support of which the ACC did not find any evidence. His wealth statement showed his sources of income include money received from relatives and friends, property in the name of his mother and honorarium from newspapers for writing columns and royalty on book.

On March 9, the joint forces arrested Quader who was on the second list of graft suspects published by the ACC.

"The assets that we have seized don't seem to have been earned through legal means," Noorani told newsmen after the raid was over at 4:30pm.

He said, "We are surprised to find the huge stock of foreign liquor and currency. Legal steps will be taken in this connection."

Joyanal's brother Azizur Rahman who lives in the same building said they do not keep contact with him for the rowdy way he leads his life.

Rab said Joyanal, aged around 55, is divorced. He used to stay on the ground floor of the three-storey building that would be frequented by many of his girlfriends.

Meanwhile, the Task Force for Interrogation (TFI) yesterday grilled Amin Huda about the deaths of movie stars Salman Shah and Soheli Chowdhury.

Huda told the interrogators that he does not know anything about those for which both the victims' families point the finger at his uncle Aziz Mohammad Bhai.

He fell sick at one stage of the interrogation, said sources.

The Rab recently unearthed Huda's clandestine lab used to make Yaba and arrested him with over 1.3 lakh pills and huge chemicals.

## BNP constitution

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members on Monday convened a meeting of the party forum in absence of detained Chairperson Khaleda Zia and made an important decision that forces the party to witness a split formally.

The meeting appointed M Saifur Rahman as acting chairman and replaced Khandaker Delwar Hossain with party Vice-president Major (ret'd) Hafizuddin Ahmed as acting secretary general.

However, party constitution empowers only its chief to appoint secretary general, other office bearers and take actions against any members on grounds of violating discipline.

By exercising this absolute power, Khaleda on September 3 expelled secretary general Abdul Mannan Bhuiyan, who was appointed to the post by her around 12 years ago.

Khaleda on September 2 also appointed Delwar as party secretary general.

The standing committee members at Monday's meeting cancelled the expulsion orders of Bhuiyan and joint secretary general Ashraf Hossain.

But the BNP constitution contradicts with the move. The standing committee has the power to reconsider all punitive actions taken against the party members. But the meeting taking the decision must be convened and presided over by himself/herself.

The BNP chairman is also empowered to dissolve national executive committee, national standing committee, subject committees and committees nominated by the chief.

Being the principal officer of the party, the chairman is to control, supervise and coordinate all of its activities, according to BNP constitution.

Pro-reforms leaders led by Bhuiyan had earlier announced a set of proposals to amend the party constitution, terming it undemocratic, in a bid to curtail party chief's absolute power.

But as per the existing rules nobody or no forum in the party can take any step regarding party affairs without the consent or approval of the chairman.

Talking to The Daily Star yesterday, a standing committee member, who attended Monday's meeting, said they could not communicate with the detained chairperson for her consent to hold the meet.

Khaleda's response in this regard is likely to come this afternoon as her counsel is scheduled to meet her in the sub-jail then.

## Iajuddin

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Wife of the president Professor Anwara Begum, Military Secretary to the President Major General Aminul Karim, Secretary M Sirajul Islam and officials concerned are accompanying the president on the US trip.

Arrest warrant

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others were added in the charge sheet of the case filed by the Anti-Corruption Commission (ACC) against detained former housing and public works minister Mirza Abbas and 11 others on May 29 for causing a Tk 127.64 crore loss to the exchequer by selling 18 abandoned government houses at lower prices.

PABAN CASE  
Metropolitan Magistrate SM Moin Uddin Ahmed cancelled Paban's bail and issued the warrant as he was absent from the court on four consecutive dates on sick grounds.

Paban and three others carjacked a Toyota Premio from its owner at gunpoint from the city's Motijheel area on October 13, 2005.

The Detective Branch of Police arrested Paban with the stolen vehicle from Bailey Road area on June 7 last year.

Sub-Inspector of Detective Branch of Police Syed Selim Masud, also the investigation officer (IO) of the case, pressed charges against the four on December 28 last year.

Paban was earlier granted ad-interim bail from the High Court till submission of the police report.

NASIM CASE  
Judge Aman Ullah of the Fourth Additional Metropolitan Sessions Judge's Court recorded statement of Sub-Inspector Abdul Alam and set November 13 for next hearing of the case.

Police filed the case with a Dhaka court on March 11 in 2002 accusing Nasim of acting against the country's sovereignty and tarnishing its image abroad.

Assistant Superintendent of Police of CID's Faridpur zone Mohammad Dulal Uddin Akond arrested Nasim on February 27, 2002 from Zia International Airport and seized \$6,300, three passports, two tickets, eight books and a number of CDs.

Ngah said the Bangladeshis and two locals were detained under Section 148 of the Penal Code for rioting, and they would be remanded for two weeks.

"Quick police action prevented the incident from becoming worse. Teams from the Serai Alam district headquarters were dispatched to resumed control and arrest the ones involved."

## 39 Bangladeshi

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who then beat them (locals) up," he said, adding that no weapons were used.

Dr Wazed took fruits for Hasina, DIG (Prisons) Maj Shamsul Haider Siddique told The Daily Star.

Other relatives who met Hasina are Shamsur Rahman Tutul, grandson of Dr Wazed, Shamima Siddique, Fatima Selim, wife of AL leader Sheikh Selim and Razia Sultana Naser, aunt of Hasina.

Quoting the relatives, Dr Hasan Mahmud, special assistant to Hasina, told the reporters at jail gate that the AL chief wished to talk to her son and daughter as well as her younger sister Sheikh Rehana.

Dr Hasan also urged the jail authorities to restore the satellite cable connection of the television in Hasina's room.

Dr Wazed and three relatives entered the special jail at 10:00am while Razia Sultana Naser entered at around 10:35am. All of them came out at 11:20am.

DIG (Prisons), jailer of the special prison and other jail staff were present during the meeting.

Sheikh Hasina appealed to the jail authorities in August to allow her to see her ailing husband but the authorities turned down her appeal on security grounds.

## CEC agrees

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On demands that war criminals be declared ineligible for the polls in the proposed electoral laws, the CEC, however, said such a proposal can be included only to express hatred and malice towards them and anti-liberation forces.

"But it is difficult for us to implement it to keep them out of the polls unless they are specifically charged and convicted," he said.

The CEC said the issue of war criminals and anti-liberation forces is largely political though the EC is involved in it. Trial of the war criminals could not be done in last 36 years, he observed.

"If the government wants to do something, it must be done soon since many documents and information are already missing and many witnesses died in course of time," the CEC added.

"The government will have to do it since it has more responsibilities than the Commission has," the chief poll official asserted, adding that the EC will however do what it can under its jurisdiction.

Taking part in the talks held at EC Secretariat conference room, JSD President Hasanul Haque Inu placed a set of recommendations to bring changes to the electoral laws.

In defence of the proposal to disqualify war criminals the JSD leader asked the EC to accept the proposal in principle.

"If the EC agrees in principle to the proposal, a legal framework can be identified later through discussions," the JSD president said.

In response, Election Commissioner Sohel said it requires amendment to the constitution to introduce such a law.

"We can include the proposal for academic purpose. But it will have no legal effect. For how do the

returning officers disqualify a contender branding him a war criminal in absence of a clear conviction?" the CEC observed.

At this stage, JSD Executive President Mainuddin Khan Badal quoted article 38 of the constitution and section 20 of the Special Powers Act. He said no political party can be formed on the basis of religion as the laws clearly oppose forming such political parties.

"So, the Election Commission in no way can register any political party based on religion. If the commission does it, it will violate the constitutional oath," he argued.

The JSD, an ally of Awami League-led 14-party alliance, also supported most of the proposals for electoral reforms and suggested some minor changes to a number of those.

The leaders lauded the EC's proposals for checking the use of religion for political purpose during election campaigns.

The party suggested changes in the electoral laws to hold the presidential election by preparing a voter list comprising lawmakers, chairmen and members of Union Parishads, chairmen and ward commissioners of municipalities, mayors and ward commissioners of city corporations and chairmen and members to district and upazila parishads.

The existing laws allow only the lawmakers to vote for presidential election.

The JSD leaders said they believe the EC's electoral roadmap will be implemented on time.

In his concluding remarks, the CEC said the commission will again sit with the political parties seeking their opinions on the final draft proposals for electoral reforms.

proved as per international definitions that genocide took place in this land in 1971, headed.

The sector commander also urged the media to boycott the war criminals.

Referring to the War Crime Fact Finding Committee (WCFFC), the forum statement said, "The Pakistani war criminals and their local collaborators committed 53 kinds of crimes. Of those, 17 are war crimes, 13 are crimes against humanity and four are linked to genocide."

Around 5,000 killing fields were made for the mass killings and the WCFFC has identified 920, it said, adding that 88 rivers and 65 bridges and culverts have been identified where thousands of common people were killed and dumped.

Khandker said investigations after the Liberation War found 195 Pakistani war criminals. There is also a primary list of the members of the Razakar, Al-Badr and Al-Sham groups who helped the Pakistani army in committing such crimes.

Forum Convenor Lt Gen (ret'd) Harun-ur Rashid said they are going to hold a convention with participation of the freedom fighters and launch a platform and go forward for the cause of the nation.

Lt Gen (ret'd) Mir Shawkat Ali said the war criminals could not be brought to justice so far because of the lack of political will of the successive governments since independence.

Sector Commanders Maj Gen (ret'd) Shafullah, Maj Gen (ret'd) CR Dutt, Lt Col (ret'd) Abu Osman Chowdhury and barrister Tania Amir also spoke at the programme.

## Rokon-Ud-Doula

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The following day the establishment ministry sought the Supreme Court's permission for withdrawing him from the magistracy, and received it on October 23.

Rokon, the then metropolitan magistrate, on October 24 apologised to the chief justice, the government and others concerned for his broadside at the separation.

Meanwhile, additional secretary of the industries ministry Dr Mohammad Ayub Miah was transferred to the food and disaster management ministry as the acting secretary yesterday.

The post fell vacant after former National Board of Revenue chairman Badiur Rahman, who was appointed secretary to food and disaster management ministry on October 18, went into voluntary retirement out of resentment at the government's decision.

Regulatory

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"The rules related to the country's economic investment, commerce and trade are complex, lengthy and unnecessary. Hence, modernisation of the rules is an imperative for expediting economic development," it stated.

The other members of the RRC are: the cabinet secretary, Bangladesh Bank governor, secretaries to the finance division, establishment, home, law justice and parliamentary affairs, commerce, environment and forest ministries, the NBR chairman, economist Hossain Zillur Rahman, Centre for Policy Dialogue Executive Director Mustafizur Rahman and Chairman of Marc Group MA Rouf Chowdhury.

## Ex-MP Abu Hena

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naraj petition then.

The court had asked police to reinvestigate and submit the final report again.

After the re-investigation, Sub-inspector Abdus Samad of Boalia Police Station submitted the final report Monday for second time with similar conclusion.

The plaintiff, a BNP adherent of Suryapara of Bagmara upazila, lodged the case on August 14 with the Chief Metropolitan Magistrate's Court accusing three people. Other accused in the case are BNP men DM Fazlur Rahman and Asgar Ali.

The complainant alleged that the accused took Tk 1.5 lakh from him promising him a job abroad. He said Abu Hena, a former MP from Rajshahi-4 constituency (Bagmara and Mohonpur upazilas), demanded Tk 2 lakh from him in 2004 for sending him abroad.

He said as Fazlur and Asgar gave assurance that Hena would send him abroad, he sold some of his land and gave Tk 1.5 lakh to Hena on March 17, 2004.

Israel in the case said the accused started buying time and when he wanted his money back they threatened to shoot him dead.

The case was filed with Bagmara Police Station but the case was recorded with Ramna Police Station in Dhaka following the mention of jurisdiction of occurrence in the case.

Abu Hena was expelled from BNP at the end of the last BNP-led alliance rule for criticising its government.

## Law secretary

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Defending the content of the letter, the law secretary in his reply said it was circulated "in good faith and good intention" following the approval of the law adviser.

He said no such effort has been made to refrain from meeting the obligation to the SC as asked for with regard to provide logistic support for creating new district magistracy. Instead, the letter was circulated to avoid any kind of unwarranted impediment to implementation of the historic decision of the Appellate Division on separation of the judiciary. Awar added.

Referring to the Rules of Business, the law secretary said the deputy commissioners remain under the establishment ministry. As per administrative rules, they cannot hand over district magistracy manpower, ejlash, transport and other logistic supports without the approval of the establishment ministry, he said.

The law secretary also said the Appellate Division could strike down the letter by applying its own consideration.

Nine militants

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bomb making chemicals and materials raiding five places in Dhaka, Kushtia, Jhenidah, Khulna and Narsingdi.

The arrestees are Hossain Ahmed alias Tamim, Abdul Kalam Azad alias Bulbul, Jahangir Alam, Abdul Kuddus, Omar Faruk, Amirul Islam, Ali Ahmed, Mokaddas Billah and Mohammad Baki Billah.

A top Rab official said they sent the arrestees to the police stations concerned from where they were netted as per the law and cases were filed against them under the Explosives Act.

The Criminal Investigation Department that has been tasked with investigating the attack will show them arrested in the cases and seek remand from courts to interrogate them intensively for more information about the attack.

Rab on Monday told a press briefing that two of the netted top part in staging the August 21 grisly attack that left 24 AL leaders and workers dead and over 300 injured. The Rab however did not specify the two.

## Mobile Court

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magistrates the power to take into cognisance any crime as soon as it commences, to convene on-the-spot impromptu trials and to mete out instant punishments to maintain law and order and to run anti-crime drives effectively.

It also authorises the executive magistrates to search, seize and, if necessary, dispose perishable or hazardous goods.

The ordinance makes it mandatory for the police or other law enforcement agencies or any other government institution or office to help government officials, the executive magistrates or district magistrates in the mobile court if they seek any.

The mobile courts can be operated anywhere in the country. The punishments, however, may be meted out only if the accused confess, and those must stay within the bounds of financial penalties only. But if any convict does not want to pay the penalty, he or she may be given a maximum of three months of imprisonment.

The accused can appeal against the judgement with the sessions judge or metropolitan sessions judge (where applicable).

The decision to empower the executive magistrates with some judicial power came following an outburst by the admin cadres at a seminar on October 21. The government then had a negotiation with the leaders of Bangladesh Administrative Service Association.

## Delwar talks

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the leadership of Chairperson Khaleda Zia, and urged party leaders and workers not to be confused by some leaders' anti-party activities."

Meanwhile, in reply to a question from reporters on whether there is any post of an acting chairperson in the party constitution, Saifur Rahman and Hafiz Uddin Ahmed said a party constitution does not always contain solutions to every situation and it needs to be changed from time to time.

Some party leaders who are not necessarily actively involved in the unfolding drama in BNP said the new line up of leadership picked by the NSC will end up dividing the party as Khaleda loyalists rejected the decision saying that the NSC meeting held in Saifur Rahman's residence itself is illegal, since according to the party constitution only the chairperson has the authority to convene such a meeting.

Some NSC members led by Saifur Rahman on Monday night held a meeting which declined to ratify the expulsion of Abdul Mannan Bhuiyan and Ashraf Hossain by the now detained chairperson of the party, right before her arrest.

The meeting also appointed Saifur as the acting chairperson of the party although there is no mention of such a post in the party constitution, and removed Khaleda appointed secretary general, Khandaker Delwar Hossain, from the post, replacing him with Major (ret'd) Hafiz Uddin Ahmed as the acting secretary general.

Saifur Rahman, who himself has been sick for a long time, said the NSC decided to remove Delwar from his post on grounds of the latter's physical ailments.

Meanwhile, Delwar firmly said, "I have nothing to lose. BNP is a peoples' party which nobody will be able to divide through conspiracies."

Delwar, who is also an NSC member, said only the chairperson of the party may call an NSC meeting and there is no post of an acting chairperson in the party constitution.

"It has been a blessing from the almighty Allah that I was exempted from the compulsory presence at the meeting as I was sick," he said adding that he would be forced to sign on to the meeting's decisions if he was present there.

Hinting at Bhuiyan loyalists who attended the meeting in Saifur's residence, Delwar said, "They will be identified by the peoples' renegades."

"Khaleda Zia appointed me as the secretary general and I will try to uphold her faith in me even with my life," said Delwar from the hospital bed.

About the threat to his life, Delwar said he was aghast to see that a group of people were dictating him to resign from the post of the party secretary general.

"Never before did I face such a heinous and nakedly thuggish threat," he said adding that every professional service has a boundary which nobody should cross.

He also drew the attention of the president, chief adviser, army chief, inspector general of police, the chief justice, and other justices to the threat on the lives of his family members and his own.

When asked who threatened him and his family, the former chief whip of the parliament said, "I don't want to disclose their names yet but I have identified them, and I

Suicide blast

FROM PAGE 16  
escaped at least three assassination attempts blamed on Islamic militants, the most recent being in July when his plane was fired on as it took off from Rawalpindi.

He also survived two bombings in Rawalpindi in December 2003.

Two suicide bombers blew themselves up in the city, the heart of the country's military establishment, on September 4 this year, killing 25 people. Most of those killed were in a bus taking intelligence officials to work.

The latest incident came less than two weeks after twin suicide attacks in the southern