

Case proceedings

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The court also fined ACC's lawyer advocate Khurshid Alam Khan Tk 25,000 for "committing fraud" with the HC by suppressing the fact that the HC had fixed July 20 for delivering judgment in a writ petition filed by Shamsuddin challenging the legality of the case.

The HC earlier stayed the proceedings against Shamsuddin in this corruption case following his writ petition. The Supreme Court following a government petition stayed the HC order to stay the proceedings of the trial court, but allowed the HC to dispose its rule on Shamsuddin's petition.

Khurshid Alam Khan was given responsibility of the case by ACC on July 10. He did make the trial court aware about the HC direction to stay the proceedings of the trial court, as well as the date on which the HC would deliver its judgement on Shamsuddin's petition.

The trial court on July 17 sentenced Shamsuddin on the aforesaid charges.

"On the same day I was given the case (July 10), the HC fixed July 20 for delivering judgment in the writ petition filed by Shamsuddin. But as the Supreme Court had already stayed the HC stay order, I did not convey the trial court about the date of the HC ruling," Khurshid told reporters yesterday, adding that he had not been fraudulent in any of his actions.

He told reporters that he would file an appeal with the Supreme Court against the HC order to pay a fine.

Barrister Ahsanul Karim, counsel for Abul Kalam Shamsuddin, yesterday told The Daily Star that the HC bench directed the ACC's counsel advocate Khan to pay the petitioner Tk 25,000 from his own pocket.

ACC Assistant Director Sheikh Abdus Salam filed the case with Patna Police Station on November 13 last year against Shamsuddin in

Salahuddin

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Salahuddin graduated from London School of Economics in the United Kingdom in 1969 and received his masters' degree from the same institution in 1970. He served as assistant professor at the Department of Economics of Dhaka University (DU) from 1971 to 1977. He also served as assistant professor at the Institute of Business Administration (IBA) of DU from 1980 to 1983.

Salahuddin launched his career in law in 1980 after obtaining the LLB degree from DU in 1978. He became a lawyer of the High Court in 1982. He obtained the LLM degree from Colombia University in the USA in 1984.

Salahuddin was made additional attorney general on February 13, 2007.

MiG-29 case

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purchasing MiG-29 warplanes for the air force of the country following recommendations of committees concerned. The case is false and fabricated and its proceedings should be quashed," he said.

Hearing on charge framing against Hasina and six others in connection with the case will be held today.

Judge Golam Mortuza Majumder of the Special Judge's Court of Dhaka Division, adjourned the hearing on July 17 rescheduling it for today.

The six other accused are former air force chief Jamaluddin Ahmed, former army chief Mustafizur Rahman, former defence secretary Syed Yusuf Hossain, Air Commodore (ret'd) Mirza Akhter Maruf, former joint secretary Mohammad Hossain Serniabat, and Unique Group Managing Director Nur Ali.

According to the case filed with Tejgaon police station, the purchase of eight MiG-29 fighter jets during the tenure of last Awami League government caused Tk 700 crore loss to the public exchequer.

The names of Brig Gen (ret'd) Iftekhar-Ul-Bashar and former deputy secretary Hasan Mahmood Delwar were dropped from the case due to poor evidence regarding their culpability while former army chief Mustafizur Rahman, Air Commodore (ret'd) Mirza Akhter Maruf, former joint secretary Hossain Serniabat, and businessman Nur Ali were implicated after investigators had found their involvement in the alleged scam.

On December 11, 2001 Inspector Abdullah Al Zahid of now-defunct Bureau of Anti-corruption submitted a charge sheet to the Chief Metropolitan Magistrate's Court of Dhaka, showing 40 persons as prosecution witnesses.

Salman

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his Gulshan home in Dhaka on February 4 last year in connection with corruption and seized a large amount of local and foreign currencies and 11 mobile phone sets.

Police filed a case against him with Gulshan Police Station on February 16 last year in connection with the seizure.

The case was filed under the Special Powers Act, Money Laundering Act and Excise Act.

The seized currencies include 4,905 British pound, 6980 Pakistani rupee, 869 Singapore dollar, 13,905 Indian rupee, 7,139 Saudi riyal, 11,190 Thai baht, 10 Canadian dollar, 50 Danish krone, 200 UAE dirham, 175 Malaysian ringgit, 700 Indonesian rupiah, 2510 Hong Kong dollar, 345 Netherlands guilder, 60 Swiss franc and Tk 2,32,795.

Police said he possessed the foreign currencies illegally and no one is allowed to keep such a large amount of local currency under the Special Powers Act.

connection with amassing Tk 4.96 crore illegally and concealing wealth information from the ACC.

Barrister Ahsanul Karim said that Shamsuddin filed a writ petition with the HC challenging the case. The HC upon his petition stayed the proceedings of the case and issued a rule to show cause as to why the case should not be quashed.

"At the last stage of the hearing of the rule, advocate Khurshid Alam Khan took time to hear the case from the HC. The HC gave him time, stayed proceedings of the case and fixed July 20 for delivering the judgment. Advocate Khurshid Alam suppressed the facts of the HC order. In this situation the special court on July 13 sentenced Shamsuddin to 13 years imprisonment. I informed the trial court verdict to the HC today," he told reporters.

Judge Tanzina Ismail of Special Court-6, set up on the Jatiya Sangsad Bhaban premises, on July 17, sentenced Shamsuddin to 13 years imprisonment in the case. The judge fined Shamsuddin Tk 10 lakh in default of which he will have to serve one more year behind bars.

The court also ordered the authorities concerned to confiscate his ill-gotten wealth worth Tk 4.96 crore.

Shamim

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that time, and for which the airline had to dig deep into its purse.

During the four-party rule, he earned huge sums in return for helping foreign companies win the work of aircraft maintenance, engine overhaul and tenders for purchase of spare parts.

Local agent of the foreign firms was headed by his brother-in-law Shahedul Haq who has been on the run since January 11 last year.

Shamim would dictate the terms of every transfer, dismissal and appointment of Biman staff.

By 2006, the situation worsened so much so that employees and pilots went on a movement to save Biman and rid it from corruption.

Towards the end of Khaleda Zia government, he went into voluntary retirement.

Biman sources said Shamim was not known much before 1991 when BNP came to power and Khaleda Zia became the prime minister for the first time.

Soon he began using his clout as a brother of the government head.

On May 5 this year, the ACC filed a case with Ramna Police Station against Shamim Iskander and his wife Kamiz Fatema for amassing wealth through illegal means.

ACC Deputy Assistant Director AM Javed Hasan, also the investigation officer (IO) of the case, told The Daily Star that the retired flight engineer had wealth worth Tk 20.47 lakh beyond his known sources of income.

AHM Nurul Islam, who worked as Khaleda Zia's personal secretary during her term as prime minister in 2001-2006, in an interview with a Bangla daily last year said Shamim would frequent the Prime Minister's Office throughout the alliance rule.

The National Board of Revenue (NBR) on June 22, 2007 asked different commercial banks to submit reports on the transactions of Shamim and 60 other individuals.

Indian

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members in Lok Sabha, decided to vote against the confidence vote.

Singh drove to the residence of UP BSP chief and Uttar Pradesh Chief Minister Mayawati in the morning and is understood to have struck a deal keeping in view the state political scene.

Another bad news for the government came when Janata Dal (S) led by former prime minister HD Deve Gowda having three Lok Sabha members also decided to vote against the confidence motion.

The opposition to government gained further momentum ahead of the trust vote with the UNPA, BSP and the Left parties jointly declaring their resolve to go for the kill.

"Our one-point programme is to oust the UPA government on July 22," said Mayawati in the presence of CPI-M General Secretary Prakash Karat and CPI leader AB Bardhan and also TDP leader N Chandrababu Naidu.

Echoing similar sentiments, Karat, who has vowed to make the Congress-led coalition bite the dust on the issue of nuclear deal, told a joint press conference that "we don't want the government to remain in power after July 22." These parties have a combined strength of 85 MPs in the Lok Sabha.

Mayawati, who has emerged as the rallying point in the move to oust UPA government and is being talked about as the next prime ministerial candidate by some parties like TRS and TDP, said the parties would decide on the future strategy on July 23, a day after the trust vote.

Atmosphere at the deliberations of the opposition parties was upbeat and Mayawati was strident in her criticism of arch detractor Mulayam Singh Yadav and Amar Singh of the Samajwadi Party which has already decided to back the government.

Indian National Lok Dal's Ajay Chautala, Asom Gana Parishad's Brindavan Goswami, Jharkhand leader Babul Marandi and CPI leader D Raja were present at the meeting.

Congress media department head Veerappa Moily said the government expected support from "unexpected quarters" and was confident of sailing through the trial of strength.

Manmohan Singh's government lost its majority in Parliament after the Left parties withdrew support because of their opposition to the nuclear deal with the United States.

Govt asked

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the proclamation of the state of emergency, should not be declared illegal and unconstitutional.

The court also directed the government to file an affidavit -- specifying the grounds on which the state of emergency was proclaimed and what fundamental rights were suspended under the emergency -- with the court within one month.

The order came upon a writ petition filed with the HC on July 14 by four Supreme Court (SC) lawyers, M Saleem Ullah, Muhammad Mohsen Rashid, Nahid Sultana Juthi and Md Abdul Mannan Khan, challenging the legality of the president's actions on January 11, 2007.

It was stated in the petition that the president declared emergency in the country with a mala fide intention and collateral purpose to extend his rule beyond 90 days while holding the office as de facto chief adviser purportedly under Article 141 A (1) of the constitution, expressing his "satisfaction" that a "grave emergency exists" in which the "security and economic life of Bangladesh is threatened by internal disturbance."

It also said the state of emergency was promulgated on January 11, 2007, without lawful authority, as the president had no constitutional authority to promulgate emergency.

The law secretary, establishment secretary and home secretary have been made respondents in the petition.

Advocate Ruhul Quddus, a counsel for the petitioners, told newsmen that after the hearing that the HC issued the rule upon the government to examine on what reasons the president issued the state of emergency.

Government's counsel, deputy attorney general (DAG) Dr Naima Haider, said that the HC wanted to know which fundamental rights were suspended through the state of emergency.

Advocate MI Farooqui moved for the petitioners.

Food security

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food security. The WB would provide assistance in all three areas, she added.

Finance Adviser Mirza Azizul Islam said, "The World Bank has assured us of assistance to ensure food security, thereby reducing the budget deficit."

It also pledged aid in tackling the losses resulting from climate change, he added.

Guerrero said an international conference titled 'Focus Bangladesh' will be held in London on September 10 this year. It will discuss ways to extend assistance for the country to cope with the impacts of climate change and maintain food security.

She met Chief Adviser Fakhruddin Ahmed on Saturday and discussed the development priorities including infrastructure, human resources, climate change and governance.

Loan defaulters

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tier are expected to start in the latter part of October, leaving no time for loan defaulting aspirant candidates to become eligible for candidacy.

Similarly since RPO 2008 is still awaiting promulgation after being approved by the cabinet last Sunday and since the parliamentary election is expected to be held by the year end, loan defaulters with electoral aspirations will not get the opportunity for making themselves eligible for candidacy in that election either.

Legal experts and senior officials of the Election Commission (EC) Secretariat however are skeptical about proper implementation of the stringent restrictions due to the time constraint loan defaulters will face in remedying their disqualifications because of the delay in promulgating the laws.

They fear legal challenges from loan defaulting aspirant poll candidates.

Loan defaulting upazila and parliamentary poll aspirants will not have the respective one year and six months required for rescheduling their loans for becoming eligible for candidacies.

The time constraint issue in relation to the upcoming parliamentary election was raised at a meeting of the council of advisers on last Sunday, but the meeting decided to keep the timeframe for disqualification unchanged, a meeting source said.

Taking the advantage of the existing election law, a large number of loan defaulters used to contest in parliamentary polls in the past through rescheduling their loans, often even a day before submitting their applications for candidacies, while upazila elections have not been held in the last 18 years.

Asked to comment on the legal quagmire, eminent jurist Shahdeen Malik said the new electoral laws seem to impose the restrictions in ways so no loan defaulter may contest in the polls through rescheduling of their loans.

But he added that it might be difficult to implement the restrictions in the upcoming upazila and parliamentary polls if the provisions are challenged in courts for not providing the stipulated opportunity to loan defaulters for remedying their disqualifications.

DND area braces

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dug in 1988 and was linked to Shiddhirganj near Kanchpur. But due to encroachment and garbage dumping filling up the canal, areas including Paradaga, Matuail and Kajla now face severe water logging during the rains.

Sharaft Ullah Kajal, owner of Multimedia CNG filling station along this road, said they were allotted the position on the canal in 2003.

"Ten other stations got their allotments around the same time," he said adding that all the stations are leaving a 4-metre wide, 3-metre deep drainage passage behind their stations to allow the flow of the canal to continue.

"We have followed 100 percent government rules to set up the stations," he claimed.

An official of Bangladesh Water Development Board said apart from encroachment or filling up of canals, unplanned urbanisation is another reason behind water logging in the area.

Architect Iqbal Habib, member secretary of Urbanisation and Good Governance Committee of Bangladesh Paribesh Andolon, said the canal excavation brought some benefit to the local residents.

However to get real results, the government has to complete the total plan including setting up of two more pump houses and improvement of the drainage system, he said.

He pointed out the faults in the

Tofail, Sajeda

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Tofail and Sajeda yesterday appeared before an HC bench for their bail. Barrister M Amir-ul-Islam appeared for Tofail while barrister Shafique Ahmed and advocate Yusuf Hossain Humayun argued for Sajeda.

Their anticipatory bails are valid till the submission of charge sheets in the cases.

Deputy Attorney General (DAG) Zahurul Hoque and advocate Khurshid Alam Khan moved for the ACC.

On May 29, ACC Deputy Director Golam Shahriar Chowdhury filed a case with Ramna Police Station against AL presidium member Tofail Ahmed for amassing Tk 2.45 crore wealth inconsistent with his known sources of income and concealing information about Tk 1.86 crore in his wealth statement submitted to the ACC. His wife and daughter were charged with abetting him.

On July 10, ACC Assistant Director Mozahar Ali Sarder filed the case against AL presidium member and former environment and forest minister Sajeda Chowdhury in connection with concealing wealth worth Tk 13.84 lakh from the ACC and amassing the said wealth illegally.

The HC bench of Justice Sharif Uddin Chaklader and Justice Md Emdadul Haque Azad also granted a two-month ad interim bail yesterday to former BNP minister MK Anwar in the Gatco corruption case filed by ACC.

Barrister Rafique-ul-Huq moved for MK Anwar during the hearing yesterday.

The ACC filed the Gatco case against BNP chairperson and former prime minister Khaleda and 22 others, including Jamaat-e-Islami Ameer Motiur Rahman Nizami, Abdul Mannan Bhuiyan, M Shamsul Islam and MK Anwar, on September 2 last year accusing them of indulging in corruption to award Global Agro Trade (Pvt) Co Ltd (Gatco) the contract for con-

struction management at inland container depots in Dhaka and Chittagong causing a loss of over Tk 1,000 crore to the state exchequer.

Later, the case was brought under the Emergency Power Rules. The HC had stayed the proceedings against Khaleda Zia and granted bail to Nizami.

Meanwhile, detained former BNP ministers Abdul Mannan Bhuiyan and M Shamsul Islam filed separate petitions with the HC for bail in the Gatco corruption case.

The SC yesterday stayed the HC orders granting bail to former BNP minister Tariqul Islam, former state minister for liberation war affairs Redwan Ahmed, his wife Montaz Ahmed, Barisal City Corporation (BCC) Mayor Majibor Rahman Sarwar and Dhaka City Corporation (DCC) Ward Commissioner Abdul Qaiyum in separate cases.

After separate petitions were filed by the ACC, Chamber Judge of the Appellate Division Justice MA Matin stayed the HC orders for one month. The HC orders had stayed the proceedings against them in the cases.

The judge also asked the ACC to file regular appeals with the SC against the HC orders within this period.

On July 14, the HC following petitions granted bail to Tariqul Islam, Redwan Ahmed and his wife, Majibor Rahman Sarwar and Abdul Qaiyum and stayed the proceedings of cases filed against them in connection with amassing wealth illegally and concealing wealth information to ACC.

Counsels for the ACC yesterday argued before the court that the HC granted bail to the accused since the investigation reports had not been submitted within the stipulated 60 days of the filing of the cases. But submission of investigation reports within the period of 60 days is not mandatory, they argued.

Advocates Khan Saifur Rahman, Moazzem Hossain and Khurshid Alam moved for the ACC.

Govt ordinances

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Legal experts said following the HC judgment most of the ordinances issued during this caretaker government's rule have now become invalid.

"This government has issued about 70 ordinances and very few of them are related to elections. If challenged, ordinances not related to polls will be illegal," said barrister Rafique-ul-Huq.

The HC also observed that the caretaker government's main duty is to hold the elections and the Council of the Advisers can request the president to promulgate election-related ordinances.

"It would be better for the people of the country if the tenure of this caretaker government is shortened," the HC observed.

Advocate-on-record for the attorney general's office B Hossain recently filed the provisional leave to appeal with the SC to stay the HC verdict.

Gatco case

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court mentioning that Khaleda Zia was not produced before the court as she was ill.

Defence counsel advocate Masud Ahmed Talukder appealed for a long adjournment saying that the higher court had stayed the case proceedings for two months.

The court then asked the defence to submit the copy of the HC order by July 24.

Khaleda's younger son Arafat Rahman Koko, who was exempted from appearing in person before the court on medical grounds, was represented by his lawyer Taherul Islam Tawhid.

Other accused including former LGD minister Abdul Mannan Bhuiyan, former health minister Khandaker Mosharrar Hossain, former agriculture minister MK Anwar, former land minister M Shamsul Islam, former industries minister Motiur Rahman Nizami, and former state minister for energy AKM Mosharrar Hossain were produced before the court.

The Anti-corruption Commission (ACC) filed the case with Tejgaon Police Station against 24 people including Khaleda and Koko on September 2 last year on charges of corruption in awarding Gatco a contract for container handling at depots in Dhaka and Chittagong.

NIZAMIAT COURT Jamaat-e-Islami Ameer and co-accused Motiur Rahman Nizami said a conspiracy is being hatched to split the four-party alliance, but the alliance leaders are alert about it.

"The four-party alliance does and will exist," he told journalists after the proceedings.

Judges

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Ahmed as saying it is impossible for judges to discharge functions when questions are raised on dignity of the court and their position.

Another HC bench of Justice Sharif Uddin Chaklader and Justice Md Emdadul Haque Azad yesterday expressed surprise on comments of a top lawyer about some HC orders granting bail to some accused and staying proceedings against them in graft cases.

Supreme Court Bar Association (SCBA) President Barrister Shafique Ahmed yesterday told the newsmen both the Bar and bench of the SC expressed surprise over some comments of that senior lawyer.

Barrister Shafique said the court passed orders under the laws, rules and reasons after hearing arguments from the lawyers and no lawyer should make such comments on the court authority.

The lawyers say the HC bench and Barrister Shafique pointed fingers to Dr Kamal Hossain, who recently commented on recent orders of the HC granting bail to some politicians including Nizami.

Nizami on July 17 filed the petition with the HC bench of Justice Khademul Islam Chowdhury and Justice Mashuque Hossain Ahmed challenging legality of the Gatco case filed by the Anti-Corruption Commission. He also prayed for quashing the proceedings against him.

Following a petition filed by Nizami, the HC on July 14 granted him bail and issued a rule upon the government to show cause as to why the petitioner should not be granted regular bail. Nizami was released the next day.

The ACC filed the Gatco case against former premier Khaleda Zia, Nizami and 21 others on September 2 last year on charges of corruption in awarding Global Agro Trade (Pvt) Co Ltd (Gatco) the contract for container management at inland container depots in Dhaka and Chittagong causing a loss of over Tk 1,000 crore to the state exchequer.

On May 18, two HC benches rejected a bail prayer of Nizami since the case was filed under Emergency Power Rules (EPR) and the trial court issued arrest warrants against him. Nizami was arrested the same night.

Mob kills

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caught him and started beating him," said Officer-in-charge (OC) of Pallabi Police Station Abdul Momin.

He said on information, police rushed to the spot and rescued Bachchu in a critical condition. They took him to a clinic. When his condition deteriorated, they rushed him to the DMCH where the on-duty doctor declared him dead.

The OC said before his death Bachchu told the police that Isam sent him and two others to Israili to collect extortion money.

Israili filed a general diary with the Pallabi Police Station.

ACC allowed

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Assistant Director Harunur Rashid, also the investigation officer (IO) of the case, submitted a petition for interrogating them.

The same court on Thursday granted a petition submitted by the IO for showing them arrested in the case.

According to the case proceedings, the then prime minister Khaleda Zia, her son Tarique and the other five accused embezzled over Tk 2.10 crore by establishing an organisation that only exists on paper.

The five other accused are former BNP lawmaker Qazi Saleemul Huq Kamal, Syed Ahmed alias Sayeed Ahmed, Gias Uddin Ahmed, Sharfuddin Ahmed and Khaleda's nephew Mominur Rahman.

CASE AGAINST KOKO Metropolitan Sessions Judge Mohammad Azizul Haque took the charges into cognisance for trial and set the date for next hearing of the case filed against Koko for amassing wealth illegally and concealing wealth information from the commission.

On July 17, ACC Deputy Director Abu Sayeed, also the IO of the case, submitted the charge sheet to the Dhaka Chief Metropolitan Magistrate's Court, showing 31 people as prosecution witnesses.

He said Koko should be on trial since the charges against him have been proved in primary investigation.

The ACC filed the case against

Chief adviser

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Representation of the People Order (RPO) will be finalised soon enabling the Election Commission to independently push through rules and regulations for holding free and fair elections.

In reply to a question, Fakhruddin said it would not be possible for the caretaker government to hold elections to zila parishads for time constraints and hoped that the next elected government will do it. He said formulation of Zila Parishad laws is also at the final stage.

Asked about amendment to Article 70 of the constitution, he said though these matters were discussed at the government's dialogues with political parties, the incumbent administration does not want to amend the constitution as it does not have that mandate.

He said discussions on the process of amendment of the constitution were held and the next elected government can take decision in this respect.

Asked about the anti-graft drive, the chief adviser said the caretaker government brought about institutional reforms, making the Anti-Corruption Commission and the judiciary independent entities. The next government, he hoped, would carry on the drive.

Foreign Affairs Adviser Iftekhar Ahmed Chowdhury moderated the dialogue attended by representatives of teachers, freedom fighters, lawyers, farmers, women, NGOs and tea-garden owners and workers.

Later in the day, the chief adviser offered fete at the mazars of Hazrat Shah Jalal (R) and Hazrat Shah Paran (R) in Sylhet city.

He prayed for peace, progress and welfare of the country and the people.

Law Adviser Hassan