

## Case proceedings

FROM PAGE 16  
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 Paltan Police Station on November 13 last year against Shamsuddin in

**Salahuddin**

FROM PAGE 1  
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**

FROM PAGE 1  
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 Mortaza 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 (retd) Mirza Akhter Maruf, former joint secretary Mohammad Hossain Sernabat, 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 (retd) 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 Muzaffarul Islam, Air Commodore (retd) Mirza Akhter Maruf, former joint secretary Mohammad Hossain Sernabat, and Unique Group Managing Director Nur Ali.

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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**

FROM PAGE 16  
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, 6,980 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, 2,510 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.

## Govt asked

FROM PAGE 1  
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 Sultan 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 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 Latya Sangsads 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

FROM PAGE 1  
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.

Advocate MI Farooqui moved for the petitioners.

## Food security

FROM PAGE 16  
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

FROM PAGE 1  
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.

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 Samajwati Party which has already decided to back the government.

The opposition to government gained further momentum ahead of the trust vote with the UNPA, BNP 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.

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The law that made it mandatory

for the candidates to provide the EC with their personal details would be ineffective unless the EC scrutinises the information provided and take punitive measures against the violators of the law, Shujan observed.

Although there have been allegations that some of the candidates during their campaigning are spending black money, using banners and distributing fliers at places of worship, no one is taking any action against them, Prof Muzaffers said.

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.

## DND area braces

FROM PAGE 16

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

Sharaf 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 waterlogging 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

## Govt ordinances

FROM PAGE 1

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

FROM PAGE 16

court mentioning that Khaleda Zia was not produced before the court 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 Tamer Islam Tawhid.

Other accused including former LGRD minister Abdul Mannan Bhuiyan, former health minister Khandaqul Mosharraf 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 Mosharraf Hossain were produced before the court.

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 Motamzah 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.

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, Moazzam Hossain and Khurshid Alam moved for the ACC.

## Poll candidates' info

FROM PAGE 16

According to a Shujan study, many candidates in their affidavits did not mention any immovable property belonging to them, their spouses or their dependents.

"Affidavits show that many of the candidates or their dependents don't have any money in cash or in banks. Besides, many of them run businesses, but don't have any liabilities except loans from banks," said the study.

Examining the affidavits, the study found that all candidates claimed that they do not owe any outstanding bill to any utility service providers.

According to Shujan, a number of them mentioned criminal cases filed against them, claiming that the cases were still under trial.

The law that made it mandatory for the candidates to provide the EC with their personal details would be ineffective unless the EC scrutinises the information provided and take punitive measures against the violators of the law, Shujan observed.

Although there have been allegations that some of the candidates during their campaigning are spending black money, using banners and distributing fliers at places of worship, no one is taking any action against them, Prof Muzaffers said.

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Demanding stern action against the person/s responsible for with-

holding of the candidates' income tax and sources of probable electoral expense information on the EC website, Shujan Secretary Dr Badiul Alam Majumder said, "Who withheld this information -- the EC or the candidates?"

"If the EC publicised the information immediately after the candidates submitted their affidavits, the media could run reports [on the inconsistencies] and people could be better informed. The candidates [hiding information] might also withdraw their candidacy," he added.

The legal provision allowing the EC to post candidates' information only on its website is flawed as a very small section of the population has access to the Internet, he noted.

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