

## Local polls allowed

FROM PAGE 1  
electoral rules barring political parties from contesting the local government elections.

In the judgment, the HC observed that since the functions and activities of the political parties are acknowledged in the constitution, the electoral rules restricting the use of political parties' affiliation in the city corporation and municipality polls are illegal.

As per Article 152 of the constitution, political parties can run activities within and outside the parliament. "In the Local Government (City Corporation) Ordinance 2008 and the Local Government (Municipality) Ordinance 2008, there are no rules of de-politicisation. The rules in the Electoral Code of Conduct issued by the Election Commission restricting the use of political affiliation is in violation of the mother ordinances," the court said.

The government on May 14 issued gazette notifications promulgating the two ordinances for holding the elections. The EC issued the Code of Conduct in light of the ordinances. On June 20, it announced the poll schedule.

The HC said it could examine if the EC can make such policy decisions like holding elections to city corporations and municipalities without political parties.

The Election Commission has been created under Article 118 of the constitution and its functions and duties have been determined in Article 119. But it has not been given the jurisdiction to make policy decisions including determination of the political characteristics of the elections," the court said.

It said there are no restrictions in the electoral ordinances that the candidates will have to give up politics for participating in the elections. The ordinances say they will have to give up party posts after taking oath as elected representatives of the city corporations and

## Truth Commission

FROM PAGE 1  
Gen (retd) Manzur Rashid Khan.

The government has already posted 26 officials and employees to the commission to work on delegation.

The Tac will operate for five months under the Voluntary Disclosure of Information Ordinance 2008, promulgated on June 5 and later amended on July 20.

The commission is likely to make public notifications on Monday in the media including newspapers, announcing in detail the eligibility of an individual for pleading for mercy through the Tac as well as the objectives and jurisdictions of the Tac.

After the notification, people involved in corruption in the past will be able to admit their crime and plead for mercy by applying to the commission in a prescribed form, disclosing detailed relevant information including his/her moveable and immovable properties.

According to the ordinance, the government, in consultation with the Tac, will formulate rules for the commission. Until necessary rules are formulated, the Tac will run at the discretion of its chairman following the commission's approval.

In an interview with The Daily Star yesterday, Tac chief Justice Khan said, "Although I wanted to start working today, I could not do so as I just got the appointment letter today."

The activities of the Tac will be conducted from its Hare Road offices set up in three government-owned houses named Totinee, Tonmoy and Uttarayan, he added.

Seeking all-out cooperation from all, the Tac chief said, "It's absolutely a new experience for me. As you know, the concept is completely new in Bangladesh."

The commission will hold its first ever meeting with its officials and employees on Sunday and discuss its work plan.

Tac Chairman Justice Khan will be entitled to the same salary, allowances and other benefits enjoyed by a judge of the Appellate Division of the Supreme Court, said a notification of the law ministry yesterday.

The two Tac members, Asif Ali and Manzur Rashid Khan, will receive the same salary, allowances and other benefits enjoyed by a judge of the High Court division.

Earlier this year on May 25, the council of advisers approved the Voluntary Disclosure of Information Ordinance 2008, paving the way for forming the three-member commission.

To reduce workload of the commission and to cover the entire country, six sub-commissions might be created. Although the commission will last for only five months, it will continue its functions until disposal of the proceedings initiated during its term.

The caretaker government that launched a massive crackdown on corruptionists after taking over in January last year planned the

measures.

But these rules in the Electoral Code of Conduct have superseded the ordinances and making such rules is beyond the jurisdiction of the EC, the court observed.

Petitioner Jasim Uddin Sarker told The Daily Star that he is happy with the HC judgment declaring the EC rules illegal but that he would appeal in the SC against the part of the judgment that rejected his petition for stopping the local government polls.

On July 6, Jasim Uddin filed the writ petition as a public interest litigation, challenging the legality of the two ordinances promulgated by the government and the rules in the Electoral Code of Conduct.

He prayed to the HC to stay the EC's August 4 poll schedule.

Following the petition, an HC division bench comprised of Justice Md Imman Ali and Justice Md Emdadul Huq on July 15 issued a rule upon the government and the EC, asking them to explain within eight days why the EC's August 4 schedule for holding the local government elections without the final voter list should not be declared illegal.

The chief adviser, law secretary, cabinet secretary, the president's secretary and the EC were made the respondents.

Meanwhile, following a writ petition another HC bench comprised of Justice Khademul Islam Chowdhury and Justice Mashruque Hossain Ahmed yesterday issued a rule upon the government and the EC, asking them to show cause within three weeks why the schedule for holding elections to four city corporations on August 4 should not be declared illegal.

Kabir Ahmed, a voter in Barisal City Corporation, filed the writ petition.

Advocate Tajul Islam, barrister Fatema S Sobhan and advocate AFM Saiful Karim assisted barrister Masood Reza Sobhan in moving the petition while barrister Mahbubuddin Khokon appeared for Kabir Ahmed.

## Shamsul Islam

FROM PAGE 1  
him more pleasure if all political prisoners, including his party Chairperson Khaleda Zia and her elder son Tarique Rahman, were also released.

He said the Gato corruption case was a bid to harass them politically and tarnish their image.

The Anti-Corruption Commission filed the graft case against 13 people, including Khaleda, her younger son Arafat Rahman Koko and Shamsul, on September 2 last year on charges of corruption in awarding container-handling work to Global Agro Trade (Private) Company Ltd (Gato).

The commission on May 13 pressed charges against 25 people.

Koko was earlier set free on parole for overseas treatment. Two more accused, Jamaat-e-Islami Ameer Motiur Rahman Nizami and BNP leader MK Anwar, are also now out on bail.

## UK minister

FROM PAGE 1  
In an earlier statement prior to her arrival, Blears said, "What's at stake -- the future development of Bangladesh and its people -- is too important to risk a return to the politics of violence and confrontation."

Blears will meet senior government officials and members of the civil society and British-Bangladesh community during her stay.

She will also visit a number of UK-funded projects on women's empowerment and access to education, British High Commission press release said.

## Tata

FROM PAGE 1  
In April 2005, it formally submitted a \$2.5 billion investment proposal and later revised it to around \$3 billion.

Both sides during negotiations provisionally agreed on a 15-year guarantee of 1.25 trillion cubic feet gas and around 3 million tonnes of coal supply to Tata annually and upgrading of gas pipeline from the current 24-inch diameter to 30-inch diameter.

According to the Tac, the ACC can forward its cases to the commission for consideration if those cases fulfil the criteria set by the Tac.

Regarding suspected corruptionists running in elections, the ACC said if Election Commission (EC) wants, the ACC would conduct investigations against graft suspects contesting city corporation and municipality

parties.

According to the Tac, the ACC can forward its cases to the commission for consideration if those cases fulfil the criteria set by the Tac.

He urged the authorities to reach a consensus on the contentious issue through discussion with political parties.

Shuiyan joined him at the time.

Bhuiyan, whom BNP Chairperson Khaleda Zia expelled from the party hours before her arrest in early September last year, also spoke for holding the general election first.

He urged the authorities to reach a consensus on the contentious issue through discussion with political parties.

Shuiyan said, "Emergency rules should be lifted step by step before holding the general election to avoid untoward situation and to ensure the stability of the coming elected government."

On reforms, he said, "I'm in favour of reforms. My leader Khaleda Zia also wants to do reforms...she'll bring in reforms after coming out of jail."

He called for sending detained Tarique Rahman and other 'serious ill' political leaders abroad for treatment.

Earlier, Bhuiyan reached Zia's graveyard amid tight security at about 2:50pm where hundreds of supporters welcomed him in the country.

Centre for Policy Dialogue Executive Director Mustafizur Rahman said it is really discouraging for the country. "The Tata's abandoning its investment plan reinforces the country's need for a strategic energy and gas position," he said.

Earlier in the day, a number of former BNP lawmakers met him at his residence. He at the time asked Tata's quitting as discouraging. "If one investor leaves the country, many more will come to invest in future," he said.

The BNP executive chairman, however, said he does not see Tata's quitting as discouraging.

"If one investor leaves the country, many more will come to invest in future," he said.

He went into voluntary retirement from service at the age end of the BNP-led alliance government.

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