

## 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 depoliticisation. 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 municipalities.

## Truth Commission

**FROM PAGE 1**  
Gen (ret'd) Manzur Rashid Khan.

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

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 Tonine, Tonmoy and Uttarayan, headed.

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

municipalities.

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 Mashuque Hosain 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.

formation of the Tac with an aim to curb corruption and ease backlog of graft cases through quick adjudication.

**ACC BRIEFING**  
Commenting on the method of transferring ACC cases to the Tac, ACC Director General (admin) Col Hanif Iqbal during the routine press briefing at the ACC headquarters said, "We will consider it if any accused in ACC case applies to the ACC for going before the Tac. However, the accused must be eligible to apply under the conditions set by the Tac."

For consideration, the accused has to apply to the ACC and the ACC will have the discretion on whether the case can be transferred to the Tac, he said adding, "We do not have any provision in our act to consider such an issue under such condition, but we will be obliged to do so in agreement with the spirit of the Tac law. And it would not violate any law as the Tac law is also formulated by the government."

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 polls.

## Bhuiyan

**FROM PAGE 1**  
Narshindji 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.

Bhuiyan said, "Emergency rules should be lifted step by step before holding the general election to avoid upward 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 "seriously 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 with slogans.

One UP chairman, Abul Harris Rikabder, told reporters that Bhuiyan supporters came to the city for the programme on their own will on at least 70 buses in order to express their support for him.

Earlier in the day, a number of former BNP lawmakers met him at his residence. He at the time asked them not to visit Zia's graveyard in his company, saying he wants to go there alone with his constituents.

## MiG-29 case

**FROM PAGE 16**

During the hearing, defence counsels said the case was filed with ill motive and that their clients were not involved in the alleged losses caused to the state for purchase of the fighter planes. So, they should be relieved of any charges against them.

Pressing for framing charges against the accused in the case, prosecution lawyers said they have adequate evidence to prove the allegations against the accused.

After hearings arguments of both the sides, the court, located on the Jatiya Sangsad Bhaban premises, set August 12 for its order.

The other accused in the case include former army chief Gen (ret'd) Mustafizur Rahman, former air force chief Jamuluddin Ahmed, former defence secretary Syed Yusuf Hossain, Air Commodore (ret'd) Mirza Akhter Maruf, former joint secretary Mohammad Hossain Seraniab and Unique Group Managing Director Nur Ali.

The now defunct Bureau of Anti-Corruption (Bac) filed the case against Hasina and four others with Tejgaon Police Station on December 11, 2001, accusing them of causing a loss of Tk 700 crore to the state exchequer by purchasing eight MiG-29 fighters while Hasina was prime minister.

Brig Gen (ret'd) Iftekhar-Ul-Bashar and former deputy secretary Hasan Mahmood Delwar were later dropped from the list of accused and Mustafizur Rahman, Akhter Maruf, Seraniab and Nur Ali were included in it.

## 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 (Gatco).

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 MKA Anwar, are also now out on bail.

## UK minister

**FROM PAGE 16**

In an earlier statement prior to her arrival, Blears said, "What's at stake is 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.

During the year-long series of negotiations Bangladesh agreed to allow Tata a 10-year tax holiday facility and guarantee uninterrupted gas supply. Bangladesh also agreed on awarding Tata a coal mine for exploring around 3 million tonnes of coal a year.

The then BNP-led four-party alliance government was unwilling to make a final decision before the general elections while the present caretaker government has said it has other priorities.

In the meantime, Tata has launched major investment projects in other parts of the world.

The Tata Group communicated its decision through a letter to the Board of Investment (BoI) Executive Chairman Kamaluddin Ahmed.

In the letter, it said the group has been pleased with the support and courtesies extended by the government, particularly the BoI, during the discussions. "The group has other interests in Bangladesh, which it will continue to develop," it added.

Tata's move to abandon the investment plan has, meanwhile, created concerns among economists who observed that it would discourage entry of large foreign investment 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.

The BoI 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.

## Vanishing forests

**FROM PAGE 1**

are half denuded; the rest waiting for the killers.

Then we saw the arum plantation on a strip of a hill. A forest department staff was supervising the long patch of plants that we eat as vegetables. Where tall trees were supposed to exist in the reserved forest, one-foot tall deep green arum plants sway in the breeze. And we found similar plantations elsewhere in the CHT in the next few days as Dr Reza Khan, member of the World Commission on Protected Areas (WCPA), took us around to show the devastation in the hills. We were appalled. But not the forest department that is supposed to protect the trees.

"This is the best land for arum," boasted a forest official in Rangamati when we asked him the reason for such ignorance of his office. "It brings in huge revenue. We should encourage such practices along with banana and pineapple cultivation."

But where are the trees? Where are the forests? And where are the animals and birds and butterflies that are supposed to live there?

"Nothing is left. Absolutely nothing," he said. "All cut down by the Bangladeshes and the hills people. When you have no forests you have no animals."

He avoided talking about the lead role that the forest department took in the systematic devastation of the forests, about the mindless illegal logging with support of the corrupt forest staff, and the unacceptable forest management practices being done there that led to quick depletion of the forest.

But we find them out anyway. As we travelled the two districts--from Khagrachhari town to Massalong to Bagaihat to Bagaihatari to Pablaikhali to Mainimukh to Rangamati town--we witnessed how the forest and its wildlife got the least priority in the thinking and actions of the forest department and the governments well.

We found the indigenous people practising the Jhum cultivation on an unsustainable level, cleaning the entire hills. We found the hill people freely squatting on forest land, clearing off prime forests. And the Bangladeshes have done no lesser damage. Brought here in the 1980s to counter the insurgency threat of the Shanti Bahini, they have freely chopped off trees and turned prime forests into barren land. We found Jhumayari Ali from Rangpur in Pablaikhali forest of Rangamati who has squatted in the reserved forest and at least five acres of land around him does not have one single mature tree standing. He even does not feel the loss of trees.

"We have to eat. Standing trees will not give us food," he said as we pointed to his contribution to the disaster around. "What is the use if we do not use these trees. They are for us."

We found no forest control over the hills, no patrolling and no monitoring. It is today a free-for-all country. Come and clear away anything you like.

"In fact, the forest department was the main culprit to start off this devastation on the hills," says Dr Reza Khan. "In the name of rotation cropping, they have introduced a strange kind of forestry. They plant trees for 20 years or even less and then one day they think the trees are long enough to bring in money. They clear off hills after hills and sell the logs."

"And the forest department often engages the locals to do the job in exchange for a piece of land to cultivate. Dr Khan refers to what we had seen earlier in the day. Right in the middle of the reserved forest, we saw fresh encroachment as patches have been levelled for rice cultivation. We saw numerous such encroachments, old and new, inside the ravines of the hills. Sadly, reserved forests are supposed to be pristine forests, not farmlands."

"The forest department also engages the locals to do their bit of plantation in exchange for farming right," Dr Khan continues. "And once they get a hand on the forest, they keep pushing on and on until the whole hills are gone."

But why doesn't the forest department monitor such progress of encroachment? The answer came from a Bagaihat forester.

"What can we do? We cannot visit the hills because we are attacked and kidnapped. We simply do not dare to go there. So, the forests disappear and we have no clue about what's happening there," he admits to us.

And so as we travelled over 200 kilometres in the two districts of Khagrachhari and Rangamati, we hardly found two dozens of mature trees which are beyond the age of 40. From the distant, the hills look green not because of the existence of any tree but because of the overgrown undergrowth in the monsoon. And whatever trees still stand, they are hardly about 10-15 years old.

"This is a hell disaster for birds and animals," Dr Khan explains. "They have lost their habitat and so either they migrated to India and Myanmar or simply disappeared. That is what has happened to the white winged wood duck, which nesting I had seen these ducks in the 1980s. They are no more found

here. The same fate is awaiting the hornbills. Even in the 1960s, you could find Bengal Tiger here, the same kind that you find in the Sundarbans today. It disappeared. So are hundred other species of birds and animals. They are gone for ever."

"First the Bangladeshes started the killing of the forest as they settled down here and found no other means of livelihood," Dr Khan explains the deforestation process. "The forest staff joined in by using the settlers to chop off trees in exchange for bribes. And then the hills people put their stakes in the destruction. Today the indigenous people are the main destructors of the forest."

He recalls what he saw in 1997 soon after the signing of the peace accord with the Shanti Bahini which waged a bush war for more than two decades in the hills.

"It was an eerie sight as I saw hundreds of people chopping trees together all around. Chopping and taking away. Even the frail old women who could barely move were whacking at the trunks with machetes. It was a free take for all and everybody wanted to take away whatever they could. There was literally no checks, no controls, no forest department presence anywhere. It seemed that we were in a godforsaken country," he says.

And then we come across the strange introduction of alien trees--acacia, eucalyptus and teaks--all around that serve little purpose of having a forest. Miles after miles, the environment destructing acacia and eucalyptus trees are growing. They do not support any wildlife, and no plants and undergrowth can grow around them. They are planted just because they grow quickly and give the hills the phoney look of forests. They come to no other purpose than providing firewood. Still these foreign species are grown by the forest department. Teak that was brought to this country by the British has economic values for its wood, also does not support wildlife. And replacing the local species with foreign varieties has widespread ecological and biodiversity impacts.

But what shocked us the most is the forest department's mindless pruning of the teak. They chopped off the trees and left only the short stumps about four feet high. New branches have sprouted from the stumps, new leaves have sprouted. But that's just about it. These trees have been made bonas forever.

"They will never grow more than 10 feet or so," Dr Khan pointed out as we flipped up our camera memory cards with hundreds of pictures of hundreds of hill patches where such grotesque practice has been committed. "They will become teak shrubs at best with no economic value at all. This is blue murder."

On our way to Bagaihat from Massalong, we could see for miles the denuded hills looking like sprawling golf courses. In the monsoon they are capable of attracting exclamations from tourists for their green carpet like looks. But we knew they are the hollowed out souls of the forest that will soon be beyond any hope of rejuvenation because of fast soil erosion. When the tree cover is gone, the rain causes huge soil erosion, leading to landslides we could see all around--the unmistakable signs of red soil exposed after landslides. And we could see that the soil quality is deteriorating fast--when the topsoil is gone, exposed is the unfertile pebble like inner soil where trees will not grow again.

And the erosion is causing another massive problem in the form of siltation. The rivers are being silted up and a little rain leads to flash floods. The Bagaihat people testified how the Kasalong River that flows by this municipality town easily floods over the banks because of siltation. At Pablaikhali, we found the ravines that used to be full of water during the monsoon and irrigate the trees are dry now as water is slow to flow. And the biggest victim is the Kaptai hydro dam, which faces closure because of siltation. All the silts from the hills are flushed into the Kaptai Lake.

## Obaidul Quader

**FROM PAGE 16**  
August 4 for next hearing of the case.

Obaidul's counsel Qazi Nazibullah Hiru said he started vomiting soon after he was taken to court at around 10:00am. He was then rested in an adjacent room, and he lost consciousness.

The counsel also said his client is carrying 41 splinters in his body since the grenade attack on Awami League rally on August 21 in 2004. The AL leader's hands and legs, especially the right ones, are getting paralysed due to grenade injuries, he added.

Earlier, on July 15, Obaidul fell sick during the hearing of a bribery case in a special court.

Trial of three cases against him is going on in special court.

## Sidr-hit people

**FROM PAGE 16**  
The loan carries a service charge of 0.75 percent, has 40 years to maturing including a 10-year grace period.

The agreement was signed by Economic Relations Division Additional Secretary Mohammad Mejbahuddin and WB Country Director Xian Zhu.

## Shamim Iskander

**FROM PAGE 16**  
Chief Metropolitan Magistrate Golam Rabbani rejected the petition, saying entertaining such petitions oversteps his jurisdiction.

Defence lawyers argued that the Anti-Corruption Commission (ACC) had filed the case violating the provisions of law and with the malafide intention to harass him.

The prosecution opposed the quashment bid, saying investigations into the allegations against Shamim are now underway.

The ACC filed the case with Ramna Police Station against Shamim and his wife Kaniz Fatema on May 5 this year on charges of concealing information about over Tk 20.47 lakh of their assets in their wealth statement to the commission.

Shamim, brother of detained BNP Chairperson Khaleda Zia, was arrested from outside Khaleda's Shaheed Moimul Road residence on July 18. His name was on the second list of 50 corruption suspects.

He went into voluntary retirement from service at the age of 61 of the BNP-led alliance government.

## Ex-whip Ashraf

**FROM PAGE 16**

Haque Azad also issued a rule upon the government to show cause within four weeks why the petitioner should not be granted regular bail in this case.

The HC bench, upon separate petitions, stayed the proceedings against BNP leader and former housing and public works minister Mirza Abbas, former lawmaker Munshi Anwar, city ward commissioner Chowdhury Alam and Kaniz Fatema, wife of former prime minister Khaleda Zia's brother Shamim Iskander, in separate graft cases filed by the ACC.

It also issued separate rules upon the government to show cause why the proceedings against them should not be quashed.

The same HC bench again extended for three weeks the anticipatory bail of Dhaka City Corporation (DCC) Mayor Sadeque Hossain Khoka in a case filed by the ACC for illegally amassing wealth worth Tk 9.76 crore, and for giving false information to the ACC about his wealth.

Earlier, on July 7, the HC bench granted Khoka anticipatory bail in the case and stayed its proceedings until July 16 following a writ petition for quashing the case. The same bench on July 16 extended the bail till July 31.

## Nizami petition

**FROM PAGE 16**

corruption case filed by the Anti-Corruption Commission (ACC).

The HC bench comprising Justice Zia and Justice Farah Mahbub also sent the writ petition to the chief justice for his decision in this regard.

ACC's lawyer Khurshid Alam Khan yesterday told The Daily Star that after hearing the petition, the HC bench told lawyers that the bench would reject the petition.

The defence lawyers then prayed for issuing a rule upon the government to explain as to why the proceedings against their client in the case should not be quashed. But the court did not grant their prayer.

The lawyers then prayed for dropping the petitions from the HC bench's docket so that they could move the petitions to another HC bench.

Barristers Abdur Razzak and Belayet Hossain argued for Nizami.

On July 20, a division bench of the HC comprised of Justice Khademul Islam Chowdhury and Justice Mashuque Hosain Ahmed felt embarrassed to hear this writ petition.

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 and later released on bail.

On our way to Bagaihat from Massalong, we could see for miles the denuded hills looking like sprawling golf courses. In the monsoon they are capable of attracting exclamations from tourists for their green carpet like looks. But we knew they are the hollowed out souls of the forest that will soon be beyond any hope of rejuvenation because of fast soil erosion. When the tree cover is gone, the rain causes huge soil erosion, leading to landslides we could see all around--the unmistakable signs of red soil exposed after landslides. And we could see that the soil quality is deteriorating fast--when the topsoil is gone, exposed is the unfertile pebble like inner soil where trees will not grow again.

And the erosion is causing another massive problem in the form of siltation. The rivers are being silted up and a little rain leads to flash floods. The Bagaihat people testified how the Kasalong River that flows by this municipality town easily floods over the banks because of siltation. At Pablaikhali, we found the ravines that used to be full of water during the monsoon and irrigate the trees are dry now as water is slow to flow. And the biggest victim is the Kaptai hydro dam, which faces closure because of siltation. All the silts from the hills are flushed into the Kaptai Lake.

## Obaidul Quader

**FROM PAGE 16**  
August 4 for next hearing of the case.

Obaidul's counsel Qazi Nazibullah Hiru said he started vomiting soon after he was taken to court at around 10:00am. He was then rested in an adjacent room, and he lost consciousness.

The counsel also said his client is carrying 41 splinters in his body since the grenade attack on Awami League rally on August 21 in 2004. The AL leader's hands and legs, especially the right ones, are getting paralysed due to grenade injuries, he added.

Earlier, on July 15, Obaidul fell sick during the hearing of a bribery case in a special court.

Trial of three cases against him is going on in special court.

## Sidr-hit people

**FROM PAGE 16**  
The loan carries a service charge of 0.75 percent, has 40 years to maturing including a 10-year grace period.

The agreement was signed by Economic Relations Division Additional Secretary Mohammad Mejbahuddin and WB Country Director Xian Zhu.

## Shamim Iskander

**FROM PAGE 16**  
Chief Metropolitan Magistrate Golam Rabbani rejected the petition, saying entertaining such petitions oversteps his jurisdiction.

Defence lawyers argued that the Anti-Corruption Commission (ACC) had filed the case violating the provisions of law and with the malafide intention to harass him.

The prosecution opposed the quashment bid, saying investigations into the allegations against Shamim are now underway.

The ACC filed the case with Ramna Police Station against Shamim and his wife Kaniz Fatema on May 5 this year on charges of concealing information about over Tk 20.47 lakh of their assets in their wealth statement to the commission.

Shamim, brother of detained BNP Chairperson Khaleda Zia, was arrested from outside Khaleda's Shaheed Moimul Road residence on July 18. His name was on the second list of 50