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Judicial powers of Tac led to HC verdict against it

ASHUTOSH SARKAR

The Truth and Accountability Commission (Tac) was declared illegal because despite being a non-judicial organisation it was given judicial powers, said legal experts.

The constitution of the country does not have any provision for having an alternative to the judiciary, they said while talking to The Daily Star.

Upon a writ petition, the High Court (HC) on November 14 declared illegal and unconstitutional the Voluntary Disclosure of Information Ordinance 2008 through which the government formed the Tac for voluntary disclosure of corruption.

According to jurist Dr M Zahir, Tac's power to pardon people who

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Anti-graft drive stumbles on Tac

HC order against Tac catches govt off guard; over 80pc corruption cases stuck into HC stay

JULFIKAR ALI MANIK and EMRAN HOSSAIN

Thursday's High Court (HC) order declaring the Truth and Accountability Commission (Tac) illegal has dealt a body blow to the drive against high-profile graft suspects, observed those involved in the anti-graft efforts.

The caretaker administration is now seriously concerned about the fate of its anti-graft campaign, they added.

Tac chief Justice Habibur Rahman Khan has said the com-

mission would not function as long as the HC order remains operative.

Meanwhile, most of the graft cases at the special courts have been stayed for several months.

Officials concerned said the government measures against corruption have in fact ground to a halt because of the HC stay orders and ruling on Tac.

Senior counsel for the Anti-Corruption Commission (ACC) Anisul Huq said, "We must have the High Court stays on the graft cases vacated to ensure the anti-graft drive gets going. We'll

also try to obtain a stay on the judgment regarding the Truth Commission."

Huq, who had a role in drafting the voluntary disclosure ordinance, added, "The government has decided to appeal against the High Court order. My understanding is the commission was formed violating neither the constitution nor any other principles."

The idea of Tac came to the fore last year as a means to allow offenders an opportunity to admit culpability and deposit their ill-

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Depression intensifying in Bay

UNB, Dhaka

The depression over the west central Bay and adjoining southwest Bay moved slightly westwards and intensified into a deep depression yesterday.

It was centered about 1,200-km southwest of Chittagong port, 1,135-km southwest of Cox's Bazar port and 1,080-km south-southwest of Mongla port, said a special Met Office bulletin.

It is likely to intensify further and move in a west/northwesterly direction. Maximum sustained wind speed within 48-km of the depression centre is about 50 KPH rising to 60 KPH in gusts or squalls. Sea will remain moderate, it said.

Maritime ports of Chittagong, Cox's Bazar and Mongla have been advised to hoist distance cautionary signal number one.

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4-party walks on tight polls rope

Faces split as reformists, Jamaat desperately want election

RAKIB HASNET SUMAN

A whole new polarisation may arise centring the race for the December 18 parliamentary election if BNP keeps away from participating in it since some of its leaders and key ally Jamaat-e-Islami desperately want to contest the poll.

Political leaders concerned said the four-party alliance may split over differences regarding boycotting the election held on schedule. Jamaat and Jatiya Party may take part in the election separately in that case.

A few BNP leaders known as reformists said they would take

part in the election if it is held as per the announced schedule and if the party does not decide on their return to the party fold soon.

Jamaat insiders said the party is very much interested and ready to take part in the upcoming parliamentary election whenever it is held but the BNP leadership is trying to convince Jamaat leaders against participating in the December 18 polls.

Jamaat chief Motiur Rahman Nizami, however, recently said in a statement that the alliance would decide on the issue.

BNP insiders said the party had decided in principle not to take

part in the December 18 election unless its detained and convicted leaders are allowed to contest the poll.

Both BNP Chairperson Khaleda Zia and Secretary General Khandaker Delwar Hossain asked the government to release all their leaders and allow them to take part in the election.

"Many of our popular leaders were convicted by the lower court. So, we think they should be allowed in the poll until the highest court approves their conviction," a BNP leader told The Daily Star.

The BNP, which is not ready for

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3 milk centres fined

OUR CORRESPONDENT, Pabna

A mobile court Thursday fined three milk cooling centres of Pran Dairy, Akiz Food and Brac Dairy Tk 7,500 for non-compliance with health regulations in Pabna's Sujanager upazila.

The Pran centre was fined Tk 3,000, Akiz Tk 3,000 and Brac Tk 1,500, Sujanager Upazila Nirbahi Officer (UNO) Md Saiful Islam, who led the mobile court, said.

The court also collected milk samples from the three centres for test.

Earlier on November 3, another mobile court had fined milk cooling centres of Pran, Brac and Akiz Tk 10 thousand each and that of Aftab Milk Products Tk 15,000 at Demra Bazar in Faridpur upazila on charges of operating without registration.

The mobile court at the time also fined three milkmen in the area Tk 8,000 each for manufacturing

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MILK BRANDS WITHOUT REGISTRATION

Govt yet to act tough on trade

PORIMOL PALMA

The authorities have yet to take legal action against dishonest traders who illegally marketed Chinese powdered milk, proving either way the laxity of the government in protecting public interests.

Three infant formula brands -- Yashili-1, Yashili-2 and Sweet Baby-2 -- were marketed without registration with the Institute of Public Health and Nutrition (IPHN) until melamine scare began haunting consumers early September.

The Daily Star investigation found a fullcream powdered milk brand was also marketed by Lalmai Food Products Ltd without registration of the Bangladesh Standards and Testing Institution (BSTI). Marketing any infant and baby

food requires registration with IPHN, which banned the three brands in mid-September.

However, it has not taken any legal action against the importers. Mow Enterprise is the importer of Sweet Baby-2 and Allway Trading Ltd Yashili-1 and Yashili-2.

Tests conducted by the chemistry department of Dhaka University, Bangladesh Atomic Energy Commission, Bangladesh Council for Scientific and Industrial Research and an ISO-recognised laboratory in Bangkok found high level of melamine in all the three brands.

The High Court also banned these brands in Bangladesh.

Asked, IPHN Director Fatima Parveen Chowdhury told The Daily

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Country still reels from Sidr havoc

STAR REPORT

Monira still cries for her son Jihad. "Sometimes I just forget that he is no more," lamented Monira as she was talking over phone from Southkhali, a remote village near the Sundarbans.

The Baleshawar river was never so furious before. Monira, her husband Shamsul and her elder son Babu cheated death that night when the river waters sprang up atop the trees. But fate was not in favour of Jihad.

Many people from Southkhali believe the life they are living since devastating cyclone Sidr ripped through Bangladesh on this day a year ago is a bonus.

Like Southkhali in Bagerhat hundreds of villages in the coastal belt were ravaged as Sidr hit the

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Relatives of Sidr victims offer prayer at a mass grave at Southkhali in Bagerhat. The deadly storm lashed the country's coastal belt on this day a year ago.

PHOTO: STAR

Obama eyes Hillary as US secy of state

AP, AFP, Chicago/Washington

Sen Hillary Rodham Clinton is among the candidates that President-elect Barack Obama is considering for secretary of state, according to two Democratic officials in close contact with the Obama transition team.

Hillary Clinton, the former first lady who pushed Obama hard for the Democratic presidential nomination, was rumoured to be a contender for the job last week, but the talk died down as party activists questioned whether she was best-suited to be the nation's top diplomat in an Obama administration.

The talk resumed in Washington and elsewhere Thursday, a day

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EC legally bound to hold polls by Dec

It promised to SC in an affidavit in May

SHAKHAWAT LITON

The Election Commission (EC) now considers holding of the ninth parliamentary election within December a legal obligation as the commission in an affidavit to the Supreme Court has promised to do so.

"We told the court in an affidavit that we would hold the ninth parliamentary election within December. Now we have no scope to deviate from the commitment," Election Commissioner Muhammed Sohel Hussain told The Daily Star on Thursday.

In the affidavit submitted to the High Court (HC) Division of the Supreme Court on May 6 this year, the EC promised that it would hold the stalled ninth parliamentary election within December 2008 according to the electoral roadmap announced by the EC on July 15 last year.

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KHALEDA-HASINA DIALOGUE

Govt interested for sake of Dec 18 polls

AL focuses on polls; Delwar says 7-point, not talks, to remove poll uncertainty

STAFF CORRESPONDENT

Education Adviser Hossain Zillur Rahman yesterday said the government will strive to bring Sheikh Hasina and Khaleda Zia to the negotiating table, as it believes dialogue between the two will remove uncertainty over the December 18 election.

The same day Awam League (AL) President Sheikh Hasina once again said she will sit with her opposite number in BNP, but matters relating to the upcoming parliamentary polls will have to be top of the agenda.

Her special aide Hasan Mahmud said, "Our leader is ready to be in dialogue with Khaleda Zia

despite serious reservations of our leaders and workers. She wants to participate in the discussions for the sake of the country."

The BNP chief, on the other hand, has already said she prefers talks on the country's overall situation to those restricted to specific subjects.

BNP Secretary General Khandaker Delwar Hossain meantime differed with the education adviser on his observation that uncertainty over participation of all parties in the December 18 election will go away with talks being held between the two former prime ministers.

He said the dialogue will have

SEE PAGE 15 COL 3

Kathmandu keen on sharing power with Bangladesh

AGENCIES, New Delhi

Thailand and Nepal want to expand the existing bilateral relations with Bangladesh through Bimstec.

The prime minister of the two countries expressed the similar views at separate meetings with Chief Adviser Fakhruddin Ahmed on the sidelines of the second Bimstec summit here on Thursday.

During talks with Thai Premier Somchai Wongsawat, the chief adviser invited Thai investment in Bangladesh, especially in infrastructure, availing of the investment friendly environment and attractive incentives for foreign investors.

The CA also asked for sharing Thai experience in fishery and poultry sectors.

The Thai premier happily accepted the offer and assured that he would encourage his country's

SEE PAGE 15 COL 4



PHOTO: STAR

Toxic wastes of tanneries overflow the road near Jigatala Post Office in the capital after a nearby drain got clogged.

Rejoinder, our reply

Two private universities differed with some points of a report titled "Certificate Trade in Guise of Teachers' Training" published in The Daily Star on November 8.

Northern University Bangladesh (NUB) in its rejoinder said the name of NUB was "erroneously" included in the list of institutions that provide poor-quality education or training.

The rejoinder claimed that NUB stopped admission of students in BEd and MED programmes since summer 2007 and fall 2007 semesters due to poor response from students.

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World leaders head for US, recession grips Euro zone

AGENCIES, Washington

World leaders headed to Washington on Friday to try to find ways to tackle a global economic crisis that has plunged much of Europe into its first recession since the euro currency was formed.

The worst financial crisis in 80 years has weakened the world's major economies and official data showed the 15-nation euro zone economy had shrunk by 0.2 percent for the second quarter in a row.

"We think that the situation is

likely to get worse before it gets better," said Nick Kounis, an analyst at Fortis Bank.

"We will probably see further falls in output in the first few months of next year, before a gradual improvement later in the year, but we think that there will be no real recovery before 2010."

Analysts said they expected the European Central Bank to cut interest rates further to try to spur economic growth.

President George W Bush and other world leaders are gathering

to explore options for relief and to work on ways to prevent similar credit and financial calamities from happening again.

It's a tall order, but Bush is hopeful that some common ground for action can be found at the extraordinary summit, which begins with a dinner Friday followed by closed-door deliberations on Saturday.

Ahead of the summit, Bush warned his counterparts on Thursday not to crush the global economy under a raft of strict new

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