

# Sheer neglect of public interest

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To the utter dismay of people, most High Court directives regarding 500 Public Interest Litigations (PILs) over the past two decades have gone down the drain.

The reluctance of the authorities concerned, lack of monitoring system, shortage of resources and even flaws in the directives are blamed for the non-implementation of the orders issued to safeguard the public interest.

The HC on April 29, 2010 directed the then Dhaka City Corporation (DCC) and the Rajdhani Unnayan Karttripakkha (Rajuk) authorities to remove or demolish illegal hoardings in the capital with assistance from Dhaka Metropolitan Police (DMP).

The HC also lifted its 2007 stay on a government order that barred the erection of billboards on rooftops.

Subsequently, the Supreme Court stayed a part of the HC order that lifted the stay, allowing billboards to be erected on rooftops, according to Rajuk's lawyer Manzill Murshid.

The full text of the HC verdict has not been released yet.

**DIRECTIVES ON POLICE REMAND IGNORED**

Police are by and large ignoring HC

directives on taking a person, arrested under Section 54 of the Code of Criminal Procedure (CrPC), on remand.

The HC on April 7, 2003 ruled that a person arrested under Section 54 cannot be taken on remand for interrogation without the approval of the metropolitan sessions judge or the district and sessions judge.

It also said that an accused has to be interrogated by the investigation officer (IO) in prison instead of in a police interrogation cell. Then again, it has to be done in the presence of the relatives and lawyers of the accused. The entire quizzing has to be conducted behind a glass door so that they can see whether the accused is physically tortured.

The court, in a series of guidelines mandatory for the authorities, said an accused has to be medically examined before and after police remand.

If an accused complains of torture during remand and medical examination proves it, action will be taken against the IO on the basis of his complaints, the HC said.

The directives were issued following a PIL filed by some human rights groups and individuals following the

SEE PAGE 11 COL 2



**Bike riders plough through the pavement on Kazi Nazrul Islam Avenue in Dhaka, terrifying pedestrians. Little action has been taken since the High Court ordered a stop to such activities in 2012.**

PHOTO: STAR

## HC orders ignored

FROM PAGE 1

For instance, the HC in March 2012 asked the authorities to stop bikers from using footpaths in the capital to ensure safety of the pedestrians. But nobody seemed to have cared. Most of the city's footpaths have now become "bike-paths," which are used even by law enforcers.

In June that year, the court slapped a ban on private CNG-run auto-rickshaws plying the Dhaka streets as commercial vehicles illegally. This too fell on deaf ears and a significant number of them -- ash, grey and silver in colours -- still operate as commercial vehicles.

Even the Supreme Court authorities did not act on a 2001 HC directive for setting up a cell to monitor the implementation of its orders issued upon public interest litigations (PILs).

Legal experts say the reluctance of the authorities, lack of monitoring systems and resources and flaws in some directives are the main reasons behind this.

"These directives are often sweeping and oversimplified and almost impos-

sible to implement. And the resources required to implement these are often so huge that the government may not be in a position to execute those," said eminent jurist Shahdeen Malik.

Bureaucratic inefficiency and vested interests are also to be blamed for their non-implementation, he told this correspondent.

Khurshid Alam Khan, editor of Dhaka Law Report, held bureaucratic tangles and lack of government monitoring responsible for this.

The government can set up a monitoring cell to oversee the execution of the HC directives, he said, adding that the court might also ask for compliance reports on the orders.

Manzill Murshid, president of Human Rights and Peace for Bangladesh, which has moved more than 150 public interest litigations before the HC since 2007, thinks a lack of will on the part of the administration in most cases is to be blamed for the non-execution of the directives.

Most of the HC directives issued to safeguard people's interests and rights

since the independence have been ignored.

"It happens as the field-level officials show little respect for the law, and also because of the pressure from the influential people whose interests are hurt by the court order," he added.

Manzill also blamed the negligence of petitioners and their lawyers for this.

"A few High Court orders were not implemented due to stay orders from the Supreme Court and also because their full texts were not released," he said.

**HC DIRECTIVES DEFIED**

In June 2009, the HC ordered the government to take immediate steps to dredge the four rivers around Dhaka -- the Buriganga, the Turag, the Balu and the Shitalakkhya.

The court also ordered the authorities to determine their boundaries in two years and improve their navigability in five years. Directives were given also to set up pillars and walkways and plant trees on the river banks by November 2010.

Almost five years have passed since, but very little has been done in this

regard, environmentalists say.

Syeda Rizwana Hasan, chief executive of Bangladesh Environmental Lawyers Association (Bela), thinks the government is not sincere enough to implement the orders.

"In my view, none of the High Court directives were executed properly, although the government complied with those in pen and paper," she told The Daily Star earlier this year.

In February 2001, the HC ordered the authorities to keep the pavements and lanes of Dhaka city clean for the public. It also asked the authorities to remove construction materials from the footpaths.

In the same order, the court urged the chief justice to direct the Supreme Court to form a cell to monitor compliance of its directives.

Thirteen years on, SC Registrar AKM Shamsul Islam claimed that his office did not receive a copy of the directive.

The bench of Justice Abu Sayeed Ahammed and Justice Khademul Islam Chowdhury directed the inspector general of police to submit a report on compliance of the directives to the

SC registrar and the government every three months, but in vain.

Rizwana Hassan says the authorities have not complied with the directives as the government does not have a political will to make Dhaka city habitable.

The environmentalist lawyer said condition of footpaths, roads and streets in Dhaka has not improved; rather they have worsened in recent years.

The HC order on the relocation of environmentally hazardous tanneries from the capital's Hazaribagh is another example of government's failure to execute important directives.

In 2003 and again in 2009, the court directed the government to either shift all tanneries to a specialised industrial zone in Savar or shut those down. The latest HC order asked the government to execute the directive by February 28, 2010.

More than four years after the deadline, nothing mentionable has been done.

Last week, the bench of Justice

Ashfaul Islam and Justice Ashrafur Kamal issued a contempt of court rule on 14 current and former government officials for failing to relocate of the tanneries within the deadline.

And like many other HC orders, the authorities could not implement the HC directive to stop police from illegally taking people, arrested on suspicion, on remand.

Contacted, Shipping Minister Shajahan Khan said they have implemented the HC directive on saving the four Dhaka rivers to a large extent.

On relocating the tanneries, he said, "We are trying to do it; it will take a little more time."

The Daily Star tried to contact Dhaka Metropolitan Police Commissioner Benazir Ahmed for his comment on the implementation of the HC orders on stopping bikes from plying the footpaths and stopping private CNG-run auto-rickshaws from operating commercially. But he did not pick up the call.

He also did not reply to the text message on his mobile phone last night.

## Judicial probe ordered

FROM PAGE 16

passed the order after the hospital authorities and family members of the deceased filed two separate cases against each other.

In their case, the hospital authorities also accused a Dhaka Metropolitan Police (DMP) officer for instigating the attack on three doctors following the patient's death on April 13.

Additional Superintendent of DMP ABM Masud Hossain was withdrawn on Wednesday following angry protests and a two-day work abstention by the aggrieved physicians.

Sirajul Islam, 57, who had long been suffering from diabetes, died in the hospital on April 13.

Following the death, the relatives of the patient assaulted and injured Dr Anowar Hossain, Dr Kalyan Devnath and Dr Shamima Akter of Endocrinology department.

Doctors later claimed that Masud had instigated the relatives to attack their colleagues.

Md Manik Mollah, senior security supervisor of Birdem, filed the case with the Chief Metropolitan Magistrate's Court yesterday against four named people, including Masud, and at least 25 unnamed people.

The three other named accused are

Ishahaq Hossain Babu, assistant personal secretary of former state minister for labour Begum Munnunjan Sufian, Farhana Nasrin, daughter of Sirajul, and Abir Hossain.

**CASE AGAINST DOCTORS**

Farhana Nasrin filed a counter case against five doctors of Birdem on charge of killing his father in wrong treatment.

The accused doctors are Dr Shamima Akter, Dr Anowar Hossain, Dr Kalyan Devnath, Dr Feroz Amin and Dr Azad.

In her case statement, Farhana mentioned that her father was admitted to Birdem on April 9. Sirajul felt sick with respiratory problem about 4:00pm on April 13.

She then requested the accused doctors to provide oxygen to her father. But they did not pay heed to her request, rather asked her and other relatives to leave within a minute.

At one stage, the accused doctors forced them to leave the hospital premises.

About 9:00pm, Farhana and her family members came to know that her father had died around 8:15pm due to their [doctors'] negligence, said Farhana.

Following the death of her father, she went to file a case against the doctors, but police refused to register it.

## Lok Sabha war heats up

FROM PAGE 16

The next round of voting is on April 24. Voters of 117 constituencies in Assam, Bihar, Chhattisgarh, Jammu and Kashmir, Jharkhand, Madhya Pradesh, Maharashtra, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal, Puducherry will vote that day.

Leading the VVIP pack is Karnataka, which witnessed as many as six former chief ministers (including former PM HD Devegowda) in the poll fray. The others are M Veerappa Moily (Chikballapur) and N Dharam Singh (Bidar) of the Congress, BS Yeddyurappa (Shimoga) and DV Sadananda Gowda (Bengaluru North) of BJP and HD Deve Gowda (Hassan) & HD Kumaraswamy (Chikballapur) of Janata Dal (Secular).

Karnataka is followed by Uttar Pradesh and Uttarakhand, where former three chief ministers are in the poll battle. BJP chief Rajnath Singh is trying his luck from Lucknow, while SP supremo Mulayam Singh Yadav would be facing election test from Azamgarh and Mainpuri parliamentary constituencies. Jagdambika Pal, who has the dubious distinction of being the CM for one day, is contesting on a BJP ticket from Domariyagnaj.

The former chief ministers from Uttarakhand are all the BJP stalwarts Major General BC Khanduri (Garhwal), Ramesh Pokhriyal Nishank (Hardwar) and Bhagat Singh Koshiyari (Nainital-Udhamsingh Nagar).

Some of the states which have two former CMs in the poll fray are: Jammu & Kashmir from where Farooq Abdullah (National Conference chief) and Ghulam Nabi Azad of Congress are contesting respectively from Srinagar and Udhampur. Similarly, two former chief ministers of Maharashtra (both Congressmen) - Ashok Chawan and Sushil Kumar Shinde are trying their luck from Nanded and Solapur parliamentary constituencies respectively.

The tiny state of Goa too has two ex-CMs -- Churchill Alemao (Trinamool Congress) and Ravi Naik (Congress) in fray from South Goa and North Goa respectively. In Bihar, two former chief ministers -- Rabri Devi of Rashtriya Janata Dal and Ram Sundar Das of Janata Dal (United) would facing the election test from Saran Lok Sabha seat and Hajipur respectively. In neighbouring state Jharkhand, former chief ministers -- Shibhu Soren (of Jharkhand Mukti

Morcha) and Babulal Marandi (Jharkhand Vikas Morcha-Prajatantrik) would be facing each other at Dumka parliamentary constituency. Ex-CM of Delhi Arvind Kejriwal (Delhi) would be contesting against BJP's prime ministerial candidate Narendra Modi from Varanasi, while Sushma Swaraj is BJP candidate from Vidisha in MP.

Apart from this former chief ministers -- Amrinder Singh (Punjab) is contesting against senior BJP leader Arun Jaitley from Amritsar, while Uma Bharti (ex-CM of MP) is BJP's candidate from Jhansi. Former chief ministers of Odisha (Giridhar Gomang), Chhattisgarh (Ajit Jogi) and Gujarat (Shankar Sinh Vaghela) are contesting the 16th general elections from the parliamentary constituencies of Koraput, Mahasamund and Sabarkantha respectively.

Voting runs until May 12 and results are due on May 16.

Congress, led by the Nehru-Gandhi dynasty, is forecast to suffer its worst-ever defeat after a decade in power due to the economic slowdown, high inflation and repeated graft scandals. The party has ruled India for more than 50 of its 67 years of independence.

## INFLUX OF BANGLADESHIS Dhaka should compensate with land

Says BJP leader

STAR REPORT

A senior leader of Bharatiya Janata Party (BJP) has said Bangladesh should compensate India with land for "the influx of its citizens" into the neighbouring country.

"If Bangladesh does not agree to take back its people, then the country should compensate by giving land to India," Subramanian Swamy said in Guwahati on Friday.

"I am extremely distressed by the extent of illegal infiltration from Bangladesh. According to my estimate, one-third of Bangladesh's population lives in India," added the BJP leader.

He, however, said his views on infiltration and land compensation were his own and not his party's, reports The Times of India.

India's secularism would be under threat if infiltration of "a particular religion" is allowed to go on, he said, adding: "We have to be very careful, otherwise our secularism will be

SEE PAGE 11 COL 5

## BNP to hold 6 rallies

FROM PAGE 1

would hold a rally in the city at 9:00am on Wednesday before starting off towards the barrage, he said, expressing the hope that the government would extend cooperation so that they could carry out their programme.

The march would end after another public rally at Dalia area of Nilphamari at 11:00am on Wednesday.

Claiming their programme was

aimed at protecting national interest, Rizvi warned that those who would try to stop their programme would be considered "enemies of the nation".

He also said the government would be more isolated if it tries to resist the programme.

Rizvi said India has put Bangladesh's environment in danger by building dams one after another over shared rivers. "India has put lives

of 3-4 crore Bangladeshis in danger by withdrawing the Teesta water, but the government is least bothered about it."

He alleged that the current "illegal regime" was too eager to protect the interest of the neighbouring country jeopardising Bangladesh's water resources.

The BNP-led 19-party alliance in a meeting on Thursday night extended its support for the programme.

## Khaleda unhappy over Jamaat role

FROM PAGE 1

opposition alliance said Khaleda in the meeting asked Jamaat representative MA Halim why the Islamist party has no activities at present.

"She [Khaleda] also enquired whether the Jamaat has reached a deal with the government to save its top leaders now facing war crimes trials."

Khaleda also warned Halim that "secret negotiations or understanding" with the government will not save the top Jamaat leaders who are behind bars.

"You [Jamaat] do not know the Awami League. It has no character. You will not be benefited at the end of the day even if you lobby with the government," the chairman of an ally quoted Khaleda as saying at the meeting.

In response, Halim said he feels happy that the BNP chief has expressed her annoyance over the Jamaat.

"From your criticism we will be able to correct ourselves. The Jamaat will play an active role in any programmes of the 19-party alliance as in the past. The Jamaat played a leading role in the recent anti-government movement. We suffered huge losses as many of our leaders and activists died in the movement. We will also play an appropriate role in the upcoming movement."

Pointing to Shafi's remark that the Hasina government, AL and BCL are their friends, Khaleda said the Hefajat chief was in a movement centring on a particular issue. "But what he is saying is not acceptable."

Khaleda also raised the question of whether the Hefajat boss too had reached any understanding with the government in exchange of something.

She also enquired of Khelafat Majlish Chairman Mohammad Ishaq

and IOJ chairman Abdul Latif Nejami to this end.

In reply, Nejami said due to his increasing age, the Hefajat chief is out of his sense most of the time.

Out of 12 upazilas in Bogra district, Jamaat-backed chairman candidates won in five upazilas while BNP favourites got the rest.

The Jamaat defeated BNP men in Sherpur, Nandigram, Kahalu and Shibganj of Bogra, triggering anger among BNP grassroots.

The local BNP already has expressed its resentment before its central leaders.

Khaleda Zia said that the Jamaat should go "soft" in the elections in Bogra as it is the birthplace of BNP founder and late president Ziaur Rahman. She also lambasted the party for contesting from her electoral constituency in Feni.

## Mufti Hannan, 5 others indicted

FROM PAGE 16

Hannan and Jewel were present in the dock yesterday.

Among the other accused, Shaku is behind bars while Obaidullah is still at large and Morsalin and Mottakin are languishing in an Indian jail.

On May 2, 2013, Criminal

Investigation Department (CID) of police pressed charges against the six.

Police also cleared 31 people, including the district BNP President Taimur Alam Khandaker, of the charges.

During investigation into the cases, Ehsanuddin Chowdhury, assistant superintendent of police of

Narayanganj CID, found involvement of eight people in the bomb attack.

But the charge-sheet was pressed against six people.

The two cases -- one for the killing and the other under the explosive substances act -- were filed against 39 people after the bomb attack on the AL's office.