

SC rejects Khaleda's petitions

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no illegality in the appointment of Judge Bashudev Roy of the Special Judge Court-3 of Dhaka.

On March 19, the court of Bashudev framed charges against the former prime minister, Khaleda, and eight others in the Zia Charitable Trust and the Zia Orphanage Trust graft cases filed by the Anti-Corruption Commission.

Following yesterday's apex court orders, there is no legal bar for the court of Bashudev to proceed with the trial proceedings of the cases against Khaleda and others, Attorney General Mabhubey Alam told reporters.

ACC lawyer Khurshid Alam Khan told The Daily Star that the SC yesterday affirmed the June 19 HC verdict which did not find any illegality in the appointment of the lower court judge.

The lower court can start recording statements from prosecution witnesses in the cases against the accused on September 17, he added.

However, Zainul Abedin, lawyer of

Khaleda, said the trial court cannot continue the cases as two more leave-to-appeal petitions filed by Khaleda in connection with the two graft cases are pending with the SC.

The leave-to-appeal petitions were filed, challenging another HC verdict that rejected two other writ petitions lodged by Khaleda against the charge framing orders against her and eight others in the same cases.

Zainul also said they will pray to the lower court on September 17 to adjourn the proceedings of the cases.

"We may file a review petition with the SC against today's [yesterday] order after consulting with the party chief [Khaleda]," he added.

Yesterday, a five-member bench of the Appellate Division of the SC headed by Chief Justice Md Muzammel Hossain dismissed the two leave-to-appeal petitions of Khaleda.

ZIA ORPHANAGE TRUST

GRAFT CASE

The ACC in July 2009 filed the Zia

Orphanage Trust graft case against Khaleda, Tarique Rahman and four others for embezzling over Tk 2.1 crore through the "fake" trust.

The four other accused are former BNP lawmaker Kazi Salimul Haque, businessman Sharuddin Ahmed, former principal secretary Kamal Uddin Siddiqui and Momenur Rahman -- a nephew of BNP founder Ziaur Rahman.

ZIA CHARITABLE TRUST

GRAFT CASE

On August 8, 2011, the anti-graft body lodged the Zia Charitable Trust graft case against Khaleda and three others for abusing power in setting up the charity.

The other accused are Harris Chowdhury, Khaleda's former political secretary, Ziaul Islam Munna, assistant private secretary (APS) of Harris, and Monirul Islam Khan, APS of former Dhaka City Corporation mayor Sadeque Hossain Khoka.

Harris, Momenur and Kamal Uddin remain absconding.

Evil rules as state sleeps

FROM PAGE 1
essential commodities at fair prices along with food adulteration and contamination.

Later, governments responded with tougher legal provisions when the traders and companies continuously over the years adulterated and contaminated food items to make more profit.

The governments had also put emphasis on food safety in various national policies, including the one on health, food and nutrition.

This clearly shows the governments were always aware of the situation and had taken steps to protect people.

But people are still not being protected as the laws do not rule. Rather, the individuals and companies involved in food adulteration and contamination rule the market.

Advocate Sultana Kamal, a leading human right campaigner, said the situation only deteriorated because the criminals had not been punished. "Seeing that nothing happens even after a crime is committed, some people would do anything for profit. And exactly that's what is happening here," she told The Daily Star recently.

Jurist Shahid Malik, however,

said, "... probably our state is not keen on the rule of law.

"The state itself ignores and violates law. Such an attitude of the state towards the law has infiltrated or spread among different segments of the society, including food producers and sellers," he told The Daily Star yesterday.

Parliament, which has been enacting the laws, remains silent about the non-enforcement of the legislations. In so doing, parliaments in last more than four decades ignored their constitutional obligation to review the enforcement of laws and propose measures for such enforcement.

Similarly, parliament does little to hold the government accountable for its failure to properly enforce the laws regarding food safety.

Parliament, even though elected by the people, cannot act as a forum for ventilation of people's grievances, their difficulties and their anxieties.

Asked about the constitutional provision {article 76 (2) (b) of the constitution}, Suranjit Sengupta, chief of the parliamentary standing committee on the law ministry, said parliament has the responsibilities to review

the enforcement of existing laws.

"It may ask the ministries concerned to enforce the laws properly if there is any lack of efforts," he said, adding, "This practice however has not been established."

Malik, however, blames the huge number of laws on any single issue. "Numerous and varied laws on any matter usually marginalise the impact of the laws. Parliament may want to review all food related laws," he added.

The non-enforcement of laws on food safety also shows how the state has been unable to uphold one of its fundamental principles dealing with people's basic needs.

Article 15 of the constitution states that it shall be a fundamental responsibility of the state to attain ... a steady improvement in the material and cultural standard of living of the people with a view to securing to its citizens the provision of the basic necessities of life, including food, clothing, shelter, education and medical care.

In Malik's view, "Food is the first basic necessity. The existence of the state may be questioned if it does not take necessary steps to ensure safe food for its citizens."

On August 22 this year, police submitted the charge sheet against Fakhrul and 60 other leaders and activists of the then BNP-led 18-party alliance.

On that day, the investigation officer had appealed to the court for issuance of arrest warrant for Fakhrul and two BNP activists -- Mohammad Ali and Md Nasir Uddin.

The court yesterday also issued arrest warrant for the two as they did not appear before it.

Following the court order, Mirza Fakhrul's arrest warrant was sent to the Uttara Police Station as he lives in Uttara in the capital, according to sources.

According to the charge sheet, a group of opposition activists led by BNP leader Salauddin Ahmed torched several vehicles after blocking the Postogola-Narayanganj highway on December 9, 2012.

The opposition activists also attacked law enforcers and prevented them from discharging their duties. Mirza Fakhrul had directed them to commit the offences, it said.

Later in the day, the Kadamtali police filed the case against 77 opposition leaders and activists, including Salauddin Ahmed. Afterwards, Mirza Fakhrul was named in the first information report as an instigator.

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Retired Lt Col Rick Francona -- an Air Force veteran intelligence officer and CNN military analyst -- surmised that if ISIS planned to dissuade Britain for

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SH HOSINA

Minister

peoples Republic of Bangladesh.

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