

Bangladesh now a role model for dev

Says PM

The Daily Star correspondent was denied access to yesterday's programme marking the Awami League's 66th founding anniversary. The newspaper here carries the UNB report on the event.

UNB, Dhaka

Awami League President and Prime Minister Sheikh Hasina yesterday said no one could deny her party's contributions as it has brought achievements in every field for the country and its people.

"Bangladesh has gained its independence under the leadership of Bangabandhu and the Awami League. The party got the whole nation united irrespective of political affiliations," she said.

The AL chief was addressing a discussion marking the 66th founding anniversary of the Awami League at the Bangabandhu International Conference Centre.

Presiding over the meeting, she said those who had once neglected Bangladesh, now consider it a "role model for development" and it has been possible only because of Bangladesh Awami League.

She said the people of Bangladesh got something whenever the AL took office.

Recalling Father of the Nation Bangabandhu Sheikh Mujibur Rahman's contribution to the Land Boundary Agreement, Hasina said that

in 1974 the then Awami League government had ratified the LBA in parliament through the third amendment to the constitution.

"India has ratified the LBA recently, 40 years after Bangladesh did. Had Bangabandhu been alive, the LBA would have been implemented much earlier," the PM told the meeting.

After Bangabandhu's assassination in 1975, Hasina alleged, many governments, including that of Ziaur Rahman, HM Ershad and Khaleda Zia, had grabbed power and demonstrated their anti-Indian statements, but could not dare to raise the just demands of Bangladesh before India. Even, she said, they could not raise their voice regarding the LBA.

The AL chief said her party played the key role in all achievements of the nation since its formation in 1949 on this day.

She said Bangabandhu was the country's first president, Tajuddin Ahmed the country's first prime minister and Syed Nazrul Islam the first acting president.

Senior AL leaders also spoke at the discussion.



Rescuers work through the rubble at a wall collapse site at East Madarbari of Chittagong city yesterday.

PHOTO: STAR

Rise of a parallel judiciary?

FROM PAGE 1

Monday are translated into law through the parliament it will quell another long standing demand of the admin cadres.

The admin officials had lost their judicial power following separation of the judiciary from executive in November 2007 during the caretaker government. This had made them unhappy. They had staged a showdown in the capital and demanded their judicial powers stay untouched.

In face of strong protests, the then caretaker government had relented to give them some judicial powers. The then president promulgated an ordinance empowering executive magistrates to run mobile courts to maintain law and order. It however allowed them only to fine individuals for an offence. That ordinance ceased to have effect in February of 2009.

The Awami League that assumed office in early January of 2009 however offered an olive branch to the admin cadres. A new ordinance was promul-

gated increasing the executive magistrates' power to run the mobile courts. It empowered them to sentence offenders up to two years imprisonment in addition to their earlier powers to impose monetary fine.

Later the AL-led government had given the ordinance a permanent shape by enactment of the Mobile Court Act 2009 in parliament.

At the beginning the executive magistrates running the mobile courts were empowered to hold trials of offences under a handful of laws. But over the years the number of laws has increased to around 100.

The executive magistrates have even been empowered to hold trial of electoral offences ignoring the opinion of the general administrative committee of the Supreme Court.

In December 2008, the SC committee headed by the then chief justice unanimously decided that only experienced judicial magistrates should be engaged to hold trials of electoral

offences.

The SC's opinion had prevented the Election Commission from deploying the executive magistrates to hold trials of electoral offences in the parliamentary election held on December 29 in 2008.

The government's latest move to further empower the executive magistrates shows its willingness to bend over backwards to keep the bureaucrats happy.

Earlier, the AL-led government had brought changes in the Anti-Corruption Commission Act 2004 introducing a provision in 2013 that made it mandatory for the anti-graft body to take prior permission from the government to file cases against bureaucrats on charge of grafts. This was done to meet a demand of the admin cadres. The government was heedless of the growing criticism and outcry against the move.

The High Court in January 2014 however has scrapped the amendment to the ACC law labelling it unconstitutional for its discriminatory nature.

To make the bureaucrats happy, the

government had also enacted a new law in 2013 on contempt of court that had given the public officials legal protections. The same year the High Court had scrapped those provisions that offered discriminatory protection to the bureaucrats from contempt of court.

The fate of the Mobile Court Act 2009 also still hangs in balance.

The High Court in response to a writ petition on October 18, 2011, questioned the legality of mobile courts and asked the government to explain within four weeks why the provisions of the law that empower executive magistrates to exercise judicial powers through mobile courts should not be declared unconstitutional.

The petition is still in the hearing list of the High Court, Barrister Hassan MS Azim, who appeared for the petitioner, told The Daily Star on Monday.

However, Al-Amin Sarkar, deputy attorney general, said he is yet to receive any government reply in this regard.

This clearly shows the government's

attitude towards the judiciary.

From the very beginning the Mobile Court Act 2009 has generated intense criticism.

Some legal experts argue that running mobile courts through executive magistrates is unconstitutional and it goes against the spirit of the SC's milestone verdict in the Masdar Hossain case on the separation of judiciary and the executive branch. That verdict restored the judiciary's supremacy over the executive in judicial procedure.

However, the government has paid no attention to the criticism against empowerment of the executive magistrates. This has resulted in setting a unique instance in Bangladesh's judicial system which does not have any precedence in other countries including India and Pakistan.

Mobile courts were introduced in India in 2007 and in Pakistan in 2013. The aims and objectives are the same—to provide legal services to people in remote areas. The mobile courts also work to

create awareness among people. The mobile court system has been expanding there. In both countries, the mobile courts are run by judicial officials under supervision of the higher judiciary.

This can be applied in Bangladesh by empowering judicial magistrates to run mobile courts under the control and supervision of the Supreme Court. It is necessary for the sake of maintaining the spirit of the separation of the state powers.

If the government's policy to keep empowering executive magistrates continues, it might give rise to a new judicial system parallel to the country's judiciary. And if so, a grave danger will be waiting for us.

To understand the peril we can look to Baron Montesquieu, the great 18th century political philosopher and promoter of the theory of separation of powers. He says there is no liberty if the power of judging is not separated from the legislative, and the executive and if judging powers were combined to the executive power, the judge might act

HC clears way for Moudud's graft trial

STAFF CORRESPONDENT

The High Court yesterday cleared the way for a Dhaka court to run a land-related corruption case against senior BNP leader and former minister Moudud Ahmed.

The Anti-Corruption Commission filed the case with Gulshan Police Station on December 17, 2013 against Moudud and his brother Monjur Ahmed on charges of grabbing government land worth over Tk 300 crore in Gulshan.

On September 14 last year, Judge Md Jahurul Haque of the Senior Special Judge's Court of Dhaka took cognisance of the charges in Moudud's presence.

Yesterday, the HC rejected a petition filed by Moudud challenging the legality of the lower court order accepting the charges.

The bench of Justice Md Moinul Islam Chowdhury and Justice JBM Hassan delivered the verdict, saying the lower court took cognisance of the charges through a reasonable and legal procedure.

After the HC verdict, Moudud told The Daily Star he will move an appeal before the Appellate Division of the Supreme Court against the HC verdict.

"The High Court verdict is not fair, since it didn't consider the 16 decisions, which I cited from the Supreme Courts and High Courts of Bangladesh and India along with my arguments. All those decisions are in my favour," he said.

ACC's lawyer Khurshid Alam Khan told this correspondent that there is now no legal bar for the lower court in continuing trial proceedings against Moudud and his brother in the case following the HC order.

Moudud is on bail at present in this case while his brother Monjur Ahmed on the run, Khan added.

Invest abroad

FROM PAGE 1

Labuan Visa and resident permits were not available for Bangladeshis until 2013 when Kuala Lumpur decided to offer them this facility.

However, there is no official data on how many Bangladeshis have obtained Labuan Visa since it was made available.

"A lot of Bangladeshis are taking the opportunity by opening a company in Malaysia," said Akhtarul Amin, a consultant who runs three offices in Dhaka city to render services to a growing number of clients.

Several immigration consultants told The Daily Star that many Bangladeshis -- from businesspeople to politicians -- are going to Malaysia on Labuan Visa to start businesses there.

"Getting a business visa is less costly than a visa under the MM2H programme. It is also hassle-free. A two-year visa is given on condition that

the applicant opens a firm in Malaysia," said Dewan Maruful Kabir, director of Visa Global Express, an immigration consultancy firm in Dhaka.

There is also a big difference between Labuan and MM2H visas in terms of requirement and facilities.

One needs to have Tk 1.22 crore (RM 500,000) in a Malaysian bank account in addition to a monthly income of Tk 2.45 lakh for a MM2H visa, while around Tk 5 lakh and a business plan to open a company in Malaysia are enough for getting a Labuan visa, said immigration consultants.

A MM2H visa holder cannot run a business in Malaysia. But a Labuan Visa holder can run multiple businesses with 100 percent ownership. And tax rate for trading companies is only three percent while long-term investments are tax-free.

Some consultancy firms offer

Labuan Visa packages that include visa arrangement, registration of company, and vat and tax for a year. They even help their clients transfer money to Malaysia through unauthorised channels such as hundi.

"We take Tk 7 lakh a person under the package. It hardly takes three months to arrange a visa," said Kabir.

He said they also provide services for the clients' wives and kids for Tk 1.5 lakh per person.

Malaysian government data shows more than 3,005 Bangladeshis availed themselves of the MM2H facility until December 2014, securing the third position after Chinese and Japanese citizens on the list of foreigners enjoying the MM2H facility.

Under the MM2H programme, one needs to deposit liquid assets worth RM 500,000 (Tk 1.22 crore) and show offshore income of RM 10,000 (about Tk 2.45 lakh) a month.

It means the Bangladeshis have already taken around Tk 3,500 crore (nearly \$500 million) to Malaysia.

Now, more lucrative facilities of Labuan Visa are attracting many Bangladeshis to the Southeast Asian country.

Immigration consultants said they also offer their clients assistance in transferring money to Malaysia.

"Yes, we can help you transfer your money, if needed," an official of a consultancy firm in the capital's Uttara area told The Daily Star on condition of anonymity.

One way, he said, is that expatriates working in Malaysia deposit money with clients' bank accounts there, and the clients pay the expatriates' beneficiaries in Bangladesh.

According to the consultants, apart from Bangladeshis, many Indians, Pakistanis, Chinese and Iranians are going to Malaysia on Labuan Visa.

3 siblings found dead

OUR CORRESPONDENT, Noakhali

A day after going missing, three siblings were found dead in Meghna river near Keringchar of Hatiya upazila yesterday.

The dead are Riaz, 10, Jihad, 7, and Rahat, 5. They were sons of Hasan Ali of Keringchar village.

Nurul Huda, acting officer-in-charge of Hatiya Police Station, said the three children went missing while fishing in the river on Monday afternoon.

Police said the victims could have been washed away by high tides of the river amid heavy rain and wind.

Their family started searching for them as they did not return home that night.

Later on yesterday afternoon, some local fishermen saw the bodies floating on the riverbank.

On information, police recovered the bodies. Hasan, the father, has confirmed that the dead were his sons, said police.

17 cobras seized

FROM PAGE 1

Chatarchar area. He was also fined Tk 50,000. In default, he will have to serve two more months in jail.

Acting on a tip-off, the mobile court raided the house around 2:00pm and found the cobras hidden inside fruit baskets, said Maj Nasir Uddin, deputy director of Rab-2.

Babul was arrested at the house. For commercial purposes, the arrestee had been "preserving" the cobras for nearly a month, said Rab officials, claiming that he had a plan to start a snake farm in future.

The officials added that Babul was trying to smuggle the snakes out of the country as the commercial value of their venom and leather is high both at home and abroad.

Executive Magistrate Anisur Rahman, who led the mobile court drive, claimed that during primary interrogation, Babul admitted that several others were also involved in the crime.

The criminals work as a gang and its members are scattered across the country, he said, adding that they were trying to arrest the other culprits.

Nobody can destroy AL

FROM PAGE 1

strong ideology.

Hasina said this while taking part in an unscheduled discussion on the occasion of the 66th founding anniversary of one of the oldest political parties in the subcontinent.

"Bangladesh Awami League was formed on June 23, 1949 to see the rise of the sun of independence as it had earlier set on this very day in 1757," she said, adding, the AL was formed just to serve the people of this country.

The premier expressed her profound gratitude to people for their constant support to her party and

giving it repeated scopes to serve them.

"The Awami League had to face numerous propagandas and many adverse situations in its journey but continues its march forward overcoming all odds and obstacles," she observed.

She further said people were never confused as they always took the right decision by casting votes in favour of AL.

She told the House that the government had developed visions to turn Bangladesh into a middle income country by 2021 and a developed country by 2041.

The prime minister said Bangladesh, born with the ideals of

Bangabandhu, would never go behind, rather the country would always move forward.

"Bangladesh is the country of Royal Bengal Tigers and our cricketers have proved it," she said.

"Give them proper inspiration and they would achieve more and more for the nation in future," she said.

Taking part in the discussion, senior leaders of the party said all achievements of the Bangalees had come under the leadership of AL.

"Whatever achievements and creation our nation has got so far have

come under the leadership of Awami League, Bangabandhu and Sheikh Hasina. There's no-one else," Industries Minister Amir Hossain Amu said taking floor on a point of order.

He said Bangladesh had got a complete map following the victories over Myanmar and India in maritime cases and implementation of the Land Boundary Agreement under Prime Minister Sheikh Hasina's leadership.

Commerce Minister Tofail Ahmed said, "Had Awami League and Father of the Nation not been born, we still would have remained the slaves of Pakistan."

Banglawash on cards

FROM PAGE 1

no smiles until a winner emerges.

Bangladesh have already clinched the series by winning the first two games quite convincingly, but they will definitely want to continue with their attacking brand of cricket to capitalise on their chance, while India will seek to salvage some pride from the final game before returning home. So, in no way can this match be labelled a dead-rubber.

And that's the reason why everybody will hope that rain will not play spoilsport in the final game, though the weather forecast is not encouraging till the reserve day.

Winning one match was the pre-series notion, but the reality for the Tigers now is that they want to pull off another surprise for world cricket fraternity to inflict their famous "Banglawash" on India, just after achieving the feat against India's perennial rivals Pakistan in the previous series.

Bangladesh had easy sails over their opponents in the first two games, but coach Chandika Hathurusingha and skipper Mashrafe still said that they were not at their best in the first two games. They rated the performances against Pakistan more highly.

The dissatisfaction was there mainly

because of their batting. The thinking in the team was that the batting lacked the consistency and power that they had showed against a strong Pakistan bowling attack. Shakib Al Hasan's consecutive half-centuries might not get enough attention in the face of Mustafizur Rahman's magical bowling success, but the left-hander's true professional knocks saved the team in both matches.

So, Bangladesh will be looking forward to a much better batting performance on their way to creating more history.

The bowling has been stupendous

so far as the four-pronged pace attack has gotten brilliant support from the slow bowlers. Another such performance would make sure that the vaunted Indian batting line-up will have no answer against them in the series, but the bad news was that Bangladesh might have to break the winning combination as pacer Taskin Ahmed suffered a side strain, which forced the team management to include leg-spinner Jubair Hossain in the squad.

This series so far has provided enough surprises for India; can Bangladesh pull off another surprise in the final game?