

3 held with explosives in Sylhet

OUR CORRESPONDENT, Sylhet

The Rapid Action Battalion detained three men with huge explosives at Kanaighat upazila on Sunday night.

The detainees are Ibrahim, 40, son of Etim Ali of Halabadi village, Md Ashik, 19, son of Md Kahir, and Rayhan, 20, son of Horjail of Sonaratan village of the upazila.

The Rab also seized 300 pieces of high-explosive power gel and 300 sets of detonators which were allegedly smuggled into Bangladesh from Meghalaya in India, Mayeen Uddin Ahmed, senior assistant director (media) of Rab-9, told a press conference yesterday.

He said that type of explosives had been seen at different militant dens and could be used for large-scale devastating acts.

The Rab official further said the explosives were allegedly smuggled from Latumbai Coal Mine in Meghalaya. He added the other associates of the detainees would be tracked down soon.



The explosives recovered by Rab in Sylhet's Kanaighat on Sunday night.

PHOTO: STAR

Govt to lift ban on hilsa export

Says fisheries and livestock minister

UNB, Dhaka

The government will lift ban on hilsa export soon, Fisheries and Livestock Minister Narayan Chandra Chanda said yesterday.

He made the comment while responding to reporters at a press briefing at the ministry.

"We want to export hilsa, as its production has increased as well as its demand in the international market," said the minister.

On August 1, 2012, the government imposed ban on hilsa export.

The minister said there was no need to import meat now as the government had a plan to be self-sufficient in meat production. "The price of meat is reducing in the markets and we expect that it will continue."

Narayan said the government would take steps to reduce the price. But it would not be possible to drop price like in the past. "However, we will bring the meat price under control within 1-2 years."

He said the government had taken up a project for increasing meat production.

The minister said the country's fisheries sector contributed to about 3.61 percent in the gross domestic product last year, which was one-fourth of the total agricultural production.

Coaching centres asked to remain closed during SSC exams

STAFF CORRESPONDENT

The government yesterday asked the authorities of all types of coaching centres to keep those closed from three days before the beginning of upcoming SSC and its equivalent examinations until the end of the tests.

The instruction came at a meeting of the National Monitoring Committee of the education ministry ahead of the Secondary School Certificate (SSC) and its equivalent examinations.

The meeting, chaired by Education Minister Nurul Islam Nahid, also talked about shutting down of internet and Facebook during the exams, read a handout from the ministry.

No decision, however, was made in this regard.

"The ministry alone cannot make the decision of shutting down internet and Facebook as it would involve other ministries. Further discussions would be held with officials from those ministries," said an education ministry official who was present in the meeting.

The ministry also restricted the use of mobile phones at the exam centres. Any examinee found with a cell phone will be expelled immediately, said the handout.

The meeting emphasised that all the candidates will have to enter and take seats at their respective centres 30 minutes before the beginning of the tests. No excuse will be accepted in case they fail to do that, said the handout.

On January 3, the ministry announced that the examinees will not be allowed to enter their respective exam halls if they fail to reach at least 30 minutes before the exam begins.

"All types of measures have been taken to hold the exams in an environment free from copying or cheating in the upcoming SSC exams," Nahid said.

The exams are scheduled to begin on February 1. The theoretical parts of the tests will end on February 24, which will be followed by practical tests.

BCL calls strike

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The four are supporters of Azadur Rahman Azad, education secretary of Sylhet Metropolitan unit AL and also councillor of ward-20 of Sylhet City Corporation, said Akhter Hossain, officer-in-charge of Shahporan Police Station.

Tanim, a final-year student of BA (pass) of Sylhet Government College, was killed allegedly by his rival group on Sunday night at Tilagarh.

He was a supporter of Sylhet district unit AL's Youth and Sports Secretary Ranjit Sarkar's group, the police official said.

His body was handed over to his family after autopsy at Sylhet MAG Osmani Medical College Hospital yesterday, the OC added.

Sanjoy Chowdhury, former joint secretary of Sylhet district unit BCL, and a member of Ranjit group, said the strike would be in force until police arrested the killers.

Following the strike, all classes and midterm exams in both the colleges were suspended yesterday as students could not enter their colleges.

This correspondent found that the BCL activists had locked the gates of the colleges and taken up position in front of them.

After an hour of the Sylhet-Tamabil highway blockade, police removed the protesters from the highway around noon. The blockade created gridlocks on Shibganj and Eidgah roads.

Nitai Chandra Chanda, principal of MC College, said a midterm exam of the college scheduled to be held yesterday was suspended following the BCL strike and classes could not be held as students could not enter the college.

OC Akhter said additional law enforcers had been deployed at the two colleges and in Tilagarh area to fend off further untoward incidents.

The supporters of Azad stabbed Tanim to death following a clash that happened between Ranjit, whose supporter was Tanim, and Azad groups on Thursday, claimed Tanim's friends and other members of Ranjit group.

This correspondent could not reach Azad as his mobile phone was switched off.

On Thursday, the two groups were locked in a clash in MC College area on the occasion of 70th founding anniversary of BCL, leaving four injured.

Over the years, Tilagarh has become a hotbed of BCL infightings as the two groups are trying to take control of the MC College and Sylhet Government College.

Since 2010, three BCL activists, including Tanim, have been killed in Tilagarh area and at least 50 factional clashes have taken place there.

On October 16 last year, BCL activist Omar Ahmed Miyad was killed by his rivals.

Following the killing, the BCL central committee dissolved its Sylhet district unit.

21 civilians

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Russian-backed regime forces launched an operation on the edge of Idlib province in the last days of 2017 and have retaken villages every day since.

After the collapse of the Islamic State group in both Syria and Iraq late last year, President Bashar al-Assad's regime is bent on restoring its grip over the country.

Idlib province, which borders Turkey, is almost entirely controlled by anti-government forces that are dominated by a jihadist outfit known as Hayat Tahrir al-Sham (HTS) consisting mostly of fighters from a former al-Qaeda affiliate.

Among the other groups present in the province are thousands of jihadists from Central Asian states and members of the Muslim Uighur ethnic minority of China's Xinjiang province.

An explosion on Sunday in the city of Idlib at a base for the group Ajnad al-Qawqaz, made up of fighters from the Caucasus that operates alongside HTS, left at least 34 dead, including 19 civilians, the Observatory said.

The initial death toll for the attack, the origins of which remain unclear, was 23 but the number went up yesterday when more bodies were found in the wreckage.

in critical condition.

"Rescue teams are still sifting through the wreckage," he said.

It was not immediately clear whether the blast was caused by air strikes or was the result of the kind of internal clashes that sometimes break out between jihadist and rebel factions.

After shrinking to barely a sixth of the country at the height of the nearly seven-year-old conflict, the areas under government control now cover more than 50 percent of Syrian territory.

Child murder

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Children, comprising more than 45 percent of the country's population, will be the future leaders of the nation, said Emranul Huq Chowdhury, the chairman of BSAF.

He added that the government should put more emphasis on addressing issues that stifle children's physical and mental development.

To that end, he suggested forming a separate child directorate that will coordinate children-focused programmes run by different ministries and ensure their accountability.

National Human Rights Commission Chairman Kazi Reazul Hoque, who was present as the chief guest at the report launching event, lamented that rules had not yet been formulated under the Children Act 2013.

An outline had been proposed pertaining to the setting up of a child directorate and what its functions would be, he said. But no progress has been made in this regard. At least one representative should be there at thana level to whom people would talk about children-related issues facing them and seek solutions.

Best mistake

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"I actually used the ticket as a bookmark for a couple weeks before I decided to scratch it," she said.

When she did finally scratch it, she ended up hitting the jackpot of \$5 million.

"I never win anything. I was sure the ticket was fake. It wasn't until I brought it into the office that I knew it was for real," the 46-year-old confessed.

The jackpot winner wants to spend her win on a family vacation to the Bahamas. She also said the money would come in handy to secure a loan-free college education for her children.

She will receive the \$5 million in 19 annual payments of \$260,000 (net \$172,068) and one additional payment of \$60,000 (net \$39,708). After that, she will continue to receive an annual net payment of \$172,068 for life.

EC announces

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Faysal said neutral officials would be appointed to ensure a fair election.

The post of the DNCC mayor fell vacant after Annisul Huq had passed away on November 30 last year. The Local Government Division declared the post vacant on December 1.

The ruling AL is likely to nominate Atiqul Islam, former president of Bangladesh Garment Manufacturers and Exporters Association, as its mayor candidate. The BNP is expected to pick party leader Tabith Awal for the post.

Tabith ran against AL contender Annisul in the previous election after the AL-led government had split the Dhaka city corporation into two in November 2011.

Annisul was elected mayor on April 28, 2015 when Tabith boycotted the polls halfway through voting day, alleging widespread rigging.

In terms of population, the DNCC is the country's largest city corporation with 23.45 lakh voters.

A collective failure

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independence of the judiciary.

CONTEXT OF LEGAL BATTLE

HM Ershad was no different from other military dictators in dealing with the judiciary. As he grabbed the state powers by unconstitutional means, he cared little about the judiciary.

He did not pay attention to judges whose job was to establish the rule of law. He rather set up his own style of courts -- martial law tribunals which were "superior to other courts" -- to hold trials of offences under martial law regulations.

Ershad needed the bureaucrats and the military to remain in power. Therefore, he was liberal in increasing salaries and other benefits of those working in the administration. Judges, particularly those working in the lower judiciary, were neglected and discriminated.

Sometime, in 1988 or 1989, a group of judicial officers from northern districts could not accept this anymore. They drafted a resolution and sent it to the Bangladesh Judicial Services Association (BJS) hoping for a change in the situation.

The move did not yield any results. The government hiked the salaries of administrative cadres with a new pay scale in 1989 but the pay of the judicial officers remained unchanged.

The fall of Ershad in December 1990 did not usher in much. In 1991, the pay of additional district judges was less in comparison to that of other officers of the same rank.

One of the judges posted in Khulna, as an expression of protest, stopped drawing his salary for 18 consecutive months. After the secretary of the then establishment ministry got letters after letters, a committee was formed to revisit the discrimination alleged by the judicial officers.

The committee submitted a recommendation and thereupon, on January 8, 1994, the pay scale of several judicial posts was reassessed. However, on February 28, 1994, through another gazette notification, the pay scale of only the judicial officers was brought back to its previous state.

The judicial officers again tried to draw the attention of the ministries of law, finance and establishment. The government did not pay any heed to their demands. Lower court judges started protesting in a peaceful way. They wore black badges and declared an hour-long abstention from work for two consecutive days.

This did not work.

Finally, they filed a writ petition with the High Court in 1995, known as Masder Hossain case. Masder Hossain was then secretary general of the BJS.

OUTCOMES OF THE BATTLE

The HC came up with a landmark verdict in 1997 declaring the discrimination illegal and void and issued directives for separation of the lower judiciary from the executive in light of the constitutional provision.

The court had to pick up the issue as successive governments since the country's independence ignored it.

The then AL-government challenged the judgment. It filed an appeal with the Appellate Division of the Supreme Court.

Upholding the HC verdict, the Appellate Division in its milestone ruling in December 1999 issued a 12-point directive to the government to separate the judiciary.

The directives included formation of a separate judicial service commission to take care of the appointment, promotion and transfer of members of the judiciary in consultation with the SC and a separate judicial service pay commission, amendment to the criminal procedure and new rules for the selection and discipline of members of the judiciary.

Defeated, the government opted for buying time, like for formulation of rules and regulations to implement the judgment, until the tenure of the AL-led government ended in October, 2001.

The next BNP-led government in its five-year tenure did the same.

Both the AL- and BNP-led governments from 1999 to 2006 took time extensions more than two dozen times. It showed the governments' unwillingness to implement the apex court's verdict.

Finally, it was the caretaker government of 2007-08 that took effective steps to separate the judiciary.

In November 2007, it officially separated the judiciary from the executive based on the constitutional directive principles and the SC judgment in the Masder Hossain case.

Some rules were also made.

However, the process was not completed. Complications prevailed over issuing the gazette notification on the rules determining the discipline and code of conduct of lower court judges.

The government sent the draft rules to the SC for its opinion last year. The court revised the draft curtailing the law ministry's control over the lower judiciary and sent it back to the government for approval.

But the government was in no hurry. It had already taken several time extensions.

On December 11, the government finally issued the gazette notification, keeping the president's authority over the conduct of lower court judges.

The president would make necessary decisions in consultation with the SC, and the law ministry would implement those.

On January 1, Dr Kamal Hossain

and five other leading jurists in a statement said that the lower courts have been made subordinate to the executive by three "cardinal rules".

The independence of the judiciary has been undermined and the separation of power has been violated by the rules, they said.

The SC, however, did not agree with the jurists. On January 3, the apex court accepted the disciplinary rules. It said the rules would uphold the supremacy of the SC, and it has not lost its powers over the subordinate courts.

This means the SC must be satisfied with being only consulted with and does not want the authority given in the constitution of 1972.

HOW SC LOST POWERS

Framers of the constitution envisioned an independent judiciary by empowering the SC with the authority over appointment and control of judges working in the lower judiciary.

Article 109 of the constitution empowers the High Court, a division of the SC, to have superintendence and control over all courts and tribunals subordinate to it.

The SC had also a major role to play regarding appointments to the lower judiciary as article 115 of the 1972 constitution stipulated that district judges would be appointed by the president on the recommendation of the SC.

The article 116 had empowered the SC to control the lower judiciary by controlling postings, promotions and granting of leaves, and disciplining people employed in the judicial service, and magistrates exercising judicial functions.

But the fourth amendment to the constitution, passed in 1975, brought about drastic changes to the articles.

The amendment vested the power of control over the lower judiciary in the president, who was also empowered to make the appointments. In effect, it allowed the executive branch to control the lower judiciary.

Subsequently, the martial law regime led by General Ziaur Rahman in 1978 amended article 116 through a martial law regulation, making the provision that the SC would be consulted by the president while controlling and disciplining the lower courts.

The provision introduced by the martial law regime was retained in the constitution's 15th amendment in 2011.

But the powers vested in the president are exercised indirectly by the prime minister. The reason behind it is simple. Since the restoration of parliamentary democracy in 1991, the president has had to carry out all his functions on the advice of the prime minister, with the exception of appointing the premier and the chief justice.

This situation allows the government to retain the power to control the lower courts despite an official separation of the judiciary from the executive branch 11 years ago.

The articles 109 and 116 have also created "dual rule" in the judiciary.

RISE OF A PARALLEL JUDICIARY

The caretaker government's move to separate the judiciary irked the admin officials who would lose their judicial clout. They went on to stage demonstrations against the move in October, 2007.

In the face of strong protests, the then caretaker government had 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 to only fine individuals for an offence. That ordinance ceased to have effect in February, 2009.

The AL assuming office in early January, 2009, offered an olive branch to the admin cadres. A new ordinance was promulgated increasing the executive magistrates' power to run the mobile courts.

It empowered them to sentence offenders up to two-year imprisonment in addition to their earlier powers to impose fines.

Later, the AL-led government had given the ordinance a permanent shape by enacting 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.

Executive magistrates running mobile courts have become an effective tool for the administration officials to gradually regain their lost judicial powers and to emerge as a parallel judiciary.

In May last year, the HC declared unconstitutional the rules under which executive magistrates run mobile courts. It said empowering executive magistrates with judicial powers is "a frontal attack on the independence of the judiciary and is violative of the theory of separation of powers".

The government stood in support of the administrative cadres and filed an appeal with the Appellate Division against the HC verdict. The appeal remains pending.

REPEATED APPEALS BY SC WENT IN VAIN

In the Masder Hossain case verdict, the HC had observed that amendment to the constitution was not required for separation of the lower judiciary from the executive.

But the Appellate Division in one of the 12 directives issued in the appeal verdict set aside the HC's observation and spoke for amendment to the consti-

tion for a meaningful and effective separation. It left the job on the wisdom of parliament as it could not dictate the House to amend the constitution.

Only 14 months after the official separation of the lower judiciary, the Appellate Division in a judge appointment case verdict in February 2009, said, "Until and unless the un-amended articles 115 and 116 of the constitution are restored vesting the control of the subordinate judiciary in the Supreme Court, the separation of the judiciary will remain a distant cry and a music of the distant drum."

In the full verdict of the fifth amendment case, released in July 2010, the SC referred to the observation made in 2009 and said, "It is our earnest hope that articles 115 and 116 of the constitution will be restored to their original position by the parliament as soon as possible."

In the 16th amendment verdict, the SC made similar views and spoke for restoration of the two articles.

"Unless and until articles 115 and 116 are restored to their original position, the lower judiciary will continue to remain under the sway and influence of the executive impinging upon the independence," it said.

Since the separation of the judiciary case verdict, the constitution was amended thrice by the BNP- and AL-led governments. But none of them paid any heed to the appeals made by the apex court to restore the articles of the constitution for a meaningful separation of the judiciary.

Judicial independence means the ability of courts and judges to perform their duties free from the influence or control by other actors, government or private. The constitution guarantees both the higher and lower judiciary to work independently. But how will judges in the lower courts work independently if the government retains control over them?

Framers of our constitution envisioned a truly independent judiciary. But those who ran the country over the years failed to translate the dream into reality. This is, in fact, a collective failure.

ACC finds links

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founder of the private commercial bank, said sources.

During the interrogation, the businessman said his friend Khurram put a proposal to him to invest \$20 million in Pinnacle Global Fund Pte Ltd (PGF), a Singapore-based fundraising and investment company.

Saiful put forward the proposal to former AB Bank chairman M Wahidul Haque, ACC sources told The Daily Star.

He also admitted that he was present at a meeting between the bank's high-ups and Khurram.

This correspondent phoned Saiful for his comment, but he didn't pick up. A text message was also sent to his phone, but he did not reply.

Earlier, the ACC interrogated Wahidul, two former managing directors of AB Bank, its seven former and current directors and a bank official over the scam.

According to a Bangladesh Bank probe report, the bank laundered around Tk 165 crore to the UAE through two shady organisations in the name of investment.

The bank's board of directors in December 2013 approved investing \$20 million in PGF through its Offshore Banking Unit (OBU).

In February 2014, the OBU laundered the money to a bank account at the UAE-based Abu Dhabi Commercial Bank (ADCB).

The account belonged to Cheng Bao General Trading LLC which acted as a Special Purpose Vehicle (SPV) and a mediator for the PGF. Cheng Bao immediately withdrew the money and closed the account.

It could not be known where the money went after the withdrawal, as the AB Bank failed to give the central bank any substantial documents on Cheng Bao and the PGF.

Yesterday, the graft watchdog also grilled former AB Bank director BB Saha Roy.

ACC Director Sayed Iqbal Hossain and Assistant Director Gulshan Anwar Pradhan are investigating the scam.

BACCHU GRILLED AGAIN

The ACC yesterday again interrogated former BASIC Bank chairman Sheikh Abdul Hye Bacchu in connection with nine out of 56 cases filed over embezzling Tk 2,036 crore.

Sources said like the previous days, Bacchu tried to shift the blame for the embezzlement onto the former management of the bank.

The ACC investigators had grilled him on December 4 and 6.

According to a Bangladesh Bank enquiry, about Tk 4,500 crore was siphoned out of the state-run bank between 2010 and 2013 when Bacchu chaired its board.

On July 14, 2014, the central bank sent a report on the scam to the ACC, detailing how people embezzled money from the bank through shell companies and dubious accounts.

The BB found that Bacchu illegally influenced all the activities of the bank, leaving the once-sound institution in a grave state.

In 2015, the ACC had filed the 56 cases over the scam. However, Bacchu was not made accused in any of the cases.