

Increase use of jute products

PM urges people

UNB, Dhaka

Prime Minister Sheikh Hasina yesterday stressed the need for increasing the use of jute products and boycotting the plastic ones as plastic has become a great threat to the environment globally.

"Plastic has become a huge problem for the world; plastic causes pollution. Sometimes we saw it blocks the drainage system and canals also. Wherever there is plastic, you will find problems there," she said.

The premier was speaking at the function of World Environment Day, Tree Fair and National Tree Plantation Campaign at Bangabandhu International Conference Centre (BICC).

Hasina said when Awami League came to power in 1996, it took steps to ban the use of plastic products and find out its alternatives.

The government took numerous programmes to bring back the golden

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Prime Minister Sheikh Hasina visiting stalls yesterday at the Tree Fair 2018 being held at Bangabandhu International Conference Centre.

PHOTO: BSS

CPB, 7 other

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system collapsed and free and fair election would not be possible under the present "subservient" EC.

"The entire election system has turned into a farce. There is no rule of law in the country. Opposition parties and dissidents are being oppressed as the government continues torture, filing of false cases, arrests, enforced disappearances and killings to cling to power," CPB President Mujahidul Islam Selim told the briefing.

The alliance will wage movements for a free, fair and credible general election, he added.

Shifting of the state power between the Awami League and the BNP will not solve the present crisis in the country, said Saiful Huq, general secretary of Revolutionary Workers Party and coordinator of the left combine.

It is therefore important to float an alternative political force apart from the two parties, he said in a statement.

Criticising the government, Saiful also said people were at a loss due to unprecedented corruption and misrule of the government.

Although the EC has announced a road map to the next general election, there is still no atmosphere in the country to cast votes, he added.

Terming Khulna and Gazipur city corporations elections "controlled", he said the same "model" would be followed in the upcoming city corporation polls in Barisal, Rajshahi and Sylhet.

The alliance is comprised of CPB, Bangladesh Samajtantrik Dal, Revolutionary Workers Party of Bangladesh, Bangladesh Samajtantrik Dal (Marxist), Ganasanghati Andolan, United Communist League of Bangladesh, Ganatantrik Biplobi Party and Bangladesh Samajtantrik Andolan.

It also declared a four-day programme, including holding country-wide demonstrations on July 24 protesting the misrule of the government, holding a discussion on reforms of the electoral system on August 4 in Dhaka and holding rallies in six divisional cities on August 10 and 11.

A school of change

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Each morning when students arrive, they enter a campus of lively decoration and well-tended grounds, which looks as much like a park or welcoming picnic spot as a school. Students register attendance with electronic identity cards, using a system that automatically generates text messages and sent them to the parents of any absent child. In class, students look forward to interactive multimedia presentations as a routine part of the school day. Meanwhile a ten-camera closed-circuit surveillance system promotes safety.

"Children in our area don't like to miss out on class," says Monjuara Khatun, the mother of a class-one

student. "For them, school is fun."

"Multimedia lessons make difficult topics easier," observes Rakibul Hasan, the school's multimedia teacher. "Although we haven't been able to equip all nine classrooms with technology, classroom rotation ensures all students benefit. Students from classes one to eight have access to the thousands of books and geographic models in our digital library."

The innovative approach is already reaping rewards. Class-four student Jayed Hasan Jisan is typical. Previously weak in English and mathematics, the added visual stimulus of multimedia presentation has led to improved results in both subjects.

Established in 1941, the school of

733 students still copes with an insufficient number of classrooms and teachers. It has a two-storey concrete building with four classrooms, with the remaining classrooms in tin buildings. But Khagrabari is a school determined to make the most of what it has. Remarkably, the institution's technological and methodological transformation has been achieved without additional government funds.

"The chairman of Faridpur upazila council Khalilur Rahman donated the closed-circuit television cameras," notes Abdul Hamid, president of the school's management committee. "The rest of the technology and other improvements have been paid for through donations from the local

community and from our teachers."

The school also charges each student a monthly fee of Tk 5 for technology maintenance. "The fee isn't too much," Hamid notes. "We didn't want it to be a burden on parents."

Unsurprisingly, the school's achievements are appreciated within the education department. "High officials from our directorate, teachers and officers from several districts have already visited this model school," says Abdus Salam, the district's primary education officer. "They want to see firsthand how a rural school can achieve such a praiseworthy transformation. We want to give whatever assistance we can to help this school continue to advance."

Govt yet to implement HC verdict

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age by one more year with retrospective effect from 2010.

Around 300 retirees, who are freedom fighters, are entitled to get benefits of the verdict, said Jamal Uddin Sikder, who filed the case.

The case began in early 2012 after the government increased the retirement age of non-freedom fighter government officials to 59 from 57. With this change, the retirement age for both freedom fighters and non-freedom fighters in public service became the same.

However, earlier in February 2010, the government raised the retirement age of freedom fighter officers and employees to 59 years from 57 to honour their glorious role in the country's Liberation War in 1971.

Two years later, when the government increased retirement age of other officials and employees, it did not increase the retirement age of the freedom fighters again.

In this situation, freedom fighter

Jamal, a former senior official of the food directorate, was granted one year post retirement leave from October 2012 to send him into retirement as he became 59 years.

He then filed a writ petition with the High Court challenging the notification that increased the retirement age of government officials other than freedom fighters.

During the hearing, the attorney general told the court that the government had plans to increase the retirement age of freedom fighters to 60 from 59, which the government did later in 2013.

Back in May 2012, the HC reached a verdict which directed the government to give retrospective effect of its order on increasing the retirement age of freedom fighters from February 2010. This would be applicable to those freedom fighters whose retirement age was raised in 2010.

In the verdict, the HC made some observations including reservation of

the 30 percent quota in public service and keeping it vacant if the posts are not filled by children of freedom fighters, giving freedom fighters free medical treatment and discounted fare in public transport.

In 2013, the government filed an appeal with the Appellate Division seeking expunction of some observations made in the HC verdict.

In its verdict in 2015, the Appellate Division expunged those observations, including providing freedom fighters free medical treatment in government and semi-government hospitals and discounted fare in all public transports.

It also modified the observation on the 30 percent quota system by expunging the part which contained "if the quota cannot be filled, the posts concerned be kept vacant."

NO BENEFIT, STILL

Jamal and other former freedom fighter officials have yet to get their benefits in line with the court's verdict.

Talking to The Daily Star on

Thursday, he said they have made frantic efforts to get the benefits in line with the court's verdict, but to no avail.

In 2013, Jamal even filed a contempt of court petition against some top government officials, including secretaries of the public administration ministry, for not implementing the court's order.

In April 2017, the HC directed the government officials accused of contempt of court to implement the verdict within two months.

But things remain the same.

Jamal said he, along with a delegation of Bangladesh Liberation War Research Foundation, a platform of freedom fighters, recently met the secretary of the Liberation War affairs ministry and urged him to take measures for the implementation of the verdict.

"The secretary assured us of looking into the matter," Jamal, also secretary general of the platform, told The Daily Star after the meeting.

Flawed logic for quota

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and grandchildren.

"There is no scope for bringing changes to the 30 percent freedom fighters' quota in public jobs because of a Supreme Court order. I think it will be a contempt of court if any decision is made ignoring the court's order," he claimed.

He said a copy of the apex court order has been sent to the seven-member committee formed by the government to "review or reform or cancel" the quota system.

The minister hoped the committee would keep the freedom fighters' quota intact and recommend bringing reform to other quotas.

On Thursday, Prime Minister Sheikh Hasina in parliament referred to Mozammel's statement and asserted that there was no scope of bringing changes to the quota for freedom fighters' children and grandchildren.

"Since the High Court has already decided that freedom fighters' quota is going to stay, how can we go against this verdict?" she asked.

Earlier in April, she told parliament that the quota system would be abolished altogether.

At present, 56 percent of government jobs are reserved for candidates under various quotas -- 30 percent for freedom fighters' children and grandchildren, 10 percent for women, 10 percent for people of underdeveloped districts, five percent for members of indigenous communities and one percent for the physically challenged.

The quota reform movement, waged by students of various universities, want a logical reform of the quota system, which they say is unjust and unfair.

On Saturday, The Daily Star asked the liberation war affairs minister if it was really mandatory to abide by the court's observation.

He said the observation on the quota system was first made by the HC and was upheld by the SC. "So it has become an order of the court. And we are obliged to abide by it."

But the SC itself considered the HC remarks as an observation, and not as an order.

Law Minister Anisul Huq's explanation also does not support Mozammel's interpretation.

"An observation made by the High Court or the Supreme Court remains as an observation until and unless it is made a part of the order. And it will not be a contempt of court if the observation is not abided by [any party to the case]," he told The Daily Star on Monday.

But he added any observations by the HC and the SC should be taken very seriously.

Former law minister Shafique Ahmed has said SC's observations are actually opinions of the judges.

"If anyone does not abide by the court's observations, it will not be a contempt of court," he told this newspaper on Monday.

He also spoke about the persuasive significance of such observations and said lawyers could use those in courts while dealing with other cases.

Eminent jurist Shahdeen Malik gave the same opinion.

In their authoritative book called "Ain Shobdokosh" (Law Glossary), former chief justice Mohammad Habibur Rahman and Prof Anisuzzaman also said there was no obligation to abide by observations as precedence.

The Supreme Court in India has discussed in many cases whether observations have any binding effect, and upheld the internationally well-settled principle: no binding effect.

Analysing a number of cases, Justice GS Singhvi, a former eminent judge of the Indian SC, in an article in 2011 said: "It is well settled that obiter dictum [observation] is a mere observation or remark made by the court by way of aside while deciding the actual issue before it."

The mere casual statement or observation which is not relevant, pertinent or essential to decide the issue at hand does not form the part of the judgment of the court and have no authoritative value, he wrote in the article titled "Concept of Obiter Dicta: The Law".

"The expression of the personal view or opinion of the judge is just a casual remark made whilst deviating from answering the actual issues pending before the court. These casual remarks are considered or treated as beyond the ambit of the authoritative or operative part of the judgement," stated Justice Singhvi, who was also chief justice of Andhra Pradesh High Court.

Long ago, The Wharton's Law Lexicon: an epitome of the law of England, which was first published in 1848, concluded that observation has no binding effect. It defines the term "obiter dictum" as an opinion not necessary to a judgement; an observation as the law made by a judge in the course of a case, but not necessary to its decision, and therefore of no binding effect; often called as obiter dictum; a remark by the way.

According to Halsbury's Laws of England, a uniquely comprehensive

encyclopedia of law first published more than one hundred years ago, mere passing remarks of a judge are known as "obiter dicta" and they have no binding authority on another court.

The SC's observation we are discussing was made in a case related to the retirement age of freedom fighter officials in government service. The reservation of quota system was not an issue in the case. The judges made some comments on the reservation of quota system in deciding the case on retirement age of freedom fighter officials. (See side story on the case and verdict on it.)

So it is clear that the remark on reservation of 30 percent quota for the children of freedom fighters is a casual opinion and it is beyond the operative part of the judgment and has no authoritative value or binding effect.

Therefore, it depends on the government whether it will bring any changes to the existing quota system.

A recent HC order also indicates that the court is unwilling to interfere in it. On March 5 this year, the HC rejected a writ petition that challenged the quota system, saying that the matter was a policy decision of the government.

The liberation war affairs minister's claim, however, is a policy of convenience.

He has now banked on the observation to oppose reform in the quota reserved for freedom fighters' children and grandchildren while the main order of the same judgment remains unimplemented for the last six years.

In its 2012 order, the HC had directed the government to give service benefits to retiree freedom fighter

officials and employees by increasing their retirement age by one more year with retrospective effect from 2010.

Earlier in February 2010, the government raised retirement age of freedom fighter officers and employees to 59 years from 57.

In 2013, the government further raised their retirement age by another year, to 60.

For non-implementation of the HC order, a contempt of court case was filed in 2013 against some senior officials. The case remains pending with the HC for five years.

After the liberation war affairs minister's claim, a fresh point is being discussed on social media. Some people argue that the court in its observation spoke about reservation of quota for children of freedom fighters. But the government in 2011 introduced a new rule, allowing grandchildren of freedom fighters to get benefit of the system which is outside the court's observation.

In the past, the government did not honour many court observations. But no contempt of court proceeding was taken against the government for it, as those were not binding upon the government.

For example, in the 13th constitutional amendment case verdict, which declared the caretaker government system unconstitutional in 2011, the SC observed that the caretaker system may be kept in place for holding two more general elections. It also observed that parliament should be dissolved 42 days before announcement of the election schedule.

But the government followed none of these observations though it has abolished the caretaker government system banking on the court's verdict.

Bus knocks man dead at Shahbagh

STAFF CORRESPONDENT

A man was killed after being hit by a bus in the capital's Shahbagh area yesterday morning.

Omar Faruk, 50, driver of a Birdem doctor, was knocked down around 11:00am by the bus while he was helping his wife, Manuja Begum, disembark from another bus that had stopped in the middle of the road.

Sub-Inspector (SI) Bachchu Miah, in-charge of Dhaka Medical College Hospital (DMCH) police outpost, told The Daily Star that Faruk ran towards a bus in front of Birdem Hospital to help his wife get off.

He was supposed to take her to Birdem to see an ophthalmologist, the official said, adding that the couple had come to Dhaka for Manuja's treatment.

Manuja's sister Swapna Begum said Faruk and his wife came to her residence at Jatrabari early yesterday. Faruk left for Birdem before them, while Manuja and Swapna were going to the hospital by bus.

When their bus slowed down in the middle of the road near Shahbag flower

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All gold kept

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National Board of Revenue's Customs Intelligence and Investigation Directorate (CIID), also cited that 22 carats gold was recorded as 18 carats in the BB register.

The state minister said, "The news stunned me, and the way it came in the newspaper seemed very dangerous to me."

"Yet, we are not taking the issue lightly. Bangladesh Bank is the custodian of public property, and we will not accept any lapses in this regard."

Mannan mentioned that he asked the BB to hold a press conference to make things clear as the finance minister is now abroad.

He said he had talked to high-ups of both the BB and the NBR, and they assured him that there is nothing to fear.

He also backed the BB's explanation that the "clerical mistake" in recording the purity of the gold bar had happened because of similarity between the number 4 in Bangla and the number 8 in English.

At a press briefing at the BB headquarters on Tuesday, BB officials claimed the purity of the gold bar was 40 percent, but it was mistakenly written 80 percent, and the only designated goldsmith for the BB -- Shokh Jewellers -- made the mistake.

Mannan also pointed out that the archaic measurement system leaves scope for different readings in measuring the purity of the same gold specimen. But in the electronic system, differences in readings would be insignificant.

Admitting lapses in the bureaucratic system, Mannan said, "Bangladesh Bank and the NBR exchanged a number of letters in the last one year. Even, it took one and a half months to respond to a letter."

The whole system will be reviewed, and if any negligence is found, nobody will be spared, he said.

Responding to a query on the possibility of forming a probe body, he said the finance minister will decide on it.

Asked whether the prime minister is aware of the issue, Mannan said he had talked to the PM's principal secretary about it.

Yesterday, The Daily Star talked to Shokh Jewellers owner Giasuddin to get his version.

"The purity of the gold [bar] was 40 percent," he said.

Giasuddin mentioned that neither the BB nor the CIID had contacted him during the probe by the CIID.

HC extends

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extended her bail till today.

Meantime, the same HC bench yesterday continued for the fifth day the hearing on Khaleda's appeal challenging the trial court's verdict in the Zia Orphanage Trust corruption case.

After concluding yesterday's proceedings, the bench adjourned the hearing till 2:00pm on July 22, ACC lawyer Khurshid Alam Khan told The Daily Star.

During yesterday's proceedings, Khaleda's lawyer Advocate Abdur Razzaque Khan read out the statements of the witnesses from the paper book of the case and placed arguments before the court.

The same bench is set to hear four appeals in the graft case. Of the pleas, one was filed by the BNP chief seeking acquittal of the charges and another by the ACC seeking increase in Khaleda's jail term.

Two others convicts -- Qazi Saleemul Huq alias Qazi Kamal and Sharfuddin Ahmed -- filed appeals seeking acquittal of the charges.

The trial court also jailed BNP acting chairman Tarique Rahman and four others for 10 years and fined them Tk 2.1 crore each.