

# Azad's bill should be serialized as 13th: Speaker

The Jatiya Sangsad resumed its sitting Thursday at 11-12 am with Speaker Abdur Rahman Biswas in the chair, reports BSS.

The day's proceedings began with recitation from the holy Quran.

After the question-answer hour, the Speaker said he had received one adjournment notice and ten call attention notices on matters of urgent public importance. He said he had accepted one call attention notice on the opening of Khulna Medical College in 1991-92 fiscal, tabled by Sharif Khasruzzaman (AI-Narail).

could have happened in presence of national leaders and teachers. He said a report on the incident had been submitted to the government. He demanded that the report be made public and action taken as recommended.



**Badruddoza Chowdhury**

Taking the floor, Deputy Leader and Education Minister Prof. Badruddoza Chowdhury appreciated the concern expressed by the members of the opposition on the situation in the campuses.

Chowdhury said the subject deserved discussion. He said he was ready to discuss the issue at a time fixed by the Chair.

The Speaker then invited Deputy Leader of the Opposition Abdus Samad Azad to introduce the Constitution (eleventh amendment) Bill, 1991.



**Mirza Golam Hafiz**

At this point the Law and Justice Minister Mirza Golam Hafiz took the floor and said as the 11th and 12th constitutional amendment bills had already been introduced in the House, the bill of Samad should be serialised as the 13th amendment bill. If we come to a consensus, the speaker could easily make this minor correction.

**Abdus Samad Azad**

Samad said he was going to place the bill as per commitment given to the nation through the joint declaration of the three alliances and did not expect any objection from the Law Minister who had the reputation for being a most respected politician.

The Speaker invited Samad



**Tofael Ahmed**

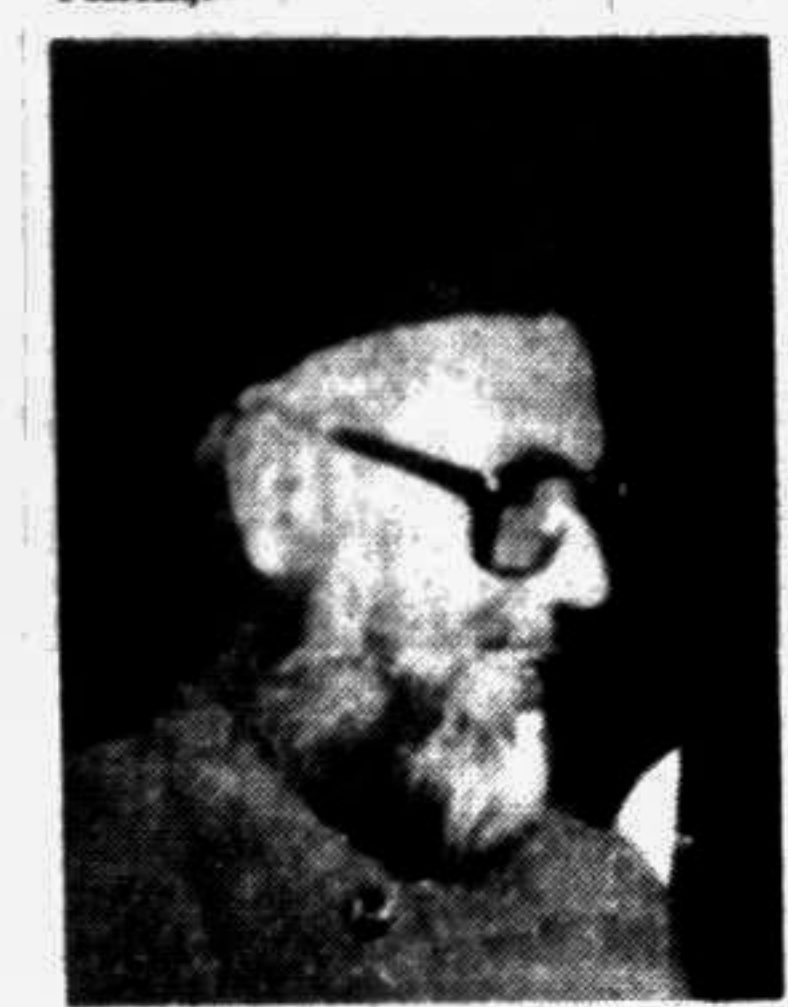
Tofael Ahmed (AL-Bhola) said the matter was a very important national issue. He said Menon had rightly raised the issue in an appropriate time.

Tofael said the situation in Jagannath University College was not different from that of Chittagong University. He alleged that students belonging to the Jatiyatabadi Chhatra Dal carrying the BNP flag were exhibiting muscles with guns. The government, he alleged, is still silent on the situation.

The Awami League member said if the student wing of the government party was held responsible for creating law and order situation, the situation all over the country was bound to deteriorate.

Tofael demanded a through discussion in the House immediately on law and order situation.

The Speaker then gave the floor to Moulana Matur Rahman Nizami (Jamaat-Pabna).



**Matur Rahman Nizami**

Moulana Nizami said terrorism was the main problem in the educational arena. This is breaking our backbone, he said.

Calling for eliminating terrorism from the educational arena, Nizami said it was also causing session jam. He said today's terrorism in Jagannath University College might spread to other educational institutions of the country. He said what benefit we could get by discussing budget and the constitution, bypassing this situation.

Referring to the May 27 incident in the Dhaka University, Nizami said it was not believable that such an incident

allowed a long discussion on the bill as it was very important for the nation.

Tofael Ahmed said, exactly for the same reason the bill placed by Samad at the Sangsad Thursday is equally important for the nation. Considering the importance of the occasion, he sought permission of the Chair to allow Samad to speak something on the bill.

The Speaker gave the floor to Abdus Samad Azad with a request to make a brief statement on the bill.

The Deputy Leader of the Opposition thanked the Speaker and greeted the Law Minister for the gesture he had shown. He also thanked the members of the Treasury Bench and leaders and members of all the parties for allowing him to introduce the bill without any objection.

He said, "we don't want to rack up the past, but want to move forward." He said care was taken to avoid inclusion of controversial matters in the bill.

Abdus Samad Azad said it was not only the three alliances but the people from all walks of life including students and workers who took part in the anti-autocracy movement.

He said it was the joint declaration of the three alliances that the power would be transferred to a sovereign Parliament elected through free and fair elections to put an end to the politics of conspiracy and killing and keep up the spirit of the liberation war.

He said it was expected that the ruling party would take the initiative first for the constitutional amendment to go back to the Parliamentary form of government, but to no effect.

He said the Leader of the Opposition deserved praise for her role in taking up the move for the required constitutional change to go back to parliamentary democracy.

Abdus Samad Azad said the submitted Constitution Amendment Bill at the Parliament secretariat first on April 14 this year. He said the Acting President also approved it. He said, "ours was the first Constitution Amendment Bill after the tenth amendment bill."

He said after crossing all the impediments we have reached a position. He said the BNP has also at last brought the constitution amendment bill seeking to replace the presidential form with the Parliamentary system. He said although the constitution amendment proposed by us should be allowed to be introduced first in the House, but it was not done so.

He said today is a great day and democracy must be ensured in the country. He said people want the establishment of democracy in Bangladesh adding that some people were also at work to undo it. He said we must work unitedly to foil all these conspiracies.

In this connection the Deputy Leader of the Opposition referred to the statement of Col (Retd) Faruk Rahman and said the self-confessed killer Faruk, who is still living in this country, expressed their support to retain the existing presidential system. He said, "we must be on guard to frustrate this sort of conspiracy."

He said Sheikh Hasina proved her greatness by working relentlessly for the introduction of the Constitution Amendment Bill by knowing perfectly well that it was not she but Begum Khaleda Zia who will be the Prime Minister of the country's majority party leader.

After the lunch break when the House resumed in the afternoon, the Speaker gave his ruling regarding the serial number of the Constitution Amendment Bill introduced to the House by Abdus Samad Azad.

In his ruling the Speaker said that he had examined the views of Law and Justice Minister Mirza Golam Hafiz to the effect that the Amendment bill brought by Abdus Samad Azad should be serialised as the 13th instead of 11th Amendment Bill.

The Speaker said, two bills entitled 11th Amendment and 12th Amendment had already been introduced to the Sangsad on July 2. Hence the bill submitted today by Abdus Samad Azad should be serialised as the 13th and not 11th Amendment Bill. He further said this correction would be applicable to all relevant places of the bill submitted by Azad.

Taking the floor Abdus Samad said, the bill he had introduced today had been submitted two and a half months earlier than the government bill. Moreover the House select committee and the Ministry of Parliamentary Affairs and the Ministry of Law and Justice also cleared the bill as 11th amendment. Finally the Acting President gave his recommen-



dation for introducing the bill as the 11th amendment. So he said, at present there was no scope for changing it as the 13th amendment.

Abdus Samad Azad said that one official bill and one Private Members' Bill had already been introduced with the same serial number, several Constitution Amendment Bills without any serial number awaited introduction by Rashed Khan Menon. Let all these bills carry the number they had, he added.

Samad said, in any case only one bill would be passed. The question of serial number would come next. Samad said, we will sit together in this House and would take a historic decision on this vital point of constitutional amendment.

**Delwar Hossain**

Taking the floor next Chief Whip of the House Khandkar Delwar Hossain said that placing of different bills under a same serial was not permissible on Constitution ground. He also cited some provisions of the Constitution to this effect.

Hossain said, we have reached a national consensus for switching over to parliamentary form of government and we should not do anything before reaching that goal which could disrupt the process.

He said the 11th Amendment Bill had already been introduced at the Sangsad and its contents were quite different from those submitted by Abdus Samad Azad.

Hossain said, the 11th and 12th amendments were brought separately as the subjects were altogether different. The 11th Amendment, if passed, would not undergo any referendum while the 12th amendment brought for switching over to parliamentary form of government would require referendum.

He said, we should not send the issue of the Acting President to a referendum.

He said it would create a bad precedence in the Sangsad if the bill of Abdus Samad Azad is allowed to be placed in the 11th serial.

Hossain said, as all of us are committed to parliamentary democracy, we should forget minor things. He appealed to the opposition to withdraw their objection against the ruling of the Chair.



**Suranjit Sengupta**

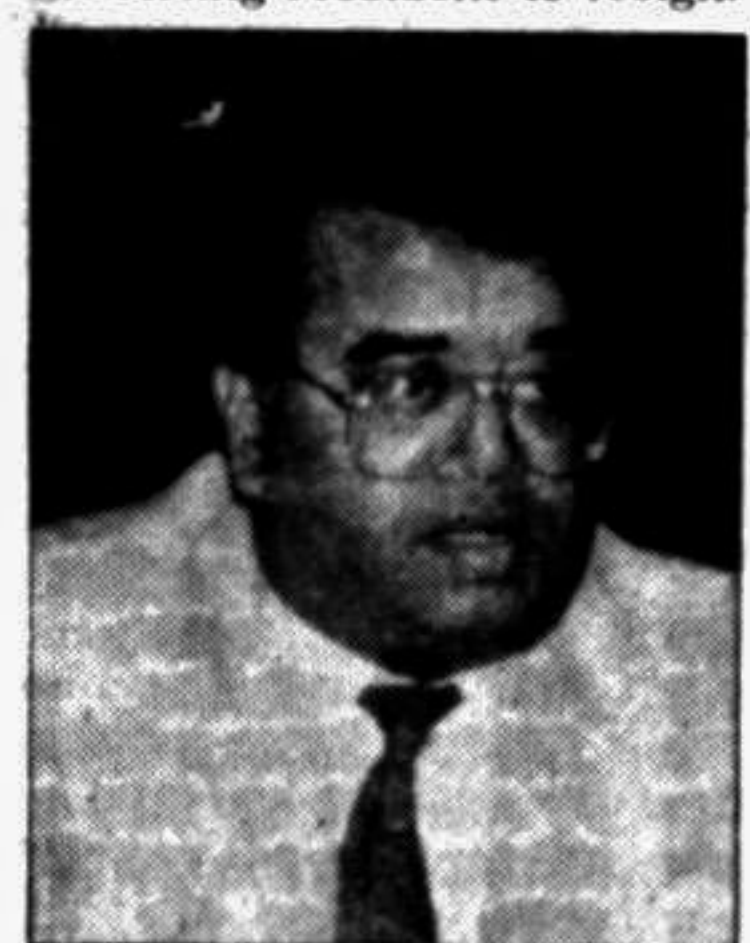
Suranjit Sengupta said today's placing of a constitution amendment bill on Private Members Day would be a shining example in the development and evaluation of parliamentary democracy.

Sengupta said, the 10th amendment of the Constitution was passed by the Sangsad earlier. After that, the next amendment bill was submitted in April last and the relevant ministries had processed the bill as 11th amendment. After that two bills were brought and it was the lapse of the Law Ministry to process the bills as 11th and 12th amendments rather it should have been processed as 12th and 13th amendments, he said.

Sengupta said, there was no constitutional bar for placing two bills in the same serial. It is a historic compulsion on us to pass only one bill, he said, adding the question of serial would be important only after

the bill would be passed in the House.

He said, it would not be proper to make any debate over the serial. He said, without passing the bill for switching over the parliamentary form, there was no scope for the Acting President to resign.



**Nazmul Huda**

The Minister of State for Food Nazmul Huda took the floor and said the question of the Acting President would be settled in the Sangsad while the question of parliamentary form of government would require a referendum even if passed in the House.

Huda said, after passing the 11th Amendment Bill submitted at the Sangsad on July 2 there would be no bar for the Acting President to go back to his former position. But, he said, the President would hand-over power only after the 12th amendment of the Constitution is passed.

Reciprocating the spirit demonstrated by Sengupta, Huda called upon the opposition members to withdraw their objection against Speaker's ruling.

Rashed Khan Menon and Sudhangshu Shekhar Haldar also gave their opinion in favour of placing the bills of Abdus Samad Azad as the 11th amendment to the Constitution.



**Abdur Razzaque**

Abdur Razzaque (AL-Baksal) called for avoiding debate on the putting of mere serial numbers on the Constitution Amendment Bill.

Speaking next the State Minister for Land, Zamiruddin Sircar disagreed with the contentions of Suranjit Sengupta and Shudangshu Shekhar Haldar that the Acting President assented to the bill and said under Article 82 of the Constitution the President can give recommendation to a money bill or any bill which involves expenditure from public money.

He said the President has only given his permission for the introduction of the bill and not his assent.



**Muhammad Nasim**

He said the eleventh Constitution Amendment Bill was not a money bill, involving expenditure from the public exchequer while the other (the 12th Amendment Bill) was a money bill.

The State Minister for Food said the bills which have already been introduced in the House should get the serial numbers 11 and 12. He said the proposal on the Constitution Amendment Bill coming later should get a subsequent number in the serial.

He said if the private member's bill is given serial number 13, its honour and the priority will not be lessened. The Speaker then adjourned the House for the Asr prayer.

Tofael Ahmed said the bill introduced by the Deputy Leader of the Opposition and accepted by the House was now a property of the House. He said till the opposition bill was submitted at the Parliament secretariat, the number of amendment made in the Constitution was ten. He said the Leader of the House introduced the Constitution Amendment Bill and the Opposition has also presented a bill on the same thing.

He said it could not be firmly claimed which one of the bills would be passed by the House.

He said, on the basis of the understanding of the three alliances Justice Shahabuddin Ahmed was given the responsibility of the Acting President and he held free and fair elections as per the responsibility entrusted on him.

He said the declaration of the three alliances also provided for the transfer of power by the Acting President to a sovereign parliament which, he said, the Acting President cannot do unless the Constitution Amendment Bill on the return to Parliamentary democracy was passed.

He said the ruling party should have tabled the Constitution Amendment Bill seeking the return to Parliamentary democracy ahead of the one seeking return of the Acting President to his original post.

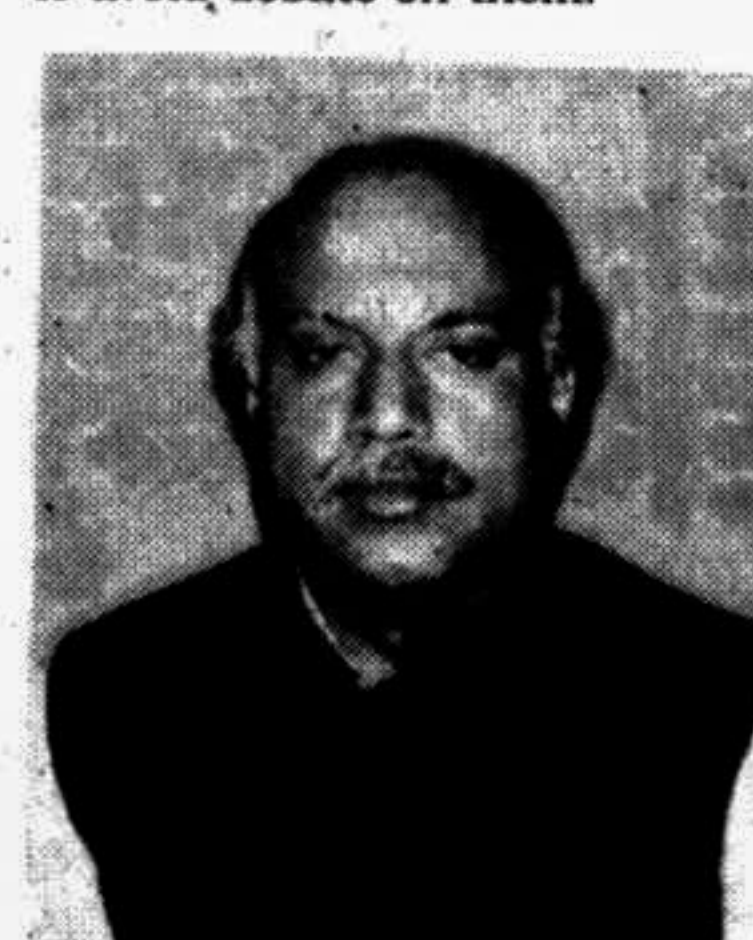
**Abdus Sobhan**

Maulana Abdus Sobhan (Jamaat-Pabna) urged the members not to throw the issue into debate in the interests of maintaining a congenial atmosphere in the House. He said as both the bills have become the property of the House it will not be proper to mar the atmosphere of the House.

He posed a question as to why the ruling party was insisting so much on maintaining the serial number 11 for their bill.

He said "we have to work unitedly for and historic event". He said the bill required support from both sides for its passage.

Shamsuddoha (CPB-Nilphamari) said the bill were national property and urged all to avoid debate on them.



**Abdur Rahman Biswas**

Giving his ruling, Speaker Abdur Rahman Biswas said it was supposed that after the speech of the concerned minister on a subject none would speak on the matter. "Still I have heard many of you both from Treasury and Opposition Benches."

He said he had gone through the Rules of Procedure, conventions of this House, papers and precedence and examined them thoroughly. Besides, the Law Minister also opposed the numbering of the bill placed on Thursday.

introduced before the House. He said the objection from the opposition on naming the bill as Eleventh Amendment Bill should have been raised on July 2 when the official bill was introduced before the House.

He said it has now been "time-barred" and the matter had lapsed. He said in the Parliament even punctuation matters much.

Mirza Hafiz maintained that the two bills can never be the property of the House at the same time.

He urged the chair to give his decision on the matter applying his power as provided by rule 92, rule 315 and 316 of the Rules of Procedure.



**Sajeda Chowdhury**

On the numbering of Constitution Amendment Bill, Begum Sajeda Chowdhury (AL-Faridpur) said we have heard a faridpur speech of the Law Minister. He had placed his argument in a sweet language, she said adding that a baby of two and a half month kept in intensive care unit with oxygen was being denied of a name while another baby of a few hours old got the name.

She said if the 330 members of this Sangsad brought in an amendment that amendment could be called eleventh amendment to the Constitution.

Begum Sajeda Chowdhury, however, assured the House they would fulfil their commitment given to the nation but she at the same time warned that it should not be missed.

She said their amendment to the Constitution gone through the Select Committee, the Ministry of Law and the Acting President as the Eleventh Constitution Amendment Bill so, she said, there was no way of changing the number.

**Abdus Samad Azad**

Abdus Samad Azad called for behaving in a democratic spirit and create a congenial atmosphere keeping the serial number of the bill as "eleventh Constitution Amendment Bill."

He urged the Speaker not to give any ruling on it and said otherwise there would be a difficult situation.

At this stage, the Law and Justice Minister took the floor and said there was no provision in the Rules of Procedure that after a winding up speech on concerned minister, statements were allowed to be made on the floor of the House.

Drawing the attention of the Speaker, the Law Minister said if such statements were allowed then members from the Treasury Bench would also speak.

Abdur Rahman Biswas said "we have to find out a correct path for a solution of the problem relating to the legal complications".

He said a bill in the name of Eleventh Constitution Amendment Bill has already been

was introduced before this House on July 2. He said later the Twelfth Constitution Amendment Bill was also brought before the House the same day.

The Speaker said the two bills were introduced before this House on July 2 without any objection. So there could not be another bill with the same name, he pointed out.

Abdur Rahman Biswas said the Speaker had the authority to bring in changes, alteration addition in any bill. So today's bill would be named as 13th Constitution Amendment Bill, 1991.

**Sheikh Hasina**

Taking the floor, the Leader of the Opposition, Sheikh Hasina said her party had struggled for fifteen years taking people with it for the establishment of people's government. Though BNP had



formed the government securing majority seats, we have obtained 38 per cent of the total votes in the last general elections. Had we followed the system of proportional representation of some other democratic countries in the world, we would have been on the other side of the Jatiya Sangsad today, she added.

She said her party was the first to submit the Constitution Amendment Bill on April 14 for switching over to parliamentary system in fulfillment of our pledge to the people. But the Treasury Bench submitted a similar bill much later using the title of ours. Our bill had been processed by the Law Ministry as 11th Constitution Amendment Bill. The select committee had okayed it under the same title. The Acting President had also recommended it the same way and even it has been introduced before the House in the morning sitting Thursday as the 11th Constitution Amendment Bill, she added.

She further pointed out that the Constitution Amendment Bill of the ruling party was introduced before the Sangsad on July 2 in only two days notice although the rule required at least seven days' notice. We could question this irregularity, but we did not. Under the Constitution, each of the 330 members of this Sangsad could bring in various amendments to the Constitution under the same title, she said.

But the Speaker disagreed with her observation.

Sheikh Hasina argued that the title of any amendment could not be changed before its adoption. She said the opposition was keen to create a congenial atmosphere and a climate of understanding in the House to fulfil the hopes and aspirations of the people. Our Constitution Amendment Bill simply aimed at fulfilling the aspirations of the national Co-operation and understanding between the two sides was necessary for the passage of the bill as no party enjoyed two-thirds majority in the Sangsad, she said.

The Leader of the Opposition said a doubt has already been lurking in the minds of the people whether the ruling party is at all serious to revert to the parliamentary system. The people are harbouring doubt whether the aspiration of the nation to go back to the parliamentary system, is going to be frustrated through subtle manipulation of the bill in question, she said.

She said the opposition's Constitution Amendment Bill had been introduced in the Sangsad as the 11th Constitution Amendment Bill. "We don't want to create a bad precedent by changing the number of title of our bill," she said.

## 7 resolutions introduced

Seven resolutions including one demanding implementation of the new Pay Commission for government officials and employees were introduced in parliament Thursday, reports UNB.

Other resolutions are on increase in power tariff of the Rural Electrification Board by 5 per cent over the rate of the Power Development Board, 50 per cent subsidy on fertilizer and pesticide sales, reduction of interest on agricultural loan by 7 per cent, construction of a road from Bagacha to Kashtpur in Jessore district completion of Rajbari-Kushtia Road and withdrawal of all certificate cases against farmers.

The resolutions were moved by Abdus Shahid (AL), Muzibur Rahman Manu (AL), Nurul Islam Moni (Ind), Sharif Uddin Ahmad (AL), Tabirur Rahman Sardar (AL), Abdul Awal (AL).