

# Plea to enact laws to stop grabbing of power

The Jatiya Sangsad resumed its afternoon sitting at 4-18 pm Wednesday with the Deputy Speaker, Sheikh Razzak Ali, in the chair, reports BSS.

The morning sitting of the day was, however, not covered as the journalists were on a two-hour token strike from 11 am in response to a call given by the BFUJ, DUJ and two other federations of workers and employees of newspaper industry for the implementation of the Wage Board Award.



**KM Jhangir**

As the House reassembled the Deputy Speaker invited KM Jhangir (AL-Patuakhali) to resume discussion on the 11th constitutional amendment bill.

Participating in the discussion Jhangir referred to the pledge of the three alliances in their joint declaration and said establishment of a sovereign parliament and transfer of power to that parliament would fill such commitment.

He said a sovereign parliament would be established only after the restoration of parliamentary form of government. Jhangir said it had to be decided first to whom the Acting President would transfer power then the question of his relinquishing power arises.

**Sk Harunar Rashid**  
Speaking next, Sheikh Harun ar Rashid (AL-Khulna) thanked the Acting President for his contribution in holding a free and fair election.

He called for redeeming the commitment the three alliances had made with regard to the return of the Acting President to his previous position.

Sheikh Rashid said the Awami League had passed the fourth amendment introducing presidential system in the country. But after the assassination of Bangabandhu the party under the leadership of Sheikh Hasina examined the reality in view of the situation and waged a struggle for restoration of parliamentary form of government and fought relentlessly for the last 16 years.

He pleaded for the passage of both the 11th and 12th amendment bills together.

**Enamul Huq**  
Participating next, Enamul Huq (Jamaat-Cox's Bazar) thanked the members of the Select Committee who held 36 sittings in 18 days. He said the 11th amendment should be passed unanimously so that the Acting President could return to his original position of Chief Justice.

Huq said the Acting President had maintained his complete neutrality during his short tenure and held the election by bringing the entire administration under the Election Commission. He said as Chief Justice of Bangladesh, Justice Shahabuddin Ahmed, would be able to contribute to help separation and independence of judiciary.

The Jamaat member pleaded for incorporating a provision of caretaker government for conducting free and fair elections in the constitution.

He said Jamaat leader Maulana Muttur Rahman Nizami was likely to bring a constitutional amendment bill seeking provision for caretaker government in Thursday's private members' day.

Huq urged the chair to allow Nizami to table the bill.

**Md Waliullah**  
Speaking next, Prof Mohammad Waliullah (AL-Noakhali) thanked the Acting President for his contribution in holding a free and fair election.

He pleaded for separation of judiciary from the executive and ensuring freedom of the press to fulfil the will of the people reflected in the last mass upsurge.

**Abdul Matin Khasru**  
Speaking next, Abdul Matin Khasru (AL-Comilla) pleaded for enacting laws to prevent capturing of power through extra-constitutional means.

He said such laws should be made by amending the constitution and added, if any one grabs power through extra-constitutional means and abrogates the constitution in accordance with the relevant constitutional provision when the victory of the people would again be achieved.

He said the 11th and the 12th constitutional amendments were complementary to each other and proposed for incorporating the provision for separation of judiciary in the 12th amendment.

Khasru referred to the law and order situation with a particular reference to the incident in the Dhaka University campus Tuesday and said following requests from the police over microphone the guardians could take home their children studying in two schools on the campus area.

He said it was the responsibility of the government to disarm their own men and then "we will also follow suite if there were any arms among our boys."

Khasru said, a nation does not get chance time and again. We have got one chance in 1971 and again 1991 to establish democracy and rule for law.

**Mansur Ahmed**  
Taking the floor, Mansur Ahmed (AL-Satkhira) recalled the supreme sacrifices of Selim, Delwar, Titas, Moizuddin and others who laid down their lives for the restoration of democracy. The nation has got this Sangsad as a result of the sacrifices of those brave sons, he added.

He said, no President in the past gave up power willfully. Mr Justice Shahabuddin Ahmed was the only President who had repeatedly expressed his desire to quit the post of presidency, he said adding, for which he deserved due honour

and respect.  
Referring to the killing of Bangabandhu Sheikh Mujibur Rahman, and four national leaders at the Dhaka Central Jail, Ahmed said, it was regrettable that the Sangsad had passed a bill banning the trial of those associated with the killings. He said, the killers should be tried for ensuring rule of law and establishing justice.

He appealed to all members of the House to consider the indemnity bill placed before the Sangsad by his party Chief Whip, Mohammad Nasim. He also requested the chair to take necessary measures. So that the Select Committee could place the bill at the House to discuss it along with the 12th Constitutional Amendment Bill and to take a decision in this regard.

Following is the remaining part of Tuesday's JS proceedings when the House resumed its sitting after Asr prayer with Deputy Speaker Sheikh Razzak Ali in the chair.

**Mir Shaukat Ali**  
Lt Gen (ret) Mir Shaukat Ali (BNP-Dhaka), rising on a point of order, said before the Asr break a member of Parliament had referred to the incidents of November 6 and November 7, 1975. He said he was in the army at that time and had the opportunity to watch the developments that took place.

Describing the capturing of power by an army officer superseding his senior officer at that time as against principle, Mir Shaukat Ali categorically said it was the revolution of the "Sipahi-Janata" that had installed late President Ziaur Rahman into power.

**Abdur Rahim**  
Taking the floor Abdur Rahim (BKSAL-Dinajpur) said former President Moshataque Ahmed was forced by the military junta to quit power at the point of revolver.

Rising again Mir Shaukat Ali asserted that the revolution of the "Sipahi-Janata" installed late Ziaur Rahman into power.

**Salauddin Yusuf**  
Awami League member Salauddin Yusuf and some other Awami League MPs stood up together to protest the statement of Mir Shaukat Ali. But the Deputy Speaker made a personal request to Yusuf not to be excited and have patience. Yusuf complied with the request of the Deputy Speaker.

**Dabirul Islam**  
Participating in the discussion on the 11th Constitution Amendment Bill Dabirul Islam (CPB-Thakurgaon) said the present Jatiya Sangsad was established after a long drawn bloody struggle against autocracy. He pleaded for taking steps to facilitate the return of the Acting President Justice Shahabuddin Ahmed to his former position.

He demanded punishment of those, who had actively collaborated with the autocratic regime in killing people and letting loose a reign of terror at the behest of the autocratic regime. Time has come when we must trace out these hated elements, he added.

Referring to deposed President H M Ershad, Dabirul Islam said the ex-President was now taking sleeping pills and trying to commit suicide. The JP members in the House protested the remark of Islam about Ershad by shouting. But Dabirul Islam said he was only quoting newspaper reports in this respect.

**Fazle Rabbi**  
Speaking on the Bill Advocate Fazle Rabbi (JP-Gaibandha) said, to implement the outline of the declaration of the three alliances, ex-President H M Ershad asked the then Vice-President Moudud Ahmed to resign so that the then Chief Justice Shahabuddin Ahmed could take over as Acting Vice-President. He took exception to describing former President Ershad as undemocratic and illegal saying that in that case the validity of the appointment of Justice Shahabuddin Ahmed as Vice-President would be questioned.

In this connection, he said likewise the Sikkim Parliament merged the country with India, keeping its people completely in the dark.

He said, "we must be careful so that we do not work against the will of the people after being elected by their votes".

He said he did not have much to say about the Eleventh Constitutional Amendment Bill except that the Acting President Justice Shahabuddin Ahmed would live in the minds of the people as the guardian of the nation.

attention of the chair saying that he wanted to make a "happy announcement" in the House. Being permitted by the chair, Huda informed the House that the government had decided to form a three-member committee in each upazila headed by the respective MP to take decisions on the "Palli ration" dealers.

He said, the committee would have the authority to cancel the dealership of any person if found guilty of corrupt practices with ration goods and give fresh appointment within seven days.

Huda said, his ministry Wednesday issued necessary directives in this regard. The other members, of the committee would be the UNO and the upazila food officer, he said.

The announcement of Huda was heartily greeted by members of both the Treasury and Opposition benches.

Taking the floor at this point Suranjit Sengupta (GP) suggested that a broad principle should be evolved for streamlining the Palli Rationing system.

ASM Firoz of Awami League opined that the responsibility of cancelling dealerships should not be vested on the MPs. Rather, he suggested that the dealerships should be cancelled through an executive order of the concerned ministry.

**Nazmul Huda**  
As Mansur Ahmed concluded, the State Minister for food Nazmul Huda drew the

**Mahbubul Alam**  
Mahbubul Alam (BNP) congratulated Huda for taking such an important decision on

**Mohammad Shamsuddoha**  
Mohammad Shamsuddoha (CPB-Nilphamari) firmly said democracy had to be established on a firm footing in Bangladesh putting an end to "politics of killings and coups".

He said the whole nation was eagerly looking forward as to when the country would switch over to parliamentary form of government.

Shamsuddoha, however, recalled the commitment of the two leaders - Begum Khaleda Zia and Sheikh Hasina - to Justice Shahabuddin Ahmed about his return to his post.

At this state, the Deputy Leader of the Opposition Abdus Samad Azad urged the chair to continue discussion in the House on the basis of the understanding made between the Treasury and the Opposition Bench. He hoped that no subterfuge means would be used ignoring the accord between the opposition and the government.

He said he thought the discussion on the Constitutional Amendment Bills would be held together and passed at the same time.

Deputy Speaker Sheikh Razzak Ali said the discussion on the bills would be held separately as the Amendments on the bills had been received separately. But he said "we would see whether or not a guideline can be evolved at the time of taking votes on the bills".

The Deputy Speaker said the members of the Jatiya Party might speak on the bill as they had given note of dis-sents on it.

The Deputy Speaker then adjourned the House for Maghreb Prayer.

**Suranjit Sengupta**  
Participating in the discussion on the bill, Ganatantr Party leader Suranjit Sengupta said the people of Bangladesh had set up a unique example of over throwing through movement a government that came to power in the extra-constitutional means and then succeeding in the transfer of power through the constitutional way.

He said this feat was worth following for many other Third World countries.

He described the mass upsurge that toppled the Ershad Government as a "revolution" and said every change had some basis and the will of the people was the basis of the proclamation of independence as mentioned in the Mujibnagar declaration, Sengupta declared.

The Ganatantr Party leader said the ordinance promulgated on January 11, 1972, had clearly stated that the basis of the country's constitution would be Parliamentary democracy.

He said, now, again after nine years of long struggle, a joint declaration was announced by the three alliances on November 19 last year whose out come was the present Parliament.

Sengupta pleaded for incorporation of point one to point 4(c) of that joint declaration in the preamble.

He said the constitution had been changed twice in the past and if the martial law proclamation could find a place in the constitution then why the joint declaration would not

palliating system which was a demand raised by the most of the members of the House he, however, demanded cancellation of all dealerships given during the Ershad regime saying the rural people did not see any rice or wheat. All of allotted to the village ration shops as those were sold in the towns by the corrupt dealers.

Taking the floor next respectively messrs. Shahidul Haq Jamal (BNP), Abdul Awal Meah(AM), Dr. Abdul Main Khan (BNP), Niamat Ullah (BNP), ATM Alamgir (BNP) and Shahjahan Siraj (JSD) put forward similar suggestions for streamlining the whole palli rationing system.

However, Ebadur Rahman Chowdhury of Jatiya Party said, it was the responsibility of the present government to find out those who were indulging in foul play with ration goods. They should be punished if there were any, he added. He said, the Jatiya Party government introduced the system for the benefit of the rural masses and the entire system could not be blamed.

**Farida Rahman**  
However, Mrs Farida Rahman (women seat - BNP) wanted to know from the minister if his ministry was consideration about the women members of the Jatiya Sangsad to include in the committees who each represents at least ten constituencies in an average. At this point the Deputy Speaker cut a joke saying if

one woman member were to head ten committees each, the male members would be relieved of grave responsibilities. The comment evoked humour and laughter at the House.

**Fatema Chowdhury**  
The House was rocked with laughter for the second time when another woman member Begum Fatema Chowdhury (BNP) wanted to know if the decision to form the committees was a "bhet" (a gift) from the minister for the member of the House.

Taking the floor Huda assured the members that a broad principle would be evolved for cancelling and reissuing dealership to ensure proper distribution of ration goods through the palli rationing system.

Rejecting the approaches of some members, Huda said, it would not be wise to cancel all the dealership in mass through an executive order. Rather, he said, it would be fair and rational that the committee, after being formed, took decisions for individual cases. If there were any honest dealer there was no harm to retain his dealership. But if there were complaints against any dealer his dealership should be cancelled.

The minister also assured the women members that their cases would also be considered with due sympathy.

**Salahuddin Yusuf**  
As the House resumed after the Asr prayer with the

death of President Ziaur Rahman, he said, the feeling of the people was a testimony to the love, affection and respect of the people for their beloved leader.

Maulana Ataur Rahman said, unfortunately the vested quarters in the name of making the country free of corruption forcibly ousted a democratically elected government and later not only overruled the nation with corrupt practices but also buried all democratic norms and values.

However, for ousting autocracy the whole nation, political workers and leaders of party affiliating, professionals, students workers and peasants launched a heroic and united struggle. After the fall of autocracy, the nation was at a critical juncture when Acting President Justice Shahabuddin Ahmed came to the scenario as the savior of the nation.

Maulana Ataur Rahman said, Justice Shahabuddin had taken the responsibility with the clear term that necessary steps would have to be taken for returning to his former position. The three alliances on behalf of the nation accepted the term of Justice Shahabuddin giving firm commitment to facilitate his return to former position.

Taking this commitment in view, Maulana Ataur Rahman said, the 11th Amendment Bill, placed in the House for allowing the Acting President to go back to his former post, was right step and right decision.

Calling upon the members to come to a consensus on the question of passing the amendment bills, Maulana Ataur Rahman Khan said, we should not raise those questions and issues in this connection on which we may differ.

He said, we will decide at an appropriate time whether we will adopt secularism or we will favour a referendum. He, however, expressed himself in favour of Islamic ideology as the basic state principle, saying, "Islam is a complete code of life". He called upon the members not to discuss lightly Islamic principles saying: "we should not do anything or talk in such a manner that could hurt the feelings of the majority of the population of the country."

He said the people of Bangladesh are the most religious minded in the whole world. "Islam will be the only basic principle and guiding force in Bangladesh," he added. But he clarified that while practising Islam, we should be cautious that the feelings of the people of other religions are not undermined.

Maulana Ataur Rahman congratulated Acting President Justice Shahabuddin Ahmed for holding fair and free elections. "His name will remain shining in the history of the nation for his best performances and achievements," he said.

**Tofael Ahmed**  
Participating in the discussion on the eleventh constitution amendment bill, Tofael Ahmed (AL-Bhola) thanked the members of the Select Committee for presenting a unanimous report before the House on the two constitutional bills.

He said Deputy Leader of the Opposition Abdus Samad Azad had submitted one bill incorporating the return of the

Acting President to his original post and reverting to the parliamentary form of government. But the Treasury Bench had introduced two bills for the same purpose. The Select Committee had also reported the same way. In fact, he said, the two bills are one.

The report of the Select Committee was unanimous with the exception of dissent from Moudud Ahmed on two words for obvious reasons.

Tofael Ahmed said the members had come to this House through a free and fair election, held under an impartial care-taker government, headed by Acting President Justice Shahabuddin Ahmed, after dislodging an autocratic government through movement.

The Awami League leader said the words "Shata shaheer rakter binimoye" should be incorporated after the words chhatra-krishak, sramik, janata and karmachari in the eleventh constitution amendment bill.

Tofael Ahmed suggested incorporating the framework of the three alliances in the constitution of the country.

Termining the joint framework as the magna carta of Bangladesh, Tofael Ahmed said there was no way out but to accept the reality of the joint declaration. The responsibility of the members of this House was multifarious. He said we have to stop forever the conspiracy in any form including killing and coup. He said by establishing democracy on sound footing we have to set an example for the posterity. He expressed the hope that the House was proceeding towards that end.

Tofael Ahmed said Bangabandhu was killed in 1975 and Ziaur Rahman killed in 1982. He said this sort of killings should be stopped forever. The three alliances had dislodged the autocratic regime through a mass movement and still more was to be done, he added.

Referring to the objections of Justice. Abdur Rahman in regard to return of the Acting President to his original post, Tofael Ahmed said Justice Rahman was dismissed by a full bench of the Supreme Court in 1983 for intentionally convicting a Deputy Attorney General of Jessoro. He said the Acting President was one of the member of the bench and as such Justice Abdur Rahman was so vocal against him.

Tofael said we have opened the door through introduction of the 11th and 12th constitutional amendment bills. The 15-member select committee has considered the bills and made its recommendations.

The 330 members of this House may suggest more acceptable amendments after a thorough discussion, but all we have to do is to make way for the Acting President to return to his original post while recognising his service in the crucial hours of the nation.

M Latifur Rahman (Jamaat-Dinajpur) said the Acting President deserved thanks.

He said the Jamaat and the three alliances had suggested President Ershad to hand over power to the Chief Justice of the country.

Speaker Abdur Rahman Biswas adjourned the House at 9-17 pm Tuesday to be assemble at 11 am Wednesday.

Speaker Abdur Rahman Biswas in the chair, Salahuddin Yusuf (AL-Khulna) took the floor and said there was no scope for discord on the consensus reached by the Select Committee on the 11th constitutional amendment bill paving the way for the return of the Acting President to his previous post.

He said we all in the House should reach an accord for his return to the previous post of Chief Justice.

Yusuf said the Acting President has no lust for power as he wanted to go back to his profession. He said it should be our bounden duty to pave the way for him to go back to his previous post.

Disagreeing with the suggestions that some people might not get due justice if the Acting President had gone back to his post, Yusuf said it was simply a motivated propaganda.

The Awami League member called for identifying history in its right perspective, as history must be evaluated in its right earnest. He said history can never be built on quick sand.

**Salahuddin Quader Chowdhury**  
Speaking next, Salahuddin Quader Chowdhury (NDP-Chittagong) said it was true that the Acting President Justice Shahabuddin Ahmed successfully held a free and fair election in the country. He said, it was also true that before his appointment as the Acting President, the three al-

liances had assured Justice Shahabuddin of his reinstatement to his original post, but, Chowdhury asserted that he had mentioned on the very first day of fifth Sangsad, at the inaugural session, that unless the appointment of Justice Shahabuddin Ahmed as the Acting President was ratified, he would remain vulnerable to legal procedures.

He drew the attention of the chair to a headline of a city English daily on the proceedings of the Jatiya Sangsad which read "The JS decided over return his [Justice Shahabuddin's] to his post".

Chowdhury said "Whatever the Law and Justice Minister Mirza Golam Hafiz and Deputy Leader of the Opposition Abdus Samad Azad might say, the fact is that discord had been expressed in the Jatiya Sangsad and misgivings have been created over his return to his post."

He said we might have obligation but the morality and propriety of the Acting President about his going back to his previous post must be weighed much more carefully than that.

He said the High Court Division of the Supreme Court did not uphold a single detention order issued under the Special Powers Act during the last few months.

He posed a question as to what he would be doing if any of his actions was challenged in the court.

**Mohiuddin Ahmed**  
Participating in the discussion on the 11th Constitution Amendment Bill, Mohiuddin Ahmed (AL-Bakerganj) said both the Treasury and the Opposition bench members were unanimous on the question of Justice Shahabuddin Ahmed's return to his original post.

Ahmed said eight-party leader Sheikh Hasina and seven-party leader Begum Khaleda Zia had committed to the Acting President to provide scope for his return. These two leaders, he said, had led the mass movement to its success with the cooperation of other alliance and parties.

The present Jatiya Sangsad, he said, was the fruit of a free and fair election held under a care-taker government headed by the Acting President. This Sangsad had been established through supreme sacrifice of many people, he added.

Referring to the controversial points raised by Salahuddin Quader Chowdhury and some others, regarding Justice Shahabuddin's return to his original post, Ahmed said on benefit would be achieved by raising such a controversy. He said if such things were dug out, the legality of this Sangsad could also be questioned, legalise the rehabilitation of autocrat Ershad. He wanted to know whether such a situation would be desirable for us. He said we want to see this great man to return to his original post.

Ahmed said founder of Pakistan Mohammad Ali Jinnah raised the controversy of language which was promptly opposed by Bangabandhu Sheikh Mujibur Rahman. Bangladesh, he said, had achieved its independence through a bloody liberation war under the leadership of the Bangabandhu.

Mohiuddin Ahmed said Bangabandhu had not only led the nation towards independence but also taught us how to achieve economic emancipation. But this legendary leader, he said, was assassinated by a handful of killers who were still at large. At the same time four national leaders were also bayoneted by the killers.

The Awami League member said, we want the trial of the killers. He appealed to all the members of the Jatiya Sangsad to help adopt the Indemnity Bill submitted by Chief Whip of the Opposition Mohammad Nasim.

Ahmed urged the BNP government to stop politics of killings and conspiracies by adopting the indemnity Bill and there by create a history. He said his party would cooperate with the BNP government so that it could retain power for schedule five years.

The Speaker, Abdur Rahman Biswas then adjourned the House for 30 minutes for the Maghreb prayer. **Incomplete**

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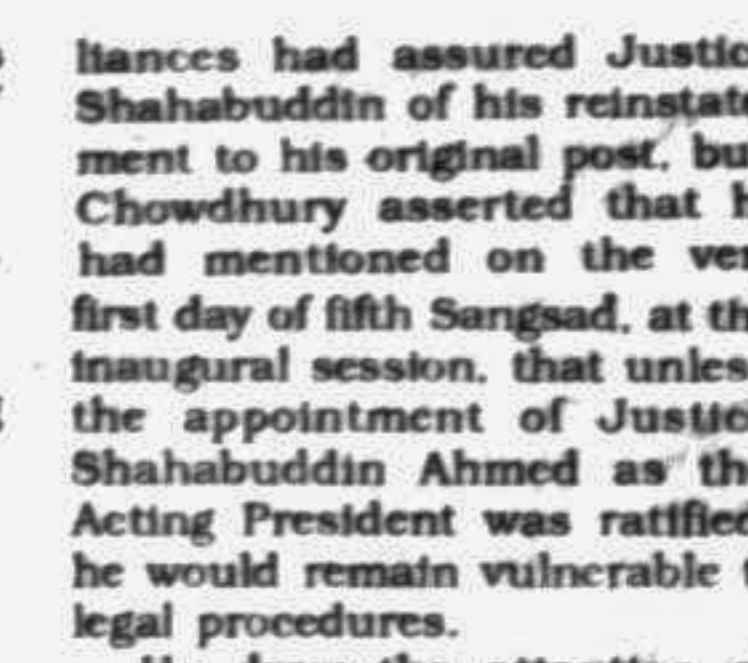
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