'Size of the cabinet should not be more than 25'

Following is the remaining part of Tuesday's Jatiya Sangsad proceedings, reports BSS.

Rob Chowdhury

Abdur Rob Chowdhury (BNP-Lakkhipur), taking the floor said, the answer to what the Leader of the Opposition had raised lay in Article 49 of the bill. He remarked that the Deputy Leader of the Opposition might not have properly briefed the Leader of the Opposition on the issue.

This prompted Deputy Leader of the Opposition Abdus Samad Azad to take the floor and say that Sheikh Hasina was aware of that but what she raised was something different.

Sudhangsu Shekhar

Sudhangsu Shekhar Halder rose to his feet and said the relevant issues have been spelt out in chapters in the bill and not in the form of articles. As such, he said, there should be no misunderstanding on this.

Suranjit Sengupta, moving his amendment, said practice of democracy was most important than the form of government. He stressed the need for accountability to make democracy successful.

Sengupta said the President once elected had to be impartial and impartiality had to be shown in appointing the Chief Election Commissioner.

This would strengthen democracy, he said.

Dr AKM Asjad (Jamaat-Rajbari) said independence of the judiciary is important and care must be taken about that.

Abdul Hafiz

Md Abdul Hafiz (NAP-Nilphamari) moved a number of amendments and said independence of the judiciary and free and fair elections depended much on the appointment of Chief Justice and Chief Election Commissioner and the House must devote its attention to this aspect.

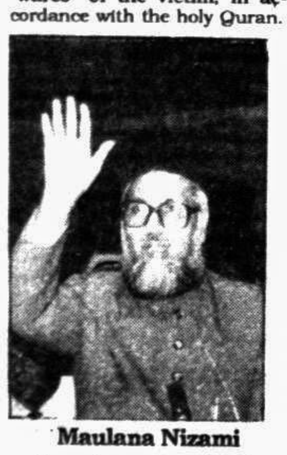
Mosharraf Hossain (AL) pleaded that the President's age must not be less than 40 since it was widely acknowledged that a person attains maturity at this age. He said Prophet Mohammad (SM) also attained "nobuwat" (Prophethood) at the age of 40.

Abdul Matin Khasru (AL) also spoke in the same vein.

Professor Md Waliullah (AL) proposed that the President should have also a degree as the educational qualification since only age could not be the criterion for becoming President.

Maulana Sobhan

Maulana Sobhan (Jamaat) proposed that the President should not have the power of celemency in relation to a killer unless approved by the "wares" of the victim, in accordance with the holy Quran.



Maulana Nizami

Jamaat members Moulana Matiur Rahman Nizami (Pabna), Mohammad Sakhawat Hossain (Jessore), A M Riasat Ali and Nazrul Islam (Satkhira), Mohammad Latifur Rahman (Nawabganj), Shahjahan Chowdhury (Chittagong) and Dr AKM Asjad (Rajbari) said the provision empowering the president for pardoning a killer convicted by a court is against the Quranic provision. They said that concurrence of the nearest relations of the person killed should be incorporated in the pardoning clause. They said otherwise this clause might be used for political purposes.

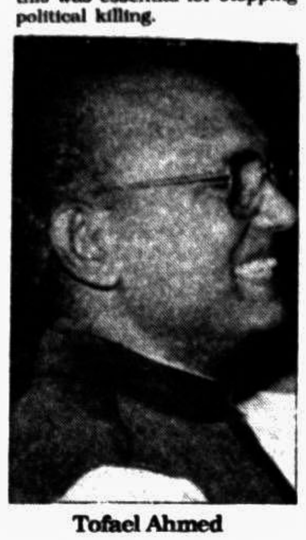
Mansur Ahmed

Mansur Ahmed (AL Satkhira) said since the President would be elected by the votes of the MPs of the majority party, the President at times, may not be impartial.

Citing the case of one Mohammad Azam, Munsur said, he was convicted and awarded life imprisonment by a lower court. When his case was in the High Court, the President not only pardoned him but introduced him as his own brother in a public meeting. He said the President should be empowered to pardon all excepting a person convicted for killing by a court.

Abdul Matin

Awami League Member Abdul Matin Khasru (Comilla) and Mohammad Sultan-ul-Kabir Chowdhury (Chittagong) said, the provision necessitating the concurrence of the nearest relation or relations of the person killed while the President pardons a killer, should be included. They said this was essential for stopping political killing.



Tofael Ahmed

Tofael Ahmed (AL-Bhola) said there was a sensational news in Monday's newspapers that Jatiya Party members, including deposed President Ershad now in jail, would be brought to the House on parole.

Tofael said government had allowed four Jatiya Party leaders, Moudud Ahmed, Mizanur Rahman Chowdhury, Shah Moazzem Hossain and Reazuddin Ahmed Bhola Mia to meet deposed President Ershad for two hours. He said two JP members, who were outside Dhaka, were brought for this purpose.

The Awami League leader asked if this friendship was intended to obtain the support of the JP members for the passage of bills.

He said they would resist the attempt for tarnishing the image of Sheikh Hasina through disseminating news by the BSS.

He alleged that the Jatiya Party leaders had met the Prime Minister. He wanted to know from the government whether it was an attempt to rehabilitate the Jatiya Party and deposed President Ershad.

Tofael Ahmed warned that any attempt to obstruct the introduction of the Indemnity Bill would be resisted by the Awami League.

Moudud Ahmed, Acting Leader of JP Parliamentary Party, said Awami League would never be able to resist the political rehabilitation of former President Ershad. Ershad had been elected from five constituencies. Only those people were opposing his (Ershad) rehabilitation who thought that by this they would lose politically, he added.

Moudud Ahmed

Moudud said former President Ershad, former ministers Kazi Zafar Ahmed, Anwar Hossain and Sarder Amjad Hossain were elected members of this Sangsad and they had absolutely legitimate right to participate in the voting on the important Constitution Amendment Bills. If these JP members were allowed to take oath as MPs, why they would not be able to take part in the voting, he asked.

He denied newspaper report that some leaders of his party had met the Kazi Zafar Ahmed, Anwar Hossain and Sardar Amjad Hossain in the jail. Tofael Ahmed could have verified the report from me before raising the matter in the House, he said.

Moudud reminded Tofael Ahmed not to forget that the JP leaders now in jail got themselves elected as members of this Sangsad the same way he (Tofael) had been elected. He counselled Tofael not be jealous and revengeful.

Badruddoza

Dismissing the Opposition charge, Prof Badruddoza Chowdhury said that there was no move on the part of the government to rehabilitate former President Ershad and his Jatiya Party. He strongly denied that former President Ershad had a meeting with the Prime Minister. There was no proof to substantiate this, he added.

The Deputy Leader of the House, however, made it clear that every member of the Sangsad had the right to meet the Prime Minister for discussing his problems.

Lobbying is not an unparliamentary sentence or word he said adding lobbying is an essential part of politics and political behaviour. He said former President is a convicted prisoner.

The Opposition could raise protest only when the 10-year imprisonment of Ershad was pardoned through lobbying, but not now, he stressed.

Prof Badruddoza also disagreed with the contention of Tofael Ahmed that Jatiya Party is not a part of the Opposition in the House. In support of his point, he said when the Opposition Chief Whip submitted the list of Speaker to speak on any issue in the House, he also included the names of JP MPs, he said.

Mirza Hafiz

Joining the issue Law and Justice Minister Mirza Gholam Hafiz said there was no legal bar if the parliamentary party of Jatiya Party voted in favour of the Constitution Amendment Bills in support of parliamentary system of government. If the Jatiya Party opted for parliamentary system it would be the victory of Awami League also, he added.

Elaborating, he said he did not know how far the newspaper report was correct about Jatiya Party's decision to vote in favour of the Constitution Amendment Bills facilitating the country's reversion to parliamentary system of government. He said Moudud Ahmed told him (Hafiz) that Jatiya Party believed in presidential system. If the Jatiya Party opted for parliamentary system changing their stand, this would be deemed to have been the best thing on their part, he said, adding there was no legal bar in it.

After the Law Minister's speech, the House was adjourned at 1-45 pm

The Jatiya Sangsad resumed its sitting at 4-24 pm with the Speaker, Abdur Rahman Biswas, in the chair.

Abdul Hamid

Moving his amendment, Advocate M Abdul Hamid (AL-Kishoreganj) said, before clemency is showed by the President, it should be discussed and approved by the House. He said this was necessary so that power was not misused.

Nurul Islam Moni

Moving his amendment, Nurul Islam Moni (Ind-Barguna) said it should be incorporated in the Constitution that the President would hand over charge to his successor within 30 days from the date of expiry of his term and that his seat would fall vacant on the date of his handing over of the charge.

Rahmat Ali

Moving his amendments Rahmat Ali (AL-Gazipur) said none should hold the post of the President for more than 10 years either consecutively or in two separate terms.

He said any person defeated in the parliamentary elections would not be eligible to be a Minister, State Minister or Deputy Minister.

His amendment also said that the Prime Minister would exercise his or her executive power according to the Constitution after consultation with the cabinet.

Rafiqul Islam

Prof Rafiqul Islam (AL-Jessore) said there should be a constitutional provision barring a president after leaving his post, from holding any post below that rank. He said this was necessary to uphold the dignity of the post of President.

Shajahan Siraj

Shajahan Siraj (JSD-Tangail) said if a situation arises when both the posts of the President and the Speaker become vacant or they become incapable of working, the power and responsibility of the President would be bestowed on the Chief Justice of the Appellate Division of the Supreme Court and he would take all actions according to the Constitution.

He said this provision in the Constitution was necessary for the existence of the Parliament and the Constitution.

Motia Chowdhury

Begum Motia Chowdhury in her amendment, said the executive power of the republic shall be vested in the President according to the Constitution and subject to the advise of the Prime Minister.

Abul Hasan

Abul Hasan Chowdhury (AL-Tangail), moving a similar amendment, said this was necessary, to make the post of the President meaningful and honourable.

Rashed Mosharraf

Speaking next, Haji Rashed Mosharraf (AL-Jamalpur) said the cabinet collectively and the ministers individually would be responsible to the House. He said this was necessary as sometimes due to the act of one minister the whole cabinet suffers.

Salauddin Quader

Salahuddin Quader Chowdhury (NDP- Chittagong) said the executive power of the republic shall be exercised by the Prime Minister in accordance with the Constitution and the members of the cabinet shall be collectively and individually responsible to the Parliament.

Suranjit Sengupta

Moving his amendment, Suranjit Sengupta said, the executive power of the republic is vested in the President and is exercisable by the Prime Minister as the President's representative, and extends to the execution and maintenance of this Constitution and of the laws of the republic "should replace the proposed Article 48 in Clause 3 of the bill.

Sengupta said the full cabinet as well as the members of the cabinet individually be accountable to the Sangsad.

Criticising the provision of keeping reserved 10 per cent of the Sangsad seats for the technocrats, he said it was a not in accordance with the joint declaration of the three alliances.

Jamiruddin Sircar

Intervening, State Minister for Land Jamiruddin Sircar, a technocrat, said he was an elected member in the Jatiya Sangsad in 1979 and none could say that he would not contest elections in the future.

Referring to the plea for the provision seeking to have the technocrat ministers elected within six months, of their joining the cabinet, Sircar said this provision could be avoided by resignation or by other ways before the expiry of six months and get reinstatement later. He said the 10 per cent quota for technocrats would not be inconsistent to the Constitution.

Nurul Islam Moni (Ind-Barguna) and Begum Matia Chowdhury said the cabinet

members jointly and individually should be accountable to the House.

Matin Khasru

Moving his amendment, Abdul Matin Khasru (AL-Comilla) said in the presidential form of government the cabinet was accountable to the President. He said in the parliamentary form the cabinet members should be accountable jointly and individually to the House to fulfil the hopes and aspirations of the people.

Moshrraff Hossain

Mosharraf Hossain (AL-Mymensingh) said the size of the cabinet including Ministers, State Ministers and Deputy Ministers should not be more than 25 considering the financial, and socio-economic condition of the country.

Prof Abdul Mannan said the number of the technocrats in the cabinet should not be more than one tenth of the cabinet.

The House reassembled at 5-52 pm with Deputy Speaker Sheikh Razzak Ali in the chair.

Salahuddin Yusuf

The chair gave the floor to Salahuddin Yusuf (AL-Khulna) to move his amendments but requested the member to move all his amendments together to save time.

Suranjit Sengupta (GP-Sunamganj) sought to speak something but the chair said Sengupta had nothing to do with this because what he said was the understanding reached among all sides.

Moving his amendments Salahuddin Yusuf said if someone was appointed a minister without being a member of the House, he or she must be elected as a member of the House within six months to remain a minister.

The Deputy Speaker said it was not agreeable since by convention, members of the parties having representation in the Select Committee were not expected to bring any amendment at this stage.

Citing convention of the House of Commons, the chair said parties which give opinion in the committees like the Select Committee, in finalising a report at a later stage do not bring amendment.

Abdus Samad

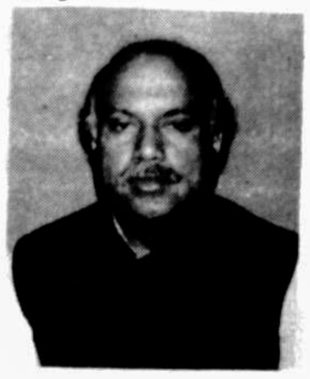
Deputy Leader of the Opposition Abdus Samad Azad said he would not like to raise any controversy at this stage but it was desirable that the members discussed the amendments as far as possible and the Select Committee had also agreed on necessary discussions at later stage.

Delwar Hossain

Taking the floor, Chief Whip Khandaker Delwar Hossain said it was necessary to save time for the passage of the 11th and 12th Constitutional Amendment Bills.

He said there was a huge number of amendment but most of them were similar in nature.

The Chief Whip urged all to realise this situation and refrain from making repetitions in their statements while tabling the amendments.



Mohammad Nasim

Chief Whip of the Opposition Mohammad Nasim, taking the floor, said the Opposition was also keen to save time but many amendments despite their apparent similarities were different in many ways.

He urged the chair to give opportunities to the members as far as possible to speak on their amendments.

The Deputy Speaker agreed and said it was desirable that the members would table their amendments only.

Azizur Rahman

Azizur Rahman (AL-Maulavibazar) moving his amendment, said if a minister was not a member of the House, he was not answerable to the people.

As such, he contended, a non-member minister must become a member within six months.

Begum Matia Chowdhury (AL) spoke in the same vein in her amendment and observed that the performances of the non-member ministers in the House were nothing extra-ordinary, nothing beyond the ability of the others who were members of the House.

Rashed Mosharraf

Haji Rashed Mosharraf (AL) said a minister, who is not a member of the House often fails to understand the pulse of the people because he is not elected from his area.

He said the stands of the non-elected minister's different substantially from those elected by people.

Abdus Shahid

Abdus Shahid (AL-Moulvibazar) in his amendment said it would not be proper that a members would have to vacate his seat if he remains absent from any sitting or on the plea of abstaining from voting. He said any member could fall sick at any time absenting himself from the sitting of the Sangsad.

The Deputy Leader of the Opposition Abdus Samad Azad drew the attention of the chair to the latest position of the bill for the repeal of the Indemnity Act. He said the Law Minister, Deputy Leader of the House and the group leaders had all recognised the admissibility of the bill for repealing the Indemnity Act.

Azad said the Law Minister assured us that bill would be placed before House after fulfilling the requirement of rules. He wanted to know from the chair if the bill was going to be placed before the House in the next private members' day (Thursday).

Deputy Speaker Sheikh Razzak Ali said the procedure of placing a bill by a minister is different from that by a private member. He said much has been said about the Indemnity Bill.

He said "we are moving towards democracy in an atmosphere of amity and friendship".

The Deputy Speaker said we could not move much ahead down the road to democracy set in motion by Sheikh Mujibur Rahman in the one year and ten months after the emergence of the country.

To the cheers in the House, the Deputy Speaker confidently said "Inshaallah, the bill for the repeal of the Indemnity Act will be introduced before the House on next Thursday, the private members' day".

He said the law will move on its own pace and the bill would be put on the order of the day.

He said no obstruction was put by the secretariat adding "I myself have seen the bill in the Sangsad secretariat". Amid loud cheers from the members of the House, the Deputy Speaker said the Indemnity Bill could be placed even Wednesday. If the two Amendment Bills were passed Tuesday.

Abdus Sobhan

At this stage Moulana Abdus Sobhan (Jamaat-Pabna) wanted to know from the chair about the fate of the bill submitted by Matiur Rahman Nizami on the holding of all elections under caretaker government.

The Deputy Speaker said if the bill was ready it would also be placed on Thursday. He said "we want the establishment of rule of law in the country."

Mostafizur Rahman

Advocate Mostafizur Rahman (AL-Dinajpur) spoke in support of his amendment on the 12th Constitutional Amendment Bill.

Next Speaker Khademul Islam (AL-Thakurgaon) in support of his Amendment Bill said, "Speaker, how is it that the defeat in the election would make one minister and victory will bring for one a seat in the parliament only."

Taking the floor next, the mover of the bill for the repeal of the Indemnity Act, Mohammed Nasim, the Chief Whip of the Opposition, reiterated his stand for the trial of the killers of Bangabandhu Sheikh Mujibur Rahman. He said it was a happy augury for all of us that the two forces have met each other at the confluence of amity.

He said "I must thank the Leader of the Opposition under whose instance I have placed the bill".

In an emotion choked voice, Nasim said the Treasury Bench deserved praise for showing due generosity in dealing with the bill.

He also thanked the Law Minister and the Deputy Leader of the House for their cooperation in this regard.

He said he hoped everybody would demonstrate the same warmth of feeling in the passage of the bill.

He also thanked Salahuddin Quader Chowdhury, Rashed Khan Menon, and those Jamaat-e-Islami, Jatiya Party and independent members who had supported the bill.

Nasim also profusely thanked the Speaker and all the other members of the House.

Thereafter Shamsuddoha (CPB-Nilphamari), Dr AKM Asjad (Jamaat-Rajbari) and Shamsul Huq (AL-Mymensingh) spoke in favour of their amendments on the 12th Constitution Amendment Bill.

Fazle Rabbi

Moving his amendment, Advocate Fazle Rabbi (JP-Gaibandha) said Ministers, State Ministers and Deputy Ministers should be appointed from among Parliament members.

He said any election should be held through secret ballot.

Tajul Islam

Tajul Islam Farooq (AL-Rajshahi) moving his amendment said non-member ministers should be elected members of Parliament within 180 days of their appointment.

Shah Hadiuzzaman (AL-Jessore), M Mizanur Rahman Manu (AL-Dinajpur), Tabibur Rahman Sarder (AL-Jessore), Principal MM Nazrul Islam (AL-Bhola), Prof Rafiqul Islam (AL-Jessore), Mosharraf Hossain (AL-Faridpur), Abdur Rouf (AL-Nilphamari) also moved their amendments on provision for appointment of technocrat ministers.

They said that these ministers should be elected members within six months of their appointment, otherwise they would lose their ministership.

Sharifuddin Ahmed

Moving his amendment, Sharifuddin Ahmed (AL-Habiganj) said he was demanding a reduction in the number of technocrats in the cabinet as proposed in the bill.

Salahuddin Quader

Next on the floor Salahuddin Quader Chowdhury (NDP-Chittagong) sought the inclusion of a provision seeking the Prime Minister secured a vote of confidence within 60 days of his or her appointment.

He, however, said it was true that Sheikh Mujibur Rahman did not secure a vote of confidence on his appointment as Prime Minister of Bangladesh in 1973.

Chowdhury said in the parliamentary form of government securing the vote of confidence was essential to judge whether the Prime Minister enjoyed the confidence of the majority of the members.

Suranjit Sengupta said that the Chair's remark on the Indemnity Bill had created a congenial atmosphere in the House. He said Jamaat has failed to establish "Moududism" in Bangladesh.

Referring to the insertion of "Bismillah-ir-Rahman-ir-Rahim" in the constitution, Sengupta said he accepted the majority demand as the Muslims began everything with this verse of the Holy Quran. He demanded that members of all other faiths should be also given the opportunity to begin anything with whatever their religious norms deemed fit. He said there was no place of communalism in democracy.

Sengupta said he opposed the emergency provision of the Constitution which denied the fundamental rights of the people.

He said without tolerance, democracy would not get an institutional shape.

Rising on a point of order, Moulana Matiur Rahman Nizami (Jamaat-Pabna) said he would not contradict the contention of Sengupta but he wanted to make it clear that there was nothing like "Moududism" as stated in the House.

Dhirendranath Shambhu

Dhirendranath Shambhu (AL-Narail) demanded complete withdrawal of Article 56 of Clause 3 from the bill.

Sheikh Fazlul Karim

Participating in the discussion on the bill Awami League's Sheikh Fazlul Karim Selim from Gopalganj proposed the amendment saying a minister who is not a member of the Sangsad should get elected to the House within six months of his appointment as a Minister.

The provision that a member who will cross the floor (leave the party) will lose membership, the AL member said this was not only undemocratic but also 'inhuman'.

He said if the provision of referendum was retained it would tarnish the verdict of the people.

Redwan Ahmed

Redwan Ahmed, an independent member from Comilla, agreed to the provision contained in the bill that a capable person who is not elected may become a minister but a defeated person should not become a minister.

Mahiuddin Ahmed

Mahiuddin Ahmed, Awami League member from Bakerganj, in his amendment proposal said that a defeated person could not be made a minister.

Kazi Abdur Rashid

Another Awami League member from Gopalganj Kazi Abdur Rashid, in his amendment motion, said a defeated person could not be made a minister until he was elected to the Sangsad.

AKM Jahangir Hussain, AL (Patuakhali), in his amendment, expressed similar opinion, not to include a defeated person in the cabinet. AL member Sultanul Kabir Chowdhury from Banshkhali also submitted that a non-member made a minister should get elected within six months of his becoming a cabinet member.

Ebadur Rahman Chowdhury (JP-Maulvibazar), Mukhlesur Rahman (AL-Thakurgaon), Rahmat Ali (AL-Gazipur), Prof Rafiqul Islam (AL-Jessore), Nurul Islam Moni (Ind-Borguna), Nazrul Islam (Jamaat-Satkhira) and Shajahan Siraj (JSD-Tangail) spoke in favour of their respective amendments to the bill.

Sajeda Chowdhury

Awami League leader Begum Sajeda Chowdhury said now we were standing at a historic moment. She suggested that the amendments by all the MPs to the Constitution Amendment Bill should be deemed to have been read in the House. All the members of the House cutting across party line approved her suggestion by thumping the desks.

When the Leader of the Opposition, Sheikh Hasina entered the House at 9-28 pm, the members belonging to the Awami League and its allies greeted her by clapping of hands and thumping of desks.

Thereafter the Deputy Speaker gave the floor to the Law and Justice Minister Mirza Gholam Hafiz, who stood up to speak amid thunderous applause by the members from all sides.

Deputy Speaker Sheikh Razzak Ali said there had been elaborate, clausewise discussions on different amendments of the members for a long time. He requested the Law Minister to state specifically if he had accepted any of the amendments by the members.

The House adopted the English version of the amendment moved by Shahjahan Siraj (JSD-Tangail) by voice vote. The Deputy Speaker then put to vote all the amendments on the 12th Amendment Bill together except three amendments accepted by the House. The House rejected all the amendments together by voice vote.

The House also adopted the English version of the amendment of Aminul Huq on 11th Amendment Bill which was adopted Tuesday.

The Speaker put the 11th Amendments Bill to vote clausewise which was accepted by voice vote. The House passed the bill by division vote of 278 to nil. After adopting the two bills, the House was adjourned at 1.44 till 7-30 pm on Wednesday.

'Legal sovereignty of JS can be challenged'

Law and Justice Minister Mirza Gholam Hafiz on Tuesday night expressed his firm conviction that the country's reversion to parliamentary democracy after long 16 years of the presidential form of government would bring about political stability, and usher in an era of prosperity, reports BSS.

Delivering his winding-up speech in the Jatiya Sangsad Parliament at the end of an eight-day discussion on the Constitution Amendment Bills, the Law Minister said the passage of the two nationally significant bills would also facilitate the establishment of the rule of law and the improvement of the administration. This in turn would help restore peace and discipline in society.

Mirza Golam Hafiz, whose speech was repeatedly greeted by thunderous applause of the members of the House, said the constitution of a country must reflect its socio-economic condition, aspirations of the people and its objective geo-political situation. Our Constitution should be such as would mirror the objective condition of the country and yearnings of the people, he added.

Paying his respect to MPs, he said the legislators of this Sangsad got the rare opportunity and privilege of changing the constitution through which the country would switch over to the parliamentary system of government. An opportunity like this rarely came to legislators in the whole span of their life, he opined.

The Law Minister told the Sangsad he had accepted three amendments from the opposition members to the 12th Constitution Amendment Bill.

He said, moving amendments to the bill some members spoke in favour of election of technocrats included in the cabinet, some favoured secret voting on the election of the President of the republic, some demanded more powers for the Prime Minister while some others pleaded for curtailment.

Yet some members opposed the provision of referendum after the adoption of the major constitution amendment bills.

Workers' Party leader Rashed Khan Menon even went to the extent of saying that referendum would under line our sovereignty, he added.

Disagreeing with Menon, the Law Minister said the people were the source of power while the Sangsad enjoyed legal sovereignty the real sovereignty belonged to the people.

Legal sovereignty of the Sangsad was changeable, but the people's sovereignty was not. Again while the sovereignty of the Sangsad was limited that of people's sovereignty unlimited, he said.

Defending the provision of the referendum, he said it was in vogue in many countries including the Philippines, Turkey, South Korea, and Australia.

Tracing the constitution of many countries of the world, the Law Minister said in no country of the world unalloyed democracy existed. Even the Westminster type of democracy has too many complexities, he observed.

He said today's was the most momentous occasion in the history of our country. The whole world was looking forward to us eagerly to see how we fared in switching over to parliamentary democracy, he added.

The Law Minister, who looked cheerful and hearty and whose witty remarks drew cheers from the members, held out the solemn assurance that if any part of the constitution did not work well it would definitely be amended.