



BNP Chairperson and Leader of the Opposition Begum Khaleda Zia taking iftar with the orphans at an orphanage Narinda in the city yesterday.

— Star photo

'CHT accord does not violate unitary character of state'

Noted constitutional expert and President of SAARC Law Barrister Amir-ul Islam said the peace agreement on Chittagong Hill Tracts did not go beyond the constitutional framework, rather it was done on the basis of existing format of the local government institutions.

"It's a great success for the present government that it could reach an agreement within the framework of the Constitution by ensuring social and economic justice at a time when the Parbatya Chittagong Jano Sanghati Samity (PCJSS) was demanding full autonomy of CHT," he said in an exclusive interview with the BSS on Thursday.

Replies to a question, Amir-ul Islam said the peace accord is not violative to the unitary character of the state. The criteria of the unitary character as distinct from the federal structure is very much intact, he added.

Moreover, the concept of concentrated power is against the Constitution and that is why the Constitution mandates for separation of judiciary from the executive, he said.

The Constitution, as per Articles 59 and 60, has a provision to empower the local government while fundamental principles of state policy of the Constitution further mandate that "The state shall encourage local government institutions composed of representatives of the areas concerned," he pointed out.

Amir-ul Islam referred to a judgement of Appellate Division of the Supreme Court saying that each district must have a district council.

Former Chief Justice Shahabuddin Ahmed in the judgement gave direction that since the 12th amendment and with the reappearance of Articles 59 and 60 of the Constitution, the local bodies "shall have to be updated in conformity with Articles 59 and 60 read with Article 152 (1) for the lawful functioning of the said local bodies."

The judgement further said, "The existing local bodies are required to be brought in line with Article 59 by replacing the non-elected person by election — with a period not exceeding six months from the date."

Barrister Amir said during the government of Begum Khaleda Zia, the instruction was followed as far as the four city corporations are concerned which were otherwise headed by appointed persons.

But, he said, the requirement for designating other local government tiers and constituting the district councils remained unanswered.

Barrister Amir said government of Begum Khaleda Zia took time for extension of the period. In fact, BNP apparently lacked commitment in establishing the local government administration, he observed. Although it did not raise any question about the local government in the three hill districts, it is now making a lot of noise, perhaps for their party interest, the constitutional expert added.

Gold, silver worth Tk 9 lakh seized at ZIA

By Staff Correspondent

Customs authorities at the Zia International Airport (ZIA) seized gold ornaments and silver worth about Tk 9.25 lakh from a passenger Wednesday afternoon.

Customs officials seized 1,919 grams of gold ornaments and two kilogram of silver from Manik Miah who arrived at the airport from Bangkok by a Thai Airways flight at 12:30 pm.

Airport sources said Manik disclosed to the customs personnel that he had only two kilogram of silver with him and agreed to pay taxes for those.

But on suspicion, the customs officials scanned his baggage and found the gold ornaments hidden in a shopping bag.

A departmental case was lodged in this connection.

Time limit extended

The Western Zone of Bangladesh Railway has extended the time limit by six months till June 30, allowing concessional charges for carrying goods in the region, reports BSS.

Railway (Western Zone) general manager issued a notice Thursday extending the time limit of concessional goods tariff on December 31.



Barrister Amir-ul Islam
constitutional expert said. He further said Article 59 provides that "the local government in every administrative unit shall be entrusted to bodies composed of persons elected in accordance with law."

When asked whether the proposed regional council in CHT be called administrative unit or not, Barrister Amir said the Constitution has itself defined the administrative unit under Article 152(1) whereby it "means a district or other area designated by law for the purpose of Article 59."

So, district is definitely an administrative unit and other areas may be created for the purpose of administration and for becoming an administrative unit designated by law, he said, adding which areas other than the district will be the designated areas within the meaning of Article 59 depend entirely on the parliament.

The SAARC Law President said the accord did not deprive the rights of the parliament.

The Appellate Division of the Supreme Court has already laid down law by saying that the structure of the local government is left fully or completely in the hands of parliament, he said. Barrister Amir quoted from a judgement of Justice Mostafa Kamal that "no one can claim a vested right in any particular form or in any particular number of tiers of the local government."

He further quoted the judgement that "Within the framework of Articles 59 and 60, parliament retains the power of continually reorganising, restructuring and remodelling the local government institutions in the light of experiences gained to

date."

He further quoted the judgement that "The present peace accord being in the same spirit has proposed more participatory mechanism by amending some laws of the local government councils, Barrister Amir said.

He pointed out that the then Government of Ersad formed local government councils in the three hill districts, the spirit of which is in conformity with Articles 9, 11, 59 and 152 of the Constitution. The present peace accord being in the same spirit has proposed more participatory mechanism by amending some laws of the local government councils, Barrister Amir said.

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