

# The power of the parliament

Suspension or expulsion of a member is a power which is legally incidental to any legislature, because it is necessary for any such body to protect its dignity should the circumstances warrant it.

MOZAMMEL H. KHAN

THE speaker of the 9th parliament has formed a parliamentary committee to investigate widespread allegations of misuse of power and misappropriation of money committed by the speaker of the 8th parliament, Mr. Jamiruddin Sircar.

Although news of the financial and other alleged wrongdoings of the former speaker appeared in the news media over the past years, the leaked findings of the parliamentary committee reinforced what the people already knew about the looting and rifling of the national exchequer carried out by the former speaker.

It has been reported in the media that the parliamentary sub-committee recommended revocation of his membership in the parliament for "massive financial graft involving moral turpitude." A debate has surfaced in the political and legal arenas on whether the parliament has the power to take away the membership of a parliamentarian.

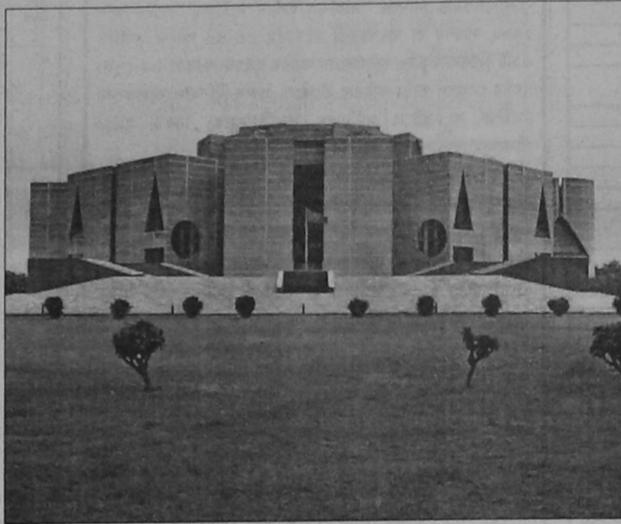
Since Bangladesh follows the Westminster form of governance, it would be worthwhile to do research on the power of parliament vis-à-vis expul-

sions and suspensions of its members.

In addition to relying on the court, its own penal jurisdiction is vested in the British parliament. The parliament has the power to punish those who offend it, and the courts do not challenge that power. The House also has the complementary power to define and decide which actions it may punish.

There are two well-defined punishments which can be handed out to members; expulsion from the house, and suspension from the service of the House for a specified period. The British members of parliament, even of the ruling party, have been expelled for perjury, fraud, and corruption. On July 17, 2007, George Galloway, the maverick independent MP, was suspended from the parliament for 20 days for allegedly "damaging the reputation of the House."

In Canada, the right of the Senate and the House of Commons to commit persons to prison for contempt of parliament is regarded as the keystone of the parliamentary privileges. Both Houses of the Canadian parliament have the power to punish their members as well as non-members. The punishment can range from reprimand, to suspension, and to



Can our parliament punish MPs?

expulsion from the House.

The penal jurisdiction of the Canadian parliament is not confined to its own members alone. Currently, the ethics committee of the House of Commons is investigating a bribery allegation against the former PM Brain Mulroney, who is presently not a member of the parliament. The former PM has been ordered a number of times to appear before the ethics committee to explain his side of the story. A highly sensational case of expulsion

took place in the Indian parliament on December 19, 1978 when the Lok Sabha adopted a motion resolving that former prime minister Indira Gandhi be committed to jail until the prorogation of the House, and be expelled from its membership for breach of privilege and contempt of the House.

On December 23, 2005, upholding the recommendation of a parliamentary committee, the Indian parliament expelled the so-called 11 "tainted" MPs

from the parliament, who were caught in a media sting over the cash for query scandal. The Supreme Court (SC), in a verdict on January 17, 2007, upheld the expulsion and said that it was in accordance with the law. Chief Justice Y.K. Sabharwal, however, wrote in SC's judgment: "Parliament is a co-ordinate organ and its views do deserve deference even while its acts are amenable to judicial scrutiny."

The Speaker, Somnath Chatterjee, did not agree with the SC's assertion on its right to review parliamentary decisions, but welcomed the ruling on the MPs saying that the ruling was "a message to all legislators" that they "have to be role models" and their "conduct should be exemplary."

In another case in India, on October 21, 2008, BJP MP Babubhai Katara was expelled from the Lok Sabha after the house adopted a resolution dismissing him for his alleged involvement in a human trafficking case. Moving the resolution in the house, leader of the Lok Sabha, Pranab Mukherjee, said Katara had "committed an act of grave misconduct which has brought disrepute to and maligned the image of the entire fraternity of legislators." "This is the most unpleasant job [...] but this duty has to be discharged. It is my misfortune that I had to move such motions on several occasions."

Similar cases of suspension or expulsion took place in the parliaments of Australia, New Zealand, Singapore, Tanzania, Zambia and Grenada, all of whom follow the Westminster form of democracy.

As can be seen from the foregoing

discussions, suspension or expulsion of a member is a power, which is legally incidental to any legislature, because it is necessary for any such body to protect its dignity should the circumstances warrant it. In the Canadian House of Commons, such power extends to all cases where the offence is such, in the judgment of the House itself, as to render the member unfit for the parliamentary duties.

The corruption scandal of Mr. Sircar so far revealed by the parliamentary committee is simply appalling. Even a partial revelation of his misdeeds in the media was compelling enough to convince his own constituents to send him to pack his bags in the last general election.

However, that was not despicable enough for the BNP chief, who gave a him a new lease of political life by appealing to the voters of late Ziaur Rahman's (who, if not for anything else, will be best remembered for his personal honesty) birth place to elect such a person of moral turpitude in the by-election.

This further testifies that BNP and honesty are simply mutually exclusive. Now it is entirely in the hand of the sovereign parliament to make a significant precedent by taking exemplary punitive measures against the former speaker, thereby sending serious warning signals that the provisions of parliamentary privileges and immunities must not be taken for granted.

Dr. Mozammel H. Khan is the Convener of the Canadian Committee for Human Rights and Democracy in Bangladesh.

# Tribute to a scientist and a patriot

A.M. HARUNOR RASHID, FARUQ AZIZ KHAN, M. SYEDUZZAMAN, NURUL HUQ

DR. M. A. Wazed Miah, former chairman of the Bangladesh Atomic Energy Commission, breathed his last on May 9 after a protracted multiple illness, leaving behind the memory of a great fighter who always stood for the fundamental rights of the common man. He was undoubtedly one of the finest products of the Department of Physics, University of Dhaka, whose brilliant alumni had always been at the forefront of all the democratic movements of the people of Bangladesh.

He excelled in his studies, eliciting deep admiration from his teachers and class friends. He was well known in the campus for his unflinching

support of the Language Movement as well as the subsequent self-autonomy movement of the people of Bangladesh. As the elected vice-president of the Fazlul Haq Hall Union, he was deeply involved, first in the Six-Point Movement and then in the Eleven Point Movement, which ultimately paved the way towards the independence movement of Bangladesh. During that tumultuous period of our national life, Wazed could be relied upon to guide the student community and take the nation towards the ultimate goal of independence.

Wazed Miah obtained his BSc Honours and MSc degrees in Physics, both in the First Class. It was because of his outstanding academic results that Dr. I. H. Usmani, the then chairman of

the Pakistan Atomic Energy Commission, picked him for higher studies in nuclear physics in England. He was sent to the University of Durham to study under the renowned Professor Evan Squires.

His professor gave him a problem on the impact parameter representation of the scattering amplitude, which he successfully completed and obtained a Ph D degree. After that he spent two years at the Imperial College of Science and Technology, where he came in close contact with Professor Abdus Salam, who always had a very high opinion about his abilities and accomplishments.

Coming back to Dhaka, Dr Wazed Miah rose to be the principal scientific officer of the Pakistan Atomic Energy Commission, and subsequently he

became a member, and then the chairman, of the Bangladesh Atomic Energy Commission. As a brilliant scientist, Dr Wazed Miah was not only conscious of the current problems in theoretical nuclear physics, he was also deeply involved in welfare and working conditions of the scientists of the BAEC.

He was the president of the Bangladesh Association for the Advancement of Science for a number of years, and it was due to him that the plan for shifting of the Atomic Energy Centre to Savar was ultimately abandoned. He firmly believed that close co-operation between the Atomic Energy Centre and the Physic Department of the University of Dhaka was vital for the continued and sustained growth of the nuclear

research facilities of Bangladesh, essential for the eventual establishment of nuclear reactors to solve the energy crisis of the country.

Dr. Wazed Miah wrote two books, one on thermodynamics and another on electromagnetic theory. Lastly, he was involved in writing a book on superconductivity, because he believed that high-temperature superconductivity might play a role in solving our energy problem. Clearly, Dr. Wazed Miah had a very wide vision and wanted his dear Bangladesh to occupy a position of honour and respect amongst the nations of the world, just as his illustrious father-in-law dreamt all his life.

We pray for the peace of his soul, and hope that the example he set as a scientist and patriot, yet a man of



Dr. M. A. Wazed Miah profound humility, will inspire the new generation of students of the Physics in Bangladesh.

On behalf of the Dhaka Physics Group.

# Pakistan, Taliban and global security

The US has also actively supported Pakistani efforts to improve security over its nuclear enterprise. These efforts appear to have made considerable progress in recent years, but with Pakistani nuclear capabilities expanding -- its third plutonium production reactor is now under construction -- sustaining this progress will only grow more difficult.

LEONARD S. SPECTOR

AS Afghan President Hamid Karzai and Pakistani president Asif Ali Zardari meet with President Barack Obama on quelling the threat from the Taliban and Al Qaeda, a sword of Damocles hangs over their summit: the danger that the Islamic extremist groups may gain control of some or all of Pakistan's nuclear assets. The success or failure of the anti-Taliban operation currently underway in Pakistan could be the first indicator of the seriousness of the danger ahead.

Securing these assets is not simply a matter of locking away Pakistan's nuclear weapons; a much wider array of nuclear resources are at risk. Moreover, extremists have multiple means for causing mayhem with these assets and can exploit multiple avenues to try to gain access to them.

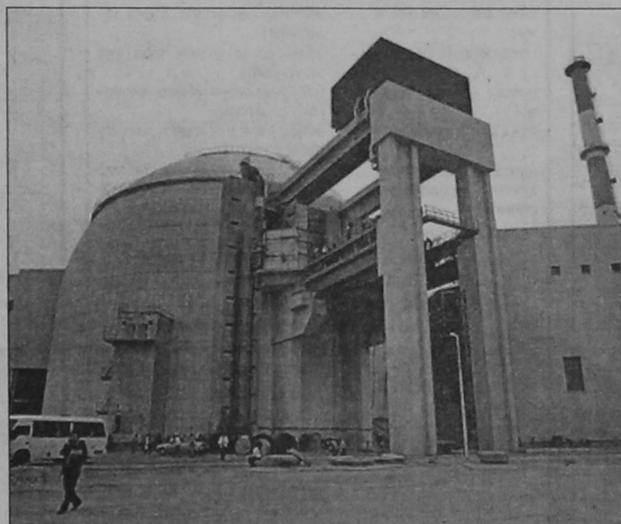
Pakistan's nuclear weapon production complex is spread over roughly a dozen sites, and many process weapon-grade nuclear materials. Acquisition of these materials could enable Taliban or Al Qaeda technicians to assemble their own nuclear device. Highly enriched uranium is the more dangerous.

Building a weapon could be made much easier if the extremists received assistance from sympathetic Pakistani nuclear weapon specialists or obtained a copy of the nuclear weapon design sold to Libya through the nuclear technology smuggling ring run by Pakistani nuclear scientist A. Q. Khan.

Moreover, once it was known that extremists had gained possession of the weapon-grade material, these groups could credibly claim to have a nuclear device, since no one could be sure how far they had actually advanced towards this capability.

Plutonium presents an additional risk. Though more difficult to use for a nuclear explosive than high enriched uranium, it is much more radioactive and can be easily fabricated into a very dangerous "dirty bomb." If detonated in a major Western city, it would cause panic and great economic loss by contaminating the detonation site with one of the world's deadliest materials, one particle of which can cause lung cancer if inhaled.

The weapon-material production sites, themselves, present another set of potential targets. Judging from satellite images, one Pakistani pluto-



Nuclear facility: How secure?

nium production reactor is situated within a sizeable city.

Pakistan's nuclear power plants, plutonium separation facilities, and radioactive waste storage sites could also be attacked to cause significant radioactive releases. What is more, any successful attack on the high-security nuclear-weapon-production complex could sow doubt as to the ability of the government to protect the nation's most vital national security resource, substantially undermining its credibility.

Such attacks are not far-fetched. In August 2008, two Taliban suicide bombers killed at least 70 individuals at the gates of the Pakistan Ordnance Factory at Wah. The site is believed to be producing non-nuclear components for nuclear weapons, and may

be where Pakistan's nuclear weapons are stored. Wah is less than 100 kilometres of recent Taliban clashes with Pakistani government forces.

Transportation links used to move weapon-usable materials from production locations to weapon fabrication sites are additional points of potential vulnerability.

As for Pakistani nuclear weapons, they are thought to be stored in well fortified bunkers and kept with their nuclear cores separate from the non-nuclear components of the weapons. This arrangement would greatly complicate efforts to divert them by stealth or seize them by force. Nonetheless, there are many scenarios that even these relatively robust physical security measures cannot

protect against.

The first is the "insider threat," the possibility that one or more individuals at a nuclear site who share the goals of Islamic militants will collaborate with them, helping them to obtain sensitive materials or facilitate armed takeovers of nuclear sites by deactivating alarms or sharing security plan vulnerabilities.

Pakistani officials claim to have purged protective forces of pro-Islamist elements, but the growing support for this ideology within Pakistan leaves doubts about the effectiveness of such measures.

The organised Islamist insurgency is a more daunting challenge. The Pakistani Army is now confronting the Taliban in the Swat Valley, with the outcome uncertain. If the Taliban can defeat the central government and can retain a permanent foothold here, Taliban fighters will surely be emboldened to probe into government-controlled areas closer to the capital and to several key nuclear sites.

Given their enormous political and military salience, the nuclear sites would be particularly appealing targets. Whether government forces would fare any better in protecting these locations than in the Swat Valley would be hard to predict. If a site were overrun, local physical protection measures would mean little.

The upper hand and seized power, Pakistan could be transformed from a friendly nuclear-armed state to a hostile one overnight.

The Obama Administration is struggling to address these varied

challenges. Its first objective is to build a consolidated effort to defeat the Taliban and its Al Qaeda allies. The increase in US forces in Afghanistan and the current Pakistan government offensive in the Swat Valley are promising initiatives, even if their ultimate impact remains uncertain.

A second prong of US strategy is Washington's pledge to provide substantially increased economic aid to Pakistan to support new infrastructure projects and educational reform, in an effort to counter the appeal of the Islamists' anti-western teachings. Unfortunately, it could take a decade or more for this effort to produce results.

The US has also actively supported Pakistani efforts to improve security over its nuclear enterprise. These efforts appear to have made considerable progress in recent years, but with Pakistani nuclear capabilities expanding -- its third plutonium production reactor is now under construction -- sustaining this progress will only grow more difficult.

Moreover, any improvements to date could be overwhelmed by insurgent military gains or political collapse in Islamabad.

Thus, for those hoping to reduce nuclear risk within Pakistan, much rides on the government's success on the battlefield. Its defeat in the Swat Valley could portend very dangerous times ahead.

Leonard Spector is Deputy Director of the Monterey Institute's James Martin Center for Nonproliferation Studies and heads its Washington, DC, office.

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