

## Experts tussle

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property, violation of oath, rape, murder are considered improbity.

Sircar and Akhtar Hamid were charged with violation of oath of offices and misappropriation of public money. Delwar was also charged with embezzling public money, for which evidence has been collected.

Sufficient evidence is preserved at the Parliament Secretariat to prove their unlawful deeds when they were in office during the last parliament. With the disclosure of the facts in newspapers, people are shocked. They are questioning if the trio could be trusted.

According to a Supreme Court verdict, wrongdoings that shake the moral conscience of the society in general are offence consisting improbity.

Former attorney general Mahmudul Islam in his book "Constitutional Law of Bangladesh" said for considering an offence consisting turpitude, there must be an element of baseness and depravity in the act leading to the conviction. The act must be vile and harmful to the society in general or contrary to the accepted rules of morality, he added.

The Appellate Division of the Supreme Court in the case of HM Ershad, who was convicted for committing criminal misconduct under the provision of the Prevention of Corruption Act 1947, observed, "...when a person of such a position has been convicted and sentenced for such offence it shook the moral conscience of the society in general. None can think of an act of such nature committed by a person who was at the relevant time the President of the country which was being run under the Presidential form of Government."

His membership in parliament was vacated following the verdict of the Appellate Division.

But legal experts are now debating whether the House can strip Sircar of his MP status before he is convicted for criminal offences.

Citing instances, the probe body said it is the inherent power of a parliament to scrap membership of an MP for his or her misconduct, no matter any specific provision exists in this regard or not.

Constitutional expert and former attorney general Mahmudul Islam in his book also highlighted the inherent authority of the House and said article 78 of the constitution is silent about the illegal taking advantage of privileges and contempt of House.

"But the absence of any provision is not conclusive. Privileges will have no meaning at all unless the parliament is conceded the power to take action against the breach of privilege. Thus the question is not one of existence, but of the extent of the power," noted Mahmudul.

Former speaker Sircar and some other legal experts, however, disagreed with the inherent power of the House and said no one could be stripped of his or her membership without article 66 or 70 of the constitution being applicable.

According to article 66, if a court declares a lawmaker mentally sick, bankrupt or sentences them to two years or more in a criminal case involving turpitude, he or she would lose membership of the House.

And membership of a lawmaker shall fall vacant if they in parliament go against the decision of their party that nominated him or her in the election, according to article 70.

Talking to The Daily Star Friday, Sircar said, "These categories are not applicable in my case. I would take legal action if there is any attempt to cancel my membership in parliament."

Asked about the inherent power of parliament to scrap membership of a lawmaker, Sircar said inherent power of the House is always practised for upholding people's interests.

On contact, eminent jurist Rafique ul Huq yesterday said the House cannot cancel Sircar's membership exercising its inherent power.

"It is an absurd idea and there is no instance of scrapping anyone's membership by exercising the inherent power of the House in Bangladesh," he said.

Barrister Rafique, however, said Sircar should resign and return the money he took as medical bills and for other purposes and seek apology to the nation.

"The House can refer the matter for trial," he added. On Sircar's undertaking that he would return the money if the Supreme Court asks him to do so, Rafique said, "What does the Supreme Court has to do with the issue?"

Noted jurist Shahdeen Malik echoed the same view and said the way things are dragging formal criminal investigation and proceedings of police, the Anti-Corruption Commission seems to be a logical next step unless Sircar resigns voluntarily. Eminent parliamentary affairs experts MN Kaul and SL Shakhder, writers of "Practice and Procedure of Parliament" with particular reference to Lok Sabha, said, "The power of the House to punish for contempt or breach of privileges has been aptly described as the keystone of parliamentary privilege and

considered necessary to enable the House to discharge its functions and safeguard its authority and privilege."

Internationally acclaimed expert on Parliament Procedure and Practices, Thomas M Cooley, former chief justice of Michigan Supreme Court, in his book "A Treatise on the Constitutional Limitations" said each House has the power to punish a member for disorderly behaviour and other contempt of its authority, and also to compel a member for any cause, which seems to the body to render it unfit that he continues to occupy one of its seats.

"The power is sometimes conferred by the constitution but it exists whether expressly conferred or not. It is a necessary and incidental power to enable the House to perform its high functions and is necessary to the safety of the State. It is a power of protection," Cooley observed.

Internationally acclaimed expert on Parliament Procedure and Practices, Thomas Ereskain May of UK said, "The distinctive mark of a privilege is it is ancillary character. The privileges of the parliament are rights which are absolutely necessary for the due execution of its powers."

"They are enjoyed by the individual members because the House cannot perform its functions without unimpeded use of the services of its members and by the House for the protection of its members and the vindication of its own authority and dignity," Sir Ereskain Mays said.

In the face of uproar over unreasonable expenditure of MPs, Speaker of the House of Commons stepped down for the first time in the last three hundred years' parliamentary history as he approved the bills of expenditure.

"Westminster cannot operate like some gentlemen's club where the members make up the rules and operate them among themselves. If MPs continue to set their own codes and rules, however objectively they should try to do so, the public will always question the transparency and the standards that they rightly demand," British Prime Minister Gordon Brown said.

## Gunmen

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managed to flee the scene. Three sped off on two motorbikes that had been parked outside.

The other one who missed the bikes made his escape firing at those in his pursuit. Hasan and Kamal were hit by bullets at that time.

Earlier on June 26, gunmen killed three persons including two businessmen at Karwan Bazar.

Local sources said Litu is no stranger to gun attacks. His younger brother Haji Monu was killed in front of their house by cadres of Shahadat Group.

Some close associates of Litu suspect yesterday's attack too was made by Shahadat Group.

Employees of Islam Tiles and Sanitary told The Daily Star that none of them was present during the incident as they were out on a lunch break.

Meanwhile, some activists of Chhattr League, student wing of ruling Awami League, smashed up at least 15 vehicles on the road in front of Mirpur Bangla College on rumours that Litu had died.

Chowdhury Manjurul Kabir, DMP deputy commissioner now in charge of Mirpur zone, told The Daily Star the attack might have been a result of a feud over control of the 380 shops at the market.

He however would not elaborate.

The market was constructed recently on a government land grabbed by local AL, Juba League and BCL activists led by Litu. It was opened in January this year, said market sources.

Litu and his men, who control extortion from transport and cable businesses in Mirpur, had taken Tk 10,000 for each of the shops, added the sources.

Officer-in-Charge Mohammad Nazim Uddin of Mirpur Police Station told The Daily Star, "Litu is accused in several cases on charges that include extortion."

He however said they are not sure about identity of the attackers.

Extortionists shot two in another incident at Senpara, Mirpur, a gang of extortionists shot two construction workers leaving one critically injured.

The victims were Mizan, 30, and Billal, 25. They were admitted to Dhaka Medical College Hospital.

Three men came at the under-construction building around 10:30pm. Without saying anything they sprayed bullets on us and left the scene," said Billal, security guard of the building who sustained bullet wound in his leg.

They had been demanding money from the owner of the building since last week, he added.

A general diary was lodged with Mirpur Police Station in this connection.

## Govt launches probe into embankment breach

STAFF CORRESPONDENT

The water resources ministry formed a six-member probe committee yesterday to find out why the Sirajganj town protection embankment was recently breached.

The committee was instructed to submit its report within 10 working days, a ministry press release said.

Habibur Rahman, additional director general of Water Development Board, was made convener of the committee and Taslimul Islam, deputy secretary of water resources ministry, Manwar Hossain, professor of water resources engineering department and dean of Civil Engineering Faculty of BUET, Emad Uddin Ahmed, executive director of Institute of Water Modeling, Jashim Uddin Ahmed, chief engineer, design of Water Development Board and Motahar Hossain, executive engineer, design of Water Development Board were made members of the probe body.

According to the terms of reference, the committee will find out the causes of the damage to the embankment, which was supposed to last 100 years.

It was also asked to find out whether there were any faults in the embankment's design and any negligence on the on duty engineer's part, determining the cost of repairs, and recommending how such damage could be prevented in future.

## Truck crash

**FROM PAGE 1**  
of Janar Uddin, Rahela, 45, wife of Fakir Mahmud of Shreebardi, Joyanal Abedin, 50, son of Abdus Samad, Jaded Ali, 40, son of Shekander Ali, Mozammel Haque, 40, son of Aftab Moazzem, Abul Kalam, 22, son of Kafil Uddin from Jhenagati upazila, Mukbul Hossain, 18, son of Ibrahim, Ashwin, 35, son of Altaf Hossain, Shahjahan, 35, son of Nawshad Ali of Sherpur Sadar, Hazera, 65, wife of Ibrahim Miah of Nalitabari in Sherpur and Shahjahan, 45, son of Moza Sheikh of Islampur in Jessore.

The identity of two victims could not be ascertained. Their bodies were sent to Mymensingh Medical College Hospital (MMC) for autopsy and the others were handed over to their relatives.

Jewel, a brother of one of the deceased, said the ill-fated truck started its journey from Dhaka for Sherpur with some 30 passengers at around midnight.

The labourers travelled on cargo carrying trucks regularly as this is one of the cheapest ways to travel. Against a bus fare of Tk 150 from Dhaka to Sherpur or Jamalpur trucks charge only Tk 50 to 60 for the trip.

Jewel himself was travelling in a similar truck from Benuar Char in Islampur of Jamalpur district that night.

The driver and helpers of the truck fled the scene after the accident.

A case has been lodged with Trishal Police Station in this regard.

**REASONS BEHIND FREQUENT ACCIDENTS**  
Accidents on the Dhaka-Mymensingh highway, especially from Mymensingh to Bhaluka, are very high.

According to police information, on an average some 20 road accidents -- including 10 to 12 in Trishal alone -- take place every month.

Police cite many reasons for the accidents including vehicles running at very high speeds, frequent attempts to overtake other vehicles on the road, unfit vehicles and also the roads not being suitable for the huge pressure of traffic flowing through it.

Police also blame lack of proper vigilance by traffic police.

The Dhaka-Mymensingh road takes traffic from greater Mymensingh including Mymensingh, Jamalpur, Sherpur, Netrokona and Kishoreganj districts.

## BTCL siege

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gate of the building was open and without any guards. Hence the suspected militant with bombs wrapped around his body entered the building without a question being asked. He also managed access to the switch room, the report read.

The report also added that Divisional Engineer BK Gain and Assistant Engineer Mamunur Rashid of Habiganj BTCL attend office only two to three days a month, as they have to carry out additional duty at Moulvibazar office. So the Habiganj office runs without any responsible officers most of the time.

Shahin laid siege on the BTCL Habiganj office for four hours Wednesday afternoon and held a child and sub-assistant engineer hostages for almost three and a half hours.

## Buriganga shore

**FROM PAGE 1**  
defying the contract deployed 14 powerful dredgers in the area to lift a huge quantity of sand. They are selling sand extracted from here worth over half a million taka each day to the booming construction sector of the country.

When locals protested this, the company deployed armed hoodlums on patrol boats in the area.

In a letter to Ali Associates International, BIWTA's Senior Deputy Director Golam Kabir informed the company that his office has decided to suspend all work orders related to sand lifting on the basis of violation of clauses in the contract.

Copies of this letter were also sent to police and Rab headquarters.

These highly powerful dredgers have been at work round the clock since June 25 lifting sand from the bed of the river filling large barges, each with a load capacity of up to 9,000 cubic feet of sand in less than an hour.

Hundreds of barges are lifted up each day to fill up the cargo at a rate of Tk 1 for each cubic foot of sand. These are sent to the largest sand market in the country in Amin Bazar, some ten kilometres upstream.

The large scale dredging operation near the densely populated township on the river bank created panic among the residents of Basila who had, in August 2004, witnessed an unprecedented erosion that devoured over 100 houses including six-storey buildings mainly caused by similar 'sand piracy'.

Meanwhile, till late in the afternoon yesterday the operation was continuing in full swing.

Residents in Basila said that they would appeal to the authorities not to permit any more dredging in the area.

An elderly resident of Basila said that river Buriganga was scientifically dredged only a few years ago to pave the way for the

Circular Waterway Project of the Ministry of Shipping.

"The permission for sand extraction now cannot be justified," he said requesting anonymity.

"This whole deal to sell sand and make crores at the cost of our homes, land and river must be investigated."

## Bextex

**FROM PAGE 16**  
also asked the committee to submit the probe report to it within 30 working days, officials said.

The two-member body, headed by SEC Director M Mahbubul Alam, was formed following media reports on a Dhaka Stock Exchange probe into irregularities in trade of Bextex shares.

The other committee member is SEC Assistant Director Iqbal Hossain.

The DSE conducted the probe after an unusual price hike and erratic transactions in Bextex shares between April and May.

The premier bourse submitted its report to the SEC urging it to take necessary steps based on the findings.

The DSE found that two private commercial banks -- AB and IFIC -- made hefty profits from investments in Z category shares of a company with weak fundamentals.

The two banks bought about 95 lakh Bextex shares of Z category just before the company declared 10 percent bonus share as dividend.

The banks also sold half of their share holdings just after the declaration of the dividend by Bextex, pushing the share price up, and the company straight to A category.

In the investigation, DSE found that the frenzied buying of the two banks led to a "demonstrated upward trend" in share prices and transaction volume of Z category Bextex, as institutional investors play a major role in the market.

General investors got interested in buying the junk shares as they saw the two financial institutions buying those in huge quantities.

## PM flies to Egypt

**FROM PAGE 1**  
of Tipaimukh dam and trade imbalance between Bangladesh and India might also come up for discussion at a crucial meeting to be held with her Indian counterpart Manmohan Singh, sources said.

"Apart from bilateral issues, she is expected to have talks on combating terrorism and poverty reduction in South Asia," a spokesman of Hasina told The Daily Star yesterday.

This will be the first bilateral meet between Sheikh Hasina who returned to power in January this year and Manmohan Singh who is in his second successive stint as prime minister after the Indian parliamentary polls held in April-May. PM flies to Cairo today.

Our New Delhi correspondent adds: Indian Prime Minister Manmohan Singh himself spoke of the proposed meeting with Prime Minister Sheikh Hasina at a press statement in the Indian capital yesterday.

The Indian prime minister said, "during my stay in Sharm-el-Sheikh, I look forward to holding bilateral meetings with other leaders, including those of Bangladesh, Egypt, Nepal, Pakistan, Sri Lanka and Vietnam."

The statement was issued on the eve of Singh's departure for Paris and Sharm-el-Sheikh on a five-day visit.

The meeting between the two top leaders will take place about a week after Foreign Minister Dipu Moni held separate talks with Indian External Affairs Minister SM Krishna and Finance Minister Pranab Mukherjee in India.

Referring to the Nam summit, he said the non-aligned movement remained relevant even today.

"Non-alignment has been the bedrock of India's foreign policy since it was enunciated by Jawaharlal Nehru. Non-alignment remains an article of faith for us," said Singh.

He also said, "In the post-cold war era, when the world is no longer divided into the two

## Mob beat

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flee from the scene, said witnesses.

The locals, however, noticed the three going into the field and two of them coming out. Suspecting the worst, they managed to capture them after a chase.

The mob set fire to the bike and gave the culprits a good beating.

On information police rescued the men and took the two to Shaheed Ziaur Rahman Hospital where the doctors on duty declared them dead, said Sub-inspector Ajman of Shajahanpur Police Station.

He also informed that the deceased could not be identified instantly and no case was lodged in this connection till filing this report.

## Govt preparing

**FROM PAGE 16**  
in this week," he said.

He added the appointments will accelerate the activities of the apex court and also pave the way for hearing of the Bangabandhu murder case.

Asked about the preparation of the state counsels, Anisul Huq, one of the state lawyers, denied making comments on the issue.

The appeals against the capital punishment have remained pending in the Supreme Court for about 20 months due to shortage of judges.

Lt Col (sacked) Syed Farooq-ur Rahman, Lt Col (ret'd) Sultan Shahriar Rashid Khan, Lt Col (ret'd) Muhiuddin Ahmed, Maj (ret'd) AKM Mahiuddin Ahmed (Lancer) and Maj (ret'd) Bazul Huda filed the appeals in the last week of October 2007 as per the court order.

Neither the defence nor the state has made any move for hearing of the appeals since then.

Sources say Syed Farooq-ur Rahman has filed an appeal with the SC seeking bail in this case. They add Muhiuddin Ahmed is also taking preparations to file a bail petition with the apex court.

The Appellate Division special bench of Justice Tafazzal Islam, Justice Md Joydul Abedin and Justice Md Hassan Ameen on September 23, 2007 granted the leaves to appeal filed by the five convicts.

District and Sessions Judge Kazi Golam Rosul awarded death sentence to 15 accused on November 8, 1999 and acquitted four others including Taheruddin Thakur.

Another accused Khondker Mostaque was by then dead.

The death reference of the Bangabandhu murder case was then sent to the HC for disposal.

On April 30, 2001, the third HC bench of Justice Md Fazlul Karim confirmed capital punishment against 12 and acquitted three others.

## Uncertainty

**FROM PAGE 16**  
Meanwhile, the party high command is likely to announce committees for its four disputed organisational units-- Dhaka city, Dhaka district, Manikganj and Sunamganj-- soon.

According to the party's top leaders, Chairperson Khaleda Zia is worried about the internal conflict among the Dhaka city leaders. She already has held meetings with Dhaka city Mayor Sadeque Hossain Khoka and former mayor Mirza Abbas to resolve the conflict.

Party insiders said Khoka might be appointed as city convener as most of the thana and ward level leaders in the city are with him while a number of former lawmakers might be appointed as joint convener of this prestigious unit.

Sources also said the BNP chairperson may pick another leader as convener of Dhaka city committee if Khoka and Abbas fail to work together and patch up differences between them.

While talking to The Daily Star, Lt Gen (ret'd) Mahbubur Rahman, member of the BNP standing committee, said, "It's true that there are some problems but steps have been taken to resolve those and the situation remains normal in many districts."

Party high command is very much alert about the organisational problems and necessary actions would be taken to resolve all disputes prevailing in the party, another senior BNP leader told The Daily Star.

He, however, said some former ministers, lawmakers and party leaders are behind the recent conflict, arisen after announcement of the district level convening committees.

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## BIWTA

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demarcation particularly the areas vulnerable to encroachers, he said. Of this, 21 kilometres have already been demarcated.

BIWTA is now implementing a project to build seven kilometres walkway along Buriganga stretching from Shyampur to Dharmaganj.

Meanwhile, the land ministry and Directorate of Land Records and Survey have already engaged the deputy commissioners concerned to ascertain the boundaries of the rivers in keeping with the recent High Court directives in this regard.

On removal of the heavily built foundations, guide walls and earth piled up illegally in the rivers, BIWTA chairman said that he had instructed the officials concerned to calculate the possible costs for doing the work. Earlier, the authorities had kept these issues out of the purview of the eviction drives in Turag and Shitalakha.

## AL council now

**FROM PAGE 1**  
AL spokesperson Syed Ashrafur Islam told reporters after the meetings.

The presidium meeting decided that the organisational district unit committees would elect councillors for the national council and send their names to the party high command by July 20. A meeting of the AL Central Working Committee will be held on July 22 to approve the provisional changes brought to the party constitution and declaration.

Held at Hasina's political office in Dhanmondi, the presidium meeting also approved amendments the party brought to its constitution ahead of the December 29 parliamentary polls to meet the EC criteria for getting registered with it as per the Representation of the People Order (RPO).

Ashraf, also LGRD and cooperatives minister, said as per the then RPO ordinance, political parties took part in the December 29 elections by bringing provisional changes to their constitutions. The ordinance has been made an act by this parliament.

"As per the act, every political party will have to submit their constitution before the Election Commission within July 25 and to comply with the law. We have decided to hold council on July 24 to get approval of our constitution and on July 25 we will submit it to the Election Commission," he said.

Ashraf said they had earlier decided to seek six more months from the EC to hold the council but the commission said that they do not have the jurisdiction to extend time. "We have passed the act in the parliament and we want to comply with it," he said adding that they too believe that more time is necessary to hold the council but they have

to hold it on July 24 due to legal obligations.

"We decided not to seek time extension again," said Ashraf, son of first president of the country, Syed Nazrul Islam.

About electing councillors, the AL leader said they elect one councillor for every 25,000 people in an organisational district and an additional one would be elected if there were more than 12500 people left over.

Where there are no fully-fledged committees, central leaders would visit those districts and elect councillors, Ashraf said adding that there are 11 organisational districts where a district council had not been held.

Asked whether a new central committee of the party would be formed through the council, he said all options would be kept open and the working committee meeting on July 22 would finalise those.

The meeting also formed council preparation committee with Hasina in the chair and the entire central working committee leaders as members. The preparation committee sits today with Presidium member Syeda Sajeda Chowdhury in the chair.

Sajeda will act as party president until Hasina returns from Egypt on July 17. Hasina is set to leave today at 11:00am.

The meeting also formed two other committees-- reception committee headed by Sajeda and council management committee headed by first Joint General Secretary Obaidul Quader.

For the national council, the presidium meeting formed a three-member election commission with senior AL leader MA Mannan of Chittagong.

## Swat refugees

**FROM PAGE 16**  
west region bordering Afghanistan.

TV footage showed a massive crater at the scene of the blast. Many people were trapped under rubble, and the explosion's cause was unclear.

The government had designated Monday as the first day of some of the more than 2 million displaced people could return to the northwestern Swat Valley after nearly three months of fighting.

The army has declared most of Swat cleared of Taliban militants, and the operation has been strongly backed by US officials eager to see Pakistan get rid of safe havens for militants implicated on attacks in Afghanistan.

The sputtering start to the repatriation programme showed the government's limited capability to respond to one of its greatest-ever humanitarian challenges. It could also fuel criticism that it is moving too soon to let people return.

Officials said the returnees would go as far as Barikot, south of Swat's main city of Mingora.

Families at some refugee camps early Monday said they would not go home unless they were given cash, food and other aid promised by the government. Each family was supposed to get 25,000 rupees (\$306), but the government has had difficulties in giving out the cash.

Many others, however, were desperate to go home after weeks in stifling tents, and they quickly boarded buses and trucks. At the Jalojai camp in the Peshawar area, 20 buses carrying 108 families took off around 10 am.

"I am happy we are going to our home," said a sweating Sher Zaman, 60, a farmer. "The days were rough, the weather was extremely hot for us, but we thank the government who served us well. We want peace in our area."

Several refugees in Jalojai, however, said they were never given money or rations.

About 200,000 of the displaced stayed in