

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.

Barister 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 have to do with the issue?"

Noted jurist Shahdeeb 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 Shakher, 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

Govt launches probe into embankment breach

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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 Maysaid.

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 gentleman'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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of three men who fled 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 his 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 Chhatra 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 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.

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.

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

Buriganga shore

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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 another meeting.

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

Bextex

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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.

Govt preparing

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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 (retd) Sultan Shahriar Rashid Khan, Lt Col (retd) Muhiuddin Ahmed, Maj (retd) AKM Mahiuddin Ahmed (Lancer) and Maj (retd) Bazlul 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 Joybul Aledin 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 Taruddin Thakur.

Another accused Khondker Moshtaque 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.

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

As 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 the 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

AL council now

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AL spokesperson Syed Ashraful 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 to 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 the council on July 24 to get approval of our constitution and on July 25 we will submit 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 the time.

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.

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 12,500 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.

Sajeda will act as party president until Hasina returns from Egypt on July 17. Hasina is set to leave