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## Govt to seek Supreme Court opinion on BDR trial mode

STAFF CORRESPONDENT

The government will seek the Supreme Court's opinion on whether those accused of role in BDR mutiny and carnage on February 25-26 should be tried under the civil code or military law.

The decision came at an inter-ministerial meeting yesterday. The rationale is to avoid dispute over the mode of trial.

"We will seek opinion of the Appellate Division of the Supreme Court through the president. I reckon the matter will be referred to the apex court within a week," Law Minister Shafique Ahmed told reporters after the meeting at the home ministry.

This all will be done in line with article 106 of the constitution and will set a precedent in the country's judicial history, he continued.

"Hopefully, the Supreme Court's decision will be acceptable to all."

Article 106 says if at any time the president deems a question of law has arisen, or is likely to arise on an issue of public importance, he may refer the matter to the Appellate Division for its opinion.

The inter-ministerial body earlier met on July 15, but it failed to reach any decision.

The meeting was adjourned till 4:30pm yesterday.

Commerce Minister Faruk Khan, State Minister for Law Quamrul Islam, Attorney General Mahbubey Alam, secretaries of the law and home ministries, BDR director general, BDR's Chief Public Prosecutor Anisul Huq, representatives from the Armed Forces Division and other senior government officials attended yesterday's meeting chaired by the law minister.

For around one and a half hours, the participants weighed up the pros and cons

of the trial being held under the civil laws, Army Act and BDR Act, meeting sources said.

In the end, they agreed to refer the question to the Supreme Court so none can challenge the trial or its outcome in a higher court.

Besides, they noted, it would help scotch controversies over the mode of trial.

Before the decision came, the law minister, commerce minister and the state minister for law went out and had a discussion among them, added the sources.

The Bangladesh Rifles authorities in a letter to the home and law secretaries on June 23 proposed that the government hold trial of the mutineers at the BDR headquarters and elsewhere under the Army Act.

The carnage at the Pikhana headquarters on February 25-26 left 74 people including 57 army officers dead.

The Criminal Investigation Department has been tasked with investigation in the mutiny case filed with Ramna Police Station.

Human rights groups at home and abroad have all been urging the government to arrange for the accused border troops to stand trial at a civil court for the sake of fairness and transparency.

### MAJOR POINTS

Govt for Supreme Court opinion within a week

SC to fix mode of trial under any of three existing laws—Army Act, BDR Act and Civil Penal Code

Reference to be made under Article 106 of the Constitution

Court's directive to be sought to avert questions on legality of the trial process

Law on security of Bangabandhu family okayed

Hasina, Rehana, their children to get SSF protection

STAFF CORRESPONDENT

The cabinet yesterday gave its final nod to 'Father of the Nation' Bangabandhu Sheikh Mujibur Rahman's Family Members Security Act 2009.

According to the approved act, Bangabandhu's immediate family members will enjoy state security provided by Special Security Forces (SSF), and will get well secured residences.

State security for the family members of the slain supreme leader of the national liberation struggle, was made immediately effective through an executive order, Prime

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## Hasina upset as graft cases slip thru' net

M ABUL KALAM AZAD and HASAN JAHID TUSHER

Prime Minister Sheikh Hasina yesterday expressed unhappiness as the corruption cases filed against bigwigs are getting quashed or stayed due to loopholes in the system and flaws in the process of charge framing.

At a regular cabinet meeting, the prime minister once again asked her cabinet colleagues as well as party leaders not to join with opposition BNP in speaking against the January 2007 changeover.

Hasina also directed ministers, advisers, state ministers and top bureaucrats to work in coordination for executing various decisions and projects of the government.

"It is not acceptable that identified corrupt people, who made crores of taka and amassed huge wealth through various illicit means, should come out clean," a minister quoted Hasina as saying in the meeting.

"Allegations of corruptions brought against many of them are substantial and have merit. The genuine corrupt people should face trial in order to eradicate corruption from society," she said.

The prime minister directed Law Minister Shafique Ahmed to look into the matter seriously so that they cannot get away.

More than 200 high-profile corruption accused have so far obtained stay orders on their cases as the cases were filed without the sanction of Anti-Corruption Commission.

The trend of obtaining stay orders on cases began at the end of the state of emergency and it got momentum after a democratic government was formed in January this year.

About the January 2007 changeover, Hasina said, "You must speak logically about the changeover as it had both good and bad parts."

Another cabinet minister quoted the prime minister as saying, "There are some positive

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AL leaders were elected democratically

Says Hasina

UNB, Dhaka

Awami League President and Prime Minister Sheikh Hasina categorically said the leadership of her party has been elected through democratic process.

"The leaderships in the past were also elected fully democratically," she said when a delegation of AL associate Swachhaseb League went to meet her at her official residence yesterday on the occasion of its 16th founding anniversary.

Her comments came at a time when, alongside appreciation for holding the council by the election commission-set deadline, there have been

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## CONTRADICTION APPROACH TO RPO AL drops BCL, Sramik League but retains SCP

SHAKHAWAT LITON

Ruling Awami League's (AL) new constitution recognises Swadhinata Chikitsak Parishad (SCP), an organisation of doctors with an overwhelming number of government physicians, as an associated organisation, although the law for political parties' registration does not allow it.

The Representation of the People Order (RPO) clearly prohibits a registered political party from forming any affiliated or associated organisation of professionals, students, teachers, employees, or labourers.

Complying with RPO, AL in its amended constitution ratified by its national council, severed its ties with Bangladesh Chhatra League (BCL) and Jatiya Sramik League, two previous associated organisations of the party for students and labourers respectively.

According to AL's new constitution, BCL

and Sramik League will operate based on their own constitutions, while it keeps SCP as its associated organisation.

"It seems Awami League followed the law regarding Chhatra League and Sramik League, but made an exception regarding Swadhinata Chikitsak Parishad, an organisation of white-collared professionals," said eminent jurist Shahdeen Malik.

He said the exception does trigger confusion about the logical spirit of RPO. A senior official of the EC Secretariat also echoed Malik.

Contacted by The Daily Star yesterday AL leader Suranjit Sengupta however said the issues of students, teachers, and party units abroad were restricted, while other issues still remain unrestricted.

"RPO does not prohibit a registered political party from forming an associated or affiliated

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## Jamaat's U-turn

Restores controversial phrases in party charter that challenge JS's law-making authority

SHAKHAWAT LITON

Bangladesh Jamaat-e-Islami has again refused to accept the plenary powers of parliament to make laws as it restored a controversial phrase in its ratified constitution, breaching its pledge not to revive it.

Jamaat deleted the phrase that "people must not accept anyone except Allah as the law-making authority" from its constitution last October in the face of Election Commission's objection.

The EC, which had asked all political parties to register with it prior to the ninth parliamentary polls, found that the phrase in Jamaat's constitution undermines parliament's power to make laws bestowed by the country's constitution, the supreme law of the land.

So, to meet the registration criteria, Jamaat submitted an amended constitution of the party, omitting the phrase and its Legal Affairs Secretary Jasim Uddin Sarker validated the omission by signing it on October 23, 2008.

When contacted on Thursday over telephone, Jasim Uddin told The Daily Star that one or two words were changed in the party's provisional constitution in consultation with the EC when the commission sought clarification of some provisions.

"We submitted the ratified constitution keeping the changes

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Tipai team leaves tomorrow

Writ petition filed seeking steps to stop dam construction

STAR REPORT

The parliamentary delegation leaving for India tomorrow to visit Tipaimukh dam site may propose India for a joint study on the hydro-electricity project on the common river Borak.

Abdur Razzak, chairman of the Parliamentary Standing Committee on Water Resources Ministry, leads the 12-member delegation.

The team, accompanied by experts and officials, will hold a meeting with officials of Indian power ministry on July 29 and officials of Indian foreign ministry on July 30. They will visit the Tipaimukh dam site in Manipur on July 31, reports UNB.

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## Alliance govt's role brought emergency

Says Syed Ashraf

DU CORRESPONDENT

Awami League general secretary Syed Ashrafur Islam yesterday claimed that the last BNP-Jamaat alliance government was mainly responsible for bringing the 1/11 state of emergency in the country.

"They had prepared a voter list with 1.5 crore fake voters, spread massive corruption countrywide from Hawa Bhaban, nominated Aziz as the chief election commissioner (CEC) and former president Iajuddin Ahmed the head of caretaker government before the set-up January 22, 2006 elections," he said while

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## RESTRUCTURING LAW MINISTRY Judicial magistrates stage protest at secretariat

STAFF CORRESPONDENT

Judicial magistrates staged a protest at the secretariat in the city yesterday, as they were left out of the process of turning two wings of the law ministry into separate divisions.

The judicial officials raised a hue and cry at the law ministry office, also demanding removal of Law Secretary Kazi Habibul Awal.

Law Minister Shafique Ahmed and State Minister for Law Qamrul Islam were present at the ministry during the agitation.

Sources said the judicial magistrates staged the demonstration as they fear their authority would be curtailed during the process of finalising the rules of business to create the two divisions.

More than a hundred judicial magistrates entered the secretariat by minibuses at about 10:00am, witnesses said.

Sources said a home ministry approval is required when a large number of government officials want to enter the secretariat but the magistrates did not seek such permission.

Talking to reporters at his secretariat office

in the afternoon, Law Minister Shafique Ahmed said the judicial officials came to the ministry to convey some of their demands.

"A process has been underway to amend the government's Rules of Business to officially separate the Legislative and Parliamentary Affairs wing and the Law and Justice Affairs wing under the Ministry of Law, Justice and Parliamentary Affairs," he said.

The judicial magistrates urged the minister not to finalise the rules of business overlapping the functions of the two wings. "I assured them that the government will consider their demands," Shafique said.

The minister also said that the security was beefed up at the secretariat yesterday, as the prime minister came to the secretariat to preside over the cabinet meeting.

Replying to a question, he said the Supreme Court has the authority to take any action against agitated judicial officials, as they serve under SC after the separation of the judiciary from the executive.

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