

President

FROM PAGE 1 Hasina's approval for it. One might argue that the president did the right thing in light of the constitution that says the president will act on advice of the premier, but he will act in his own discretion in matters of appointments of the prime minister and chief justice.

But the process of sending the summary of the forced retirement of the two judges to Bangabhaban -- the president's office and residence -- was itself not clear, as it did not follow the due process, which triggered the widespread controversy.

The government finally reinstated the two judges in the face of severe criticisms, and to avoid legal complexities, as according to several verdicts of the SC, sending the judges into forced retirement without consulting the apex court was illegal.

Later, the Parliamentary Standing Committee on Law Justice and Parliamentary Affairs Ministry on August 27 decided to probe the roles of Prime Minister's Adviser HT Imam, and the establishment and law secretaries -- in the government's move.

The parliamentary body's decision annoyed the premier's adviser who questioned its intention. HT Imam claimed, the judges were sent into retirement according to the Public Servants (Retirement) Act 1974, and it was legal. But the parliamentary committee and legal experts refuted the adviser's claim.

However, the incident raised an important question - whether the president is bound to always act on the prime minister's advice, whatever it may be.

Constitutional experts say the president is not bound to act on the premier's advice if the advice does not conform to the constitution. Both the president and the prime minister take oaths to preserve, protect, and defend the constitution, and none may go beyond his or her oath of office, they add.

If the president thinks an advice does not conform to the constitution, he may send it back to the prime minister, or may seek an explanation before acting on it.

Constitutional expert also former attorney general Mahmudul Islam in his book titled 'Constitutional Law of Bangladesh' explained the significance of the presidential oath of office.

He said the president takes the mandatory oath to preserve, protect, and defend the constitution, which is not just a matter of formality or ritual. The oath obligates the president to preserve, protect, and defend the constitution, he added.

"...It is difficult to deny him necessary authority in discharging the duty of preserving, protecting, and defending the constitution....Thus he will not be bound to act on an advice of the prime minister if such advice is ex facie (on the face of it) unconstitutional," observed the former attorney general.

Talking to The Daily Star on Wednesday, eminent jurist Shahdeen Malik echoed

Mahmudul Islam. He said according to the constitution, the president will act on advice of the prime minister, but that does not include anything illegal.

"The president may send back the file containing the prime minister's advice, or may seek explanation from the premier's office, if he thinks the advice is prima facie (at a first glance) unconstitutional," he added.

On the controversial issue of sending the two judges into forced retirement, Malik said had the president enquired into the issue, and sought explanation from the prime minister's office, he could have prevented the controversy.

Legal experts also observed that the prime minister might have not been properly advised on the issue that eventually put the president in a difficult situation.

The office of the president is a ceremonial one, and many people believe the president has noting to do but be advised by the prime minister. The statement is only partially true, according to the legal experts.

The president, if he wants, may play a significant role for the betterment of the country, and for strengthening the democratic process. Constitutional experts believe a man of high stature, integrity, and experience holding the office of the president can exert great influence on the executive branch of the state by way of advice and counseling.

People still expect seasoned politician Zillur Rahman to work for restoring the dignity and integrity of the top constitutional post, which was mired in controversy during the tenure of his predecessor Iajuddin Ahmed.

Iajuddin just acted as a president on advice of the then prime minister Khaleda Zia, and he was more busy proving his undoubted loyalty to BNP that had elected him president, rather than to the country's constitution. He did not dare to decline any advice coming from the then prime minister regardless of its unconstitutionality or unethically.

In fact, his inability to act as the president of the country undermined the dignity of the high office.

The onus is on Zillur Rahman to uphold the image of the president, who is the guardian of the country. He is the guardian not only of the executive branch of the state led by Prime Minister Sheikh Hasina, but also of the other two branches -- the judiciary, and the legislature.

As he took the oath, he must treat every person equally according to law, without fear or favour, affection or ill will. And in light of the oath, the president must not unduly favour any of the three branches of the state.

If the three branches are able to perform their respective tasks smoothly, and to complement each other towards establishing the rule of law, then it will pave the way for long desired good governance in the country.

Nat'l University

FROM PAGE 16 The report suggested monitoring activities of affiliated colleges to keep the affiliating character of the university and also proposed 'National Affiliating University' as its name.

Another recommendation said teachers' training course and other foundation courses could be continued on the main campus.

But no educational activities like graduation and post-graduation programmes should be conducted here, the report added. The university is running MPhil and PhD programmes.

The report placed stress on removing 'irregularities and corruption' from the university saying authorities will take legal and effective measures on an emergency basis.

The report also suggested upgrading of the on and renowned government colleges at divisional and district levels into complete university on the basis of some standards in phases.

After receiving the report, education minister said implementation of the report will start soon after certain procedures.

In the wake of gross irregularities and corruption at the NU, the education ministry formed the 11-member committee on March 25 with UGC chairman as its convenor to reform the university which has around 1,760 graduate and postgraduate colleges affiliated.

The committee held five meetings and consulted different teachers' organisations to prepare the report. It also exchanged views with the National Education Policy Formulation Committee.

They have finalised the recommendations in line with the reports of Qudrat-e-Khuda Education Commission and Shamsul Haque Education Committee, said a committee source.

Committee members including Dhaka University Vice Chancellor Prof AAMS Arefin Siddique and NUCV Prof Kazi Shahidullah were present during the report submission.

Police control

FROM PAGE 16 rampant extortion and violence there.

About allegations that some ruling party leaders and workers have been playing a part in deterioration of law and order in the south-western districts, Salam said the IGP and the director general of Rapid Action Battalion in their reports did not mention anything like that.

He also said the committee has accepted the two officials' observations.

BDR mutiny

FROM PAGE 1 mutiny can be tried under the military law by issuing notifications.

Barrister Rakanuddin Mahmud, another amicus curiae in the hearing on presidential reference on the mode of the trial--said the reference is "premature" and suggested that the Supreme Court return it to the government.

TH Khan, Rafique-Ul-Huq and Hassan Arif also opposed the government move to send the reference to the Appellate Division through the president. The government itself can resolve the matter, they said during their submissions.

The 11-member full bench of the Appellate Division, headed by Chief Justice MM Ruhul Amin, yesterday concluded the hearing on the reference after six days of deliberations by 10 amici curiae.

Hassan Arif yesterday told the bench that the fundamental rights of the BDR personnel are not ensured under the military law.

The provisions of the Army Act 1952 cannot be applied to the BDR personnel involved in the mutiny even through notifications to give the act retrospective effect, he said.

Mesbahuddin told the court that the offenders in the BDR mutiny can be tried at special tribunal under the existing laws. The facts behind the mutiny cannot be unearthed if the matter is not dealt with in the court, he said.

Attorney General Mahbubey Alam, however, told the court that the offences committed at the Pilkhana BDR headquarters can be tried under the army act by giving it retrospective effect through a notification.

He later told newsmen that the Supreme Court will now send its opinion to the president on the reference.

The Supreme Court appointed the 10 senior lawyers as amici curiae on August 19 for hearing their opinions on the presidential reference on whether the offences committed during the BDR mutiny can be tried under the military law.

Railway goes reckless

FROM PAGE 1 collision near the Kamalapur Railway Station on June 22 this year was also the result of anomaly in the signalling system caused by human failure.

Condition of the routes in West Zone is particularly vulnerable because of the oldest signalling assets: about 38 stations in this zone have to depend on a signalling system that was installed in 1927. The Pakshi-Darshana and Abdulpur-Parbatipur routes have become the most risky for travelling.

Almost all stations in East Zone have comparatively modern technology named relay interlocking system, but installed between the mid-1960s and early '70s, the system has already exceeded its 25-30 years' lifespan.

These over-aged safety assets have increased the risk of signal failures and delays and need immediate maintenance, railway officials said.

Apart from being risky, the dilapidated condition of the country's rail routes is failing to meet the need for speed and cope with the pressure of increased traffic density.

Trains cannot go beyond 16kmph around stations with manual interlocking mechanism while the highest approved speed limit around stations with semi-mechanised signalling system is 48kmph.

Moreover, in different sections the railway uses different signalling systems like non-interlocking, mechanical, electro-mechanical, single-wire and double-wire mechanical interlocking, relay interlocking and computer-based signalling systems.

Loco-masters often get confused because of this mixture of mechanisms. Uniformity in the signalling system is needed for easy operation, said officials.

The railway also lacks approach warning and road signals at numerous level crossings across the country. At present, the country's rail route network has 1,403 level crossings, of which only 207 are manned round the clock.

Railway officials also have to face the curse of theft of interlocking apparatus on a regular basis.

The old manual interlock-

BB suspends

FROM PAGE 1 such torn notes and releases fresh notes in the market as per rule.

The central bank investigated the matter and came to know that the notes were from its Khulna branch. It then suspended the nine officials.

Besides, the BB suspended three officials on Monday for going beyond their jurisdiction to approve change of torn Tk 1,000 notes.

The officials are Golam Mostafa, general manager and currency officer of the central bank, and Nurul Haque and Shafiqul Haq, assistant managers.

A BB high official said yesterday they approved some proposals including those for change of a good number of torn Tk 1,000 notes of people. It was beyond their capacity, he added.

Action will be taken against the three following further enquiry into the matter by a BB committee, the official added.

In another incident, a good number of bundles of torn notes went missing, and were recovered from a BB official's possession. Saddarghat BB branch authorities released the accused official simply after giving him warning though rules demand hand-over of the accused to police.

Investigation is now going on to bring to light why the accused in this case was not handed over to police.

Train rams car

FROM PAGE 1 He was soon rushed to the Square Hospital.

City dwellers observed frequent train accidents during last two and a half months in the capital. Since June 17, there had been four accidents that left one dead and 16 others injured.

On June 17, eight people were injured when an express train rammed two cars and a bus stuck in a gridlock on Moghbazar level crossing, tossing the vehicles on to two cars on the other side of the road.

On June 22, two express trains collided head-on due to wrong signal, leaving one dead and six others injured just outside Kamalapur Railway Station while in first week of July, a woman and her daughter sustained injuries when a train hit her rickshaw on Tejgaon level crossing.

ing system requires a lot of apparatus made of iron, which attracts petty thieves, said railway officials, adding that modernised system could prevent such theft.

Bangladesh Railway Director General Md Belayet Hossain told The Daily Star, "It is urgent to replace and modernise the signalling system at most stations and a large investment is needed for that. Bangladesh Railway is currently seeking funding for replacing and modernising the old signalling system in phases."

Around 40 stations have been upgraded with computer-based signalling system since 2003, he said, adding that several replacement and modernisation projects for 40 stations on Sylhet-Akhaura, Dhaka-Joydevpur, Tongi-Bhairabazar and Lasham-Chinkhiastana routes are currently underway.

More projects are in the pipeline to replace the signalling system of 25 stations on Pakshi-Darshana and Chinkhiastana-Chittagong routes, which will be completed during 2010-2015 with assistance from foreign donor agencies, Belayet said.

Ammonia gas

FROM PAGE 1 Mohammad Nakib, director of the cold storage.

He said the gas leakage occurred as two sacks of date dropped onto the supply pipeline of ammonia on the 1st floor when workers were carrying the sacks to the ground below.

Sub-Inspector Ashrafur Islam of Sutrapur Police Station told The Daily Star that the police and fire brigade reached the spot on information and rescued the victims with the help of other workers and sent them to DMCH.

Witnesses said the fire fighters managed to remove the gas from the storage around 4:00am. Director Nakib said, "As our technicians could manage to turn off the machines at the store immediately, we could narrowly escape a possible blast."

Labour leader Monir Hossain told The Daily Star that most of the workers work at the store on daily basis and they do not know which one is dangerous or safe there.

He said the victims, hailed from Daulatpur in Manikganj, joined the storage around a week ago.

However, the ground floor of the storage was functioning uninterruptedly after the emission.

Horror

FROM PAGE 16 addicts often mug people and tease female pedestrians.

The state of Karwan Bazar underpass is worse. It remains in knee-deep water during the rainy season. The stench of the stagnant water keeps people away from the subway.

Pedestrians themselves leave wastes here that further contaminate the environment. Others have set up small businesses here, selling fruits, clothes and plastic items.

Brishti, a 20-year-old homeless girl, has been living in the Karwan Bazar subway for four years now. She told The Daily Star that the police don't evict people who live here unless high ranked officials or ministers are to pass through the area.

The Gabtoli underpass also remains dirty round the year.

Jamila Begum, a sweeper working here, said, "I clean the place every day but beggars and vagabonds make it dirty again. They even excrete here and the security guard does nothing to stop these activities."

Since thunderstorm damaged the tin-roof of this underpass seven months ago, rain-water seeps in, and as a result even light rainfalls lead to water logging, said Joshan Ali, deputy manager of Dhaka City Corporation, Gabtoli zone.

"We have reported the authorities concerned several times but they have done nothing so far," he said. Ahmed Shah, executive engineer of DCC Zone-6, said steps are underway to rectify these problems.

"We have already taken initiatives to make Karwan Bazar underpass more useable. It will take around two months to complete the work," he said.

"We also have a plan to arrange alternate power supply during load shedding." Ahmed Shah said that the homeless people are not evicted on humanitarian grounds, as they have nowhere else to go.

HC appoints

FROM PAGE 1 Borhan Uddin made the appointments during the hearing on a writ petition by Sircar challenging the legality of formation of the parliamentary probe body concerning him.

The HC said it might appoint two more amici curiae for their opinion in this regard.

Further hearing on the matter will be held next week, said the court.

The HC bench came up with the decision after hearing arguments placed by the counsels for both the petitioner and the state on whether the HC can issue a rule on a matter relating to parliament.

Petitioner's counsels TH Khan and Fida M Kamal told the court that formation of the parliamentary body was illegal since it was formed without following the due process of law.

They prayed to the court to issue a rule upon the government and parliament authorities to explain why formation of the probe body should not be declared illegal.

Attorney General Mahbubey Alam vehemently opposed the petition, saying there is no scope for the HC to issue any rule upon the government on this matter since it relates to parliament. So, there was no illegality in forming the parliamentary probe body.

On August 17, Sircar filed the writ petition praying to the HC to issue a rule upon the government, and to stay the proceedings and recommendations made by the parliamentary sub-committee relating to him.

Incumbent Speaker Abdul Hamid, chief of the House body Fazle Rabbi Mia and 13 others were made respondents in the writ petition.

The House sub-committee was formed on March 19 this year to conduct an enquiry into alleged corruption in parliament secretariat in the last seven years till Abdul Hamid took over as speaker.

Haji Selim

FROM PAGE 16 The recommendation letter had already been sent to the Dhaka District Magistrate Zillur Rahman for the next steps.

Talking to The Daily Star Selim's lawyer Pran Nath submitted petitions to the government to withdraw 120 cases saying that these were filed against the former law-maker during the four-party alliance government.

"So far as I know this is the highest number of cases that the four-party alliance government filed against an opposition leader for harassment," said Pran Nath.

The lawyer also said the AL leader is now facing 120 cases while another 17 were disposed of through 'mutual understanding' between the complainants and the accused.

The charges against Selim include murder, attempt to murder, extortion, theft, holding unlawful assembly, and obstructing police from discharging their duties.

Selim, also joint secretary general of Dhaka city unit of AL, was sent to jail on May 19 after he surrendered before a Dhaka court in connection with a corruption case in which he was convicted and sentenced to 13 years' imprisonment in absentia.

He was later released on bail after the High Court granted him bail in the case.

Of the 65 cases, three are for murder, seven for theft, one for extortion, 10 for attempt to murder, 28 for holding unlawful assembly and damaging vehicles, nine for obstructing the work of the police and seven for possessing illegal arms.

EC asks AL

FROM PAGE 16 him to explain within 10 days of receipt, officials said.

On August 31, the EC also issued a notice on AL lawmaker Shafiqul Azam Khan, elected from Jhenidah-3 constituency, asking him to explain within 10 days why his parliament membership should not be cancelled on grounds of ineligibility.

Shafiqul was mayor of Moheshpur municipality at the time of the poll. Even he has not resigned as mayor to this day.

Officials at the EC Secretariat said the commission would decide the next course of action on receiving their explanation.

China okays

FROM PAGE 1 details from the vaccine by Beijing-based drug maker Sinovac Biotech Ltd. one of several being developed in China. However, experts said more results are needed from other vaccine makers to determine if one dose would be potent enough.

Australia-based CSL should know within days whether one dose of its vaccine, administered to volunteers in that country in late July, was enough. CSL to date has been mum.

In about two weeks, the US expects to announce initial test results from its vaccine, which is the same type as one of the Chinese versions, said Dr. Anthony Fauci of the US National Institutes of Health.

"From what I've seen and heard of the data, it looks encouraging," Fauci said of the clinical trials of Sinovac vaccine. "This is very good news. Let's hope the material that we're using has similar results."

Most experts agreed. "Everybody is desperately hoping that one (shot) will do because then that's much easier to administer," said Jodie McVernon, a vaccine expert at the University of Melbourne who is involved in Australian trials of swine flu vaccines for young children. She had not seen the Chinese trial results.

However, James McGlothlin, a member of Purdue University's pandemic planning committee, was cautious about the Chinese report.

"They've got some very good scientists over there, but anything that sounds too good to be true ought to be scrutinized," he said in a telephone interview.

"I'd like to look at some of the clinical trials," that led to the one-dose conclusion, he said. "In China, the rules are a little bit different in terms of human subjects," and it's not clear what safety factors were in place, he said.

China's State Food and Drug Administration said Thursday it approved the vaccine by Sinovac, which completed testing last month.

The vaccine is the first to be approved by the Chinese regulator and is set to be followed by at least one other vaccine this week, made by Hualan Biological Engineering Inc. Another four vaccines were being reviewed, the regulator has said.

Both companies say their studies show one shot of vaccine is effective on people ages 3 to 60. More than 3,000 participated in the trials.

Sinovac says it has the capacity to produce up to 30 million doses of swine flu vaccine in a year, while Hualan said it can make 160 million doses.

Stockpiling vaccines is China's latest move in its aggressive approach to contain the spread of swine flu in the country of 1.3 billion people and relatively limited medical resources. It has quarantined travellers on suspicion of contact with infected people and ordered schools to test students' temperatures.

The Health Ministry says nearly 4,000 cases of swine flu have been confirmed on the mainland none fatal.

China aims to have enough swine flu vaccine for 5 percent of the public by the end of the year, and although health officials have not released detailed vaccination plans, they have said health workers, public service workers and students

Rid Pharma

FROM PAGE 1 Abdul Khayer Chowdhury, assistant director of Bangladesh Drug Administration of Comilla zone, filed a case with the Brahmanbaria court against the five officials on August 11.

Four more cases were filed in Dhaka, Sylhet, Comilla and Narayanganj.

Abdul Khayer told the court that Rid Pharma's paracetamol syrup caused death of children across the country and the company's all 12 drugs including vitamin syrups are of low quality.

The drugs are: Ridaplex (vitamin B-complex syrup), Temset (paracetamol suspension), T-zinc (zinc sulphate syrup), Bromosol (bromohexin syrup), Resectil 20 (omiprazol capsule), Citapen Cafil (paracetamol tablet), Ridocin (ciprofloxacin tablet), Dioxipac (doxycycline capsule), Ridzol (metronidazole tablet), Thouridec (theofillin tablet), Banaltab D3 (albendazole tablet), and Ridaplex (vitamin B-complex capsule).

The Drug Administration said 405 bottles of Ridaplex and Temset were seized at different drug stores in rural areas of sadar upazila in Brahmanbaria and Burichang upazila of Comilla.

In 1992, at least 339 children died after taking toxic paracetamol syrup prompting the then government to cancel registrations of five pharmaceutical companies.

are priority groups. Should China export vaccines, however, quality concerns could arise.

Though China is a worldwide manufacturing centre for pharmaceuticals, suppliers have been known to substitute cheaper and sometimes lethal ingredients. Tainted cough syrup was linked to several deaths in Central America and blood thinners made with contaminated products are suspected in dozens of deaths in the US in recent years.

Last week, Mexico's health secretary, Jose Angel Cordova, said Mexico is considering buying vaccines from China, which would be more than 40 percent cheaper than other vaccines being offered to the government. But Mexico would want a guarantee that China's vaccine is safe and effective, he said.

The World Health Organisation said information provided by Sinovac showed that in studies, the vaccines were tested in three formulations of 15 micrograms per dose, and all gave antibody responses that satisfied regulatory criteria. That vaccine dose is the same amount the US government is testing.

"We have no reason to doubt what Sinovac is reporting," said Melinda Henry, a WHO spokeswoman in Geneva. "Certainly if one dose proves sufficient to produce the desired immune response, this would be very encouraging in terms of augmenting the global supply of vaccine in the near future."

2 killed

FROM PAGE 16 Rab-6 official sources said as soon as they reached the spot, the cohorts of the arrestees opened fire at the law enforcers forcing them to retaliate. Hasan and Mizan were caught in the line of fire while trying to flee. The brothers died on the spot, said the sources.

Hasan was the chief of 'Hasan syndicate', which had been carrying out smuggling and arms and drugs peddling through the Indian border.

The law enforcers, however, could arrest none of the cohorts.

Rab and police sources said Hasan was accused in 22 cases, including eight of killing and three of robbery, while Mizan in 18 cases, including six murder cases. According to sources, of the cases filed against them, one was for four-murder.

The brothers were also accused in Udichi bomb-blast case. However, they were acquitted of the case as none dared to make statement against them. Hasan was ousted from the Jatiya Samajtantrik Dal in 1988 for his involvement in robberies.

Locals and police sources said during the BNP-led four-party alliance government, the brothers continued smuggling, extortion and other criminal activities under the shelter of a local BNP minister.

After the Awami League-led Grand Alliance government came to power, they took shelter under a powerful AL leader and were engaged in tender snatching in the city's Mirpur, said another source.

RMG makers

FROM PAGE 16 global financial meltdown.

Murshed said import of apparel items by USA fell by 6.97 per cent during January-June of this year compared with the corresponding period of last year.

The garment export to USA declined by 0.48 percent and 3.83 percent in May and June of this year compared to last year.

"I fear the negative growth in export of apparel items to the US market will reach double digits in August and September of this year," Murshed said.

He said Bangladesh's major competitors including China, India and Pakistan have already announced stimulus packages worth billions of dollars to help their apparel exporters tackle the impacts of global recession.

"As a result, we are lagging behind them despite having ready markets," he said.

The BGMEA chief said the government should ensure smooth supply of gas and power for uninterrupted production in garment factories.

Bangladesh exported woven garment worth \$5.918 billion against the \$5.684 billion target while the knitwear items worth \$6.429 billion were exported against the target for \$6.583 billion in fiscal 2008-09, show data of Export Promotion Bureau.

Swine flu