

## Constitution

**FROM PAGE 1**  
Division are Mohammad Fazul Karim, MA Matin, BK Das, Md Muzammel Hossain and SK Sinha.

Keen to hear a potentially watershed ruling from the top court, lawyers, politicians and journalists had been crowding the court premises from early morning.

Talking to The Daily Star in the afternoon, former chief justice Mostafa Kamal said, "There is no doubt that the Appellate Division of the Supreme Court has upheld the High Court judgment. It will however add some modifications and observations of its own."

Neither the state side nor the petitioners' counsels could give complete reactions yesterday, as they were yet to have in hand the copy of the SC judgment. They might have to wait for weeks to know the court's modification and observations. Speaking initially, lawyers for the petitioners said they were disappointed to see their petitions get rejected, but claimed the SC did not quite uphold the HC verdict.

That the Appellate Division opted to modify the HC verdict means it found merit in their arguments, they added.

On the other hand, the state counsels said the apex court ruling comprehensively upheld the HC judgment. They however acknowledged they had been expecting the petitions to be turned down without any modifications to the 2005 verdict.

Now they would have to wait tensely to know the modifications.

In his instant reaction, Law Minister Shafique Ahmed said the SC ruling has in fact restored the spirit of the 1972 constitution. Attorney General Mahubey Alam said the implications of the court's decision could be known once the judgment's copy is available.

It is however sure that the constitution would have nothing called "martial law", he noted.

The HC verdict asserts that imposing martial law or usurping power by any extra-constitutional means would always be illegitimate.

Replying to a query, Mahubey Alam said there would be no need for parliament to pass any bill in this regard, as reprinting the constitution as per the SC judgment would suffice.

Some legal experts said that had the court not upheld the HC verdict, it would have allowed the petitioners to file regular appeal.

They said the fifth amendment being illegal does not denote revival of the fourth amendment, which had introduced presidential form of government and a one-party system in January 1975. The 12th and other amendments scotched that possibility.

TH Khan, a petitioner's counsel, said it would have been better if the SC had held full hearing after granting leave to appeal.

"Amid disappointments, we however see a ray of hope in the court's uttering the words 'modifications and observations', he observed.

When the HC delivered the judgment in 2005, the BNP-Jamaat led four-party alliance was in power, and the govern-

ment had sought to appeal against the verdict.

But the Awami League-led grand alliance government last year decided not to challenge the verdict.

Of the two petitions--one was filed by BNP Secretary General Khandaker Delwar Hossain and the other by three SC lawyers--Tajul Islam, Kamruzzaman Bhuiyan and Munshi Ahsan Kabir--on May 25 last year.

None of the petitioners was party to the original case.

TH Khan stood for Delwar and barristers Moudud Ahmed and Abdur Razzaq for the three lawyers.

The HC in its verdict said the constitution does not permit anyone to assume power by any means other than the ones mentioned in it. If anyone does so, it will amount to sedition.

It observed that martial law as a whole is illegal and unconstitutional, and all the actions, laws and rules made under martial law are illegal.

The changes of governments between August 15, 1975 and the national elections of 1991 were not carried out constitutionally.

The court, however, noted that though all government activities between August 15, 1975, and April 9, 1979, have been declared illegal, the history cannot be altered.

Many of these acts were done in public interest. From this perspective, the court condones some of these actions that could have been done in line with the constitution.

The verdict came in response to a writ petition filed by Masudul Alam on behalf of Bangladesh Italian Marble Works Company (BIMWC) to reclaim a cinema hall at Waizghat in Dhaka that the company lost during the military rule.

## BNPPP

**FROM PAGE 1**  
"The meeting is scheduled for Thursday," Joint Secretary General of BNP Mahubuddin Khokon told The Daily Star yesterday evening.

While talking to The Daily Star, a number of party lawmakers hinted that they would join the ongoing session just after the meeting at Sangsad Bhaban.

Earlier on Friday, Opposition Chief Whip Zainul Abdin Farroque told reporters that his party would join the parliamentary session to discuss critical issues the country is facing now.

"We want to return to the parliament and I hope a positive decision about joining the House will come out at the meeting," he said at his Gulshan residence yesterday.

The BNPPP has not held meetings since February last year and the main opposition party has been boycotting the House since the parliament's second session in June last year.

Lawmakers from the two wings of the BNP-led four-party alliance, Jamaat-e-Islami and Bangladesh Jatiya Party, may also be invited in the meeting.

However, BJP Chairman Andaleeb Rahman Partho said he had heard about the meeting but did not get any formal invitation yet.

## Bangabandhu

**FROM PAGE 1**  
"Noor Chowdhury joined hands with them. Why didn't the then BNP-Jamaat government arrest the killer? Khaleda Zia must answer that," the AL leaders said.

While speaking on the thanksgiving motion on the president's address, the AL lawmaker also asked BNP Chairperson Khaleda Zia and her party to prove the authenticity of late president Ziaur Rahman's burial in Zia Uddin.

He said it is obvious that photographs of a late president's body would be taken and at least preserved by information ministry or the army.

But none of us has ever seen any photographs of the body. I wanted to see the photographs earlier in the parliament but they did not produce any, Selim said.

He also demanded a DNA test under the supervision of international experts.

He also came down hard on the opposition leader of the parliament for her remarks on the premier's recent visit to India.

Khaleda Zia had said that she would welcome the premier on her return from India if she (Sheikh Hasina) could project the country's interest otherwise, thorns would be spread on her way to home, Selim recalled.

With this he also recalled the story Moymona, the old lady who used to spread thorns on the way of Prophet Hazrat Mohammad (pbuh). "That 'Moymona' is now in Dhaka," he said.

Participating in the discussion on the thanksgiving motion, a number of AL lawmakers also blasted BNP and Jamaat-e-Islami leaders for "misrule and corruption" during their tenure.

Earlier, given floor on a point of order AL lawmaker Suranjit Sengupta hailed the Appellate Division's rule on rejecting the leave to appeal against the High Court verdict that declared the fifth amendment of the constitution illegal and void.

"There is no obstacle in going back to the constitution of 1972," Suranjit said.

## Ratna

**FROM PAGE 16**  
Magura -- Bangladesh's stand-in cricket captain Shakib Al Hasan.

Ratna's 499.4 beat the previous best of India's Radhika Varalle's 498.1 in Colombo in 2006.

The two gold medals in shooting improved Bangladesh's collection to 3-4-9.

Although India were stunned by the superb effort from Bangladesh's female in shooting, their athletes in other fields continued to dictate terms. The runaway leaders have confirmed 15 gold, three silver and seven bronze medals after the fifth day of the 12-day regional extravaganza.

Pakistan held the second position with six gold, 11 silver and four bronze medals.

Sri Lanka however spoiled India's cycling party in Khulna by winning the 170-km road race mass start in a photo finish. India were looking for a clean sweep after winning the first three gold in the southern headquarters of the country.

In Dhaka, Bangladesh women's football team picked up their second successive win defeating Pakistan by a solitary goal. The men and women's kabaddi teams however fell from grace yesterday with the men conceding defeat against Pakistan while the women losing to heavyweights India.

At Rajshahi, the Bangladesh cricket team also suffered an 18-run defeat against Sri Lanka.

## Teesta water

**FROM PAGE 1**  
Environment" organised by Bangladesh Haor and Wetland Development Board at Press Club yesterday, on the eve of World Wetland Day 2010.

The minister said the government is going to prepare a long-term plan for developing the country's wetlands, including haor, baors and areas in the Sundarbans.

A high-level meeting with Prime Minister Sheikh Hasina will soon be held in this regard, he added.

Development of haors and wetlands needs to be ensured for an over all development of the country, he said. He called for an all-out effort.

He said some 114 embankments across the country have brought nearly 73 percent of land under cultivation.

Giasuddin Ahmed Choudhury, executive director of Centre for Environmental and Geographic Information Services (CEGIS) presented the keynote paper at the seminar. He said Bangladesh has been identified as one of the most vulnerable countries in Copenhagen Summit. This means, Bangladesh would be one of the worst victims of climate change impact.

According to CEGIS research findings, one metre rise in the sea level would cause half-a-metre water rise in haor areas, he said.

Shaikh Md Wahid-uz-Zaman, Secretary at water resources ministry, presided over the seminar. Lawmaker Mohibur Rahman Manik and Save Environment Movement Chairman Abu Naser Khan, among others, spoke at the seminar.

## Govt happy

**FROM PAGE 1**  
They claim the SC did not fully uphold the High Court verdict.

The Appellate Division yesterday dismissed with some modifications and observations the two leave-to-appeal petitions that had challenged the 2005 HC verdict nullifying the Fifth Amendment.

Moudud Ahmed said the SC is not fully agreed with the HC verdict, since it has said it would make "modifications" and "observations" regarding the HC verdict.

Many constitutional points were involved in the Fifth Amendment case, so the SC should have granted the leave-to-appeal prayers for detailed hearing, he said.

The minister said the government will send a reference to the Law Commission after receiving the copy of the SC order for necessary recommendations. The government will act as per the Law Commission's recommendations, he said.

"There is no scope for creating controversy with the Supreme Court verdict from religion's point of view," he said, adding, only the provisions of the Constitution, which were scrapped by martial law proclamations, would now be restored.

Attorney General Mahubey Alam told newsmen at his office the way for imposing martial law proclamations in the country has been stopped through the SC order, since the apex court upheld the HC verdict that had declared such proclamations illegal.

He said the government now has to reprint the Constitution omitting the part of the Fifth Amendment.

The Continuation will not be damaged due to cancellation of the amendment, since the HC in its verdict condoned the legal actions done as per this amendment, he said.

The top state law officer said TH Khan and Moudud Ahmed are claiming that the SC has accepted their arguments only to save themselves.

He added there is nothing in the name of martial law in the Constitution, as the amendment has been cancelled.

Asked what will be the political implications of the SC order, he said he cannot comment about it before obtaining the copy of the order.

TH KHAN  
TH Khan said it would be better if the SC would hold full hearing after granting the leave-to-appeal petitions.

"We are seeing the light of hope in the disappointments since the court has uttered the words 'modifications' and 'observations'," he said.

## Fifth amendment

**FROM PAGE 1**  
Rahman, who first assumed the office of chief martial law administrator and later the office of the president, passed the amendment act on April 6, 1979, declaring that all actions to have been made legally.

The fifth amendment also validated all actions taken during about four years by the martial law governments, and made them immune to judicial review.

In the amendment, a new paragraph was added to the constitution's fourth schedule, which deals with transitional and temporary provisions.

About transitional and temporary provisions, Article-150 of the constitution says: "The transitional and temporary provision set out in the Fourth Schedule shall have effect notwithstanding any other provisions of this Constitution."

The paragraph titled Ratification and Confirmation of Proclamations, etc--inserted in the fourth schedule of the constitution--reads: "All Proclamations, Proclamation Orders, Martial Law Regulations, Martial Law Orders and other laws made during the period between 15th August, 1975, and 9th April, 1979, (both days inclusive), all amendments, additions, modifications, substitutions and omissions made in this Constitution during the said period by any such Proclamation, all orders made, acts and things done, and actions and proceedings taken, or purported to have been made, done or taken, by any person or authority during the said period in exercise of the powers derived or purported to have been derived from any such Proclamation, Martial Law Regulation, Martial Law Order or any other law, or in execution of or in compliance with any order made or sentence passed by any court, tribunal or authority in the exercise or purported exercise of such powers, are hereby ratified and confirmed and are declared to have been validly made, done or taken and shall not be called in question in or before any court, tribunal or any ground whatsoever."

He expressed the hope that their arguments will be reflected in the full order of the SC.

Khan added the apex court has considered the logics and grounds of his arguments.

**MOUDUD AHMED**  
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## 12 more

**FROM PAGE 1**  
Militants have recently threatened Akramuzzaman, who was involved with JMB from 2002 to 2008, for writing the book. He informed police about the threat, said Deputy Commissioner of Uttara zone Kazi Nisharul Arif.

Earlier on Monday, Rashidul's wife Alif Nur filed a first information report with Uttara Model Police Station mentioning that Akash, Al Amin, Nadim and their associates killed her husband.

Rashidul's relatives took his body to his village home in Panchagarh yesterday and buried him there.

Rashidul was handed down 32 years in jail in a case filed with Joypurhat Police Station in connection with the August 17, 2005 serial blasts across the country, reports our Thakurgaon correspondent.

Besides, he was one of the 61 charge-sheeted accused in an arms loot case filed with Khetlal Police Station on August 14, 2003.

Further investigation into the case is going on following a court order, adds our Dinajpur correspondent.

UNB adds: Inspector General of Police Nur Mohammad yesterday described Monday's killing by JMB militants as an isolated incident as they are not visibly organised.

"There is no strong network of them (JMB) or any other militant outfit," he said, a day after the killing of a suspected JMB man.

Replying to questions after the prize-giving ceremony of the annual sports of Bangladesh Police at Dampara Police Lines field in Chittagong, the top police boss claimed that the militants' countrywide limited network has been shattered with the repeated crackdowns on them.

## Efficient

**FROM PAGE 16**  
the evening peak hours.

Planning Division Secretary Habibullah Majumder disclosed the details while briefing reporters after the meeting.

Answering to a question, he said, "There would be one-year guaranty for the CFL bulbs and disposal policy would also be taken for the bulbs to avert environmental hazard."

He said that under the Urban Public and Environmental Health Sector Development Project at a cost of Tk 555 crore, normal and medical wastes would be disposed in all the six city corporations of the country.

Besides, five city canals--Chutibhola, Kataru, Baunia, Kalyanpur and Ramchandrapur--will be re-excavated to solve the water-logging problem in the city.

The works will be done under the Water Logging Eradication (phase 2) project in Dhaka Metropolitan under the Local Government Division at an estimated cost of Tk 181 crore.

The other approved projects include: Comilla University Establishment 1st phase (2nd amended) project under the Education Ministry at a cost of Tk 55 crore, Establishment of Cantonment Public School and College at Artillery Centre and School, Halishahar, Chittagong and Rajshahi Cantonment Project under the Defense Ministry estimating Tk 48 crore.

Bangladesh Institute of Textile Technology (2nd amended) Project under the Jute and Textile Ministry at a cost of Tk 67 crore, Up gradation of road to four lanes from Bahadurhat to Third Karnaphuli Bridge under the Roads and Railways Division at a cost of Tk 142 crore.

The Greater Rajshahi Division coordinated Rural Development (1st amended) project (Rajshahi, Natore, Naogaon and Chapainawabganj) under the Local Government Division involving Tk 205 crore.

Planning Minister AK Khandaker, Agriculture Minister Matia Chowdhury, LGRD Minister Syed Ashrafur Islam, Commerce Minister Faruk Khan, Communications Minister Syed Abul Hossain, among others, were present at the meeting.

## Babar

**FROM PAGE 1**  
the investigation officer of the case, prayed for a 10-day remand to interrogate Babar.

Senior Judicial Magistrate Shamsul Islam, however, asked the authorities concerned to produce Babar before the court on February 11 and the court would hear the remand prayer then.

Rafiqul told The Daily Star that Babar admitted his involvement in the Kibria killing plot while he was being interrogated in connection with the August 21, 2004 grenade attack on an Awami League rally in the capital.

"We need to quiz him [Babar] now," said Rafiqul.

Public Prosecutor of Habiganj Akbar Hossain Jitu and others were present in the court during the hearing yesterday.

Earlier, during further investigation into the case, which is still going on, the investigation officer found Huji men's involvement in the attack. The investigation nullified CID's first findings due to which 10 BNP leaders and activists of Habiganj were accused in the charge sheet.

Further investigation, initiated on repeated calls from Kibria's family and a no-confidence notion filed by the complainant, dismissed the results of the enquiry done under the BNP-Jamaat government.

Kibria was killed in a grenade attack on January 27, 2005 at a rally in Baider Bazar of Habiganj, the constituency he was elected from. The blast also killed his nephew Shah Manzurul Huda and local Awami League leaders Abdur Rahim, Abul Hossain and Siddique Ali.

The CID has been further investigating the sensational case since March, 2007. Since the first investigation officer--CID's ASP Munshi Atique--went on retirement in July, 2007 ASP Rafiqul Islam took over. He claimed the CID had gathered some significant leads from different sources.

## Booklovers

**FROM PAGE 16**  
Liberation War, were launched yesterday.

Many visitors bought books and others said they would make purchases during subsequent visits.

Booklover Tarana Tabassum said, "I usually buy books after visiting several times. I was only here today to have a look and I will decide what to buy on subsequent visits."

Ahmed Reza, who was browsing the collection at Sheba Publication, said he and his friends look forward to the annual fair because it provides an opportunity to meet with writers and well-known people.

Many publishers said that it is too early to evaluate sales, but they expressed hope that the participation of readers would increase day by day.

The new titles to arrive at the fair yesterday included "Bhasha Shikha O Bhasha Parichiti" and "Pronominalisation of Bengali" by Humayun Azad, a collection by Ahmad Sharif "Ajgubi Raat" by Syed Manzurul Islam, "Srabon Sandhyatuku" by Imdadul Haq Milon, "Adhunik Putul Nacher Itikotha" by Abdur Mannan Syed, "Bhut Samagro" by Muhammad Zafar Iqbal, "Pronito Jibon" by Syed Shamsul Haq and "Shuvro Gechhe Boney" and "Kath Pencil" by Humayun Ahmed.

## OMS of rice

**FROM PAGE 16**  
The meeting also decided to prepare a list of 4,000 ultra poor people in each ward of Dhaka Metropolitan area and provide 20 kgs of rice to each of them at reduced price per month.

"The OMS has already started leaving impact on the prices of coarse rice. The programme will continue until rice prices come at tolerable level," the food minister said.

Razzaque in the meeting said the government has adequate stock of rice with which the OMS programme could be continued up to the boro season.

Besides, the government finalised import of 4.5 lakh tonnes of wheat. Apart from that, import of 3 lakh tonnes of wheat from Russia is underway.

Earlier on January 20, the government started OMS in the capital in the wake of rising rice prices when coarse rice price ranged from Tk 26 to Tk 28.

A week later, it was introduced in Narayanganj, Gazipur and Narsingdi.

## China launches probe into new tainted milk

AP, Beijing

China has launched a 10-day emergency crackdown on tainted milk products after several were found creeping back onto the market despite a massive scandal that sickened hundreds of thousands of children in 2008.

No one knows how many tainted milk products are still on the market, a member of the country's food safety committee, Chen Junshi, was quoted as saying by the China Daily newspaper yesterday.

The sweep that started Monday comes after milk products tainted with the industrial chemical melamine were pulled from shelves in Shanghai and the provinces of Shaanxi, Shandong, Liaoning and Hebei, the state-run Xinhua News Agency said. Some had been recalled in the previous scandal and repackaged.

At least six children died and more than 300,000 fell sick in the 2008 scandal, where melamine, normally used in making plastics and fertilizer, was added to watered-down milk to fool inspectors testing for protein and increase profits.

At the time, China promised sweeping changes for the country's food safety.

But health concerns peaked again early this year after authorities in Shanghai said they secretly investigated a dairy for nearly a year before announcing it had been producing tainted milk products.

The case was especially troubling because Shanghai Panda Dairy Co. was one of the 22 dairies named by China's product safety authority in the 2008 scandal, with its products having among the highest levels of melamine.

This time, China is again

## BCL factions

**FROM PAGE 16**  
around 20 of his activists in rooms controlled by Mehedi.

Mehedi's supporters retaliated and the two groups exchanged fire during the hour-long confrontation that caused widespread panic amongst university students.

Sources said that the pro-Awami League activists also brandished wooden sticks and sharp weapons.

Police armed with batons stormed the premises and hurled around 20 tear gas shells to disperse the two groups.

Third year student of Islamic History and Culture, Abubakar Siddique, is in a critical condition and is undergoing treatment at the Intensive Care Unit at Dhaka Medical College Hospital (DMCH).

Police arrested eight Bangladesh Chhatra League (BCL) men, including president Faruk, on charges of committing violence in the hall.

Both the president and general secretary suffered injuries during the clash.

Following the incident, Mehedi supporter Omar Faruk filed a case against 14 Chhatra League men, including Faruk.

BCL sources said the top two leaders of the organisation's central committee and DU unit were also involved in a dispute over the formation of the full BCL committee.

The university correspondent of The Daily Sangbad received injuries to his head and hands as a result of the baton charge by police.

Injured Chhatra League members received treatment at DMCH and DU Medical Centre.

Officer-in-Charge of Shabbagh Police Station told reporters that seven policemen were hurt.

Syed Nurul Islam, ADC of Ramna Police refuted the allegation of disproportionate force by stating that the use of batons was necessary to bring the situation under control.

DU Proctor Dr KM Saiful Islam said that those responsible would be duly punished.

A fast-food shop on the university campus owned by president Faruk was set alight after the clash.

No one has been arrested in connection with the fire.

promising a thorough crackdown. "All melamine-tainted milk products will be found and destroyed," Xinhua quoted Health Minister Chen Zhu as saying over the weekend.

Chinese authorities won't be able to get every tainted packet, but it's still a good move, said Victoria Sekitoleko, representative for the UN's Food and Agriculture Organization in Beijing.

"For now, it's best to go in right away and get it off the shelves," she said. "These traders are not about to give up, so officials will have to be vigilant all the time."

In other recent cases, officials in late January said tainted dairy products from three companies were pulled from more than a dozen convenience stores around the southern province of Guizhou. Officials said products recalled during the previous scandal somehow made it back to the market.

Again, one of the companies, Laoting Kaida Refrigeration, was among companies named in the original 2008 scandal.

In December, the general manager of a dairy in northern Shaanxi province and two employees were accused of producing and selling more than 5 tons of tainted milk powder. The deputy head of the regional public security department told Xinhua that none of the powder reached the market.

## Botanical

**FROM PAGE 16**  
filed by the Human Rights and Peace for Bangladesh (HRPB), a human rights and environmentalist organisation, challenging the government's permission to set up a developer company to set up the pipe through the garden and zoo to fill land for housing projects.

Secretaries to the ministries of the forest and environment and the fisheries and livestock and the chief executive of Dhaka zoo have been asked to maintain the status quo and reply to the HC rule.

HRPB President advocate Manzill Murshid told reporters that the developer company cannot set up dredge pipe through botanical garden and Dhaka zoo following the HC order.

Earlier in the day, the HRPB filed the writ petition as public interest litigation (PIL) seeking a direction from the HC upon the government to cancel its permission to set up the dredge pipe.