

Special body sits today to review constitution

STAFF CORRESPONDENT

The special committee of parliament for constitutional amendment holds its maiden meeting today to start reviewing the constitution and prepare proposals for amendments.

Co-chair of the committee Suranjit Sengupta yesterday said they would also carefully examine the implications of the Supreme Court's verdict, which declared the constitution's fifth amendment illegal.

The High Court in 2005 declared the Fifth Amendment to the constitution illegal and later the Supreme Court Appellate Division early this year upheld the HC ruling with some modifications. A copy of the Supreme Court's ruling was

SEE PAGE 15 COL 3

Military takeover never again

SC judgment makes democracy sacrosanct, restores secular spirit of '72 constitution; says JS to decide on nationalism, but the word 'Bangladeshi' should stay in 'wider public interest'

JULFIKAR ALI MANIK and ASHUTOSH SARKAR

The Supreme Court in its judgment on the fifth amendment to the constitution paved the way for preventing military takeover in future and restoring secular spirit of the original constitution except for a few changes.

Islam, however, shall remain the state religion as per the eighth amendment, which is not covered by the judgment.

The SC released the full text (184 pages) of its judgment on Tuesday, around six months after it upheld the High Court verdict declaring illegal the fifth amendment.

The fifth amendment had legitimised the governments and military rule since killing of then president Bangabandhu Sheikh Mujibur Rahman on August 15, 1975, to April

9, 1979. The governments during the period were led by Khandker Mushtaque Ahmed, Abu Sadaat Mohammad Sayem and Major General Ziaur Rahman.

The apex court vehemently denounced military rule and suspension of the constitution by martial law proclamation.

"We are putting on record our total disapproval of martial law and suspension of the constitution or any part thereof in any form," said the six-member bench headed by then chief justice Md Tafazzul Islam said in the landmark judgment. (See accompanying story).

It also said, "Preamble and the

"We are putting on record our total disapproval of martial law and suspension of the constitution or any part thereof in any form," said the Appellate Division verdict.

"The perpetrators of such illegalities should also be suitably punished and condemned so that in future no adventurer, no usurper, would dare to defy the people, their constitution, their government, established by them with their consent," the apex court concluded.

SEE PAGE 5 COL 3

relevant provisions of the Constitution in respect of secularism, nationalism and socialism, as existed on August 15, 1975, will revive."

It observed that the martial law proclamations by "omitting secularism, one of the state policy from the Constitution, destroyed one of the basis of our struggle for freedom and also changed the basic character of the Republic as enshrined in the preamble as well as in the Article 8(1) of the Constitution".

Ziaur Rahman had brought in the fifth amendment to ratify the fundamental changes made to the constitution after the assassination of Bangabandhu.

He had omitted article 12, which prohibited religion-based politics and communalism in all forms. The SC judgment reinstates that article.

Of the four fundamental

SEE PAGE 15 COL 1

Same fate likely for 7th amendment

Writ petition pending

STAFF CORRESPONDENT

The seventh amendment to the constitution, which legitimises HM Ershad's takeover of power and the acts under his military rule, could have the same fate as the fifth amendment, said Law Minister Shafique Ahmed.

A writ petition, filed on January 24 this year, challenging the legality of the amendment is pending with the High Court.

The HC has recently started hearing on the petition after it on April 5 issued a rule upon the government to explain as

SEE PAGE 15 COL 3

No to 'extra-constitutional adventure' forever

SHAKHAWAT LITON

The Appellate Division of Supreme Court in a landmark verdict strongly denounced martial law and suspension of the country's constitution, and recommended meting out suitable punishment to the perpetrators.

Upholding the High Court Division's historic ruling of 2005 that had declared the fifth amendment to the constitution illegal, the apex court also said it is up to the parliament to enact laws to prevent martial law.

Parties using religion face ban

SHAKHAWAT LITON

Political parties and other organisations using religion as their guidelines now stand banned with cancellation of the fifth amendment to the constitution, says the law minister.

Their activities are now punishable offence. Law Minister Shafique Ahmed told The Daily Star yesterday.

Following the Appellate Division's decision upholding the High Court's landmark verdict that declared the constitution's fifth amendment illegal, restrictions on formation of organisations based on religion were restored.

The existing article 38 of the constitution

SEE PAGE 15 COL 4

Ban to face strong opposition

STAFF CORRESPONDENT

The religion-based political parties in the country are chalking out strategies for their survival as the Supreme Court verdict on the fifth amendment to the constitution paves the way for the government to ban the parties.

They would come up with a complete course of action against the banning of the use of religion in politics once they receive a copy of the verdict, leaders of the parties said.

Any attempt to ban Islam-based politics will be strongly opposed, the leaders said.

"We disapprove of any move to ban the Islam-based political parties in an Islamic

SEE PAGE 15 COL 8

Mannan Bhuiyan no more

STAFF CORRESPONDENT

Veteran politician Abdul Mannan Bhuiyan passed away Wednesday at 12:01 am at a city hospital. He was 67.

Bhuiyan was laid to rest at his family graveyard at Mashimpur in Narsingdi

SEE PAGE 15 COL 7

PROFILE, PHOTO ON PAGE 2



Devotees offer special prayers late last night at Baitul Mukarram mosque in the capital on the occasion of Shab-e-Barat.

PHOTO: RASHED SHUMON

Shab-e-Barat observed

BSS, Dhaka

Shab-e-Barat, the holy night of fortune and forgiveness, was observed across the country on Tuesday night with due religious fervour and solemnity.

The Muslims across the country spent sleepless night at mosques and homes, offering prayers, reciting from the holy Quran and seeking divine blessings from Allah for long life, peace, progress and happiness for themselves, their families, relatives and friends as well as the nation and the Muslim Ummah.

The Muslim devotees in the city thronged Baitul Mukarram National Mosque, Azimpur Graveyard, High Court Mazar and other sacred places.

The Muslims consider

SEE PAGE 15 COL 3

UNAUTHORISED HOUSING PROJECTS Stop advertisement, sale of plots: HC

STAFF CORRESPONDENT

Poribesh Bachao Andolon.

The petitioners mentioned failure of the Ministry of Housing and Public Works, and Rajuk to prevent advertisements, earth filling and sale of plots in unapproved private housing projects, and advertisements on those.

The court also directed the government to show cause as to why its failure to stop the illegal activities of private housing companies shall not be declared to be against public interest.

An HC bench comprised of Justice Wahab Miah and Justice Kazi Rezaul Hoque issued a rule with the directives following a writ petition filed by five environmental and urban planner groups on Tuesday.

The petitioners include Bangladesh Environmental Lawyers Association, Ain O Salish Kendro, Bangladesh Poribesh Andolon, Institute of Architects Bangladesh and

SEE PAGE 15 COL 5

VAT on tuition fees to go

Finance minister says

STAFF CORRESPONDENT

The imposed Value Added Tax (VAT) on the tuition and other fees of the private university students will be withdrawn, Finance Minister AMA Muhith said yesterday.

The official process of withdrawing the VAT will be completed soon, he said while speaking at a dinner organised by Information Minister Abul Kalam Azad at Dhaka Club in the city last night for the print and electronic media.

Meanwhile, Education Minister Nurul Islam

SEE PAGE 15 COL 1

Pakistan plane crash kills 152

BBC ONLINE

A plane has crashed in hills north of the Pakistani capital, Islamabad, killing all 152 people on board yesterday.

The plane, an Airblue flight from Karachi to Islamabad, came down in the Margalla Hills. Officials said the plane lost contact with the control tower minutes before landing. It is not known what caused the crash.

Pakistani TV showed images of smouldering wreckage on a foggy hillside, with helicopters overhead. A huge rescue effort was launched, and the army sent special troops to help.

The plane, reported to be an Airbus A321 with 146 passengers and six crew on board, is thought to have left Karachi at 0750 (0350 GMT).

Pakistan's Interior Minister Rehman Malik said at least five survivors had been taken to hospital, but local officials later said those reports were wrong.

Local TV footage showed twisted metal wreckage hanging from trees and scattered across the ground. A flight recorder has been found.

SEE PAGE 15 COL 2

WAR TRIBUNAL 2 HC judges' appointment valid: HC

STAFF CORRESPONDENT

The High Court (HC) on Tuesday summarily rejected a writ petition challenging the appointment of two HC judges to the International Crimes Tribunal, set up for trying the crimes against humanity and peace during the 1971 Liberation War.

A division bench comprised of Justice Mamnoon Rahman and Justice Syeda Afsar Jahan passed the order after holding hearing on the petition.

The government on March 25 this year appointed sitting HC judges Justice Nizamul

SEE PAGE 15 COL 8

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