

CRIMINAL CASES

Jamaat trio denied bail

COURT CORRESPONDENT

A Dhaka court yesterday rejected bail petitions of detained Jamaat-e-Islami Ameer Mottur Rahman Nizami, its Secretary General Ali Ahsan Muhammad Mojahid and its Nayebe-e-Ameedulwar Hossain Sayedee in five criminal cases filed with different police stations.

Of the cases, three were filed with Paltan, one with Uttara and the other one with Ramna police stations on February 12 and 17, June 26 and 27 on charges of preventing police from discharging their duties, for killing a passenger and on sedition charge.

Judge (in charge) Mohammad Ismail Hossain of the Metropolitan Sessions

Judge's Court passed the order after their lawyers submitted separate petitions seeking bails against the rejection orders of the Chief Metropolitan Magistrate's Court of Dhaka.

Nizami, Mojahid and Sayedee were shown arrested in the cases on June 30 and they were remanded for 16 days.

They were also shown arrested in the cases filed with different police stations for killing freedom fighters and civilians during the country's Liberation War in 1971.

The three were arrested on June 29 after Metropolitan Magistrate Mehedi Hassan Talukder issued arrest warrants against them in connection with a case filed for hurting religious sentiment of the Muslims.

Guard found dead in pool of blood

STAFF CORRESPONDENT

A security guard was found dead in a pool of blood on the ground floor of a five-storey under-construction building at Aftab Nagar in the city's Badda yesterday.

Identified as Abdul Latif Farazy, 47, a security of the under-construction building of East West University, died reported falling from an upper floor of the building in the early hours of Tuesday.

Victim's security Anwar Hossain said three other security guards found Latif dead in a pool

of blood on the ground floor at around 4:30am.

Latif was on duty at the first floor, Anwar said, adding that few hours before the incident he was seen at the ground floor.

Latif, who joined the work on July 7, started his duty at 10:00pm on Tuesday and his duty was scheduled to be ended at 6:00am.

Sub-inspector (SI) Mohammad Habil Hossain of Badda police station said he visited the spot and found no railing at the stairs and he might have fallen from the stairs.



PHOTO: FOCUS BANGLA

WHOLESALE TREE FELLING: ENVIRONMENT IN PERIL: Indiscriminate tree felling continues on the historical City Law College campus in old Dhaka although it stopped for a day with police interference on Monday. Locals also clashed with the college authorities and the tree buyer several times, centring the felling.



Light rain likely

UNB, Dhaka

Light to moderate rain or thundershowers accompanied by temporary gusty wind is likely to occur at many places over Chittagong, Sylhet and Rangpur divisions and at a few places over Khulna, Barisal, Rajshahi and Dhaka divisions with moderately heavy falls at places in next 12 hours as of 6:00pm today.

Day temperature may remain nearly unchanged over the country, Met Office said.

The sun sets in the capital at 6:43pm today and rises at 5:27am tomorrow.

Country's highest temperature 36.2 degree Celsius was recorded yesterday at Sayedpur and lowest 25.5 degrees Celsius at Sylhet.

Highest and lowest temperature and humidity recorded in some major cities and towns yesterday were:

City/Town	Temperature in Celsius		Humidity in percentage	
	Max	Min	Morning	Evening
Dhaka	35.0	27.6	61	73
Chittagong	33.8	27.0	66	81
Rajshahi	35.5	26.2	76	67
Khulna	35.0	27.5	67	70
Barisal	33.7	27.1	76	67

No to 'extra-constitutional adventure forever'

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It also said military rule was wrongly justified in the past, and it should not be justified in future on any ground.

"Let us bid farewell to all kinds of extra constitutional adventure forever," it observed.

Extra constitutional usurpation of state power happened twice in Bangladesh.

Following the brutal assassination of Bangabandhu Sheikh Mujibur Rahman on August 15, 1975, Khondaker Moshtaque Ahmed assumed the office of president, and placed the whole country under martial law for the first time in independent Bangladesh.

The regime began with overthrowing the government led by Bangabandhu, and on November 6, 1975 it dissolved the first parliament formed through the 1973 election.

During the first martial law regime, the constitution was made subordinate to martial law proclamations, regulations, and orders for around four years.

During the second martial law regime since March 24 of

1982, the constitution remained totally suspended for around four years.

The first martial law was lifted on April 7, 1979 after a newly formed parliament dominated by the then nascent BNP passed the Fifth Amendment Act the day before, ratifying all preceding martial law proclamations and regulations, and all actions under that regime.

Lt General HM Ershad imposed the second stint of martial law overthrowing the then elected president Justice Abdus Sattar, and issuing the proclamation of March 24, 1982. Ershad is currently the chief of Jatiya Party, a major component of ruling Awami League-led grand alliance.

Moshtaque's proclamation of August 20, 1975 allowed the constitution to remain in force, albeit subject to the martial law proclamation, regulations, orders, etc.

But Ershad's proclamation suspended the constitution, and he reserved the power to revive the constitution partially in phases, which he did time to time

after 1985, until its full revival on November 10, 1986 when the martial law was withdrawn.

Like his predecessors, Ershad made the third parliament pass the Seventh Amendment Act.

On November 11, 1986, the third elected parliament brought the seventh amendment to the constitution, ratifying Ershad's martial law proclamation and all orders, regulations, and actions made under that proclamation.

During the martial law regimes, the then Supreme Court judges on various grounds expressed inability to take strong position against the regimes.

Analysing the second martial law regime, former chief justice Mustafiz Kamal in his book titled "Bangladesh Constitution: Trends and Issues", said, "It can be seen that this entire period of Second Martial Law (1982-86) was a period of virtual inaction on constitutional issues, on the part of the Supreme Court."

About the first martial law regime which was imposed amid a state of emergency that had been in force since December 1974, the former chief justice said

during the long period of 5 years till November 1979, the Supreme Court was denied jurisdiction to enforce fundamental rights.

"The law of fundamental rights, therefore, had very little scope to flourish in Bangladesh," he added. Against such a backdrop, the Appellate Division took the strong position against martial law.

"We are of the view that in the spirit of the Preamble and also Article 7 of the constitution military rule, direct or indirect, is to be shunned once [and] for all," the verdict said.

"Let it be made clear that military rule was wrongly justified in the past and it ought not to be justified in future on any ground, principle, doctrine or theory whatsoever as the same is against the dignity, honour and glory of the nation that it achieved after great sacrifice," it added.

It stated that military rule is also against the dignity and honour of the people of Bangladesh, who are committed to uphold the sovereignty and integrity of the nation by all

means.

The verdict went on to say, "It is also against the honour of each and every soldier of the armed forces who are oath bound to bear true faith and allegiance to Bangladesh and uphold the constitution which embodies the will of the people, honestly and faithfully to serve Bangladesh in their respective services and also see that the constitution is upheld, it is not kept in suspension, abrogated, it is not mutilated, and to say the least it is not held in abeyance and it is not amended by any authority not competent to do so under the constitution."

Earlier, the HC had also strongly denounced martial law, and Moshtaque, Justice Sayem, and Gen Ziaur Rahman for imposing such regimes.

"We found to our utter astonishment that how a minister in the cabinet [Moshtaque], a chief justice of the Supreme Court [Sayem], the chief of staff of the army [Ziaur Rahman], of the constitution, the supreme law of this country with so much disgrace that independent

Bangladesh was virtually made subservient to a few," the HC verdict said.

"Khondaker Moshtaque Ahmed seized the office of president and virtually occupied Bangladesh. Justice Sayem dissolved the National Assembly and made the country fully autocratic, without any parliament, even worse than what it was before August, 1947, under the British government. Major General Ziaur Rahman did not even stop there," the HC verdict added.

During the first martial law, Moshtaque assumed the office of president, but did not assume the powers of the chief martial law administrator (CMLA).

Moshtaque handed over the office of president to Justice MA Sayem on November 6, 1975. Two days later Sayem also assumed the powers of CMLA.

On November 29, 1976, Sayem relinquished the office of CMLA, and handed it over to Maj Gen Ziaur Rahman.

On April 21, 1977, Sayem resigned from the office of president as well, appointing Ziaur Rahman as the president.



PHOTO: COURTESY BY SQUARE PHARMACEUTICALS

Square Pharmaceuticals organises an orientation of its insulin brand Ansulin at the Dhaka Sheraton Hotel on July 26.

Orientation on Ansulin

METRO DESK

Square Pharmaceuticals Ltd organised an orientation programme on its recently launched insulin preparation brand Ansulin at the Dhaka Sheraton Hotel on July 26, says a press release.

Around 500 diabetologists and doctors of Dhaka city attended the programme inaugurated by the Managing Director of Square Pharmaceuticals Tapan Chowdhury.

Prof AK Azad Khan, Prof Emeritus Hajera Mahtab and retired Major General Prof AR Khan spoke on the occasion.

A milestone in pharmaceuticals manufacturing was achieved by Square through the establishment of its state-of-the-art "Insulin Manufacturing Unit" on April 28 this year. The plant was built at Kaliakoir, Gazipur and conforms to standards set by the US Food and Drug Administration and European Medicines Agency. The Minister of Finance AMA Muhit with the Minister of Health and Family Welfare inaugurated the plant in the presence of foreign dignitaries, doctors and media personnel.

Diabetic population in Bangladesh is increasing alarmingly. According to the World Health Organisation, the diabetic population in the country will cross 11 million in 2030. Many patients require insulin to control diabetes.

Square's Ansulin would ensure world-class quality with substantial price reduction over imported counterparts and hence marks a new era in the production and marketing of insulin in Bangladesh.

Blast hits Japan oil tanker

AFP, Tokyo

An explosion from a suspected attack hit a Japanese tanker early yesterday in the Strait of Hormuz near Iran, officials said, spotlighting a potential threat in a chokepoint for global oil supplies.

One crew member was injured and the ship, the M. Star of the Mitsui OSK Lines, was partly damaged but able to keep sailing after the blast hit at 00:30 am local time (2030 GMT Tuesday). Japan's transport ministry said.

"Since one of the crew saw a flash on the horizon immediately before the blast, the company suspects it was highly likely an attack," the ministry said, adding that the immediate area was not known for commercial piracy.

The vessel -- staffed by 16 crew from the Philippines and 15 Indians -- was carrying 270,000 tonnes of crude oil but did not suffer a spill.

The tanker was heading from the United Arab Emirates toward the Japanese port of Chiba, east of Tokyo, at the time of the blast, but then turned back for inspection in a port in the UAE, a company official said.

The Strait of Hormuz links the Gulf -- including the ports of oil-rich states such as Kuwait, Bahrain and Qatar -- with the Arabian Sea and Indian Ocean, making it a strategic conduit for global energy supplies.

Bahrain, across the Gulf from Iran, is the base for the US Fifth Fleet and the main host for American forces in the Gulf.

Jamaat announces fresh agitation programme

STAFF CORRESPONDENT

Bangladesh Jamaat-e-Islami yesterday announced a weeklong fresh agitation programme including protest rally across the country from today demanding release of its leaders and to stop the "government's repression" against the party activists.

Jamaat acting Secretary General ATM Azharul Islam said this at a press conference at the party's central office.

Asked about their involvement with Razakar, Al-Badr and Al-Shams, three auxiliary forces of the Pakistani occupation army in 1971, the Islamist party said, "No one of Jamaat-e-Islami was commander or even a general member of those auxiliary forces."

"Those forces were formed and conducted by the then Pakistani government. It is absurd to blame Jamaat-e-Islami leaders for any atrocities at that time," Azharul said.

On the agitation programme, he said, the party will observe doa dibos [prayer day] on July 30. It will hold rallies and mass communication on August 4, 5, and 6 across the country.

The party will also hold processions and rallies on August 8 and 10, he added.

The Jamaat leaders however did not reply to any question about the release of full text of the Supreme Court verdict scrapping the fifth amendment of the constitution.

Jewish collector's heirs sue Hungary for return of art works

AFP, Washington

The heirs of a Jewish banker whose vast art collection was allegedly confiscated during World War II have sued the Hungarian government demanding its return, a report said yesterday.

In what the New York Times called the world's largest unresolved Holocaust art claim, they are seeking the return of more than 40 works by masters such as El Greco, Lucas Cranach the Elder, Zurbaran, van Dyck, Velazquez and Monet.

The heirs of Hungarian banker Baron Mor Lipot Herzog filed the lawsuit on Tuesday in the United States District Court in Washington against the government of Hungary and several museums that it oversees.

Lawyers for the plaintiffs are also asking the Hungarian government for an accounting of all art, including paintings, sculptures and other



PHOTO: COURTESY BY PRIME BANK

Prime Bank Managing Director M Ehsanul Haque gives away crest to a debater of the 22nd NDDC-Debate Competition-2010 at a prize giving ceremony as the chief guest recently with Notre Dame College Principal Father Benjamin Costa in the chair. Deputy Managing Director M Razul Karim was present as the special guest at the ceremony. Notre Dame College Vice Principal Father Bakul S Rozario and Father RW Timm, founder of Notre Dame Debating Club (NDDC), were present on the occasion.