

Military takeover

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principles, secularism and socialism had been replaced with "absolute trust and faith in the Almighty Allah and socialism meaning economic and social justice".

Though Zia kept the other two principles--"democracy" and "nationalism"--he omitted article 9 which defined nationalism as "Bangalee Nationalism."

Then in article 6, he included the line "The citizens of Bangladesh shall be known as Bangalesh" in place of "The citizens of Bangladesh shall be known as Bangalee".

About nationalism, the top court said since it is a political issue, "parliament is to take decision in this regard".

It however retained article 6, citing wider public interest. Attorney General Mahbubey Alam told The Daily Star the SC verdict means now there is no legal bar to getting back to the fundamental principles of the original constitution except nationalism.

He said the words Bismillah-Ar-Rahman-Ar-Rahim will continue to be in the preamble to the constitution, as the court did not say anything in that regard.

Besides, he reasoned, the words are in the preamble, not in the main part of the constitution.

Replying to a query, he said there's no way the fourth amendment, which had introduced one-party system BAKSAL, will return as the 12th amendment has already dispensed with that amendment.

Asked if the words "Islam as state religion" contradict secularism, Law Minister Shafique Ahmed yesterday said those too might be struck out if anybody challenges the eighth amendment in the HC.

Former military strongman HM Ershad added the eighth amendment to the constitution in 1988.

Queried if parliament can get rid of that, he said parliament can do it, but it better be done through the apex court.

The Supreme Court judgment came on February 2 this year in response to two petitions for permission to contest the HC verdict.

Of the 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.

The HC delivered its watershed verdict on August 29, 2005, following a writ petition.

Masudul Alam on behalf of Bangladesh Italian Marble Works Company (BIMWC) filed the petition to reclaim a cinema hall the company lost during the military rule.

The SC has made a number of observations and a few modifications to the HC judgment.

Regarding nationalism, it said, "...though we expressed the view that [it] being political issue, parliament is to take decision in this regard, but if in place of 'Bangalesh' the word 'Bangalee' is substituted in terms of the judgment and order of the High Court Division, then all passports, identity cards, nationality certificates issued by the Government and other pre-

scribed authorities, certificates issued by educational institutions, visa forms and other related documents of the government will have to be changed, reprinted or reissued."

"Moreover, the Bangladeshi nationals who will return to Bangladesh as well as those travelling abroad will also face serious complications with the immigration authorities abroad."

"Apart from the above and other hackles and harassments, this change of the nationality would also cost millions from the public exchequer. So for wider public interest the substituted Article 6 is to be retained."

The "substituted" article 6 states, "The citizens of Bangladesh shall be known as Bangalesh".

The SC condoned some actions of the martial law administrations saying that "all executive acts, things and deeds done and actions taken during the period from 15th August 1975 to 9th April, 1979 which are past and closed; the actions not derogatory to the rights of the citizens; all acts during that period which tend to advance or promote the welfare of the people; all routine works done during the above period which even the lawful government could have done."

It said, "We emphasise each of our generation must be taught, educated and informed about those dark days: the easiest way of doing this is to recognise our errors of the past and reflect this sentiments in our judgment. This will ensure that the sovereignty of 'we, the people of Bangladesh' is preserved forever as a 'polestar'."

"We are of the view that in the spirit of the Preamble and also Article 7 of the Constitution the Military Rule, direct or indirect, is to be shunned once for all."

Shab-e-Barat

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Shab-e-Barat as one of the three most sacred nights and believe that on this night Almighty Allah writes the fate of all human beings fixing their 'rizq' (livelihood) for the coming year.

The Muslims on this night visited the graveyards to offer fateha for peace of the departed souls of their near and dear ones.

They also visited the mazars of saints in Dhaka and elsewhere in the country and distributed food and sweets among the neighbours and the poor.

Islamic Foundation Bangladesh and other socio-religious organisations arranged Quran khwani, waz mahfils, milad and zikr, to observe the day.

Bangladesh Television, Bangladesh Betar, private television channels and radio stations aired special programmes, while newspapers published special articles highlighting the significance of Shab-e-Barat.

Meanwhile, President Zillur Rahman and Prime Minister Sheikh Hasina greeted all Muslims in the country and elsewhere in the world on the occasion of the holy Shab-e-Barat.

Opposition Leader and BNP Chairperson Khaleda Zia also greeted all Muslims in the country and elsewhere in the world on the occasion.

In separate messages on the eve of the holy occasion, they prayed for peace, progress and prosperity of all.

Same fate

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to why the seventh amendment to the constitution should not be adjudged illegal.

It had come up with the rule after hearing the writ petition filed by Siddique Ahmed, convicted of murder and sentenced to life imprisonment by a martial law court in Chittagong in 1986.

While talking to The Daily Star, Law Minister Shafique Ahmed said the seventh amendment of the constitution could have the same fate as the fifth amendment.

The seventh amendment ratified the proclamation of martial law and other regulations, orders and instructions by Ershad between March 24, 1982, and November 10, 1986.

Ershad, then chief of army staff, declared himself chief martial law administrator and imposed martial law on March 24, 1982.

Siddique, in his petition, said martial law and the rules and orders under it are illegal in view of the basic framework of Bangladesh's constitution.

He prayed for a direction upon the government to arrange retrial of the case in which he was convicted and sentenced.

In response, the HC granted him a six-month bail and had issued the rule upon the government.

Boy killed for ransom

OUR CORRESPONDENT, Gaibandha

Kidnappers killed a six-year old boy for ransom in Khamar Pitgacha village under Gaibandha Sadar upazila of the district Tuesday.

Police recovered the body of Tasin buried under water hyacinth in a marshy land yesterday morning.

After Tasin's kidnapping, his grandfather Nazrul Islam filed a general diary with Gaibandha sadar police station and made wide publicity in the area.

Local people along with Shahpara union Chairman Mahabubur Rahman Tulu caught three suspects Jahid, Pavel and Rubel in the area and handed them over to police.

According to their confessional statement, police recovered the body.

They abducted Tasin from his grandfather's house in the village on Tuesday at around 11:00am and demanded Tk 10 lakhs ransom, police said.

Pakistan plane

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Officials said rescuers searching for survivors were digging through the rubble with their bare hands. The crash site, on a steep hill, has no roads.

"The plane is totally destroyed, the pieces and parts scattered over a large distance. Some parts of the plane are still burning. Some bushes have been burnt," said Express 24/7 television journalist Sabur Ali Sayed at the scene.

Aamir Ali Ahmed, a senior city government official, told Reuters news agency: "It's a very difficult operation because of the rain. Most of the bodies are charred. We're sending body-bags via helicopters."

Parties using

FROM PAGE 1
part in the activities of, that association or union, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both, says the law.

Islamic political parties and organisations have mushroomed in the country since the constitutional ban on them was repealed during the first martial law.

The intelligence agencies' records show existence and activities of about 100 Islamic political parties and organisations since repeal of the ban and many of them emerged as militant outfits.

Only around 11 Islamic political parties were active between 1964 and 1971.

At least eight Islamic political parties including Bangladesh Jamaat-e-Islami got registration with the Election Commission (EC) as parliamentary parties before the last general elections.

When his attention was drawn to it, the law minister said these political parties should be deregistered now. He suggested communicating with the EC to learn about their action to this end.

Contacted by The Daily Star yesterday over phone, Election Commissioner Muhammed Sohul Husein said EC will decide about the matter after going through the verdict of the Appellate Division.

Mobin

FROM PAGE 16
Chowdhury from leaving for New York last night.

Mobin, a former foreign secretary, told The Daily Star that immigration police prevented him from leaving the country for not having clearance from the authorities concerned.

Asked if he had any written order, police personnel said they received verbal instruction in this regard, Mobin said.

An immigration official, preferring anonymity, confirmed the incident but declined to elaborate any further.

Mobin said he was scheduled to fly by a Singapore Air Lines flight at 11:55pm to attend the second annual meeting of international civil service commission in New York.

He said he is one of the members of the commission. The BNP leader is now on an interim bail for two months in a case filed in connection with torching vehicles on June 26, the day before the party's country-wide hartal.

Police arrested him from Mohakhali in the capital during the daylong hartal on June 27.

Sale of plots

FROM PAGE 1
Earlier, the petitioners had served legal notices with their copies to the presidents of Newspaper Owners Association of Bangladesh, Bangladesh Sangbadptra Parishad and TV Owners Association.

Respondents to the writ petition include Rajuk, secretaries to the ministries of land, environment and forest, and information, director general of the Department of Environment, presidents of Real Estate and Housing Association of Bangladesh and Bangladesh Land Developers Association.

Barrister Fida M Kamal, Iqbal Kabor and Razik-Al-Jalil appeared for the petitioners. The deputy attorney general represented the government.

Factory worker

FROM PAGE 16
Police have yet to arrest the accused killers but picked up Abdur Rahim, a worker of the factory in Ananda Bazar, where the killing took place.

Rahim told The Daily Star that Zakir called Sumon at the factory in Ananda Bazar around 2:30am yesterday and asked him to return the money. Soon, they locked into a brawl as Sumon refused to payback.

At one stage of the brawl, Zakir asked Rahim to go for his fazz prayer to a nearby mosque. On his return, he found Sumon's body lying amid blood stream, and that Zakir and his aide were gone.

On information, Shahbag police recovered the body at around 6:00am and sent it to the Dhaka Medical College Morgue for autopsy, Rezaul Karim, officer-in-charge of Shahbag Police Station said.

Sumon's father Zangu Mian said his son came to Dhaka with Tk 9,000 on Tuesday with an intention to sell shoes on footpath.

He alleged that the killers snatched the money after killing his son.

Zakir, the prime accused, also hails from Bajitpur upazila in Kishoreganj, and he used to be Sumon's friend, Zangu Mian told The Daily Star.

BRTC

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cost of Tk 114 crore of which Tk 19 crore will be provided by the government.

Replying to a question, he said the buses would run in the capital and steps would be taken to maintain the buses properly.

Of the 290 buses under the project, some 100 CNG buses have already been procured and are plying in the capital.

According to sources close to the Ecneec meeting, the BRTC chairman apprised the PM that some 55 double-decker buses have so far been repaired and another 200 buses are under repair.

The three other projects approved in the meeting include Baniachang-Nabiganj road construction project under the Roads and Railways Division at Tk 47 crore, Ashashuni-Paigachha road development project including construction of Manikkhali Bridge under the Roads and Railways Division at Tk 67 crore and water supply development project in Khulna Metropolitan under the Local Government Division at a cost of Tk 44 crore.

Finance Minister AMA Muhith, Planning Minister AK Khandaker, Agriculture Minister Matia Chowdhury, Labour and Employment Minister Engr Khandaker Mosharraf Hossain, Water Resources Minister Ramesh Chandra Sen, Commerce Minister Faruk Khan, Communications Minister Syed Abul Hossain, Shipping Minister Shahjahan Khan and advisers to the PM were present at the meeting.

Jessore river

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Earlier, the district administration at the directive of the ministry had prepared a report on the condition of the river, which had been on lease since 1980.

The report prepared by the Jessore Sadar upazila nirbahi officer identified the Mukteshwari as "ineffective and stagnant except for the rainy season".

The ministry sought the report as the previous lease of the river expired in April this year.

The Daily Star ran a report on the process of leasing the river on June 20 when both Land Secretary Atharul Islam and Jessore Deputy Commissioner Nurul Amin assured that no river would be leased out.

DC Nurul Amin said he did not know anything about the ministry's decision, while Land Secretary Atharul Islam could not be reached immediately.

Over the years, fish enclosures have contributed to a huge buildup of silt on the river.

During rainy season, silt deposits cause the Mukteshwari to flood, causing sufferings to thousands of people living in villages on the banks.

In November last year, the affected villagers requested the district administration not to allow fish farming anymore as it damages their crop and homesteads.

During a field visit, it was found that the river at several points shrunk to 10 metres from once 50 metres due to earth-filling over the years.

Bamboo-made fences were seen at no less than 20 points, blocking boat-plying and locals' access to the river.

The ministry, however, did not take any decision over leasing of 22.03 acres of river between Dhakuria and Brahmapur, which has been turned into a fish enclosure.

The district administration had the leasing authority before the land ministry took up the responsibility this year.

"No matter which party is in power, the lease goes on, and so does fish farming. The lease has always benefited individuals with ruling party association," said Mazid Hossain, a resident of Vekutia.

BB detects

FROM PAGE 16
Dutch-Bangla Bank and Pubali Bank, Tk 5.16 lakh was found.

And Tk 3.82 lakh was found in two Islami Bank joint accounts of accused Mahfuzur Rahman, principal of Kishoreganj Women's College.

Moreover, Tk 10.34 lakh was found in two Prime Bank and NCC Bank accounts of another accused, assistant teacher at Lalmonirhat Government High school Matiar Rahman.

Central bank sources said the bank sent these information to investigating agencies concerned on Tuesday.

According to law, the BB can freeze the accounts for another 30 days. After that the government will have to take steps in this regard.

Mannan Bhuiyan

FROM PAGE 1
yesterday with state honour and due respect.

He left his wife Mariam Begum and two sons--Bhuiyan Anindya Mohaimen Rajon and Bhuiyan Nandito Nahiyon Swajan.

Thousand of people from a broad spectrum thronged Bhuiyan's burial spot to pay last tribute to the freedom fighter who declared this very district a free zone during the Liberation War.

Leaders of different political parties recalled Bhuiyan's contribution to the nation saying that he was a progressive politician with sagacity and principle who played vital roles in all democratic movements.

Bhuiyan's body was taken to his village after two namaj-e-janazas in Dhaka. The first janaza was held at the south plaza of Jatiya Sangsad Bhaban at 11:20am.

Chief Whip Abdus Shahid, on behalf of Prime Minister Sheikh Hasina and Speaker of the House Abdul Hamid, placed wreath on Bhuiyan's coffin covered with the national flag.

BNP Chairperson Khaleda Zia in a condolence message expressed deep shock over the demise of Bhuiyan, the longest serving secretary general of her party. However, no wreath was placed on the coffin on behalf of the opposition leader.

Khaleda Zia did not visit ailing former minister Bhuiyan during his last 21-day stay in the hospital.

Information minister Abul Kalam Azad, Labour and Employment Minister Khandaker Mosharraf Hossain, Shipping Minister Shahjahan Khan, and MPs Tofail Ahmed, Hasanul Huq Inu, Rashed Khan Menon, Moudud Ahmed, MK Anwar, among others, attended the first janaza.

Chief Whip Abdus Shahid said Mannan Bhuiyan was not only a good human being but also a good politician and parliamentarian.

BNP standing committee member MK Anwar said, "Abdul Mannan Bhuiyan was an honest and sincere politician and a man of principle."

Workers Party President Rashed Khan Menon said Mannan Bhuiyan was a progressive and pro-democracy politician. The nation will remember him for his contribution.

Bhuiyan's second namaj-e-janaza was held at Baitul Mukarram national mosque after Zohr prayer.

Former presidents Abdur Rahman Biswas and Prof AQM Badruddoza Chowdhury, BNP Secretary General Khandaker Delwar Hossain, Khandaker Mosharraf Hossain, Salauddin Quader Chowdhury, Nazrul Islam Khan, DCC Mayor Sadeque Hossain Khoka, Vice Chancellor of Dhaka University AAMS Arefin Siddique, CPB president Manjurul Ahsan Khan and its General Secretary Mujahidul Islam Selim, former minister Abdul Matin Khasru and ZA Khan, among others, attended the janaza at Baitul Mukarram.

BNP Secretary General Khandaker Delwar Hossain said, "Mannan Bhuiyan is now above everything. The nation will always remember him for his contribution in the political arena."

Later, an ambulance carried him to the hospital.

Wrongdoers

FROM PAGE 16
as senior leaders of Bangladesh Swachhshasebak League went to meet the PM on the occasion of the organisation's 16th founding anniversary.

Reacting to certain remarks BNP leader Salahuddin Qader Chowdhury MP made on Monday about amendments to the Constitution, she said, "Some people are trying to frighten me with the consequences similar to my father. I would like to ask these people who are speaking like this and trying to mislead the public to look back to their past."

Hasina said the people of this country did not forget the role they had played during 1971. "It's a futile exercise to try to scare me," she said, recalling the planting of 70-80 kgs of bombs at Kotalipara and subsequent grenade attacks to kill her.

"But, the Almighty Allah saved me. As long as Allah would keep me alive none will be able to cause any harm to me," she said.

The premier said the evil quarter is trying to frighten her to foil the government's move to try the war criminals and implement the Supreme Court verdict declaring illegal the fifth amendment of the constitution.

"But no fear or threat would deter me from performing the sacred duty to try the war criminals and implement the apex court verdict."

Swachhshasebak League leaders Mollah Abu Kawsar and Pankaj Devnath also spoke on the occasion.

2 HC judges'

FROM PAGE 1
Huq as chairman and Justice ATM Fazle Kabir as member of the Tribunal. Justice AKM Zaheer Ahmad is the third member of the tribunal.

Attorney General Mahbubey Alam said the chairman and members of the tribunal could perform their duties, as there remains no bar.

Barrister Abdur Razzaq, a central leader of Jamaat-e-Islami and counsel for petitioners, told The Daily Star that they would file an appeal with the Appellate Division of the Supreme Court to overturn the HC order.

Nawab Ali, a pro-Jamaat-e-Islami lawyer, and AFM Solaiman Chowdhury, a former secretary, jointly filed the writ petition with the HC on July 11 stating that as per the provision of the constitution, sitting HC judges cannot hold any other office of the republic.

Ban to face

FROM PAGE 1
country like Bangladesh," Islami Oikyo Jote (IOJ) Chairman Fazlul Haq Amin told The Daily Star yesterday.

Any conspiracy against Islam will not be tolerated, he said.

The High Court in 2005 declared the fifth amendment illegal and the Appellate Division upheld the HC ruling with some modifications early this year. Full text of the ruling was released on Tuesday.

The political parties will sit together soon to discuss the issue and try to come up with a resolution, said the leaders.

IOJ General Secretary Abdul Latif Nezami said the like-minded parties have already started communicating with each other to set a common strategy against such moves.

Acting Secretary General of Bangladesh Jamaat-e-Islami ATM Azharul Islam said the government is hatching a conspiracy to ban Islam-based politics in the name of restoring the 1972 constitution.

An ill effort is on to create an extreme political crisis through banning the parties, he said at a press briefing at the party central office in the capital yesterday.

Islami Shashantantra Andolan is observing the situation and would set their programmes after discussing with their legal experts, said Monirul Islam, information and research secretary of the party.

Shafiq Uddin, secretary general of Khelafat Majlish, said it is not clear yet whether the religion-based political parties would be banned by the constitutional amendment.

"We will comply with the constitution and rule of the country to keep our existence," he said.

city 15

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