

Relics haunt

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meeting scheduled for today, where they are expected to start reviewing the constitution, the sources said.

The Daily Star obtained a copy of the report.

The articles deal with constitutional amendment procedure, international treaties, restrictions on retired or removed Supreme Court (SC) judges, qualifications and disqualifications for candidacy in parliamentary elections, the cabinet, formation of the parliament, the president's power to promulgate ordinances, power of the SC to make judicial rules, qualifications for registration as voters, and oaths of office for constitutional posts.

Changes brought to the articles, through martial law proclamations during the country's first military regime, were ratified by the second parliament in 1979 through the 5th amendment.

Later, more changes were brought to those by subsequent amendments by successive parliaments.

The SC in its recent judgment nullified the 5th amendment, but did not say anything about relevant sections of the subsequent amendments, which gave rise to the contradictions.

"The changes that have become infructuous should be removed from the constitution by amendments. Similarly, amendments are required to remove inconsistencies," Suranjit Sengupta, co-chair of the 15-member special committee, told The Daily Star recently in his parliament building office.

The original article 99 did not allow retired or removed SC judges to practice law or hold any government office for remuneration.

In 1978, through a martial law proclamation, the original clause of the article was replaced by a new one which allowed such SC judges to hold judicial offices, and allowed only such High Court Division judges to practice law solely in the Appellate Division of the apex court.

The 13th amendment in 1996 amended the article again allowing such SC judges to hold quasi-judicial offices as well, and the offices of the chief adviser and adviser to caretaker governments. Regarding their law practices, the provision of the 5th amendment remained in force.

Now after the cancellation of the 5th amendment, the way for retired or removed SC judges to hold judicial offices, and to practice law in any court has been blocked.

But since the judgment did not discuss the 13th amendment, the provision allowing such judges to hold quasi-judicial offices remains in force, which is contradictory to the restored original article 99.

"This anomaly has to be addressed in the coming constitution amendment act," eminent jurist Shahdeen Malik told The Daily Star.

Two changes brought by the 12th amendment in 1991, regarding holding referendums and international treaties, have become irrelevant.

A martial law proclamation introduced the system of holding referendums in 1977.

According to the provision, referendums would be required for amending the preamble, and the provisions of the constitution dealing with the fundamental principles, the power of the president and cabinet, tenure of ministers, and the legislative procedure.

The 12th amendment later brought some more changes to the provision, and added a proviso saying a referendum would not be deemed as an expression of confidence or no confidence in the cabinet or parliament.

Now with the 5th amendment dropped, the system of holding referendums is nullified altogether, but the proviso from the 12th amendment remains untouched in isolation, without having any relevance.

Article 145A titled "International Treaties" did not exist in the original constitution.

It was included by a martial law proclamation in 1978.

According to the article, all treaties with foreign countries were supposed to be submitted to the president, who would send those to the parliament.

But the 12th amendment in 1991 brought changes to the article saying international treaties connected to national security must be placed to a secret sitting of the parliament.

The proviso still remains in force after the SC judgment, without any relevance since the rest of the article was dropped.

Constitutionally stipulated qualifications and disqualifications for candidacy in parliamentary elections went through many changes since 1975, and an abnormal situation now prevails regarding the matter following cancellation of the 5th amendment.

any person holding a government office for remuneration would be disqualified from contesting in parliamentary elections, but persons holding government posts declared non-profit by the constitution would be allowed to run for seats in the parliament.

The posts of ministers, state ministers, and deputy ministers were identified as non-profit.

The fourth amendment in 1975 changed the article and allowed persons holding profitable government posts to contest in parliamentary elections.

In 1978 a martial law proclamation scrapped the relevant fourth amendment provision, and restored the provision of the original constitution regarding the matter.

The 6th and 12th amendments dropped some government posts that had been deemed non-profit, and included the posts of the president, vice-president, prime minister, and deputy prime minister as such.

Now with the scrapping of the 5th amendment, relevant sections of the article have been rendered void, while the additions and deletions made by the 6th and 12th amendments are dangling as valid provisions, causing confusions.

When his attention was drawn to the anomalies left in the constitution as legacies of the 5th amendment, the special committee co-chair, Suranjit Sengupta, said, "We are examining all provisions in light of the spirit of 1972 constitution."

Another contradiction emerged following the SC verdict, which the special committee did not specifically identify in the report.

The apex court's verdict clears the way for restoring the constitution's original preamble, and articles 8 and 12.

In the original preamble and article 8, secularism was identified as one of the fundamental principles the state, and article 12 gave a guideline for implementing secularism.

The 5th amendment scrapped secularism from the constitution, and replaced it with "...absolute trust and faith in Almighty Allah", while deleting the article 12 altogether.

Now the nullification of the 5th amendment opens the way for restoring secularism.

But that opportunity is contradicted by the 8th amendment of 1988 which made Islam the state religion, and still remains in force as the court's judgment did not address the issue.

Asked about the matter, Law Minister Shafique Ahmed said the contradiction could be solved by dropping the state religion from the constitution. But to do that, someone has to challenge the 8th amendment in the High Court, or the parliament could decide to drop it, he added.

Injured student

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of microsurgery unit-2 of the hospital, said Nasim's heart was pumping and respiratory system was working with the support of a ventilator although his brain stopped responding.

BCL cadres loyal to RU unit BCL President Awal Kabir Joy beat him up and later shoved him off the first floor of Shah Makhdoom Hall following a dispute over distribution of lift coupons among the hall students on the occasion of the National Mourning Day.

He was first admitted to Rajshahi Medical College Hospital and then shifted to DMCH as his condition deteriorated.

Nasim was a fourth year student of history department and resident of the hall.

With him, three students from Shah Makhdoom Hall fell victim to campus violence in the last three years.

The body will be taken to Rajshahi after an autopsy at DMCH morgue.

RU Proctor Chowdhury Muhammad Zakaria told reporters that security measures were beefed up on the campus.

Meanwhile, Ali Azam, an activist of Opu group, lodged a case with Motihar Police Station accusing 12 activists of Joy group in this connection.

Earlier, police arrested Ruhul Amin and Sayeed of political science department within three hours of the attack.

Ban on rallies

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demonstrations and processions on the roads intensify traffic jams causing more sufferings to the people.

He said the ban has been imposed to reduce public sufferings as well as to ensure public securities and peace during the month of Ramadan.

The police commissioner imposed the ban under section 29 of the Dhaka Metropolitan Police Ordinance-III/76 and it will remain effective since August 23 to until further order.

Indian cabinet hikes MPs' perks, salary raise unaltered

IANS, New Delhi

The union cabinet yesterday decided to further increase allowances of MPs by Rs 10,000 per month, comprising a hike of Rs 5,000 each in their constituency and office expense allowances. However, the three-fold salary hike remains unaltered.

The panel met here under the chairmanship of Prime Minister Manmohan Singh to reconsider and bring amendments to the MPs' salary hike bill it had cleared last week.

The proposed hike was severely opposed by parliamentarians who were demanding a 500 percent raise against the three-fold hike proposed by the government.

Sources told IANS that the panel gave its nod to a hike in non-taxable perks - constituency and office allowances - given to MPs.

However, the 300 percent hike in their monthly salary - from Rs 16,000 a month to Rs 50,000 - won't be altered, the sources said.

Cops to arrest

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The meeting also urged the Roads and Highways Department to identify the faulty portions of highways across the country.

A meeting source quoted Manikganj police chief as saying Razia Begum, secretary of women and children affairs ministry, and Siddiqur Rahman, Bangladesh Small and Cottage Industries Corporation chairman, died in road accidents on Dhaka-Aricha Highway at Utholi, Manikganj.

The police chief said frequent accidents occur at the Utholi point of the highway where drivers have to take a blind turn to a link road. There is no sign at the turning.

Other high officials at the meeting also blasted Roads and Highways Department for faulty highway designs.

Accident Research Institute of Buet identified 207 black points (with bad designs) on the country's highways where accidents occur frequently.

However, Mohammad Zakaria, superintendent engineer, road safety unit of Roads and Highways, urged police to help them by tracing the risky points on highways.

The speakers pointed to overloading, mechanical faults in vehicles and overtaking, using road instead of footpath by pedestrians as factors behind road accidents.

With Inspector General of Police (IGP) Nur Mohammad in the chair, high officials of police headquarters, DMP headquarters, Highway Police Department, Bangladesh Road Transport Authority (BRTA), Rapid Action Battalion (Rab), Roads and Highways Department and leaders of transport owners' and workers' associations attended the meeting.

JS body

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by the accident research centre that there are nearly 207 spots where driving vehicles is risky.

The standing committee also asked the ministry to identify drivers with fake licenses and take action against them.

It asked the Bangladesh Road Transport Authority (BRTA) to set up a driving training institute and check issuance of fake international driving licenses.

The JS body chief said, "We were informed that eight of the twelve Bangladeshis who went to Canada this year, had fake international driving licenses. They are damaging the country's image".

Ghulam Azam

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Independence in 1971.

The team expects to work for several days to delve into the war crimes committed by Ghulam Azam, who was born in Beergaan village under Nabinagar upazila of the district and collaborated with Pakistani occupation force during 1971.

ASP Matiar Rahman told The Daily Star that he prefers not to divulge any information about their findings yet.

Jamaat men

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Razzaq told an HC bench that his clients had asked him not to proceed with the writ petition.

Following the court order, Attorney General Mahbub Alam said there is no legal bar now to proceed with the trial of the 1971 crimes against humanity and war crimes under the International Crimes (Tribunals) Act, 1973.

He said the Jamaat leaders might move the same writ petition to another HC bench in future.

Waterbuses ready

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water transports to run smoothly.

Moreover zigzag waterways and presence of hundreds of little boats in the canal will cause the waterbuses to move slowly.

Shipping Minister Shahjahan Khan said it would be possible to operate the waterbuses within the existing infrastructure, adding, "We will repair or reconstruct those later if necessary."

A source of Bangladesh Inland Water Transport Authority (BIWTA) suggested that the introduction of waterbus service on Mirpur-Sadarghat route would be more fruitful than that of the Aminbazar-Sadarghat.

Aminbazar landing station is over 200 feet away from the main road and to be reached by walking, which is difficult for the passengers, the source added.

Both Roads and Highways Department (RHD) and BIWTA should work together to make a viable transport network so that people can move easily from land to river, according to a BIWTA source.

Shipping Secretary Abdul Mannan Hawlader said "If the

passengers can move through Sadarghat terminal despite some difficulties, they would be able to use those landing stations too."

Mannan added that waterbus terminals and approach roads would be repaired or modernised later if necessary.

The BIWTC has not yet decided which satiations the waterbuses will touch and what the fare will be.

"We will take decision about this immediately and fare will certainly be reasonable," said Mannan.

The date of handing over waterbuses constructed by Three Angle Marine Consultant Ltd to the BIWTC was deferred on August 19 and 22.

BIWTC Chairman Golam Mostafa Kamal said, "The construction company is ready to handover. We are checking the vessels which is delaying the entire process."

Each of the two waterbuses cost Tk 55.75 lakh for construction and has 35 seats. These high-speed vehicles will be able to move 22.8 kilometres per hour on 28 litres of fuel, a statement from BIWTC said.

DC kept in dock

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Manik and Justice Sheikh Md Zakir Hossain made the DC Mostafizur Rahman wait in the courtroom from 10:30am to 4:00pm, including two hours' break, in connection with a contempt-of-court petition arising out of the dispute.

The bench also reprimanded Mostafizur, saying he has crossed the limit of his audacity by defying its orders without showing any reason.

It said if the DC does not carry out the court orders, he would be sent to jail.

The court also asked him to appear before it today for explaining on whether he would implement its orders.

The HC, however, withdrew its earlier order issuing an arrest warrant against the DC, as he appeared before it yesterday.

The bench on August 11 directed the DC to appear before it on August 22 in connection with a contempt of court petition filed against him, but he did not appear before it without showing any reason.

The HC on Sunday issued an arrest warrant against the DC of Moulvibazar and directed the inspector general of police and deputy inspector general of police of

Sylhet to arrest the DC and produce him before it on August 26.

On April 21 this year, the court ordered the DC and officials concerned of Moulvibazar to immediately accept the rents from Zilu Mian of the district for Bengali years 1416 and 1417 for his plots of land, and dispose of his application regarding the disputed property.

Since the DC or other officials concerned did not comply with the HC order, Zilu Mian filed a contempt of court petition on August 11 against the DC.

The HC on the same day issued a contempt of court rule against Mostafizur Rahman and asked him to appear before it on Sunday.

Attorney General Mahubub Alam appeared for Mostafizur while Nazmul Huda stood for Zilu Mian.

Earlier on May 2 this year, the same bench kept the Cox's Bazar DC Giasuddin Ahmed standing in the dock for nearly four hours for repeatedly violating its orders regarding the lease of a river terminal.

The bench later exempted Giasuddin after he complied with the HC orders.

Shah Alam granted

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Fazle Noor Taposh, appeared before it as per direction from the High Court and sought bails in the cases.

Metropolitan Public Prosecutor Abdullah Abu did not raise any objection on the bail petitions during the hearing.

Third Additional Chief Metropolitan Magistrate Mohammad Ali Hossain granted Shah Alam bail in the case filed for taking and giving bribes to cover up the murder case of Humayun Kabir Sabbir, a director of Bashundhara Group.

On July 5, 2006, Sabbir's body was found outside a building in Bashundhara residential area.

Criminal Investigation Department Assistant Superintendent Arman Ali filed the case with Ramna Police Station on May 8, 2008.

The two other accused in the case are Abu Sufian, director of Prime Bank and East West Property Development Private Limited, and former BNP lawmaker Qazi Saleemul Huq Kamal. All the three were earlier granted bail in the case.

On May 6, 2008, Anti-corruption Commission pressed charges in another case against former prime minister Khaleda Zia's son Tarique Rahman, Babar, Saleemul Huq, Shah Alam, his two sons Shafiat Sobhan Sanvir and Sadaat Sobhan, Abu Sufian and Tarique's personal secretary Mia Nur Uddin Apu.

The anti-graft body said the eight were involved in the bribery to save Sanvir from the charges of killing Sabbir.

MANIK MURDER CASE
First Additional Chief Metropolitan Magistrate AHM Habibur Rahman Bhuiyan granted bail to Shah Alam in Manik Chandra Sarker killing case.

Manik Chandra, a resident of city's Amdiarke area, was

killed on November 16, 2006.

Later victim's brother Ratan Chandra Sarker filed a murder case against Shah Alam and several others with Badda police station. Police then arrested a total of 15 people in this connection.

According to the prosecution, a group of miscreants, led by the people of Bashundhara Housing Project on November 16 of 2006, attacked the residents of Amdiarke to grab their lands. Several residents were seriously injured and the victim Manik succumbed to his injuries after the attack.

Earlier on August 19 and 22, four other trial courts granted bails to Shah Alam in five other criminal cases filed with Badda police station on different dates for grabbing lands and cheating.

Shah Alam was also sued for acquiring illegal wealth and taking a government house illegally. He was earlier convicted for evading tax and for possessing illegal foreign and local currencies.

Asaf-ud-Daula

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make any derogatory comment about the court in future.

On August 19, Asaf-ud-Daula appeared before the court and sought unconditional apology in connection with the charge.

Asaf-ud-Daula made derogatory comments about the court in a report in the daily Samakal's August 7 issue.

On August 9, advocate Sheikh Ali Ahmed Khokon placed the news report before the court that issued a suo moto rule against Asaf-ud-Daula on charge of contempt of court the same day.

Barrister Siddiqur Rahman Khan and advocate Mamun Chowdhury appeared for Asaf-ud-Daula, while Deputy Attorney General stood for the government.

PM asks

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The parliamentary committee blasted the minister for impeding the initiative by not awarding registration waiver and sticking to the restriction on 20-year-old aircraft for leasing or purchasing for the country.

The committee also alleged that the Australia-based aircraft-leasing firm Ausban Aeronautical originally bid \$10,600 for the service; but when the tender box was opened the bid was changed to \$9,600 to make it the lowest bid. Orient Thai Airlines offered \$9,800.

The standing committee pointed finger at the family members of the minister for the bidding rig.

In a counter reaction aviation minister GM Quader denied involvement of his family members in manipulating tenders for Biman hajj flights terming the accusation "totally false and baseless".

Insiders, however, said the minister did not approve the ageing aircraft based on the allegations of corruption in leasing and using the plane.

According to Biman officials, the plane was used for about eight months -- nearly 2,200 hours -- on profitable Dhaka-Jeddah and Dhaka-Dammam-Riyadh routes keeping Biman's own aircraft DC-10 idle.

They also alleged that the aircraft was used more than the monthly guaranteed 200 hours to channel the profit to some influential persons.

"As per the allegations I have received, a huge amount of money was involved in the lease of Kabo jets," GM Quader told The Daily Star earlier. However, he declined to name the persons responsible or the money involved in the deal.

Earlier, Sheikh Hasina appointed Planning Minister AK Khandaker and her Adviser to Economic Affairs Moshirur Rahman to bridge the gap between GM Quader and the parliamentary body.

The standing committee initially asked the ministry to scrap the lease deal of nearly 140 acres of airport land with IPCO but later it changed its position, recommending the ministry to award a portion of land to the company.

Meanwhile, the controversy worsened with Biman Board Chairman Air Marshal (retd) Jamal Uddin Ahmed and standing committee chairman Engineer Mosharruf Hossain claiming that the minister wanted to become the Biman chairman.

Koko's parole

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who is now in Bangkok for treatment, and asked him to return home by August 31 and surrender before the court.

Koko filed the writ petition on Sunday through his lawyers.

An HC bench of Justice MA Wahhab Miah and Justice Quzi Reza-ul Hoque yesterday fixed today for hearing of the petition.

Koko's lawyer barrister Mahubub Uddin Khokon yesterday told The Daily Star that they will withdraw the writ petition if the government cancels its decision and extend the tenure of his parole.

Koko is facing a number of corruption cases. He was arrested during the previous caretaker government.

Meanwhile, BNP Secretary General Khandaker Delwar Hossain yesterday asked the government to clear its stance regarding Koko's parole.

While addressing a protest rally, he also suggested to the AL led grand alliance government not to make the trial process of August 21 grenade attack questionable by implicating opposition with the incident.

Jatiyatabadi Sechhasebok Dal, a front organisation of the main opposition party, organised the rally and staged demonstration at city's Muktangan in protest of the government decision to cancel Koko's parole.

Quoting an important person in the government as saying that Koko's parole was not true, Delwar said, "If it is true then grant the application of Koko for parole extension," he asked the government.

Ruling AL General Secretary Syed Ashrafur Islam on Sunday said he read about the cancellation of Koko's parole in newspaper but government did not take such decision.

A home ministry high official on Thursday told that the ministry decided to cancel Koko's parole and would ask him to return home by August 31 and surrender before the court as he violated condition of his parole.

BNP secretary general also blamed the government to implicate BNP into August 21 grenade attack intentionally. "Government is accusing BNP for grenade attack. Trial process of grenade attack will be disputed if government continued with such accusation," he said.

Sechhasebok Dal President Habib-un-Nabi Sohail presided over the meeting while party leaders Mirza Fakhrul Islam Alamgir, Abdus Salam, Sarafat Ali Safu and Shafiq Bari Babu, among others, addressed it.

Taher's martial

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The petition says Taher and 16 other politicians and freedom fighters were tried in secret inside Dhaka Central Jail on July 17, 1976.

Justice Abu Sadaat Mohammad Sayem was the president and Ziaur Rahman the chief martial law administrator of the country then.

The then government, which executed Taher on July 21, 1976, did not disclose anything about the trial proceedings, charges against the accused and the execution.

"Lutfia Taher was never given any documents on the trial proceedings and the judgment," Shahdeen Malik, counsel for the petitioner, told The Daily Star yesterday.

He said no information is available as yet except a report published in the now-defunct national daily Bangladesh Observer. The news report said 32 persons were tried, and 17 of them including Taher were convicted and the rest acquitted.

The special martial law tribunal was formed on July 14, 1976, and the case against Taher was its first case.

Of its five judges, three were military officers and two were from magistrate courts, the lawyer added.

During yesterday's hearing, Shahdeen said those involved in the trial and execution including the lawyers had taken oath of secrecy.

According to the martial law regulation, divulging information on the tribunal proceedings and orders carried a sentence of three years in prison.

Besides, the regulation had no provision for appeal against conviction.

Shahdeen argued that as the constitution does not allow trying anyone secretly and prohibitions on appeal against capital punishment, the martial law regulation was illegal and unconstitutional.

Anwar Hossain, petitioner and brother of Taher, told reporters at the Supreme Court they want to know why his brother was killed and 16 others were sentenced in a hush-hush trial.

He said it took them 34 years to challenge the trial since the atmosphere had not been conducive to filing such petition.

He added they are now hopeful of getting justice as things have changed after the apex court's watershed judgment declaring illegal the fifth amendment to the constitution.

The fifth amendment had legitimised the military regimes and martial law regu-

lations between August 15, 1975, and April 9, 1979.

Khandker Mushtaque Ahmed, Abu Sadaat Mohammad Sayem and Major General Ziaur Rahman led the governments during that period.

TAHER'S PROFILE
Taher was born in 1938. He joined the Pakistan army in 1960.

Along with three other Bangalee officers and a sepoy, he had escaped from the then West Pakistan to join the Liberation War in July 1971.

Sector Commander Taher was given the gallantry award 'Bir Uttam' for his valour in the war of independence.

His left leg was blown off from above the knee in a battle. After treatment in India, he returned to Bangladesh in April 1972.