

## Ershad's takeover also illegal

**JULFIKAR ALI MANIK and ASHUTOSH SARKAR**

The High Court yesterday declared illegal the constitutional amendment that had legitimised the military rule by Hussain Muhammad Ershad.

The bench of Justice AHM Shamsuddin Chowdhury Manik and Justice Sheikh Md Zakir Hossain delivered the watershed judgment in response to a writ petition.

Siddique Ahmed of Chittagong filed the petition in January, challenging the legality of the seventh amendment that had ratified the proclamation of martial law and other regulations, orders and instructions by Ershad between March 24, 1982, and November 10, 1986.

The petitioner also contested his murder conviction in 1986 by a martial law court, and sought an order for retrial.

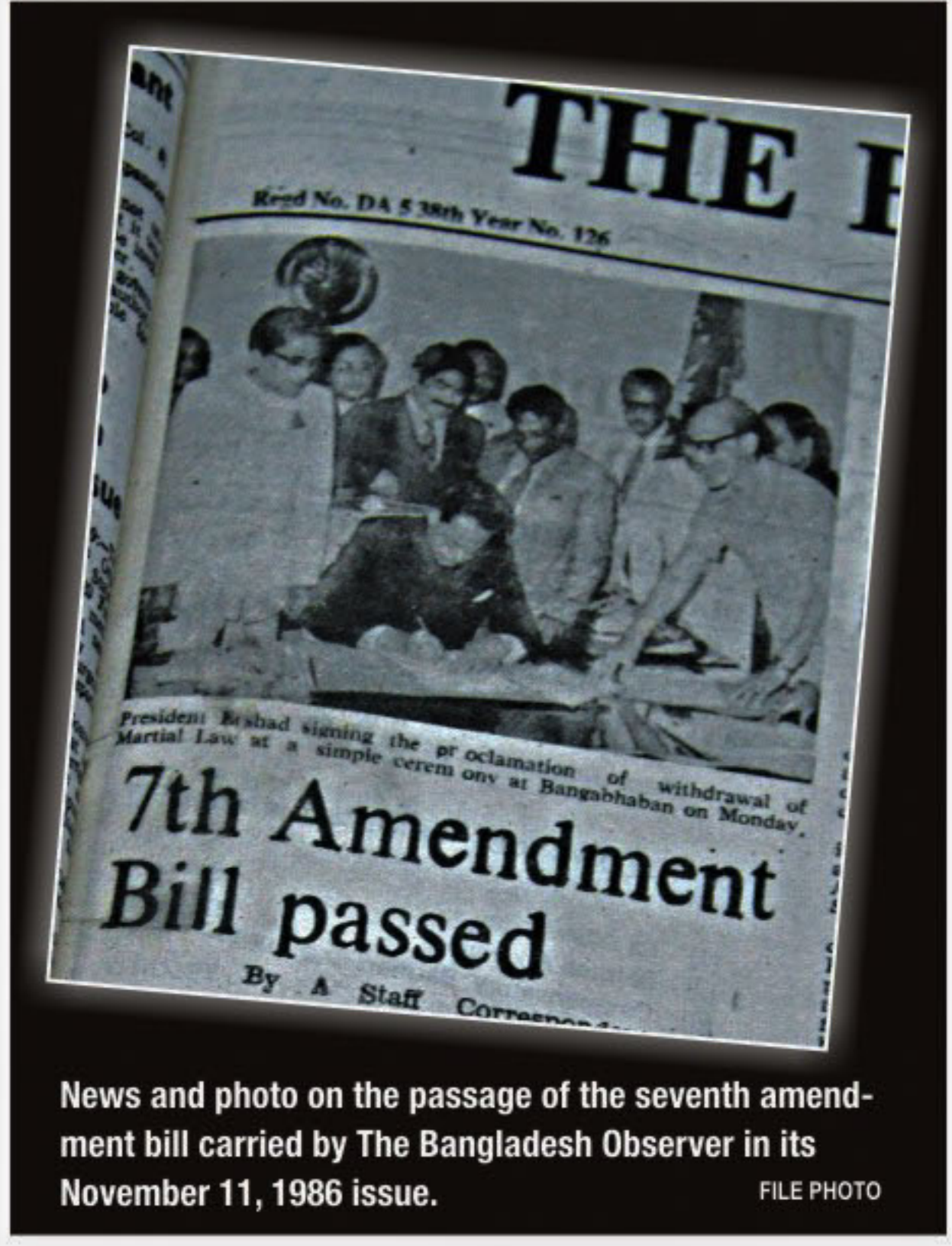
Justice Manik, senior judge of the bench, pronounced the judgment in a jam-packed courtroom.

The court observed the martial law imposed by Ershad was unconstitutional.

It, however, provisionally condoned the acts and deeds the

**HC declares unlawful 7th amendment cover for his military regime**

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News and photo on the passage of the seventh amendment bill carried by The Bangladesh Observer in its November 11, 1986 issue. FILE PHOTO

### HIGHLIGHTS

- Ershad is a usurper
- He should be punished
- No escaping for Ershad of his illegal acts
- Some actions required to run country are condoned
- Ershad, Zia rehabilitated collaborators, Bangabandhu killers
- Zia damaged constitution by wiping out secularism, Bengali nationalism
- Zia introduced religion-based communal politics
- Zia executed many through kangaroo court trial

## State power: He grabbed it all

**SHAKHAWAT LITON**

The then chief of army staff, HM Ershad, seized state power overthrowing president Abdus Sattar in a military coup and imposed martial law on March 24, 1982.

Ershad declared himself chief martial law administrator (CMLA), suspended the constitution -- the supreme law of the land, dissolved parliament and the council of ministers appointed by Sattar.

He proclaimed himself commander-in-chief of the armed forces -- a constitutional post held by an elected president.

The general, who repeatedly pledged allegiance to the constitution soon after the assassination of president Ziaur Rahman, captured power by violating the country's supreme charter and military laws.

On March 24 afternoon, president Sattar, who tried hard to resist the army's ascendancy in civil administration, was forced to recognise the extra-constitutional takeover and wish them success in an address to the nation.

Sattar, who was elected president on November 15, 1981, left Bangabhaban clearing



the way for the usurpers to consolidate total authority over the executive and the legislature.

CMLA Ershad announced that the future martial law regulations, orders and instructions would be the country's supreme law and sections of other laws inconsistent with them would be void.

The martial law proclamation became the source of laws. Ershad started making laws at his will through martial law regulations, orders and ordinances.

In April the same year, Ershad amended the March 24 proclamation and made a set of

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## HC strengthens democracy

Politicians, dignitaries react

**STAFF CORRESPONDENT**

The landmark High Court verdict on seventh amendment to the constitution would strengthen democratic practice in time to come, said eminent personalities of the country's political and social arena.

The HC in the verdict yesterday declared illegal the regime of autocratic ruler HM Ershad.

"The verdict will strengthen democracy...and military will never dare take over power," Awami League Joint General Secretary Mahbubul Alam Hanif told The Daily Star in an immediate reaction.

AL Presidium member Obaidul Quader said he doesn't think the verdict will lead to a crisis between his party [Awami League] and Ershad's Jatiya Party, which is an ally of AL in the ruling grand alliance.

BNP standing committee member Rafiqul Islam Mia said he is very much delighted at the High Court verdict, as they organised a

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## Ershad looks for govt straw

**RASHIDUL HASAN**

Former military dictator HM Ershad has welcomed the High Court judgement that declared his military regime illegal.

"Today the High Court has delivered a historic verdict and I am respectful to the judgment," Ershad told reporters during an iftar party arranged by Jatiya Party at the capital's Institute of Diploma Engineers yesterday.

"I will comment farther on this after getting a copy of the judgment," said Ershad, the JP chairman.

However, party insiders said Ershad



is now contemplating seeking help from ruling Awami League to avoid prosecution, following the HC verdict that declared the seventh amendment to the constitution illegal.

"You should discuss with Awami League and, if needed, we should talk to the prime minister and seek her blessings to save me and the party from any dire consequence," a JP leader quoted Ershad as saying to his party's senior leaders in a meeting with them after the verdict, in his Baridhara residence in the capital.

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## HC scraps Noakhali-6 poll results

**UNB, Dhaka**

Md Fazlul Azim, independent member of parliament, lost his seat Noakhali-6 following a High Court election tribunal order yesterday declaring void the election result.

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## Duke arrested

**STAFF CORRESPONDENT**

The Criminal Investigation Department (CID) finally arrested Saiful Islam Duke, nephew of BNP Chairperson Khaleda Zia, for his alleged involvement in the August 21 grenade attack.

Duke is accused of helping militant leader Moulana Mohammad

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## Fitra fixed at Tk 100

**UNB, Dhaka**

Fitra has been fixed at Tk 100 per head this year all over the country.

The Islamic Foundation at its meeting yesterday fixed the amount.

A press release of Islamic Foundation said the Fitra of Tk 100 has been fixed taking into consideration the price of rice.

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**ANNOUNCEMENT REGARDING CHANGE OF FACE VALUE & MARKET LOT OF SHARES**

This is for kind information of all concerned that the Securities & Exchange Commission has accorded its consent vide Letter No. SEC/SRMIC/94-61/578 dated 26.08.2010 regarding change in denomination of share value (Face Value) from Tk.100.00 (Take One Hundred) to Tk.10.00 (Taka Ten) each as well as Market Lot from 20 (Twenty) to 100 (One Hundred) shares of National Bank Limited.

In order to set up a corporate action in CDS for giving effect of such change, a record date will be fixed and announced shortly.

**A K M SHAFIQR RAHMAN**  
Company Secretary

Dated : August 26, 2010

**KOKO'S PAROLE Cancellation order stayed for 40 days**

**UNB, Dhaka**

The High Court yesterday stayed till October 4 the government order cancelling parole of Arafat Rahman Koko, younger son of BNP chairperson Khaleda Zia, now in Bangkok for treatment.

Passing the 40-day stay order upon a writ petition, a High Court division bench headed by Justice MA Wahhab Miah also issued a rule upon the government to explain why its action cancelling accused-petitioner's parole should not be declared illegal.

On August 19, the Home Ministry cancelled the parole granted to Koko, who faces a

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NEW POLL ON SUNDAY

The Daily Star nielsen

opinion poll on the performance of the government after one and a half years in power will be published on Sunday instead of Saturday. This will be the third in the series and the previous two were conducted at the completion of the government's 100 days and at the end of its first year. When the third poll is compared with the previous two, it gives an interesting overview of the public's mind. So, read the opinion poll on Sunday.

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