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Constitution-unaware man behind historic correction

64-year-old tutor learns from *The Daily Star* that his simple petition prompts HC to declare Ershad's military regime illegal

JULFIKAR ALI MANIK, from Chittagong

The man, who blew the legal cover of HM Ershad's military regime, has no knowledge about country's constitution, let alone its seventh amendment. Sixty-four-year-old Siddique Ahmed was introduced to word amendment yesterday only when this correspondent met him at a remote Bathua village in Patiya Upazila, 30 kilometres off Chittagong. The HC verdict that declared illegal the constitutional amendment, which legitimised HM Ershad's military rule, came on Thursday following his petition in January. Siddique, who runs his family teaching

primary students, was not present at the court when the judgement was delivered. He was even unaware of what he challenged in his writ petition. Siddique, who also contested his murder conviction in 1986 by a martial law court and sought retrial, said he just signed a vokalotnama when he was in Chittagong jail. "A jail official approached me and asked me to put signature on a vokalotnama. They only told me that somebody was trying to get me freed challenging my conviction given by a martial law court," Siddique said. Patiya police detained Siddique at his village home on July 2, 2006 saying there was an arrest warrant against him. He had

no clue about the reason behind the arrest. Siddique learnt from Chittagong prison officials that a martial law court awarded life imprisonment in a murder case. He got released from prison on April 27 this year after obtaining bail from the HC. Back in December of 1984, he was sued for murder by Kala Mia, a person, as he claimed, unknown to him. A martial law court in Chittagong convicted him and two others in the case. Three years into Siddique's imprisonment, his youngest brother Shura Ahmed came to Dhaka to find a lawyer to fight the legal battle for his brother. Shura luckily met at the HC an acquaintance from Anwara Upazila at a

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PHOTO: ANURUP KANTI DAS
Siddique Ahmed whose writ petition in High Court ultimately made the seventh amendment to the constitution void and Jatiya Party chief HM Ershad's military rule in the 80s' illegal. The photo was taken at his village home in Patiya, Chittagong yesterday.



Hasina invites constructive criticism from journalists

UNB, Dhaka

Prime Minister Sheikh Hasina yesterday urged the journalists to make constructive criticism of the government in order to consolidate democracy and ensure welfare of the people. "Don't do anything that might jeopardise democracy in the future," she said. Hasina said that in the name of criticism, false propaganda is being dished out in some cases and journalists must beware of it. She welcomed the High Court verdicts scrapping the 5th and the 7th amendments to the Constitution, saying

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LEGITIMISING MILITARY RULE Ershad's desperate bids go in vain

SHAKHAWAT LITON

Ershad's strategy to secure the armed forces' absolute allegiance to his regime, through a mixed policy of concessions, rewards, punishments and tightening of military intelligence, worked like a charm. The military never gave HM Ershad headaches like it did to his predecessor late Gen Ziaur Rahman. He masterfully used the forces as his prime support since taking over state power on March 24, 1982, overthrowing the then president Justice Abdus Sattar. But the general people were not so quiet and cooperative. Agitations initially launched by



student organisations and later by opposition political parties were gradually getting too hot to handle for the regime. The changing political scene made him feel the need to legitimise his rule and create a political party that would lend all-out support to his unconstitutional rule. In his quest for legitimacy, Ershad held a farcical referendum on March 21, 1985, at a cost of over Tk 800 million seeking people's mandate to rule Bangladesh. A referendum was quite an unfamiliar territory for the people before Ershad's predecessor Zia had used it.

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AUG 21 ATTACK CID quizzing detained Duke

STAFF CORRESPONDENT

Criminal Investigation Department is quizzing Khaleda Zia's nephew Saiful Islam Duke about his alleged role in arranging escape for perpetrators of the August 21 grenade blasts in 2004. Duke, who was personal secretary to the then prime minister Khaleda Zia, is being interrogated also about his "involvement in the bid to misdirect the investigation" into the grenade attack, a CID official told *The Daily Star* yesterday. Interrogators are questioning him along that line following information gleaned from some former intelligence officials who had earlier been quizzed in the grenade attack case. "We have information that he helped Moulana Tajuddin

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Commentary Judgments that restore our pride

Let no military general ever aspire to capture power again

MAHFUZ ANAM

The two recent verdicts nullifying the 5th and 7th amendments to our constitution can definitely be termed as epoch-making. If ever there were moments in our history when pronouncements from the judiciary elevated us, energised us, emboldened us, and above all restored our pride in ourselves, the pronouncements of the aforementioned two judgments were such moments. The whole nation stand in unison in expressing their unbridled admiration and gratitude to the supreme judiciary for the two historic judgments that not only throws into history's dustbin two very shameful periods of

our recent history, but also firmly shuts the door for any future aspirants of illegal power on ever making such effort. The judgments prove, if proof was ever necessary, that illegality, however powerful and omnipotent it may appear at any given time, will ultimately have to surrender to the will of the people as enshrined in the democratically adopted constitution of any country. They prove that whatever set back democracy may face in Bangladesh, ultimately only a government elected by the people can have legal power to rule. They nullify any other means of attaining state power. Those who have lived through Zia and

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100 plus ordinances should be examined

Suggest legal experts

SHAKHAWAT LITON

More than 100 presidential ordinances promulgated during the first martial law regime should now be examined to see if the original constitution of 1972 would allow their enactment, legal experts said. The necessity arose following the nullification of the 5th amendment to the country's constitution by the Supreme Court that at the same time condoned those "legislative measures" taken between August 15, 1975 and April 1979, "which are in accordance with or could have been made under the original constitution".



"We have to limp along with a good number of questionable laws, until those ordinances are checked for their compliance with the constitution," said eminent jurist Shahdeen Malik. Highly placed sources in the law ministry and Law Commission told *The Daily Star* that they have yet to decide on examining the ordinances. According to the law ministry, it is the

duty of the Law Commission to review existing ordinances and recommend necessary amendments. Asked about it, Law Commission Chairman Justice Mohammad Abdur Rashid declined to comment on the matter saying he would inform the parliamentary special committee for constitutional amendment about the impact of the apex court's ruling. "It will not be wise to speak publicly about the impact of the verdict right now," said Justice Rashid, who had been asked by the special committee to attend its meetings regularly.

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DANGEROUS JAYWALKING



PHOTO: RASHED SHUMAN

People with an infant cross the Mirpur Road at New Market under the footbridge scaling the steel fence on the central reservation. They not only risk getting hit by traffic when they cross the busy street but also injuries from the barbed wire which is there to prevent such endeavours.

Criminal killed in 'shootout'

STAFF CORRESPONDENT

An alleged criminal was killed in a "shootout" with Rapid Action Battalion (Rab) in Tejgaon Industrial Area in the capital early yesterday. The deceased, Shahidul Islam Chanchal, also known as Bhagne Chanchal, 35, was a nephew of Sweden Aslam, a top criminal who is now in jail serving life sentence. Chanchal was killed in a gunfight with Rab in front of BSTI (Bangladesh Standards and Testing Institution) office in the area around 1:30am, Md Jahangir, sub-inspector (SI) of Tejgaon Industrial Area Police Station told *The Daily Star*. A top official of Rab-2 said Chanchal used to extort businessmen in Karwan Bazar and

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WEARING VEIL Jamaat leader protests edn ministry order

STAFF CORRESPONDENT

Jamaat-e-Islami yesterday demanded immediate withdrawal of the education ministry's circular, which came in line with a High Court order, directing all educational institutions not to force female students to wear borkha (veil) at the institutions. In a statement, ATM Azharul Islam, acting secretary general of Jamaat-e-Islami, said the education ministry hurts religious sentiments and feelings of the country people by issuing the circular, which goes against the principle of the holy Quran and Sunnah. On August 22, the HC issued a suo moto order directing the government to ensure that no woman is

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NEW POLL TOMORROW

The Daily Star nielsen
opinion poll on the performance of the government after one and a half years in power will be published tomorrow 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 tomorrow.

New int'l airport to cost Tk 50,000cr

Says ministry report

REJAUL KARIM BYRON

Building another international airport nearby Dhaka will cost Tk 50,000 crore, a pre-feasibility study by the Ministry of Civil Aviation and Tourism suggests. The ministry has sought approval of the cabinet committee on economic affairs to implement the project under public-private partnership (PPP). It is likely to be placed in the committee meeting tomorrow. The ministry proposal said as the project involves a huge budget, it would be logical to implement it through PPP. Alongside the Hazrat Shahjalal International Airport in Dhaka, the government has decided in principle to build another airport named Bangabandhu Sheikh Mujib International Airport. A nine-member pre-feasibility study committee has been formed headed by a member of civil aviation authority. After visiting seven sites in Gazipur, Tangail, and Mymensingh districts,

the committee preferred three among those. A high level meeting held at the civil aviation ministry made recommendation for the site in Trishal upazila of Mymensingh covering 2,600 hectares of land. About 1,000 acres of land of Bangladesh Army remain unused in the area, which could be an advantage. The ministry sources said the cabinet committee on economic affairs would make the final selection of the site. The civil aviation ministry put forward several logics for building another international standard airport nearby Dhaka. Aviation is increasing substantially in the country and about 80 percent of the air passengers use Hazrat Shahjalal International Airport, said the ministry proposal adding the airport has only one runway and its annual passenger handling capacity is 80 lakh. This is inadequate compared to increasing number of passengers. The proposal also said due to space constraint in the terminal building, modern five-

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