Let Sangsad rule

chairman and members of the Public Service Commission, and the comptroller and auditor general -- on grounds

FROM PAGE 1

of misconduct and incapacity. leader of the House. The country was supposed to always have a functioning House, the premier picks MPs elected parliament, according of his or her choice to lead the to the original constitution. parliamentary standing com-

But over the years, many of mittees which are assigned to the powers of the parliament ensure the executive branch's were curbed through the amendments.

The amendment imposed

tive authority became a cap-

tive of the president's veto

nated in a bloody coup on

August 15, 1975 and his gov-

ernment was overthrown,

beginning the first martial law

country was governed by

military rulers either directly

or indirectly under cover of

civilian rules. The military

rulers opted for the presiden-

tial form of government as

It must be mentioned here

that Ziaur Rahman restored

multi-party politics and

allowed publication of multi-

ple and private newspapers,

which under BAKSAL were

government owned and

Although democracy and

the parliamentary system

were restored in 1991 through

the 12th amendment, the

House however did not get

back its original power and

away the parliament's power

to remove constitutional

authority on the president

changed that through a mar-

tial law proclamation, and

introduced a new procedure

for removal of such officers by

the Supreme Judicial Council,

a system that exists in

recently declared illegal and

void the constitution's 5th

amendment that ratified all

actions of the first military

regime between August 15,

The judgment however

In defence of its move, the

transparent procedure for

removal of constitutional

officers, which safeguards the

The 4th amendment tight-

ened the restrictions on MPs

making them unable to play

due role in the parliament

It also instructed for only

two parliamentary sessions in

a year, in contrast to the origi-

ulers did not bring any

change to these 4th amend-

1991 brought back the original

provision of the constitution

regarding the matter, but at

the same time it increased the

restrictions on MPs some

a reasonable restriction on

the function of a member of

parliament, but the amended

article 70 makes him a pris-

oner of his party," the

Supreme Court observed in a

Due to the strict restric-

tions on MPs, the parlia-

ment's ability to ensure

accountability and transpar-

ency of the executive branch

has been reduced, although

the cabinet is constitutionally

collectively responsible to the

Lawmakers of the treasury

bench cannot cast votes

against any government

of government, who, accord-

abstain from voting.

House.

verdict on April 27, 2006.

[Original] Article 70 puts

The 12th amendment in

of the next one.

ment clauses.

independence of judiciary.

condoned the introduction of

the Supreme Judicial Council,

1975 and April 9, 1979.

amendment.

The Supreme Court

Pakistan.

The first military regime

The 4th amendment took

restricted to only four.

Since then till 1990, the

regime in the country.

Bangabandhu was assassi-

The process of undermin-The prime minister's absoing the parliament's supremlute control over the treasury acy began with the 4th amendbench, makes it impossible to ment brought by bring a no-confidence motion Bangabandhu Sheikh Mujibur in the House against the cabi-Rahman led government in

The 4th amendment, on the other hand, had made the then president all powerful, empowering him or her with

chief of a ruling party, simulta-

neously holds the office of the

accountability to the parlia-

Being the leader of the

The Appellate Division of Supreme Court in its recent judgment, nullifying the 5th amendment, observed that the 4th amendment had reduced the parliament's power.

Although the first martial law regime dismantled many provisions of the 4th amendment, it kept the president's sweeping power intact. In some cases the 5th amendment increased the already too powerful president's authority.

The Supreme Court observed that the amendment made the parliament subservient to the president.

It said under the 5th amendment if the parliament failed to make grants or to pass an annual budget, or refused or reduced demands for grants, the president could dissolve the parliament at his or her pleasure.

Thus the president and chief martial law administrator of the first martial law regime, Gen Ziaur Rahman, became an all-powerful chief executive without any check either from the parliament or any other state apparatus, the apex court observed.

Following Zia's assassination, Gen Ershad grabbed the state power on March 24, officers, and bestowed the 1982 by overthrowing the then elected president Justice

He put the country under martial law again for more than four years, and declared himself the president, enjoying similar sweeping authority during his entire tenure till December 6, 1990.

Although the 12th amendment in 1991 restored the parliamentary system of governance replacing the presidential form, it kept intact the 5th amendment ratified martial law regulation that allowed the president to promulgate ordinances when the parliament stood dis-

to prevent revival of the rele-And the retention of that vant provision of the 4th 5th amendment provision kept the parliament's exclusive legislative power still a apex court said the Supreme distant dream. Judicial Council is a more

The original constitution did not allow the president such a sweeping legislative authority, except for promulgation of ordinances on urgent financial matters, while parliament would stand dissolved. It also allowed the president to promulgate ordinances on any urgent matter when a functioning parliament would not be in session.

nal constitution's direction The president's sweeping allowing only a maximum of legislative power, allowed by 60 days' gap between the end the 5th amendment, was of a session and the beginning declared illegal and void by the apex court's recent judg-The subsequent military

> Finally, the 13th amendment in 1996 introduced the caretaker government system, against a backdrop of agitation by Awami League and an electoral stalemate between AL and BNP, forcing the parliament's existence to cease for at least three months prior to a parliamentary election.

> During the period the state does not function as a republic, as an unelected government runs the country without any parliamentary scru-

The original constitution had provisions for holding a parliamentary election within 90 days prior to normal dissolution of a parliament. But the 13th amendment introduced the provision that the caretaker government would assist the Election Commission in holding parliamentary polls within 90 days following a parliament's dissolution.

decision, and no lawmaker can abstain from voting unless It is now expected that the parliamentary special comhis or her party decides to do mittee for constitutional so, nor can he or she cast votes when the party decides to amendment will consider necessary changes in the The provision gave rise to country's supreme charter, so an all-powerful prime ministhe House is able to gradually ter in the parliamentary form regain its original power and

pre-eminence.

Quake in Iran kills ing to critics, turned into a three "parliamentary dictator". The premier, usually the

REUTERS, Tehran

At least three people were killed and dozens injured by an earthquake that jolted northern Iran, state radio reported yesterday.

The quake, which the seismological centre said had a magnitude of 5.9, struck Semnan province on Friday night and was followed by 15 aftershocks. The US Geological Survey said it measured 5.7.

"Two children and a woman were killed in the quake and 40 others were injured," state radio quoted Morteza Aliabadi a senior local official, as saying. ince were also damaged."

about 95 miles south of the city of Gorgan, northeast of Tehran at a depth of 6.2 miles. Iran, the world's fourthlargest oil producer, is crisscrossed by fault lines and often

experiences earthquakes. In 2003, an earthquake flattened the desert city of Bam and killed 31,000 people.

BNP takes

FROM PAGE 1

Igbal, Shaon and others was withdrawn by the home ministry. But both of them were accused of opening fire on a BNP procession killing four

Delwar said about 6,000 cases including murder cases against the ruling party leaders and workers were withdrawn. The government is showing the thump to law and justice by exonerating killers and criminals without allowing them undergo the process of law.

Whereas no politically harassment and false case against BNP leaders and workers was withdrawn, he lamented.

On the other hand, he said opposition leaders and workers are implicated in false cases and subjected them to inhuman torture in police remand Delwar said.

The BNP leader was highly critical of the government for not releasing Mirza Abbas even after High Court granted him bail in four cases. He was

detained illegally. Delwar alleged that confessional statement is extracted from the persons detained under duress as tutored by the police investigators to implicate the Zia family in the August 21 grenade attack case. It is done with a malafide motive.

He said BNP wants fair trial of August 21 grenade attack and asked the government not to give any political colour to hook the opponents.

Rental power

FROM PAGE 1

communications ministry proposal.

Reintroduction o Railway's Panchuria Faridpur-Pukuria route and setting up of rail track on Pukuria-Bhanga route will cost Tk 267 crore. Under another project, rehabilitation of Sholoshahar-Dohazari and Fatehabad-Nazirhat railway routes will be implemented at a cost of Tk 203 crore.

These routes will be used for supplying fuel to Dohazari, Hathazari and Faridpur power

plants. Under another project the ministry will procure 10 broad gauge diesel electric locomotives costing Tk 217 crore. The ministry will also spend another Tk 183 crore for collecting 180 BG bogey oil tank wagon and six brake vans.

To overcome the severe power crisis, the government has planned to generate 1,200 megawatt of electricity through rental power plants said Power Division sources adding it has already awarded contracts to 18 private sector companies in this regard These units will run on either diesel or furnace oil and will supply power to the national grid within three to nine

Government has also initiated steps to set up dieselrun power plant on its own. Work orders have been awarded to 10 contractors for setting up 10 power plants to produce a total of 820 megawatt of electricity.

A high official of the Energy Division hoped the plants will start production in full swing from March next. He added that the units will consume 7.5 lakh metric tonnes of additional fuel in nine months from March to December. Of this, furnace oil requirement is 4 lakh metric tonnes while demand for diesel is 3.5 lakh metric tonnes.

Railway left

FROM PAGE 1

loan." The ADB had previously released \$130 million to Bangladesh as the first part of its \$430 million loan.

Communications Minister Syed Abul Hossain, however, gave assurance that the reforms are just around the corner.

"We are creating the Bangladesh Railway Division where its director general will be a grade-1 officer. Whatever decisions the railway take, they would be executed," the minister told The Daily Star.

He added that the ministry has made a summary on the reforms package and it will be sent to the high-powered secretary level committee

"The reforms are being done in such a way that the donors will be satisfied," he said, adding that the donors were unhappy with the ministry's poor performance in the past but are now very supportive as it has sped up the work.

sent a proposal to the cabinet division on August 11, requesting to take necessary measures to form the railway division.

Since the reforms initiatives were launched in 2006, the communications ministry apparently did not pursue the scheme seriously. At first the ministry appointed British consultant Pricewaterhouse Coopers in early 2007 to for-

The consultant took a long time framing the proposal and it submitted its report on November 5, 2008. Then the ministry sat on the report for one year. In November last year, the ministry sent the proposal package to the cabi-

back the proposal to the ministry asking it to take opinions lishment ministries.

This process continued till April last. It was sent back to the Bangladesh Railway for its opinion in May.

These opinion exchanges brought in some vital changes in the reforms.

Indian Railway Board, the proposal suggested an organogram where a 10member Bangladesh Railway Board will be set up with the director general of the railway acting as its the chairman, who will hold the rank of a secretary and work under the minister directly. Members of the boards will enjoy the rank of additional secretaries. This idea seeks to make the Bangladesh Railway autono-

opposed the idea and suggested putting the communications secretary between the chairman and the minister's communication. Thus the chairman would be regarded as a grade-1 official without the status of a secretary, rail-

tary and posts of joint secretaries if the proposed railway

division is created. The railway board officials will discharge the secretarial jobs under the directive of the communica-

A top rail official requesting anonymity explains, "This means, the DG [director general] would not report directly to the minister, he would report to the secretary as he is doing now."

tions secretary.

Meanwhile, senior railway officials sat for a meeting on August 13 where they demanded more authority of Bangladesh Railway like the Indian Railway. Otherwise, they said the main objective of the reforms would not be attained.

role in the stalled reforms told The Daily Star, "I have nothing to do in this regard. Everything is depending on the ministry." REVAMPING THE RAILWAY The reforms initiative was

launched with the signing of \$430 million loan agreement with ADB in February, 2007 Later, the World Bank committed \$200 million and JICA \$100 million in various development projects in the railway. In 2007, ADB released \$130

million, of which \$30 million went to the reforms project and the rest for construction of double rail track between Tongi and Bhairab. The projects the ADB prom-

ised to fund include strengthening Bangabandhu Multipurpose Bridge, upgrade signalling in 14 stations between Ishwardi and Darsana, restoration of repair yards and extension of loops at different stations from Khulna to Parbatipur and construction of metre gauge track from Bogra to Jamtoil.

World Bank pledged to fund six projects, including restoration of 71 kilometres o rail line (Akhaura-Laksam section), double tracking of the same routes and buying 15 metre gauge diesel-electric locomotives and 50 metre gauge coaches.

JICA showed interest in providing money for the construction of double-line projects from Chinki Astana to Laksam, procurement of rolling stock and rehabilitation of Paharpur workshop.

The development partners are also pushing the government for bringing the proposed reforms immediately to get funds for the Padma Bridge, which includes a railway line, said communications ministry officials.

Railway in Bangladesh remains a neglected sector contrasting with many other developing nations including our next-door neighbour India. For being the safest and cheapest mode of transport, railway should have by now become the chief mode of transport for both passengers and goods in a populous country like Bangladesh, observed a number of railway

officials. "Instead of expanding, the railway network has rather shrunk over the years," one of them regretted.

Govt loses

FROM PAGE 1

Opposition Leader Khaleda Zia's rating improved during the time although she still lags far behind Hasina in terms of respondents satisfied with her

According to the comparison of the three surveys, less people now think the government had well managed the issue of price inflation than they thought 18 months ago.

But more think the issue was poorly managed.

When the government came to power, a small fraction of people (only 6 percent) identified power and gas supply as the issue that needs the government's greatest attention. Today, that number has quadrupled, showing that people are frustrated with the power situation.

At the same time, a much lower number of fewer people think the government had taken enough initiatives to resolve the power crisis, and more people think no initiatives had been taken.

The survey reveals that more people now consider the judiciary as politically biased that they did when the government came to power. Concurrently, fewer people think judiciary as independent.

of the Anti-corruption negative view of the ACC has doubled in the last 18 months.

The survey also revealed that more people now hold the opinion that the opposition should attend parliament without any pre-condition. The percentage of the respondents who think like this is quite high at 81 percent. The BNP seems to have

the last one and a half years. A less number of people take a negative view of the opposition and a larger portion take a positive view.

which party they would vote for if elections are held right now. It appeared that AL would win such an election by a big margin. However, a large number of respondents (25 percent) did not respond. This large segment might be the swing voters who could still tilt the result of an election.

Waterbus

FROM PAGE 16

He blamed the BNP-Jamaat government for crippling the country's river transport system saying, "They did not take any effective measures for river dredging or other developments. Rather they stopped the development works taken by the previous Awami League government in 1996-2000." State Minister for LGRD

and Cooperatives Jahangir Kabir Nanak; State Minister for Law Kamrul Islam; lawmakers Mostafa Jalal Mohiuddin and Aslamul Haque; Shipping Secretary Abdul Mannan Hawlader; BIWTA Chairman Abdul Malek Miah; BIWTC Chairman Golam Mostafa Kamal, Nitol-Niloy Group the inaugural ceremony.

Tarique, Khaleda FROM PAGE 16 Tarique and Koko.

They alleged the government is trying to implicate Tarique in August 21 grenade attack case and planning to force Koko to return home by cancelling his parole only to keep BNP and its chief Khaleda Zia under pressure.

"The government wants to mount pressure on Khaleda Zia using the false cases against them so that she refrains from organising any movement," said Kama Mia, 54, a party member, who came from Comilla to meet a central leader.

While talking to The Daily Star, Zahidul Islam, party's Naogaon district unit general secretary, said, "Grassroots leaders and workers are really worried about chairperson's sons as they think government made them a target to prolong its tenure.' Mahbubul Alam, party's

Barguna district unit president, said grassroots workers and supporters are worried about Tarique and Koko and the government's attitude to them made them apprehen-"Is it democracy? The government adopted a hos-

tile attitude to Tarique and Koko as it wants to destroy Zia family," he added. Against this backdrop, Khaleda Zia's Saudi trip piqued curiosity in and outside BNP. Party chairperson's press secretary Maruf

Kamal Khan Sohel, however, ruled out Tarique's meeting with his mother in Saudi Party insiders said Koko's wife and daughter, chairperson's adviser Mosaddek Ali Falu and BNP Vice President Shamser Mobin Chowdhury

Halt gas supply

may be in Khaleda's entou-

Muhith who was present in

FROM PAGE 16

The FBCCI president also suggested the government to increase the price of gas.

Recognising the suggestion, the Finance Minister said this is absolutely correct. "The motor vehicles are consuming gas at the price of water. The gas is not sold to motor vehicles at its proper value," he said.

Both Energy Secretary Mesbahuddin and Energy Regulatory Commission's Chairman Syed Yusuf Hossain rejected the FBCCI president's suggestion saying that it would not be justified to raise gas price when the government is not being able to supply gas as per

Coming out of the meeting, some of the business leaders, however, questioned the wisdom of the apex chamber body's chief.

They said the CNG to motor vehicles have been introduced as part of the government move to free air "So far, several thousand

crore taka has been invested in the sector. Now, how a responsible person like the apex chamber's president can suggest suspending this business," said a businessman on condition of anonymity.

Criticising Azad's statement, a leader of Bangladesh CNG Refuelling Station and Conversion Workshop Owners' Association said he has made such a suggestion "only to satisfy the Finance Minister."

day from 3:00 pm to 9:00 pm.

Ashraf Khan. to remain closed 6 hours a make an experienced pilot," he added.

Ground Zero Mosque may get public financing

REUTERS, New York

The Muslim centre planned near the site of the World Trade Center attack could qualify for tax-free financing, a spokesman for City Comptroller John Liu said on Friday, and Liu is willing to consider approving the public subsidy.

The Democratic comptroller's spokesman, Scott Sieber, said Liu supported the project. The centre has sparked an intense debate over US religious freedoms and the sanctity of the Trade Center site, where nearly 3,000 perished in the September 11, 2001 attack. "If it turns out to be finan-

demonstrate an ability to pay off the bonds and comply with the laws concerning tax-exempt financing, we'd certainly considerit," Siebertold Reuters.

Spokesmen for Mayor Michael Bloomberg, Governor

Trafficker

FROM PAGE 16

Bangladeshi passports which they had obtained through forgery.

The traffickers allegedly took

around Tk 2 lakh each from the

refugees except Rehana Akhter whom they promised to send to Malaysia free of cost, as she had a Myanmar passport. Police will be investigating the trafficker's motive. Assistant commissioner of DB Police, Mohammad

Shahidullah told The Daily Star the arrestees are Rohingyas living in Kutupalong refugee camps in Teknaf who came to Dhaka to contact a gang of traffickers. "We are investigating how the Rohingyas procured Bangladeshi passports and

militancy and being sent abroad for training," said Shaihidullah. Police will also verify the names and addresses provided by the arrestees. Legal action will be taken against them, he

whether they are linked with

David Paterson and the Islamic centre and were not immediately available.

The proposed centre, two blocks from the Trade Center site in lower Manhattan, has caused a split between people who lost relatives and friends in the attack, as well as conservative politicians, and those who support the project. Among those who support it are the mayor, civic and religious groups, and some families of

victims. The mosque's backers hope to raise a total of \$70 million in tax-exempt debt to build the centre, according to the New York Times. Tax laws allow such funding for religiously affiliated non-profits if they can prove the facility will benefit the general public and their religious activities are funded separately.

Eden student 'killed' at Ashulia

STAFF CORRESPONDENT

An Eden College student was allegedly killed in her in-laws' house at Ashulia, on the outskirts of the capital, yesterday. The deceased, Santa Islam

Salma, 21, was a second-year

student of political science. She married Farid Alam, 35, a Bangladeshi expatriate in Saudi Arabia, just one and a half months ago.

Salma's family members alleged her in-laws had killed her at their Jamgara house and had the body hanging from a ceiling fan to make it seem like a suicide.

Sirajul Islam, office-incharge of Ashulia Police Station, told this correspondent they recovered the body at around noon and sent it to Dhaka Medical College

morgue for autopsy last night. A murder case was filed in this connection.

The OC said they could not yet arrest any accused. The husband and his family members were on the run.

verdict. He, however, welcomed

the judgment terming it his-

are in close contact with Awami

League policymakers so that

Ershad may escape the punish-

In his reaction to the verdict

Attorney General Mahbubey

Alam on August 26 said regular

appeal would be automatically

filed with the Appellate Division

and the Supreme Court will give

the final judgment over the case.

But the government will not

contest the judgment on the

seventh amendment, he added.

asked petitioner Siddique to

surrender his bail bond to the

lower court from where he

obtained it and explore other

legal options to deal with his

The governor is expected to

call on the premier and hold

talks with Agriculture Minister

Matia Chowdhury,

Communications Minister

Syed Abul Hossain, Civil

Aviation and Tourism Minister

GM Quader and Foreign

have decided to sign two

Memorandums of

Understanding (MoU) in the

fields of agriculture and tour-

ince authorities made a pro-

posal for five MoUs in the areas

of agriculture, education,

energy, civil aviation and tour-

ism and cooperation between

said regional connectivity,

particularly setting up of

Chittagong-Kunming road and

rail link, increasing trade and

commerce and joint efforts to

curb poverty will dominate the

eral relations between

Bangladesh and China have

reached a new height following

Sheikh Hasina's China visit in

March. China too sent its Vice

President Xi Jinping here in

importance of regional and

international connectivity and

Bangladesh is stressing the

According to sources, bilat-

Foreign ministry sources

Bangladesh and Yunnan.

Earlier, the Yunnan prov-

Officials said the two sides

Governor

problem.

FROM PAGE 16

in March this year.

Minister Dipu Moni.

Meanwhile, the HC bench

ment as stated by the HC.

Sources in the party said they

JP won't appeal

FROM PAGE 1 Party, told The Daily Star yester-

The HC on August 26 declared Ershad's military rule between March 24, 1982, and November 10, 1986 unconstitutional. The verdict suggested that Ershad be prosecuted and punished in the light of the Supreme Court judgment declaring the fifth amendment illegal. The HC also placed the matter to parliament and the government for taking decision

to this end. The verdict was against the military rule of that particular time, not the rule after 1986, said Mahmud, adding that, "We

think this is positive." Asked about the reason for accepting the verdict, he said, "We respect the verdict, as we are strong supporters of democracy, not military or unconstitutional rule. Jatiya Party handed over the state power in 1990 for

the sake of democracy." On the verdict day, HM Ershad said his party would come up with a detailed reaction after getting the copy of the

Biman

FROM PAGE 16 said the Biman board member.

But Biman will not pay compensation if any pilot loses licence after 57 years for medial unfitness, he added.

Presently, the Biman's pilots, after passing 57 years of age, fly on contractual arrangements with the carrier. Of the 125 pilots, seven are currently flying on contract basis, according to Bangladesh Airlines Pilots Association (Bapa).

Due to using experienced pilots on a contract basis, the board member expects that the financial impact for enhancing the service age period may be minor. "It appears that there will be

no major financial implication," he said.

The airline's initiative to increase the service age of pilots also comes in line with the rules of Civil Aviation Authority of Bangladesh and International Civil Aviation Organisation, which had earlier raised the retirement age of pilots. "We have demanded an

increase in our retirement age as per the civil aviation rules, said Bapa President Captain "The airline will be benefited. It takes a lot of time to

has taken appropriate steps to establish road and rail link with

June.

Asian Highway, sources added.

Earlier, the Yunnan governor was due to arrive yesterday for a three-day visit and later it was reduced to two-day.

The meeting demanded a one party rule on the country headed by the cabinet secre-"Over 15 villages in the prov-Chairman Abdul Matlub the government immediately under Bangladesh Krishak tary next week. This commit-Ahmed and Chief Executive approve the reforms to get the Sramik Awami League tee will scrutinise the proposal Authorities said the quake the authority to veto any bill Officer of Indian Merolyn fund promised by the donors. (BKSAL), and switched the and send it to the cabinet for had had no effect on fault lines passed by the House. Engineering Works Pvt Ltd Director General of system of governance to presiits approval. When the cabinet beneath the capital Tehran, Kakoli Mitra were present at cially feasible and if they can dential form, discarding the approves it, Bangladesh Bangladesh Railway Md where the quake was also felt. parliamentary system. Railway will turn into a divi-Belayet Hossain responding to The US Geological Survey Although the parliament a question on the railway's said the quake's epicentre was sion. remained in place, its legisla-

In this regard, the ministry

mulate the reforms package.

net division for approval. The cabinet division sent

of the finance and the estab-

Prepared in line with the

But the finance ministry

way officials said. According to the proposal, there will be no appointment to the post of additional secre-

> The government also fared poorly on two more vital issues corruption and the role

Commission (ACC). The number of people who think corruption has increased has increased quite drastically while the number of those who think it has decreased has shrunk slightly. Also, the number of people who took a

recovered slightly its image in

Respondents were asked Against the backdrop of nagging gas crisis, the government has already ordered the CNG refuelling stations