

Constitution 'violated'

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president ask the chief justice to constitute a Supreme Judicial Council for removing the judge.

If it was not done within the next three days, the MPs said, they would bring back the legislature's authority to impeach judges.

Earlier in the day, during the hearing of a rule, Justice Manik observed that the Speaker had committed an offence tantamount to sedition by commenting in the House on an HC order. He also said the Speaker was completely ignorant of the apex court and the constitution.

On May 29, Speaker Abdul Hamid said people would resist if a government turned autocratic. Likewise, they would protest if a parliament enacted laws against their interests; and they would stand against a court if it delivered verdicts against them.

His observations followed ruling Awami League lawmaker Shahriar Alam's statement on the HC order for the Roads and Highways Department to hand over to the SC the land where its establishment is currently situated.

Irate over Justice Manik's remarks, senior MPs of the Awami League ruled ruling alliance yesterday cited article 78 of the constitution that provides lawmakers and the House with privileges and immunity from court proceedings.

They said Justice Manik had overstepped his juris-

diction and lost his right to remain a judge. He must be removed immediately.

Article 78 (1) says the validity of the proceedings in parliament shall not be questioned in any court. Section 3 of the article says a member of parliament shall not be liable to proceedings in any court in respect of anything said, or any vote given, by him in parliament or in any committee thereof.

Workers Party lawmaker Rashed Khan Menon initiated the discussion. Deputy Speaker Shawkat Ali, who was presiding over the sitting, was at first reluctant to allow him to speak on a point of order. But he gave in amid clamour from other lawmakers for Menon to be given the floor.

The Workers Party president said Justice Manik's remarks were a clear violation of Article 78 of the constitution. "We can in no way accept such behaviour."

Senior AL lawmaker Tofail Ahmed said, "I was surprised to see how Justice Manik spoke against the Speaker and accused him of sedition. We have no words to censure him."

The same judge, he added, had once punished a traffic police officer for failing to salute him on the road. "I think he is a sadist who gets pleasure by hurting people."

Treasury bench MPs chanted "shame" "shame" when their fellow lawmak-

ers were blasting the judge over his remarks about the Speaker.

Suranjit Sengupta, minister without portfolio, said, "We will wait for three days to see if the chief justice forms a Supreme Judicial Council. If he does not do that, we will revive our power to impeach judges."

Tofail and Jatiya Party lawmaker Mujib-ul Haque Chunu said Justice Manik was a fortunate man. He was appointed an additional judge of the HC during the tenure of the previous AL government without any written examination or interview.

Tofail said the previous BNP government did not confirm him as an HC judge and the present government had done it.

Chunu said, "He was appointed on the mercy of the then Awami League-led government despite not having [required] qualifications and [without any] examination."

He also mentioned Justice Manik's upgrading his seat from economy class to business class on a Biman flight.

Chunu said the HC judge had harassed and defamed many high profile officials by keeping them standing hour after hour in court for silly reasons.

"I think he is not mentally sound. He is a pervert," he added amid a thumping of desks by treasury bench lawmakers.

AL MP Sheikh Fazlul Karim Selim termed Justice

Manik's remarks a "naked interference in parliament". "The arms of the judiciary are long. But the arms of parliament are longer."

The judge must apologise for defaming the Speaker, Selim said. "Parliament should take immediate steps to prevent him from repeating such incidents."

Jatiya Samajtantrik Dal MP Mayeen Uddin Khan Badal also blasted Justice Manik.

Ending around an hour-long discussion from 7:40 pm, the Deputy Speaker said the next course of action would be taken in consultation with the Speaker.

DU pro-VC

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yesterday.

They submitted their resignation letters to President Zillur Rahman, also chancellor of DU, through the education ministry in the afternoon, said a top official of the ministry preferring not to be named.

Contacted, Prof Harun told The Daily Star, "I resigned from the post as I desire to engage myself in educational and research activities."

Prof Mizanur Rahman could not be contacted for his comments despite several attempts over phone.

Their resignations came two weeks after the pro-government Blue panel of teachers had lost the university syndicate election to the opposition-backed White panel.

Sources at DU said there was a virtual conflict between the vice-chancellor and the province-chancellor on different issues since they assumed office.

In many cases the Pro-VC did not co-operate with Vice Chancellor Prof AAMS Arefin Siddique while running university activities, they said adding that their conflict had intensified after the recent election defeat.

Both the Pro-VC and Treasurer belong to the Blue panel.

Contacted, DU VC Prof Arefin told The Daily Star last night, "I was not informed of their resignation officially."

Zero birth rate

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Experts, however, said zero population growth would be bad for Bangladesh and it was not a practical idea.

Prof AKM Nurun Nabi of population science department of Dhaka University said it was quite impossible for Bangladesh considering the present situation.

"There is a concept of zero population growth. But we need stability in population growth and it would not bring any good for us if it renders negative population growth in the name of making zero population growth," he said while talking to The Daily Star.

According to different studies, Japan has zero percent natural birth increase and is expected to lose 21 percent of its population by 2050, shrinking its population to 100.6 million from 127.8 million. It is expected to face a crisis of working people then.

The Scandinavian countries are also facing the same problem and it affects growth and security.

The BNP chief saw Bangladesh as a higher middle-income country by 2030. She emphasised the need for addressing infrastructure deficiencies and ensuring investment-friendly environment for direct investments.

Ensuring optimum generation and supply of electricity within the quickest possible time, sustainable strategy for addressing climate change challenges, effective independent and neutral judiciary to ensure justice and rule of law, strengthening local government institutions, extraction and optimum use of gas, oil, coal and other mineral resources, stringent steps to curb corruption, and seizing all opportunities for progress and prosperity were also mentioned among others in her vision 2030.

On May 14, during a hearing on the rule, the HC bench directed officials concerned to vacate by yesterday some rooms of the RHD buildings built on the land.

Manzill Murshid, reading out the reports before the HC yesterday, said Shahriar Alam had advised the Supreme Court to keep patience over the SC land as the lawmaker had personal interest in the issue.

The reports should be considered correct as neither the Speaker nor the parliament member had refuted them, he said.

Abdul Hamid had also said measures could have been taken over the issue if the law minister had been present in the country, the lawyer added.

Manzill Murshid asked whether the comments of the duo had damaged the dignity and image of the court.

Justice Manik, presiding judge of the bench, said the Speaker's comments violated the rules of procedure of parliament and this was highly contemptuous.

He said the Speaker had tried to interfere in the independence of the judiciary and influence the Supreme Court.

The Speaker's duty was to regulate parliament and preside over its sessions, not to take part in any debate, motion and discussion, the judge said.

The Speaker has used a non-parliamentary language by saying "Ami Ki Honu Re [what I've become] referring to the SC judges, he added.

The Supreme Court is a constitutional institution like parliament, and they are not controlled by any other, he said.

Citing from the books Parliamentary Practice written by Erskine May, Parliament Today by Andrew Adonis and Practice and Procedure of Parliament by MN Kaul and SL Shakhder, Justice Manik said the Speaker could not take part in any debate, motion and discussion on anything, let alone a sub-judice matter.

"It was utter ignorance of the Speaker about the Supreme Court and the constitution and a total abuse of parliamentary privilege."

He added the Speaker had made the outrageous comments against the SC perhaps considering that this court could not issue any contempt of court rule against him.

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BNP's Budget Thoughts

FROM PAGE 1
The BNP chairperson, however, fell short of providing specific proposals for the coming budget. Her hour-long speech focused more on the government's failures.

Finance Minister AMA Muhith is due to announce the budget for the fiscal year 2012-13 tomorrow.

In her written speech Khaleda said party loyalty and family relations were now the criteria for the use and distribution of state resources. Bad governance, corruption, plunder of national wealth and violation of human rights have seriously tarnished the image of the country. As a result, Bangladesh has become an object of neglect of the development partners.

But, the former prime minister said, her party believed that with sincere political commitment and the spontaneous participation and cooperation of all, the nation can come out of such stagnation.

The budget for the next FY cannot be termed "ambitious", she said. "However, it is a meaningless and ambitious budget when it comes to the government's ability to collect the required financing and ability to implement [it]."

According to the BNP chief, the next budget will be a deficit one, as the government plans to set the deficit at Tk 50,000 crore in the Tk 1.9-trillion budget planned for the next FY. "The funds will be arranged through imprudent bank borrowings. As a result, economic imbalance, anarchy and restlessness are inevitable."

Khaleda forecast the

next fiscal year as more unbearable for the poor, low-income group, middle-class and farmers owing to high inflation, partly caused by excessive bank borrowing by the government from the internal sector in the face of scanty foreign aid.

She also outlined a 16-point vision to make Bangladesh a higher middle income country and promised to make efforts to attain zero population growth by 2030.

In addition, the main opposition party chief categorically promised to protect Grameen Bank if voted to power and also criticised the deal between Sahara Group and Rajuk, saying the agreement was absolutely non-transparent.

"The country's economy is on the brink of destruction due to the government's mismanagement. The economy has reached such a messy state that it will be tough for any government to revive and revitalise it even with all good intentions."

She said unbridled subsidies -- set to top Tk 40,000 crore in the outgoing fiscal year -- are a testimony to the government's imprudence and bankruptcy. "The next generation has been burdened with liabilities."

She thinks revenue collection will be the main challenge in the next FY. "There is no alternative for the finance minister but to enhance revenue collection."

On politics, Khaleda said, political unrest would spread further given the way the government was unleashing "repression on its political rivals".

"Political instability will negatively affect the trade and commerce of the country, adversely impacting the macroeconomic scenario."

If voted to power, the BNP will not let anyone involved in awarding the rental and quick rental power plants among party henchmen and their close associates go free, she warned.

According to her, the finance minister's decision to cut farm subsidies in the coming budget will bring further miseries to farmers.

She also questioned if the government had recently approved nine new banks to allow their sponsors to whiten black money.

The BNP chairperson does not think the country will achieve 7 percent Gross Domestic Product (GDP) growth in the current fiscal year in the face of falling exports and imports, reduction in local and foreign investment and energy crisis.

To fix the economy, the government needs to rein in inflation, cut bank borrowing, enhance reserves, ensure stability in exchange rate, increase manpower export, create investment-friendly environment, diversify export, decrease corruption and establish professionalism and good governance in all spheres of the public administration.

She also promised two bridges over the Padma if voted to power.

GRAMEEN BANK
Khaleda alleged that it was an irony that out of personal vendetta the government was out to destroy Grameen Bank and its

associated bodies.

"We strongly condemn the heinous attempt of the government. We would also like to declare that, if elected in future, we will save Grameen Bank from destruction and restore it to its rightful position."

The Nobel Prize won by Prof Muhammad Yunus and Grameen Bank, which Yunus founded, has brought Bangladesh's image globally, she said, adding that Grameen Bank has been playing an important role in poverty reduction and women empowerment.

RAJUK-SAHARA DEAL
Referring to the memorandum of understanding signed between Rajuk and Sahara Group of India for building homes around Dhaka city, Khaleda said it was not clear as to how and on what terms and conditions a foreign company could be selected for the job without inviting any tender.

"The interests of the Bangladeshi developers have been totally ignored. It will open up a new den of corruption if the agreement is materialised bypassing procurement laws, enacted during our time," she said.

The agreement has been signed to facilitate illegal gains for a very close relative of the prime minister, she said. "Sahara's Bangladesh subsidiary company Sahara Matribhumi Unnayan Corporation Ltd has been floated appointing Sheikh Fazle Fahim as its director."

It may be mentioned that Fahim is the son of Sheikh Fazlul Karim Selim, who is a cousin of Prime Minister Sheikh Hasina.

Designed for death?

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The speakers held responsible reckless driving, flawed traffic system, weak implementation of law and other regulatory systems for the high number of accidents and fatalities on roads.

AKM Fazlur Rahman, executive director of the Centre for Injury Prevention and Research Bangladesh, said there was no authority designated to deal with the road accident issue, leaving the situation in a mess. He asked which ministry was responsible --- law, home, communication or health?

B a n g l a d e s h R o a d Transport Authority (BRTA) Director (admin) Tapan Kumar Sarker said at the discussion said the National Road Safety Council, with the BRTA chairman as its member secretary, works with 24 government agencies to prevent road mishaps. But BRTA was not legally empowered to take steps against any agency's negligence, he said.

He said the road safety unit of BRTA did not even have enough staff to maintain regular interactions with the 24 agencies.

According to a study of UN Economic and Social Commission for Asia and the Pacific, 13,200 people died in road accidents in 2007, Tapan said, adding that due

to under reporting by government agencies the real figure was not revealed.

Speakers at the discussion also said even though the number of road accidents was increasing, the government statistics show that around 3,000 die a year on an average.

Film star Ilias Kanchan, chief of Nirapad Sarak Chai, a movement against road accidents, said, "There are no correct statistics on road fatalities. Everyone relies on figures from the police but those are based on complaints. Relatives of victims don't complain these days as they never get a good judgment or fair treatment."

Lawyer, TV star and parliament member Tarana Halim in her speech said drivers had the wrong concept that "we are the opponents but the reality is that not only common people fall victim to road accidents but drivers too".

Rights activist Rokeya Prachi stressed the need for appointment of drivers as per International Labour Organisation rules so that they could be held responsible after ensuring their rights.

Maruf Rahman, national advocacy officer for Work for a Better Bangladesh Trust, said, "Of the casualties, pedestrians were victims in

86 percent of cases among which 37 percent were in Dhaka Metropolitan area."

He said, "In 1947, Bangladesh had some 462kms of tarmac roads which has now increased to 2,70,565kms, but we don't have an effective road and transportation system to manage this increase."

Columnist Syed Abul Maksud urged the government to create public awareness in order to inculcate a law-abiding tendency among drivers and other people. He termed the tendency to violate laws law a great problem.

Dr. Mustafa Zaman, national professional officer of WHO Bangladesh, said, "We are paying attention to individual issues like drivers, road casualties, traffic systems, etc., but are failing to address the whole transportation system; we need to educate drivers about the traffic system, educate children at school on how to cross the road and increase awareness among people on how to avoid mishaps."

Sharier Khan, Deputy Editor (reporting) of The Daily Star, also took part in the proceedings.

Syed Badrul Ahsan, Executive Editor of The Daily Star, moderated the discussion.

Syria expels

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forces backed by helicopter gunships in the heaviest clashes in coastal Latakia province since the revolt broke out 15 months ago.

It was the second day of combat since the rebels declared an end to their commitment to an internationally brokered ceasefire, saying that the government had continued the repression in defiance of United Nations peace observers.

Rebel fighters said eight of their comrades were killed, while the pro-opposition Syrian Observatory for Human Rights said 15 to 20 soldiers were killed.

Activists also reported heavy fire by government forces on the city of Homs, a focal point of the uprising that endured a bloody siege for weeks earlier this year.

The latest developments only emphasised the precarious state of a peace plan brokered by Nobel Peace laureate Kofi Annan, who has shuttled between Damascus and other capi-

tals on behalf of the United Nations and Arab League.

Foreign governments are still clinging to the plan as the only option for finding a political solution and preventing a wider and bloodier conflict. But with the failure of the ceasefire and Assad's intransigence, it is all but in tatters.

Nevertheless, Russia and China, Assad's principle defenders on the diplomatic front, yesterday said that Annan's efforts should not be abandoned.

Russian President Vladimir Putin and his Chinese counterpart Hu Jintao, meeting in Beijing, urged international support for the plan despite calls from Arab and Western states for a tougher response to the bloodshed.

The two countries, permanent members of the UN Security Council with the power to veto resolutions, have stymied efforts by Western powers to condemn or call for the removal of Assad.

Meanwhile, a top Russian

official yesterday said a high level US State Department team will visit Moscow this week to discuss the Syria crisis.

Russia's Deputy Foreign Minister Mikhail Bogdanov said the delegation would be headed by Frederic Hof, the US Special Coordinator for Regional Affairs and a pointman on Syrian issues.

Hillary said this weekend she wanted to engage Russia on a transition in Syria that would lead to the departure of Syrian President Bashar al-Assad, whose ouster Moscow has refused to back.

The United Nations says Assad's forces have killed more than 10,000 people since the uprising against his family's four-decade rule of Syria broke out in March 2011.

Assad says he is fighting to save the country from foreign-backed "terrorists" and will carry out his own reform program. The government says more than 2,700 soldiers or security personnel have been killed by opposition forces.

Speaker's comment

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ignorant about the SC and the constitution, said the bench of Justice AHM Shamsuddin Choudhury Manik and Justice Jahangir Hossain Selim.

Speaker Abdul Hamid on May 29 told the House that the courts were neutral and independent, but it looked odd when they took quick decisions to solve their own problems while people had to wait years for justice.

The remarks came in relation to an HC order that the Supreme Court be handed over its land, currently under the control of the Roads and Highways Department.

If people were aggrieved at court verdicts, the day would come when they would stand against the courts, Hamid said following a statement by Awami League lawmaker Shahriar Alam.

"Likewise, if the government becomes autocratic, people will resist it and there are numerous instances of such."

Yesterday afternoon, reporters approached the Speaker at his office about his comment, but he declined to make any.

The HC said it was a pity that the Speaker, the third individual as per Warrant of Precedence, had lost the dignity symbolic of his post by taking part in a debate in parliament on a matter that was sub-judice.

Also the dignity of the Supreme Court had been damaged and the nation harmed, the court said while hearing a contempt of court rule yesterday.

The observations came after Manzill Murshid, counsel for Human Rights and Peace for Bangladesh, the contempt of court petitioner, placed newspaper reports on the comments of the Speaker and the MP.

The bench had issued the contempt of court rule in February upon some government officials, including the communications secretary, for not giving back the piece of land to the Supreme Court.

On May 14, during a hearing on the rule, the HC bench directed officials concerned to vacate by yesterday some rooms of the RHD buildings built on the land.

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out the reports before the HC yesterday, said Shahriar Alam had advised the Supreme Court to keep patience over the SC land as the lawmaker had personal interest in the issue.

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Abdul Hamid had also said measures could have been taken over the issue if the law minister had been present in the country, the lawyer added.

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Justice Manik, presiding judge of the bench, said the Speaker's comments violated the rules of procedure of parliament and this was highly contemptuous.

He said the Speaker had tried to interfere in the independence of the judiciary and influence the Supreme Court.

The Speaker's duty was to regulate parliament and preside over its sessions, not to take part in any debate, motion and discussion, the judge said.

The Speaker has used a non-parliamentary language by saying "Ami Ki Honu Re [what I've become] referring to the SC judges, he added.

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"It was utter ignorance of the Speaker about the Supreme Court and the constitution and a total abuse of parliamentary privilege."

He added the Speaker had made the outrageous comments against the SC perhaps considering that this court could not issue any contempt of court rule against him.

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mayed and amassed over the comments of the Speaker."

He also said the Speaker did not know that the law minister had no power to take any measure against the judges of the apex court and this court was not controlled by the minister.

The law minister would have felt ashamed if he had been in the country, he added.

Justice Manik said the court had ordered the hand-over of the SC land in the greater interest of the people as the SC was suffering from a serious accommodation crisis.

The contempt petition was filed in December last year, he said. But the HC waited until February to issue the rule against the government officials as the land was not returned to the SC.

The HC had asked the officials concerned in July last year to hand over the land in 15 days and the Appellate Division also later upheld the HC directive.

Justice Manik added that the Speaker, without knowing the facts, had said the SC had taken the decisions in haste.

The Speaker should have stopped Shahriar Alam when the ruling party MP raised the sub-judice matter, the judge said. But it was unfortunate that the Speaker himself took part in the discussion.

It is a universal rule that no observation should be made against any person or an institution in his or its absence, but the Speaker and the lawmaker have made the comment against the SC in absence of its representative.

Justice Manik asked the lawyers present in the courtroom whether the court can refer the matter of advocateship of Abdul Hamid for action.

Advocate Abdul Matin Khasru MP, advocate Nurul Islam Sujan MP, advocate Anisul Huq and Additional Attorney General MK Rahman requested the court not to pass any directives against the Speaker, saying that the Speaker was the symbol of an institution.

They said if the court passed any order against the Speaker, a distance would be created between the judi-

ciary and the legislative.

The bench then fixed July 9 for further hearing on the contempt of court rule.

Meanwhile yesterday, SC Registrar AKM Shamsul Islam informed the court that the RHD officials had vacated the rooms of buildings which were earlier in the possession of RDH, as per the HC's May 14 directive.

No suits

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yesterday issued an order asking all concerned to follow a similar notice published on September 1, 2009.

The fresh notification comes as part of the government's efforts to save electricity. It was issued yesterday on instructions from Prime Minister Sheikh Hasina.

A Cabinet Division official said they had to issue a fresh order on dress code, as officials and employees hardly followed the previous order.

If all staff put on short-sleeved shirts, there would be no need for air-conditioners. "Ceiling fans will be enough," he said.

Air-conditioners are normally used in offices from March to November -- a period that includes hot summer months when the country faces acute power crisis.

All male employees concerned have been asked to wear full or short-sleeved

UCB official

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Bangkok when four of his subordinates in the card division were arrested on Sunday.

"He [Sohag] was supposed to join work on Tuesday but the authority did not allow him to do so because his name came in the initial inquiry," Shafiqul Alam, additional managing director of UCB, told The Daily Star.

Before the arrest, the bank dismissed Sohag, he said.

According to bank officials, Sohag was on leave for two days from June 3 for his daughter's treatment in Bangkok, Thailand.

The four other arrestees were remanded on Monday for four days.