

Myanmar promises 2nd wave of reform

US praises govt response to sectarian clashes

REUTERS, Yangon

Myanmar will embark on a "second wave of reforms" that will include tentative privatisation and a law on the minimum wage, President Thein Sein said yesterday, indicating no let-up in the country's rapid economic overhaul.

Meanwhile, Michael Thurston, the US embassy's charge d'affaires in Myanmar yesterday praised Myanmar's response to recent deadly sectarian fighting, despite criticism by rights group Amnesty International that Muslim Rohingyas are still fleeing arbitrary arrest by border forces.

The vote of confidence from Washington will be a welcome relief to reformist President Thein Sein after mob violence in western Myanmar last week threatened to derail the country's move towards democracy.

If there are human rights abuses, the United States wants to see them fully investigated, a US embassy spokesman added.

In his address, the reformist president said the government will enact a foreign investment law in the next parliamentary session, expected next month. The government was also drafting laws on industrial zones and a minimum wage.

In the wake of sectarian riots in northwest Myanmar that killed 50 people and displaced 30,000, he also vowed to "continue to work on national reconciliation, national peace and stability and the rule of law, and the safety of the public".

His speech was short on politics, but in a veiled reference to the recent sectarian riots between Buddhist Rakhine and Muslim Rohingyas, he warned of "incitement" and urged the public to "work in a united manner for the country's development".

Despite the upbeat US assessment, much of northern Rakhine state remains a no-go area from which journalists and independent observers are banned, making it impossible to verify the government's version of events.

The World Food Programme yesterday said the recent violence had displaced 90,000 people, or three times more than the government's estimate. This has raised fears that the official death toll of 50 could also rise dramatically.

There has also been no mention in state media of hundreds of Rohingyas attempting to flee into neighbouring Bangladesh, a point London-based Amnesty International highlighted in a report yesterday.

AL council deferred

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elaborate on the present political situation.

The meeting has decided to strengthen the party, he mentioned. "Eleven committees will be formed within a day or two to recast the party's organising structure at the grassroots level."

Members of AL presidium and advisory council will be part of the committees and the divisional organising secretaries will coordinate the committees.

Party General Secretary Syed Ashraf Islam has already written to lawmakers and district and upazila-level leaders, directing them to strengthen the organisation, maintained Hanif, also a special assistant to the prime minister.

The AL has been holding council sessions at district, upazila and union levels to strengthen the party's grassroots base ahead of the next general elections.

Around 60 percent of council sessions at the union level have already been completed, he noted.

Asked about the intra-party conflicts at the party's grassroots, he said leaders will be asked to resolve differences in opinions as the AL wants to win the next polls.

Regarding BNP's demand for reinstating the caretaker government system in the constitution, Hanif said they will not accept any unconstitutional system for holding the next elections.

About BNP's move to form action committees at ward and district levels, he said, "What they do is not our concern."

The AL will organise a day-long programme to mark its 63rd founding anniversary on June 23.

Party President Sheikh Hasina will inaugurate the programme offering floral tributes to the portrait of Bangabandhu Sheikh Mujibur Rahman and releas-

ing pigeons at Bangabandhu Bhaban on Dhanmondi road-32 at 7:00am.

A discussion meeting will be hosted at Bangabandhu International Conference

Centre at 3:00pm and a cultural function at Bangabandhu Avenue at 7:00pm.

Govt failure

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Nayapaltan central office in the capital.

He made the comment hinting at a recent conflict between a High Court (HC) bench and parliament.

Jatiyatabadi Swechasebok Dal, a front body of the main opposition BNP, organised the rally to protest arrest of its top leaders.

Hitting out at the government for deteriorating law and order, the BNP leader said the prime minister herself two months ago had promised to find out missing BNP leader Ilias Ali, but Ilias' family is yet to get him back.

"Stop killing and disappearance right now. Otherwise, it will have a boomerang effect on you,"

Fakhrul warned the government.

Reiterating his demand to restore the caretaker government system in the constitution, he urged the government to concede to the demand to save the country and people from anarchy. "Hold the election under a neutral administration so that people's government can be elected to run the country."

Meanwhile, party standing committee member Moudud Ahmed yesterday said the Speaker has tried to draw a balance between parliament and judiciary through his ruling in the House on Monday.

"A justice has violated the constitution. The chief justice should take action to

avoid repetition of such incidents," he told a discussion meeting at the Jatiya Press Club.

Bangladesh Youth Forum, a pro-opposition organisation, hosted the programme.

During a court hearing on June 5, HC Judge AHM Shamsuddin Choudhury Manik observed that the Speaker had committed an offence tantamount to sedition by commenting in parliament on an HC order.

He said the Speaker was completely ignorant of the apex court and the constitution.

Speaker Abdul Hamid on Monday said Justice Manik had violated the constitution by making derogatory remarks about parliament and the Speaker.

HC clears trial

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Tribunal Act, 1973, through an amendment.

On May 13, senior judge of a High Court division bench Justice Farid Ahmed issued a rule upon the government to explain in four weeks as to why the insertion of the words in the act should not be declared illegal. The junior judge of the bench Sheikh Hassan Arif, however, summarily rejected the petition. The chief justice then sent the matter to the bench of Justice Moazzam which rejected the petition yesterday.

TRIBUNAL PROCEEDINGS

In the case against Kamaruzzaman yesterday, the three-member Tribunal-2, led by its Chairman Justice ATM Fazle Kabir, replaced the words "and also for" with "or in the alternative" in the second paragraph of every charges framed against the Jamaat leader to avoid "cumulative charging".

The tribunal also replaced the words "you [Kamaruzzaman] being accompanied by" with the words "following your [Kamaruzzaman's] instruction" before the words "15-20 armed Al-Badr members

raided the house of Tepa Mia" in the first paragraph of the seventh charge.

Defence counsels had argued that the seventh charge against the Jamaat leader stated that he accompanied by 15-20 armed Al-Badr men raided the house of Tepa Mia but the witness statement, based on which the charge was framed, had not claimed that the accused accompanied his accomplices.

"There was no other ground for interfering with the decision on charge framing matter except the above minor alterations," said the tribunal chairman.

On June 4, the tribunal charged the assistant secretary general of Jamaat-e-Islami with murder and torture of unarmed civilians and complicity in other crimes against humanity during the Liberation War in 1971.

It had fixed July 2 for the trial to begin with the opening statement from the prosecution but Kamaruzzaman's defence sought review of the indictment order on June 11.

In its yesterday's order, the tribunal also said, "The contentions agitated [in the review petition] may well be adjudicated even at the trial stage."

In their petition, defence counsels had argued that all charges "suffer from cumulative charging" as the tribunal charged Kamaruzzaman with "participating" in war crimes and at the same time charged him with "complicity" in the crimes.

Kamaruzzaman had been charged with seven counts of crimes against humanity but the charges were not "well characterised" and "suffer from absence of contextual requirement", they had argued.

Prosecutor AKM Saiful Islam had said the pattern and magnitude of the atrocities committed during the Liberation War, sufficiently indicated that those were committed systematically and in an organised way.

ACC quizzes whip's brother

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ACC deputy directors Meer Joynul Abedin Shibli and Mirza Zahidul Alam grilled Nixon till 11:20am after he showed up at the ACC head office at Segunbagicha in the capital at around 9:30am.

Later, Nixon hurriedly left the ACC office to avoid questions from journalists.

In October last year, the World Bank suspended its

\$1.2 billion funding of the \$2.9 billion Padma bridge project over allegations of irregularities in the project.

Following the WB's allegations, Canadian police on September 3 last year launched an investigation into the matter and arrested Ismail Hossain and another person.

In December last year, the ACC also launched a probe into the allegations of irregu-

larities in the project. As part of the investigation, the ACC on June 14 quizzed Abul Hasan Chowdhury, former minister of state for foreign affairs.

ACC Chairman Ghulam Rahman told journalists yesterday, "We have been informed that Nixon Chowdhury had links with the Canadian company. So we summoned him for quizzing."

"We have information on

the involvement of many influential persons in it. Whoever is involved in it, he won't be spared," said the ACC chairman.

He said the ACC had already received a copy of a WB report and would get a probe report from Canadian police next month.

"Steps will be taken once we receive the report from Canadian police."

Four top jurists

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think about it and take necessary steps, said Dr Kamal.

Asked about the ruling, Barrister M Amir-Ul Islam said, "The Speaker has shown his political wisdom and sagacity by letting the matter rest with the chief justice." Furthermore, the spirit of the Speaker's ruling is against making such deliberations either in parliament or in court concerning persons holding high offices in these institutions, he noted.

The nation expects the deliberations in these institutions would not be in violation of the longstanding traditions and conventions, which are already part

of the constitution, ethics and rules of both the high institutions, he added.

Dr M Zahir congratulated the Speaker on bringing to an end what he said was the conflict between parliament and the judiciary.

It is proper that the chief justice should handle all matters relating to judges. It is for the judiciary to decide whether any provision of the constitution has been violated, he told this correspondent.

Zahir expressed the hope that the matter would now die down.

Justice (former HC judge) TH Khan told journalists that the Speaker has shown his regard for etiquette by

leaving the matter to the chief justice, and not taking any steps himself.

He said if the entire ruling of the Speaker was perused, it would be understood the matter (judge's remarks) could be referred to the Supreme Judicial Council, but the Speaker did not want it.

He noted that since the Speaker said the judge had violated the constitution, there was no way other than referring the matter to the council.

Supreme Court Bar Association President Zainul Abedin welcomed the ruling, saying the Speaker showed what should be done now.

Onus on CJ

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his derogatory remarks about the HC in parliament.

Annoyed by the court's order, MPs questioned the HC's jurisdiction to issue the order. They demanded that the Speaker give a ruling on whether the HC could seek

texts of parliamentary proceedings, ignoring Article 78 of the constitution, according to the then parliamentary proceedings available in the Jatiya Sangsad library.

Article 78 (1) of the constitution says the validity of 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.

When his attention was drawn to Article 78, the then Speaker also made some strong comments about upholding MPs' sentiment, according to the parliamentary proceedings of June 19, 1993.

"It is clear that the High Court's hands are long but the question is whether they

are long enough to reach Parliament... whether they are long enough to reach up to Parliament. That is the point at issue. This will be considered after I get the certified copy of the rule," said the then Speaker.

The HC bench did not take much time to demonstrate its wisdom in the face of the then prevailing situation. Before the Speaker was provided with the certified copy of the court's order, the HC bench on June 21, 1993, recalled its own order and the Speaker refrained from issuing a ruling on the issue despite repeated demands by some MPs.

One of the two judges of the said HC bench subsequently became chief justice of Bangladesh.

Sheikh Razzak Ali's successor Abdul Hamid seems to have found no other alternative but to issue the ruling on Monday. He, however, took a long time to come up with the ruling following MPs' outburst at Justice Manik's June 5 derogatory remarks about the Speaker. He had discussed the issue with some senior experts, including the chief justice, in

order to prepare his ruling.

To defend taking a long time for the ruling, Hamid in his ruling also said: "We had expected that the honourable judge would understand the entire matter and take proper steps to withdraw the comments that went beyond limits. But he did not do so."

The situation might have been different had Justice AHM Shamsuddin Choudhury Manik withdrawn the comments that clearly went beyond limits.

What's the underlying meaning of the Speaker's ruling? Is it only a statement by the Speaker? Or is it his personal opinion?

In the opinion of parliamentary affairs experts, the Speaker's rulings carry immense significance and constitute precedents by which subsequent Speakers are guided.

In his book, "Parliamentary Practice and Procedure", Bangladesh expert Khandaker Abdul Haque notes that the Speaker's ruling on any issue is final and there is no scope to hold a debate on it.

In their work, "Practice

and Procedure of Parliament", two Indian experts on parliamentary affairs, MN Kaul and SL Shakhder say the Speaker's rulings cannot be questioned except on a substantive motion.

A member who protests against the ruling of the Speaker commits contempt of the House and the Speaker, they said.

In their views, as the principal spokesman of the House, the Speaker represents its collective voice and is its sole representative before the outside world.

Considering the views of Kaul and Shakhder, it may be said that what Hamid said in his ruling was the voice of the House. MPs supported his ruling by thumping their desks. Therefore, it can also be said that the House put the onus on the chief justice, as the Speaker in his ruling said, "We will support whatever steps the chief justice may take with regard to such behaviour by a court. Hopefully, that will prevent a recurrence of such incidents."

Now, all eyes will remain focused on the chief justice to know what steps he may take.



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United Nations Development Programme (UNDP) in Bangladesh hereby invites sealed quotations from interested bidders for procurement of Photocopier, Fax Machine and Scanner.

Submission of Quotation: The envelopes should state "Procurement of Office Supplies" and marked as 'Confidential'. The selection of Bids will be done based on the UNDP procurement rules and regulations.

All interested firms may collect the bidding Documents (RFQ) from the below e-mail address: parvin.akther@undp.org by a formal request to UNDP that will register bidders into participants list, so any correspondence, questions regarding the bidding documents and respective answers can be sent to all bidders.

Bid must be dropped to the Procurement Cluster of UNDP, IDB Bhaban (12th Floor), Sher-e-Bangla Nagar, Dhaka before **16.30 hrs on 04 July 2012**.



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UNDP Bangladesh seeks quotations from interested vendors for Vehicle Maintenance Services as mentioned in the RFQ document. All interested firms may collect the Bidding documents (RFQ) from md.asfezzaman@undp.org by a formal request to UNDP that will register bidders into participants list, so any correspondence, questions regarding the bidding documents and respective answers can be sent to all bidders.

Submission of Quotation: The envelope should state "Quotation for Vehicle Maintenance Services" and should be addressed to the UNDP Procurement Unit, IDB Bhaban (12th Floor), Begum Rokeya Sharani, Agargaon, Dhaka-1207. The quotation should be submitted in the bid box placed in the UNDP Registry, IDB Bhaban (12th Floor)

The deadline for submission of quotation is **July 04, 2012, 04.30PM**.