

SC lambasts judges

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made effective from August 15, 1975 when the father of the nation Bangabandhu Sheikh Mujibur Rahman, along with most of his family members, was assassinated.

A case known as "Halima Khatun vs Bangladesh" was one of the first lawsuits to reach the SC requiring interpretation of martial law and martial law regulations, after Halima filed a writ petition with the High Court.

The verdict in the case was delivered on January 4, 1978 when the country was under martial law.

The then SC judges held that martial law proclamation or a martial law regulation or a martial law order subordinated the country's constitution.

Referring to the judgment in Halima's case that said martial law proclamation, regulation and order subordinated the constitution, the SC verdict on the seventh amendment case says, "With great respect for the learned Judges of the Supreme Court of the day, it must be held that their Lordships were absolutely wrong."

The then Chief Justice Syed AB Mahmud Hossain, Justice Kemaluddin Hossain and Justice Fazle Munim gave the judgment in Halima's case.

"The Supremacy of the Constitution as declared in Article 7 [of the constitution] was no longer unqualified," said an observation of the then judges in Halima's case.

But the latest SC judgment says, "These observations are preposterous. Let it be unquestionably declared that the supremacy of the constitution was unqualified, it is unqualified and it shall remain unqualified for all time to come."

The SC judges in Halima's case made further observations that "no constitutional provision can claim to be sacrosanct and immutable" and "the present constitutional provision may, however, claim superiority to any law other than a Regulation or Order made under the Proclamation".

The latest SC verdict says that these observations were "seditious".

"Let it be unhesitatingly declared that the Constitution being the solemn expression of the will of the sovereign people of Bangladesh is sacrosanct and immutable and all organs of the Republic owe its existence to the Constitution. It is supreme in all respect. The Martial Law Proclamations, Regulations and Orders are non est before it," reads the SC judgment in the seventh amendment case.

The verdict on the seventh amendment case was delivered by the Appellate Division bench of Justice ABM Khairul Haque, Justice Md Muzammel Hossain, Justice SK Sinha, Justice Nazmun Ara Sultana, Justice Syed Mahmud Hossain and Justice Muhammad Imman Ali.

Khairul Haque, the author judge of the verdict, was the chief justice when the verdict was delivered, and has been succeeded by Justice Md Muzammel Hossain.

The judgment that declared the seventh amendment to the constitution illegal was delivered on May 15 last year.

Several legal experts told The Daily Star yesterday that it is common in many other countries that the apex court overrules its earlier judgment if it finds the past verdict in essence wrong.

However, this is rare in the history of Bangladesh judiciary, especially when it involves constitutional matters, they said.

The seventh amendment ratified the proclamation of martial law and other regulations, orders and instructions by Lt Gen HM Ershad and his taking over the state power as the chief martial law administrator in March 1982.

On the SC's jurisdiction, the apex court judges in Halima's case said the SC had no power to call in question or declare illegal or void the proclamation or any regulation or order.

Referring to it, the judgment in seventh amendment case says, "The whole approach was reprehensibly

wrong. No authority in Bangladesh can oust the jurisdiction, powers and functions of the Supreme Court granted under the Constitution.

"The law as declared by the Supreme Court in Halima Khatun case is not only alien to the Constitution, but gave legitimacy to Martial Law Proclamations etc., as such, with great respect for the learned Judges, we are constrained to overrule it and hold that the statements of law as contained in the said decision are wrong."

The SC judges elaborately discussed and criticised the observations in the past cases known as "State vs Haji Joynal Abedin and others," "KH Ehteshamuddin Ahmed vs Bangladesh," "Nasiruddin vs Government" and the eighth amendment case.

STATE VS HAJI JOYNAL ABE DIN AND OTHERS
In this case, Joynal Abedin and other appellants were convicted by a special martial law court and were given capital punishment. Following a writ petition, the HC cancelled the martial law court's sentence saying it was illegal and directed fresh trial by a competent court.

The government appealed with the SC against the HC verdict.

The SC delivered its judgment on December 20, 1978 when the country was under martial law. The then judges of the Appellate Division gave a split verdict.

The SC bench of the then Chief Justice Kemaluddin Hossain, Justice Fazle Munim, Justice Ruhul Islam and Justice KM Subhan delivered the verdict.

Majority of them said the constitution was reduced to a position subordinate to the martial law proclamation. So the martial law courts had the authority to try any offence and its proceedings had been made immune from being challenged before a court, including the SC.

Justice KM Subhan had given a dissenting opinion.

The SC verdict in the seventh amendment case says this observation was "not only gravely wrong but also seditious".

The judgment says it is apparent that the decision of the Appellate Division in Abedin's case was made in violation of the constitution.

"With great respect for the learned Judges we are constrained to overrule it," reads the recent judgment. **KH EHTESHAMUDDIN AHMED VS BANGLADESH**
This case was also about conviction and capital punishment by a special martial law court.

The appeal against the conviction was decided in the SC in March 1980. The country was not under the martial law at that time.

But a day before withdrawing martial law, the second parliament on April 6, 1979 gave legitimacy to the country's first martial law by the fifth amendment to the constitution [it was also declared illegal by the SC in 2010].

The then chief justice Kemaluddin Hossain, Justice Fazle Munim, Justice Ruhul Islam and Justice Badrul Haider Choudhury delivered verdict in this case.

On some observations of that verdict, the recent SC judgment says, "Since the legal position of the Constitution and the Supreme Court, as postulated by the Appellate Division in the case of Ehteshamuddin was subversive of the Constitution, with great respect for the learned Judges, we are constrained to overrule it."

NASIRUDDIN VS GOVERNMENT

This case involved abandoned property and was decided by the SC on April 14, 1980.

Discussing a part of the judgment of this case, the SC judges in the verdict in the seventh amendment case said the constitution is the supreme law of the country and the apex court is empowered by the constitution to look into any illegality or irregularity of any authority.

The latest judgment says, "The views of the Appellate Division [in April 1980] in this case, upholding the vain supremacy of the Martial

Law Proclamations, etc and the Martial Law Courts were erroneous and inconsistent with the Constitution, as such, with greatest respect for the learned Judges, we are constrained to overrule it."

The then chief justice Kemaluddin Hossain, Justice Ruhul Islam, Justice Badrul Haider Choudhury and Justice Shahabuddin Ahmed delivered the verdict in this case.

EIGHTH AMENDMENT CASE

Nearly a decade later in 1989, the SC upheld the absolute supremacy of the constitution and its basic structures in Anwar Hossain Chowdhury vs Bangladesh case, popularly known as the eighth amendment case.

In his observations in the judgment, Justice Shahabuddin Ahmed, then judge of the SC, said, "In spite of these vital changes from 1975 by destroying some of the basic structures of the Constitution, nobody challenged them in court after revival of the Constitution; consequently, they were accepted by the people, and by their acquiescence have become part of the Constitution."

On Justice Shahabuddin's observation, the latest SC judgment says, "The observation that 'the past amendments which were not challenged have become part of the Constitution by general acquiescence', with respect, was misconceived."

"The Constitution is the Supreme law and its any violation is void and illegal and remains so for all time to come.

"The plea of waiver or acquiescence is not available in respect of violation of any law. If it is violated, the Court is bound to say so, no matter when it is raised. There is no period of limitation, no waiver, no acquiescence..." says the latest SC judgment.

The Appellate Division bench of Justice Badrul Haider Choudhury, Justice Shahabuddin Ahmed, Justice MH Rahman and Justice ATM Afzal delivered the verdict in the eighth amendment case.

Justice ATM Afzal gave a dissenting opinion.

Shakib

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hotel yesterday.

He was bought for 365,000 dollars by the Dhaka Gladiators. In fact, contrary to general expectations, it was the Bangladesh players who overshadowed their foreign counterparts in terms of bidding prices.

The second-most expensive local player of the tournament was Nasir Hossain who was bought for 208,000 dollars by the Rangpur Riders, the new side in the meet. National skipper Mushfiqur Rahim was bought by Sylhet for 205,000 dollars while dashing left-handed batsman Tamim Iqbal went to Duronto Rajshahi for 165,000 dollars.

Amongst the foreign high-earners, Pakistani Imran Nazir was bought by Chittagong Kings for 280,000 dollars, followed closely by fellow countryman Shahid Afridi who was bought by the Dhaka Gladiators for 275,000 dollars.

While this year's auction did lose some shine with big hitters Kieron Pollard and Chris Gayle pulling out of the T20 league before the auction, the loss however was somewhat recuperated with the late additions of Sri Lankans Lasith Malinga and Tillakaratne Dilshan. Both Malinga and Dilshan were bought by the Gladiators for 115,000 and 75,000 dollars respectively.

Due to the 'salary cap system' put into effect in this year's auction the players, apart from getting their highest possible 'capped-value', 30 per cent of the additional price will be added to the capped value. Therefore, the highest earner of the second edition of the BPL was Nazir (base price: 75,000 dollars, bid price: 28,000 dollars), who earned approximately 189,000 dollars. Afridi was next with 187,500 dollars.

As for Shakib, his low cap value of 75,000 dollars meant that he'd earn approximately 162,000 dollars this time.

Govt appoints

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appointed directors.

Balaram Poddar, a former leader of pro-Awami League student body Bangladesh Chhatra League, had served as a Janata Bank director before the board's tenure expired last September. The government yesterday made him a director of Agrani Bank.

Zaid Bakht, research director of Bangladeshi Institute of Development Studies, was chosen as a Sonali Bank director.

Other new directors of the bank are Md Nazibor Rahman, a former director of Janata Bank, Shekhor Dutta, secretary of Moni-Singh-Farhad Memorial Trust, Selima Ahmad, vice-chairman of Nitol-Niloy Group of Industries, Md Mahub Hossain, Kazi Tariqul Islam, Saheb Ali Mridha, all former joint secretaries, and Md Enamul Haque Chowdhury, a former managing director of Sonali Bank.

Nagibul Islam Dipu, a former director of Federation of Bangladesh Chambers of Commerce and Industry, ex-banker Ramoni Mohan Devnath, Syed Bazul Karim, Prof Mohammad Moinuddin, an educationist, and Md Abu Naser hold the posts of Janata Bank directors.

Engineer Abdus Sabur, Niaz Rahim, group director of Rahimafrroz, Balam Poddar, MA Rouf Sarder, an associate professor of ENT at Bangladesh Medical College Hospital, Begum Hasina Newaz, vice-president of Bangladesh Women Chamber of Commerce and Industry, became Agrani Bank directors.

Details of Shamim Ahsan, Md Altaf Hossain Molla and ABM Quamrul Islam could not be known immediately. The Banking and Financial Institution Division gave only their names and addresses in Dhaka.

Dewan Nurul Islam, Kazi Morshed Helal Kamal, advocate Md Abdus Salam from

Savile Report: Review slams BBC

AFP, London

An official report on Wednesday strongly criticised the BBC's handling of allegations of child sex abuse against late presenter Jimmy Savile, but cleared the world's biggest broadcaster of a cover-up.

The findings by an independent inquiry sparked the resignation of the BBC's deputy director of news, and led to the editor and deputy editor of the programme at the centre of the scandal being replaced.

The report exposed the "chaos and confusion" at the BBC although it dismissed claims that its flagship current affairs programme Newsnight dropped an investigation into Savile so as not to jeopardise Christmas tribute shows to him.

The BBC commissioned the inquiry by former Sky News executive Nick Pollard in October during a major crisis at the corporation that cost then-director-general George Entwistle his job.

Savile, who died last year at the age of 84, was one of the BBC's top TV and radio presenters.

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autonomous bodies.

The dailies are Janakantha, Sangbad, Ittefaq, The Daily Sun and The Independent, and the officials entitled to newspapers at government's expense must pick from among the five, ministry sources said.

It could not be known on what basis the list was made, leaving out the top circulated newspapers.

Sources said the ministry issued an internal order in this regard on December 6 and circulated it throughout the country, asking all ministries, departments, semi-government organisations, autonomous bodies and directorates to follow it.

Manikganj, Rustam Ali Ahmed from Nilphamari, and Syed Eptar Hossain Pear from Sylhet were selected as directors of Bangladesh Development Bank.

AKM Rezaur Rahman and AKM Quamrul Islam, whose details were not available, got appointment at BASIC Bank.

Madan Mohan Dey and Md Ebayedur Rahman Pramanik, both professors of Rajshahi University, were appointed as directors of Rajshahi Krishi Unnayan Bank.

Mashur Rahman Humayun from Dhaka was appointed as director Bangladesh Krishi Bank.

33 dead in Sudan bus collision

AFP, Khartoum

Thirty-three people were killed and 24 injured when two inter-city buses collided in Sudan late Wednesday, in one of the country's worst road accidents in years, police said.

The crash between a full-sized passenger bus and a minibus occurred near the small community of El Kamlien, about halfway between Khartoum and Wad Medani.

"The minibus tried to overtake another vehicle and then collided with the bus," which was travelling in the opposite direction, a police statement said.

Formalin-free

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after Malibagh, Shantinagar, Mohakhali and Gulshan DCC-North markets in the capital.

The Federation of Bangladesh Chambers of Commerce and Industry (FBCCI) organised a programme at the market to make the declaration.

Commerce Minister GM Quader inaugurated the formalin-free market by handing over a formalin detector machine and a deep freeze to the market committee.

"Customers can now buy fish, vegetables and fruits from the market without any hesitation. In case of any doubt, buyers themselves can do a test at the market," Quader said while addressing the programme.

The apex trade body has trained two staff of the market to use the formalin detector, donated by Dhaka Bank Ltd. The deep freeze, donated by Walton, will be used to preserve fish that are to be sold.

"From now on, we will not allow selling of fish, vegetables and fruits without a formalin detection test," said Md Lutfor Rahman, president of Mohammadpur Town Hall City Corporation Kitchen Market Traders' Association.

The initiative comes at a time when the use of toxic chemicals in food is rampant and consumer concern about their adverse effects on health has peaked.

Some traders spray fish, fruits and vegetables with chemicals that are used for preservation in textile and leather industries and are poisonous to humans.

Speaking on the occasion, FBCCI President Kazi Akram Uddin Ahmed stressed the need for creating awareness to fight against food adulterators.

"There are 30 large kitchen markets in the capital now," said FBCCI Vice-President Md Helal Uddin. "We want to declare all of them formalin-free in a couple of months."

He said several private banks have agreed to pay for a total of 23 formalin detection kits for the kitchen markets in the capital.

Speaking on the occasion, State Minister for LGRD and Cooperatives Jahangir Kabir Nanak called for identifying food adulterators and punishing them.

The commerce minister said the government would soon launch special drives at the five kitchen markets to check the misuse of toxic chemicals.

Malibagh kitchen market was the first to be declared formalin- and carbide-free on September 19.

Doomsday today?

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He feels it is a momentous occasion and is looking forward to the start of the new era. He is not afraid. "Lots of people say it's the end of the world, but we don't believe that," he said.

People in his village will keep living much as they have, preferring hand-built, palm thatch huts to concrete buildings and baking tortillas on an open flame.

For those less optimistic, an "official" website in the United States has collected links to all the doom articles and videos Internet users can consume.

December 21 2012, com also offers tips on survival and advertisements for the needed gear -- from gas masks to first aid kits and hand-cranked radios. Comments are welcome on its Facebook page, which has over 14,000 likes, and website owner "John" from near Louisville, Kentucky, sends out tweets under the handle @December212012.

On the Facebook page, in between gloomy superstitious links, John confesses that he does not believe the world will end today but that a new era could dawn that may include some improvements for the world -- which might require a good bit of destruction as well.

On his Facebook page John asks posters not to take the date too seriously.

Gunmaker Ryan Croft in Asheville, North Carolina takes it very seriously. He is building a special assault rifle to deal with any signs of doom lurking around the corner. "I'm not planning for the world to go away."

He doesn't think the world will come to a complete end today, but it could mark the beginning of cataclysmic times introduced by a disaster. It may call for drastic measures, he says.

His new rifle, a hybrid of an AR-15 and an AK-47 is designed to handle it and be easy to use at the same time, the Gulf War veteran says. Trouble in the United States could ensue in the wake of an economic catastrophe, he thinks.

"I taught about economic collapse and how it actually looks on the ground," he said. "People want to act like it can't happen or doesn't happen, and it happens around the world. There are places on fire right now."

In true survivor manner, Croft also teaches his family how to subsist from alternative sources of nourishment, such as algae, roasted mice and live earthworms.

Though 12/21/12 marks a somewhat congruent date on the western calendar, the Mayan calendar enumerates the event in a different way.

The ancient people measured time in cycles called

"baktuns" of 394 years each, and the winter solstice due today marks the end of the 13th baktun. Some who study the calendar say the date for the end of the period is not today but actually Sunday.

The calendar is based on the position of the heavenly bodies - the sun, the moon and the stars - and was meant to tell the Mayan people about agricultural and economic trends, says archaeologist Alfredo Barrera.

"It will be another winter solstice," NASA says. "The claims behind the end of the world quickly unravel when pinned down to the 2012 timeline."

The hubbub about a calamity occurring comes from a Mayan wood carving, called monument 6, made in 700 AD, which predicts a major event at the end of this baktun, Barrera said. But half of the broken tablet is missing, so one may only speculate on what the complete message may be.

Whatever the message, it's not about the end of the world, Barrera said.

"We don't have a prophecy or inscription related to the finish of the world. It just mentioned a deity."

Barrera says the to-do about the end of the world has been whipped up by online speculation -- and he finds it a bit ignorant.

Jhantu set to win Rangpur polls

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Mostafa as of filing this report at 2:00am today.

Unofficial results in 170 centres showed Jhantu got 96,685 votes while Mostafa secured 79,510 votes.

Voting in the newly formed RCC ended peacefully in the afternoon with a high turnout, which Returning Officer Monirul Islam initially estimated at 80 percent. The number of total voters is 3,57,742.

Braving wintry weather, voters came to polling stations between 8:00am and 4:00pm to cast their ballots.

None of the candidates raised any allegation of irregularities in the election. Mayoral hopefuls local Awami League leader Jhantu and former Jatiya Party (JP) leader Mostafa expressed their satisfaction over the election.

Tight security was in place, with at least 4,500 members of law enforcement agencies carrying out their duties to maintain law and order.

Buoyed by the success in the RCC election, Chief Election Commissioner (CEC) Kazi Rakibuddin Ahmad in Dhaka said they would conduct model elections to the split Dhaka city corporations.

It has been possible with support from all, the CEC told newsmen at the Election Commission Secretariat.

Election Commissioner Abdul Mobarak said the RCC election was the major polls under the current EC constituted in February. "The high turnout of voters in the election would contribute to consolidating people's confidence in us," he added.

Visiting the polling centres at Senpara High School, Mulatoli Govt Primary School, Lions School and College, and Keramotia School and College in the city, the correspondents found that voters started gathering there about an hour ahead of the scheduled opening of voting.

The turnout of female voters was overwhelming.

"We are so happy to have a city corporation. I came here early in the morning to cast my vote earlier and I will be free for the rest of the day," Anwara Begum, aged about 35, told The Daily Star.

Voters of ward-11 cast their votes using the newly introduced electronic voting machines (EVM). A total of 10 candidates contested for the councillor post in the ward.

On June 29, the government upgraded the erstwhile Rangpur Municipality to a city corporation. Twelve people contested for the mayoral post, while 327 vied for 33 councillor posts and 91 women for 11 reserved councillor seats.

12 US lawmakers urge

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"The Tazreen fire is yet another wake-up call that these kinds of concerns must be vigorously addressed," it said.

Signatories included Representative Joe Crowley, founder of a congressional caucus on Bangladesh, and Representative Sandy Levin, the ranking member of President Barack Obama's Democratic Party on the Ways and Means Committee.

A fire on the night of November 24 tore through the Tazreen Fashion -- which supplied clothes for retailers including Walmart -- killing mostly female workers after supervisors initially prevented them from leaving.

The lawmakers asked the US Trade Representative's office to accelerate its review of whether Bangladesh should remain part of the Generalised System of Preferences, through which the United States offers duty-free access for up to 5,000 products from developing countries that meet labour standards.

The office has been assessing Bangladesh's eligibility after complaints about its record from the AFL-CIO, the largest US labour union confederation, reports AFP.

However, the Generalised System of Preferences does not offer duty-free access for textiles, which account for up to 80 percent of Bangladesh's exports.

Meanwhile in Mount Pleasant, South Carolina, about 30 protesters chanting "From US to Bangladesh, no more Walmart factory deaths" halted traffic outside the Wando Terminal yesterday morning.

Police had to divert incoming trucks from Long Point Road and monitored the situation from across the street.

"You won't see it in the containers, but there is blood and smoke and fire on those clothes because of the way they were produced," said George Hopkins, spokesperson for the protesters.

"The cost of human lives is unacceptable. This is the high price of cheap clothes for Americans."

Allison Skipper of South Carolina Ports Authority said she expected operations to return to normal sooner than later despite the "peaceful demonstration by an activist group presumably about imported garments from a factory in Bangladesh where workers died in a fire."

The picketing group, including some longshoreman, told ABC News 4 reporter Stefanie Bainum that they were picketing over a Walmart Factory Fire in Bangladesh in which over a hundred people died.

According to fliers from the protesters, rallying behind the hashtag, #BlockTheBoat, they wanted to "establish a picket of resistance to the landing of

the cargo aboard the Carolina Maersk, a containership bringing clothing manufactured at the factory where 112 garment workers were burned to death in Bangladesh to Charleston."

"Walmart is the largest employer of Bangladesh garment workers," said Hopkins.

"They have a responsibility to see that the factories in which these workers make these clothes are safe and healthy. They have been repeatedly asked to participate in a comprehensive fire protection programme. They have refused. This is not the first fire in which workers have died in garment factories in Bangladesh and it probably won't be the last unless something changes which is why we're here today."

More protests are scheduled for today and tomorrow at the Wando Crossing Walmart in Mount Pleasant, the North Charleston Walmart on Rivers Ave, and the West Ashley Walmart on West Ashley Circle.

"We want Walmart to compensate the families of these victims," said Hopkins. "We want them to sign on to this comprehensive fire safety code. We want them to pay their employees living wages, allow them to unionise and we also want them to take responsibility for the health and safety conditions in their factories where their clothes are made."