

# 15 hours of horror

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when a local gang beat her up with cricket stumps and metal strings after undressing her. As if that was not enough, they forced her to the ground, placed a cricket stump on the baby bump and rolled it over as hard as they could.

"We could feel that the baby was being squeezed inside its mother's womb. It's a wonder that the baby was born alive after such torture," said Yasin's grandmother.

Extremely poor, the family could never arrange the money to take Yasin to a doctor to check what was wrong with him. But family members and locals are certain his life was cut short by the brutal torture on his mother.

It all happened for six tolas of gold that too was alleged to have been stolen by a member of the family. The gang forced nine members of the family in a room, including six women, undressed them all and assaulted them for about 15 hours since the morning of February 11. Two other male members of the family were beaten up outside the room.

The Daily Star is withholding the identities of the women considering

the social stigma associated with the incident.

The perpetrators claimed one of the family members, who happened to be an accomplice of the gang, stole some gold ornaments but did not share it with them.

Led by Mamun, Bablu, "Langra" Badal and Anwar, about 20 criminals demanded that the ornaments should be handed to them, despite the family's insistence that they knew nothing about it.

At one stage, the perpetrators forced the undressed men and women -- all close relatives -- to pose for photos and videos and threatened them to circulate those if their demand was not met.

With time, the torture intensified and it continued till 11:00pm when the victims, all of them bleeding, were rescued by a relative of Mamun and other neighbours.

By now they have all recovered from their physical injuries, but the 15 hours of horror has left the family stigmatised and shredded.

Yasin has died. Sara (not her real name), 23, has been abandoned by her husband two months after the

incident. Another victim, now in her middle age, has to swallow frequent insulting remarks from her husband after years of a happy marriage.

Then there are neighbours. They tell these women that they should commit suicide after what has happened to them.

Sara, abandoned by her husband, left the area and has become a domestic help somewhere in Gulshan.

Fifteen-year-old Toma (again, not her real name) is too young to live on her own. Once an efficient garment worker earning Tk 8,000 a month for the family, she has retired from the public eye.

Living with her parents in the slum, she cannot sleep without taking sleeping pills. And she has nightmares almost every night, said her mother, herself a victim.

In one nightmare, she stands by a stinking ditch, from where emerges a demon, its body covered with horrible sores, haunting her. Many other demons, carrying coffins, walk past her. She starts running for life, only to find in front of her the pitch-black water of the ditch.

## Hasina

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Hasina said she was lucky as this parliament would pass the amendment, a step towards making the constitution the way it was in 1972.

Senior lawmakers of the AL, however, recommended not consulting with the legal experts on the issue, saying that some of them would criticise the move.

Members of the ALPP came down heavily on constitution experts Dr Kamal Hossain and Barrister M Amir-Ul Islam at the meeting for opposing the amendment, according to meeting sources.

AL leaders Amir Hossain Amu, Tofail Ahmed, Suranjit Sengupta, former law minister Abdul Matin Khasru, and Law Minister Anisul Huq spoke among others at the meeting.

They told the meeting that if there were allegations against any SC judge about misbehaving or being incapacitated, there would be a judicial enquiry first and then the probe body would refer it to parliament for the final decision, according to meeting sources.

Hasina told her party MPs that now only three people make the decision for impeaching a judge and it was done secretly. She said after the passing of the bill it would be much harder to impeach a judge.

# 4 jurists urge consultation

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should a decision be taken on this matter," read a joint statement issued yesterday by Dr Kamal Hossain, M Amir-Ul Islam, Mahmudul Islam and Rakanuddin Mahmud.

Noting that "a constitutional amendment bill relating to impeachment of judges is reportedly being presented", the senior lawyers said, "It need hardly be emphasised that the sanctity of the Constitution, which derives from broad national consensus, should not be subject to an amendment which is rushed through, without national consultation and without affording an opportunity to all concerned to express their views."

"The Independence of the Judiciary is a basic pillar of the Constitution. Our highest court, the Appellate Division of the Supreme Court, has declared in its landmark judgment on the Eighth Amendment that the independence of the judiciary is part of the basic structure of the Constitution," said the statement.

There has been a demand over several years that an Act of Parliament should be passed spelling out the procedures and qualifications for the appointment of judges. This was regarded necessary to ensure that appointment of judges was free from extraneous influence, and was made on the basis of statutory guidelines, they observed.

"No action has been taken on this matter. Instead, suddenly a bill is being introduced to amend provisions with regard to removal of judges," read the statement.

Article 96 in the original 1972 Constitution relating to the judges' removal was materially affected by the Fourth Amendment in 1975, which deleted Clause (3) of Article 96, it said.

"Thereafter by the Fifteenth Amendment provision for removal of judges by the Supreme Judicial Council was introduced. The Fifth Amendment was held to be unconstitutional by the High Court Division, but its judgement and

that of the Appellate Division affirming it on 1 February 2010, held that the provision regarding the Supreme Judicial Council should be retained," it said.

Though more than two years have elapsed since that judgment, there has been no move to make any amendment. It is noteworthy that even though the Fifteenth Amendment was made on July 3, 2011, no provision was made in it relating to the Supreme Judicial Council, they noted.

"The question arises as to why an amendment is suddenly being proposed in 2014, without any discussion or debate, or evaluation of the US, British and Indian experience."

Referring to HM Seervai's The Position of the Judiciary under the Constitution of India, they pointed out, "The former Attorney-General of India, H.M. Seervai, a leading constitutional law expert, has raised questions as regards the efficacy of the impeachment process. Thus, he writes, 'Since it is left to the members of the legislative body to decide whether a judge should be removed, political, party, and provincial considerations may enter into the legislator's verdict', and further that: 'In England no judge has been removed since 1830 and the procedure for the removal of a judge poses no problems but the American experience in impeaching a judge has been unsatisfactory. The senate, which is a legislative body, has little time for a detailed investigation into the conduct of a judge; and where such investigation has been made, political and party considerations have come into play.'"

"It is important to take into account the effect of Article 70 of the Constitution on members of Parliament, which raises the question whether members of Parliament can be impartial when dealing with the question of removal of a judge. To expose the judges to the possibility of removal by a majority in Parliament, when the majority is subject to party control, jeopardizes the independence of the judiciary," said the jurists.

# 100pc literacy far away

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"The project is at the preparatory stage and will be operational from June next year. We hope that it will be a milestone in removing illiteracy," said Zahir Uddin Ahmed ndc, director general of BNFE that will implement the project.

Against this backdrop, the country observes International Literacy Day today through events on the theme, "Literacy and sustainable development".

Primary and Mass Education Minister Mostafizur Rahman at a press conference yesterday claimed that the literacy rate had risen to around 65 percent and that some 2.5 crore people were now illiterate in Bangladesh.

He, however, could not explain how he had come up with the estimation.

BNFE Director General Zahir, however, said the BBS estimate could

be used as the yardstick.

Now neither the primary and mass education ministry nor BNFE has any framework to ensure 100 percent literacy.

Since 1991, when democracy was restored in the country, successive governments have implemented a number of projects at an estimated cost of over Tk 2,000 crore in collaboration with development partners but failed to bring about significant results.

More than 40 percent people, aged 15 years and above, are still illiterate.

According to Education For All Progress Report Bangladesh-2012, at least seven projects had been taken up in the last two decades to reduce illiteracy.

In 1991, when the literacy rate was 35.3 percent, the then government took up a Tk 10.7 crore project titled "Integrated non-formal education project", with Tk 2.6 crore coming from the state exchequer. The literacy rate rose to 51

percent by 1997 until the project continued, as per the report.

As the project succeeded, the government formed the Directorate of Non-Formal Education in 1995. Four projects were implemented under DNFE before it was transformed into BNFE in 2005.

BNFE officials said all the projects had respective target groups and achieved their goals, and that many people received basic and skills-based education.

Yet the literacy rate did not go up to the desired level, experts said.

Weak designs of the projects and irregularities are the reasons behind the state of literacy in the country, BNFE sources said.

They also blamed a lack of long-term and sustainable planning in non-formal education and constraints of resources for adult literacy programmes for the government's failure in reaching its goal.

The government should set a realistic timeframe and make more focused efforts to achieve the target, experts say.

Whatever the government has achieved so far is because of the expansion of the primary education, said Rasheda K Choudhury, former caretaker government education adviser.

"The government's activities in education were solely project based, which implies that all activities under a project ended as its timeframe expired."

Programmes should be taken up considering socio-economic realities, as a programme for haor people in Sylhet will not be applicable to char people in Rangpur, said Rasheda Choudhury, who is executive director of Campaign for Popular Education.

The central government should frame guidelines, and finance and monitor the programmes whereas the local government bodies should be engaged in the implementation, she added.

## More farmers

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There was a mixed bag of reactions from the participating farmers. While some expressed complete satisfaction with the GM crop, some complained of poor yields as the plants died untimely.

The Bari DG acknowledged that distribution of saplings among the 20 farmers was delayed and there were problems of bacterial wilt too. He, however, noted that this time the distribution of the saplings will be done in time.

Dr Mondal alleged that some of the farmers could not take proper care of their GM crop fields because of constant threats from different anti-GM groups. Although some of the farmers echoed the DG in this connection, none of them agreed to identify any individual or group who had threatened them.

Mansur Ahmed Sarkar who hails from Gazipur is one of the 20 farmers who had untimely cultivated the GM crop.

"Some people used to visit my field and warned me not to feed the crop to my children. They also warned me against selling it in the market."

Haidul Islam, another grower of the crop, had a bitter experience as he did not get a good yield due to untimely wilting of the plants.

# Japan firms keen to invest more

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In reply to a question on Bangladesh's withdrawal of candidacy in non-permanent member in the UN Security Council, Kuni said Bangladesh's support for Japan was not in exchange for anything, not for any financial package or any give and take.

"It is because of the long term relations between Japan and Bangladesh. We will always consider Bangladesh as a trusted friend even if Bangladesh continued to run in the election," she said.

In a major policy decision, Bangladesh withdrew its candidature for a non-permanent seat on the UN Security Council for 2016-17 after Abe arrived in Dhaka Saturday afternoon on a 21-hour official tour.

On the Abe visit, she said, "The visit by the Japanese prime minister along with a big business delegation is very timely as the CEOs of top industries in Japan are now much eager to invest in Bangladesh as they find the country very promising."

She, however, said to maintain this upward trend, the Bangladesh government must improve the investment climate, services by Bangladesh's foreign investment regulatory authorities, stabilise supply of electricity and build infrastructure.

"Political stability is also a must ... now the situation is better and the government should ensure that there is no fear of political uncertainty," said Kuni, who is also the director general for Press and Public Diplomacy of Japan.

She said the Japanese leadership were of the view that "Bangladesh Prime Minister Sheikh Hasina in many ways is a wise woman ... Bangladesh has a good leader now. She knows how to develop relations by striking a balance."

On utilisation of Japanese Overseas Development Assistance (ODA), Kuni said Bangladesh has to be very

serious in regard to proper use of Japanese ODA. "Look at China and Vietnam and see how they developed. But Bangladesh did not although the per capita ODA given to Bangladesh is higher than Vietnam and China."

Kenko Sone, spokesperson for the Japanese prime minister's office and deputy secretary of the cabinet secretariat, said Abe's visit to Bangladesh mainly focused on boosting economic ties.

The two prime ministers welcomed economic cooperation to be pursued under the initiative of the Bay of Bengal Industrial Growth Belt (BIG-B), he said.

The three pillars of BIG-B are developing economic infrastructure, improving investment environment and fostering connectivity.

Both the prime ministers expected that BIG-B initiative with maximum use of Japan's advanced technologies such as high efficient coal-fired power generation, would contribute to mutual benefits.

"We like to strengthen relations based on comprehensive partnership," Kenko said, adding that it also incorporates maritime security issue and military forces cooperation in disaster management.

He said Bangladesh has many problems like lack of infrastructure and power, and Japan was ready to work with Bangladesh to overcome them.

**ABE LEAVES**

Japanese Prime Minister Shinzo Abe left Dhaka yesterday morning wrapping up his brief visit.

Foreign Minister Abul Hassan Mahmood Ali saw him off at Shahjalal International Airport around 10:30am.

Before leaving Dhaka for Sri Lankan capital Colombo, the Japanese prime minister visited the Faculty of Fine Arts at Dhaka University.

The preamble to the bill reads the SJC is against the spirit of Article 7 of the constitution that declares that all powers in the Republic belong to the people.

Three years ago, the situation was different. The AL-led government had opted for retaining the SJC system even after a SC verdict had declared illegal and void the constitutional amendment made by the martial law regime for introduction of the SJC in 1978.

Along with the introduction of the SJC, Gen Zia brought many other changes in the constitution through martial law orders. And in 1979, the constitution's fifth amendment, passed in parliament by the Zia regime, ratified and validated all constitutional changes, including the introduction of the judicial council.

The Supreme Court in 2010 declared the fifth amendment illegal but condoned the provision for the SJC until December 2012.

The AL-led government, however, introduced afresh the SJC in the constitution through the fifteenth amendment in 2011.

Meanwhile, the BNP once again blasted the government for its move.

"The government is giving the power back to a parliament which has no public representative. The impeachment of any judge will actually be a trial of a judge conducted by a specific party [the ruling Awami league]," said BNP acting secretary general Mirza Fakhrul Islam Alamgir at a discussion in the capital yesterday.



**পাওয়ার গ্রীড কোম্পানী অব বাংলাদেশ লিমিটেড**  
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**(An Enterprise of Bangladesh Power Development Board)**

Institution of Engineers Bangladesh (IEB) Bhaban (New), 3rd & 4th Floor, Ramna, Dhaka-1000  
 Web : [www.pgcb.org.bd](http://www.pgcb.org.bd)

IFB No.01/PGCB/Sec(SSD&QC)/2014/5305 Date: September 4, 2014

## INVITATION FOR BIDS

### Procurement of

**Plant Design, Supply and Installation of Package 1 and Package 2: 230kV and 132kV Substations in Chittagong on Turnkey Basis**

Loan Agreement No: BD-P70

Reference Identification No: PGCB/JICA/PDP70/P1+2

Deadline for submission of Bid: November 3, 2014

- The Government of the People's Republic of Bangladesh has received a loan from Japan International Cooperation Agency (JICA) towards the cost of Eighteen Billion Seven Hundred Thirty Six Million Japanese Yen (JPY 18,736,000,000). It is intended that part of the proceeds of this loan will be applied to eligible payments under the National Power Transmission Network Development Project.
- Bidding will be conducted through procedures in accordance with the applicable Guidelines for Procurement under Japanese ODA Loans, and is open to all Bidders from eligible source countries, as defined in the Loan Agreement.
- The Power Grid Company of Bangladesh Limited now invites sealed Bids from eligible Bidders for "Plant Design, Supply and Installation of Substations in Chittagong", comprising of Package 1: Construction of Sikalbaha 230/132kV GIS substation, and Package 2: Construction of Rampur 230/132kV GIS substation & Agrabad 132/33kV GIS substation, and extension of Hathazari 230/132kV substation & Khulshi 132/33kV substation. International Competitive Bidding will be conducted in accordance with JICA's Single Stage Two Envelope Bidding Procedure.
- Interested eligible Bidders may obtain further information from and inspect the Bidding Documents at the head office of the Power Grid Company of Bangladesh Limited (PGCB), Institution of Engineers Bangladesh (IEB) Bhaban (3<sup>rd</sup> floor), 8/A Ramna, Dhaka-1000; E-mail: [se-design@pgcb.org.bd](mailto:se-design@pgcb.org.bd) or Web: [www.pgcb.org.bd](http://www.pgcb.org.bd).
- Bidders may bid for either one Package or both two Packages, as further defined in the Bidding Documents. The bid evaluation will be conducted on Package wise and both package criteria (if any) basis.
- A complete set of the Bidding Documents may be purchased by interested Bidders on the submission of a written application to the address above and upon payment of a non-refundable fee of USD 250.00 (United States Dollar two hundred fifty only) or BD Tk. 20,000.00 (Taka twenty thousand only) in the form of Pay Order/ Demand Draft in favour of the Power Grid Company of Bangladesh Ltd.. The Bidding Document may be sent through a courier for an additional fee of BD Tk. 1,000.00 (local delivery) or US\$ 120.00 (International delivery) in the form of Pay Order/ Demand Draft in favour of Power Grid Company of Bangladesh Ltd..
- Bids must be delivered to the address above on or before 11.00AM (Bangladesh Standard Time) on November 3, 2014 and must be accompanied by a Bid Security of [(a) USD 560,000.00 (US Dollar five hundred sixty thousand) for Package-1 only; (b) USD 670,000.00 (US Dollar six hundred seventy thousand) for Package-2 only].
- Bids will be opened at 11.05 AM (Bangladesh Standard Time) at the head office of the Power Grid Company of Bangladesh Limited (PGCB), Institution of Engineers Bangladesh (IEB) Bhaban (3<sup>rd</sup> floor), Ramna, Dhaka-1000 in the presence of Bidders' representatives who choose to attend.

(Md. Ashraf Hossain)  
 Company Secretary

# Impeachment bill tabled

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chief justice-led Supreme Judicial Council (SJC) will cease to exist once the bill is passed.

Since the cabinet approved the proposal for the constitutional amendment on August 18, many jurists, civil society organisations and personalities and opposition parties have been urging the government to refrain from abolishing the SJC.

Expressing fear that the amendment would appear as a threat to the independence of the judiciary, they suggested bringing reforms in the existing SJC system to make it effective.

According to the current provision, the SJC comprising the chief justice and two senior judges of the Appellate Division investigates allegations of misconduct against any SC judge, and makes necessary recommendations to the president for the next course of action.

With the scrapping of the SJC, parliament will have the power to impeach those holding constitutional posts, such as chief election commissioner and election commissioners, public service commission chairman and members, comptroller and auditor general. They may be removed the same way as the SC judges.

The House will also have the authority to impeach some other statutory functionaries like chairman and commissioners of the Anti-Corruption Commission, chief and members of the National Human Rights Commission.

The power was given to parliament by the

1972 constitution. Getting it back, parliament will have the authority to impeach an SC judge on grounds of misconduct or incapacity through a resolution backed by at least a two-thirds majority. The president will then issue an order to this effect.

By enacting a law, parliament may regulate the impeachment procedure and investigation into the misconduct and incapacity of a judge, said the bill. The changes in the constitution, however, will not be effective until the law is made.

Contacted, Law Minister Anisul Huq, who piloted the bill, yesterday said his ministry has already started working to draft proposal for the law. "It will require massive research," he told The Daily Star.

Earlier, the minister said the law will be enacted in the next three months in line with the proposed changes in the constitution.

After a meeting in the capital yesterday noon, Anisul Huq told reporters independence of the judiciary will no way be undermined once the parliament's power to impeach judges is restored.

It will also be ensured that the impeachment power is not abused, he added.

His scripted statement attached to the copies of the bill claimed that after the amendment the basic structure of the constitution relating to the accountability of the SC judges to elected representatives will be upheld. The people's confidence in the independent judiciary will also be enhanced.