

Sher-e-Bangla's home lies neglected

M JAHIRUL ISLAM JEWEL, Jhalokathi

The one-storey dilapidated brick structure surrounded by trees at Satura village in Rajapur upazila of Jhalokathi is more than just a decade-old edifice.

It is the birthplace of Sher-e-Bangla Abul Kasem Fazlul Haque, the great Bangalee leader who fought for the civil rights of the people of East Bengal during the British and Pakistan era.

April 27 is the death anniversary of the leader and it is observed solemnly in Rajapur, where Sher-e-Bangla was born on October 26, 1873, at his maternal grandparent's house and spent a major part of his childhood.

Although the house was included as a protected site in March 2010, no steps have been taken to repair it and preserve the items used by Sher-e-Bangla.

Except for a wooden chair, all the things that the politician had used at his early age have been damaged over time.

The house belonged to Sher-e-Bangla's grandfather, a landlord in the area during the British colonial regime.

Today the red bricks lay exposed to the elements with plasters coming off.

Thousands of tourists visit the house every year but they express shock and disappointment at the poor condition of the house.

"I thought the house would be very nice and expected to find an institution at the great leader's birthplace. But I am really disappointed by its miserable condition," said Najneen Aktar, who

visited the place with her daughter.

"Sher-e-Bangla was the prime minister and a great leader of the country. He contributed a lot for the wellbeing of the people. The new generation must learn about him, and that's why his birthplace should be preserved," said ASM Emanul Hakim, professor of history and the principal of Government BM College in Barisal.

Syed Razzakul Haider Manu, president of a school management committee in the area, said a Tk 1 crore project was taken to renovate and develop the place during the last caretaker government rule. "But the project never saw the light of the day," he said.

"A museum will be built here for keeping the memory of Sher-e-Bangla alive," said ABM Sadikur Rahman, upazila nirbahi officer of Rajapur. He said he had sent all the papers regarding this to the authorities concerned.

"I joined here very recently, but I have been informed that a team from Khulna's archaeological department visited the house for its preservation as a heritage site," said Mizanul Haque Choudhury, the newly appointed deputy commissioner of Jhalokathi.

Since the condition of the house, especially the roof, is very bad, the directorate of archaeology would start repairs before June, a source said.

The house is currently being looked after by Monu Begum, a distant relative of Sher-e-Bangla's grandfather.



Tourists still come to see the home at Satura village of Rajapur upazila in Jhalokathi where Sher-e-Bangla A K Fazlul Haque was born 142 years ago. The single storey British Raj era building is in a decrepit state as no authority cares enough to look after it. The photo was taken recently.

PHOTO: M JAHIRUL ISLAM JEWEL

Olama League not affiliated with AL

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The group led by Shariatpuri organised the briefing to respond to some "misleading" statements by several AL leaders about his organisation.

Shariatpuri also said the Olama League was not an organisation "out of the pocket of any opportunist or hybrid leaders that it would become extinct, if they denied its existence."

He said the Awami League leaders, who were saying that the Olama League was an organisation of fraudsters, joined Olama League programmes frequently.

He then showed the reporters at the briefing some photographs where several top AL leaders are seen attending the programmes.

Addressing Mahbubul Alam Hanif, he said the AL leader "hurt the religious sentiment of several lakh Muslims by terming the Olama League an organisation of fraudsters."

For the last two years, the Olama League has been holding press conferences, human chains and rallies, claiming to be affiliated with the AL.

The Olama League faction led by

Shariatpuri also demanded revoking the minimum marriageable age for girls, making a law with a provision of death penalty for demeaning Islam, banning the CHT Commission, taking all Indian TV channels in Bangladesh off the air and cancelling the education policy and Vested Property Return (amendment) Act.

Leaders of both the Olama League factions say that they want to run the country in line with the Madina Charter, which is contrary to the AL party constitution.

According to the AL constitution, the party is committed to fighting communalism and ensuring religious freedom and human rights for all -- irrespective of religion, caste, gender, community and ethnic identity.

Recently, the Olama League came under fire after the faction led by Shariatpuri demanded a ban on Bangla New Year festival terming it haram (forbidden in Islam).

Later, several AL leaders claimed that their party did not have any affiliation with the organisation.

On April 10, Hanif told The Daily Star, "We don't own the organisation. The Awami League does not believe in religious bigotry."

Three days later, AL Publicity Affairs Secretary Hasan Mahmud said, "Some people introduce themselves as Olama League leaders. Actually, they are not any leader of Awami League and the organisation too is not AL-minded."

At the press conference on Monday, Shariatpuri claimed that Abdus Sobhan Golap, office secretary of the AL, in November last year said the Olama League was a "tested like-minded body of the AL".

Talking to this newspaper a few days ago, Golap, however, had said the Olama League was not a front body or a like-minded organisation of his party. "So the party does not own the demands of the organisation."

According to Shariatpuri, it is not necessary that any organisation has to follow the AL charter completely to be its affiliated body.

He also called Workers Party President and Civil Aviation Minister Rashed Khan Menon, and Jatiya

Samajtantrik Dal President and Information Minister Hasanul Haq Inu "conspirators" and "power greedy".

Shariatpuri also said like the Chhatra League and the Jubo League, the Olama League should also not be blamed for the wrongdoings of some of its members.

"We're committed to working to strengthen the hands of the prime minister and implement the electoral pledges of the government," he added.

According to Olama League leaders, the organisation was founded on May 12, 1969, with the name Bangladesh Olama Party following directives of Bangabandhu Sheikh Mujibur Rahman. At the time its president and general secretary were Abul Khayer and Obaidullah bin Sayeed Jalalabadi.

The party was dissolved after the assassination of Bangabandhu in 1975. In 1997, the organisation revived with Habibullah Kachpuri as president and Kazi Zahir as general secretary.

Appointment

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This law would also agree with the constitution that gave the parliament the power in 2014 to remove an SC judge on grounds of misconduct or incapacity.

On September 17, 2014, the House passed the 16th Constitutional Amendment that gave it the powers to remove SC judges. The amendment also wants the House to make a law that would specify how this would be done.

One thing is notable in the entire process. The cabinet on August 18, 2014 ignored the opinions of two former chief justices and some eminent jurists and approved the proposal to amend the constitution that gave the parliament the power to remove SC judges.

At the invitation of the parliamentary body for the 15th constitutional amendments on April 24, 2011, former chief justice Mustafa Kamal and justice Fazlul Karim, Attorney General Mahbubey Alam and ex-attorney general Mahmudul Islam strongly opposed, in front of the body, restoring the parliament's power to impeach judges.

They suggested keeping the then existing constitutional provision for the chief justice-led Supreme Judicial Council system, and said reforms could be made in the system, if needed.

This time, the government has sent to the chief justice a copy of the Supreme Court Judges (Investigation) Act-2016 recently. But it did not wait for the chief justice's opinion on it.

Moreover, the cabinet's approval to the draft law comes just 10 days before the High Court is set to deliver a verdict on May 5 on a writ petition that challenged the legality of giving the parliament the power to impeach an SC judge.

Once the law comes into effect, MPs can investigate allegation of misconduct or incapacity against an SC judge. If an allegation is found true, the House will hold a discussion and pass a resolution by two-thirds majority to remove the judge.

Empowering the parliament to remove SC judge has all along been a controversial issue. Those who are against the system have been saying that independence of judiciary will be at stake.

This law, however, will empower the parties representing the House more than the parliament due to Article 70 of the constitution.

The article 70 fetters the MPs in parliament. It imposes a tight rein on them. No MP can go against their party line or position on any issue in the House. They have no freedom to question the party's stance in parliament even if it is incorrect. They cannot vote against their party's decision.

Former chief justice ABM Khairul Haque, now the Law Commission chairman, has reflected on the stringent restrictions imposed by Article 70. When he was a High Court judge, justice Haque in the Anwar Hossain Manju versus Government of Bangladesh case verdict in 2006 observed that Article 70 made an MP "a prisoner of his party."

In defence of empowering the parliament to remove SC judges, the government has all along been citing the practices in US, UK, India, Canada and a few other countries.

But there is a fundamental difference between lawmakers in those countries and those in our country. In US, UK and Australia, the lawmakers are free to perform their functions in the parliament. No restriction like the one imposed by article 70 in our constitution exists in those countries. In India, there is some restriction on MPs, yet they do not

blindly obey the party's decision because there is democratic practice in the parties.

The other significant aspect in all those countries is their focus on the appointment process of judges, not their removal. But our government never speaks about the mechanism for the judicial appointments in those countries.

Due to the effective mechanism for judicial appointments, parliaments in those countries do not need to exercise their authority to remove judges.

For example, the UK parliament, the most powerful legislature in the world, is empowered by the Act of Settlement 1701 to remove judges of the High Court and above. But it has never removed any English judge in the past 300 years or so.

To maintain and strengthen judicial independence, the Judicial Appointment Commission was set up in 2006 with the responsibility for selecting candidates for judicial office in a transparent and accountable process. The 15 members of the commission are drawn from the judiciary, the legal profession, non-legally qualified judicial officers and the public. On receiving the proposal from the commission, the prime minister sends a recommendation to the Queen for the appointments.

The US president - the world's most powerful chief executive in the presidential form of government - cannot appoint the Supreme Court judges at his will. The presidential nominee's appointment to the Supreme Court must first be confirmed by the US Senate. The Senate has the power to reject or block the nomination. Moreover, the confirmation proceedings usually involve a lengthy review process in which the Senate Judiciary Committee is permitted to directly question the president's nominee.

The parliament of India has not impeached a single judge either of the Supreme Court or the High Court in over the last six and a half decades. One judge facing impeachment proceeding resigned before the parliament moved to dismiss him. The impeachment proceeding against that judge named Shri R Ramaswamy took place between 1991 and 1993. In the end, the inquiry committee found the judge guilty. In the Lok Sabha the Congress Party abstained from voting and so the motion could not be passed with the requisite majority.

The parliament in Canada has impeached only one higher court judge since 1867. Four other judges facing impeachment proceedings resigned to avoid dismissal. However, the government still continues to reform the judicial appointment system for avoiding controversy. About a decade ago, the appointment process was further modified to some extent to allow for greater parliamentary, provincial/territorial and public consultations. In 2004, Liberal Prime Minister Paul Martin announced that nominees to the Supreme Court would be reviewed by a special parliamentary committee. And the committee would report their findings to parliament. This led to the establishment of an ad hoc parliamentary committee.

Interestingly, all the successive governments in Bangladesh remained indifferent to the constitutional provision to enact a law prescribing other qualifications to become a judge of the highest legal body, let alone depend on a judicial commission to appoint judges. This present criteria give the government a lot of say in the appointment of judges and the successive governments' indifference to make the law shows that they are unwilling to lose their powers to appoint judges.

Condemnation pours in

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perpetrators to justice," US Secretary of State John Kerry said in a statement yesterday.

"The men and women of the US state department join me today in condemning the barbaric murder of Xulhaz Mannan, a locally-hired employee of our embassy in Dhaka, Bangladesh, and another of his activist friends [Mahbub Tonoy]."

"Xulhaz, who worked for the United States Agency for International Development, was a trusted colleague, a beloved friend, and an advocate for human rights and dignity in Bangladesh."

"In many ways, he embodied the spirit of the people of Bangladesh and the pride with which they guard their traditions of tolerance, peace, and diversity."

Robert D Watkins, UN resident coordinator in Bangladesh, in a statement on the recent killings, said, "Impunity will only contribute to a climate of intolerance and lead to further incidents of this kind."

He said intolerance-related violence was "increasing" in Bangladesh and was targeting a growing range of people whose views may not conform with those of the majority.

"This was also manifested just two days ago by the horrific killing of Prof Rezaul Karim Siddiquee from the University of Rajshahi."

Watkins said the UN in Bangladesh was once again shocked by another series of brutal murders of people expressing alternative views.

In separate statements, UK Minister of State at the Foreign and Commonwealth Office Hugo Swire, German Ambassador to Bangladesh Thomas Prinz and Chargé d'affaires of Danish Embassy Jakob Haugaard said the violent and brutal acts they witnessed over the last few days needed to be condemned by all.

"Deeply saddened by the senseless murders of Prof Karim [Rezaul Karim], Tonoy and Xulhaz Mannan in Bangladesh. The killers must be brought to justice," Hugo Swire tweeted yesterday.

Bangladesh Thomas Prinz called upon the Bangladesh government to take all necessary steps to ensure a swift and thorough investigation into the murders of Xulhaz and Tonoy.

Strongly condemning the assaults on the two, he said, "This is not only an attack on two brave individuals, but also an attack on the freedom of expression in this country."

The ambassador said they had seen far too many incidents like this in the past months and "now is the time for the whole society to stand up and defend the fundamental right to freedom of expression."

Chargé d'affaires of Danish Embassy Jakob Haugaard said they were deeply concerned about the recent murders and increase in violent attacks on individuals and minority groups in Bangladesh.

Norwegian Foreign Minister Børge Brende said all the victims represented religious minorities or non-religious and secular trends in Bangladesh, and the killings were motivated by religious extremism.

In a Facebook post, he said, "Bangladesh has long and proud traditions as an open and versatile society but these killings threaten the freedom of expression."

During last year, at least 10 people in Bangladesh had been killed because of their opinions, sexual orientation or religion, he said.

On April 23, Rezaul Karim Siddiquee, an English professor of Rajshahi University who had been accused of a being non-believer, was killed in the middle of the street, Brende added.

US Assistant Secretary of State for South and Central Asian Affairs Nisha Biswal tweeted: "We are heart-broken and outraged by the brutal and barbaric murder of our colleague Xulhaz Mannan, a beloved member of the US embassy family."

The US National Security Council Spokesperson, Ned Price, in a separate statement also deplored the murder of Xulhaz.

USAID Administrator Gayle Smith in another statement expressed deepest condolences to the family, friends,

and colleagues of Xulhaz.

HRW STATEMENT
The Human Rights Watch yesterday said the Bangladeshi authorities should immediately investigate the killings of "two lesbian, gay, bisexual, and transgender (LGBT) human rights activists".

In a statement, it said the killings follow a spate of recent targeted attacks on writers, educators, bloggers, and editors who promote liberal and secular ideas that radical groups believe are against Islam.

"The slaughter of two men advocating the basic rights of Bangladesh's beleaguered LGBT community should prompt a thorough investigation, aimed at prosecuting those responsible," said Meenakshi Ganguly, South Asia director at the HRW.

"The government needs to protect activists and to call a halt to the impunity that links this chain of vicious murders."

"The massacre of two gay men in a private home demonstrates the need for the government to combat extremists preying on minorities," Ganguly said. "Dismissing sexual orientation as a non-issue effectively sanctions abuse of an already-marginalised community."

MORE CONDEMNATION
Different Bangladeshi rights and political organisations yesterday also expressed concerns and condemned the killings of Prof Rezaul, Xulhaz and Tonoy.

"We are astounded to see that the people from the government concerned are terming the killings as stray incidents and claiming everything was under control," said an Ain O Salish Kendra press release.

Bangladesh Mahila Parishad said common people, including women and children, were now feeling insecure.

It also demanded more responsible government role in tackling the issue.

President of Gano Forum Kamal Hossain said a proper trial of the previous killings could have prevented the newer ones.

It's not for

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"While preparing the draft of the law, we kept in mind the issue so that the judges are not harassed unnecessarily."

The former CJ observed that a policy should be framed to appoint SC judges. "We will help the authorities make the policy, if they wanted," he added.

The cabinet on Monday approved in principle the draft of the law.

The Jatiya Sangsad on September 17, 2014, unanimously passed the 16th constitutional amendment bill through which it got back the powers to remove SC judges for misconduct or incapacity.

Under the proposed law, any aggrieved citizen would be able to file complaints with the Speaker about misconduct or incapacity of an SC judge. The Speaker would then form a 10-member parliamentary committee to probe the allegations.

Justice Khairul said the investigation would be conducted with secrecy. If the parliament decides against punishing a judge even after he was found guilty, it would be able to do so, he added.

Asked how it would be possible, he said if two-thirds of the MPs do not vote for the judge's impeachment, the judge would not be impeached. In that case, the complainant could seek justice under the existing law.

On having confidence in lawmakers at a time when the SC only recently punished two of them, Khairul said the decision would come from the majorities, not from the two.

The law commission has confidence in the MPs, he noted.

About the high-powered committee to probe the allegations of misconducts against the judges, he said a former chief justice, the attorney general and an eminent personality would be part of the body.

The ex-CJ would be there to give it a neutral shape, while the attorney general would have knowledge about the judge and the eminent person would represent the people, he told newsmen.

Prof M Shah Alam, member of the law commission, was present.