



Nisha Desai Biswal, assistant secretary of state for South and Central Asian affairs of the US, calls on Prime Minister Sheikh Hasina at the latter's office in Dhaka yesterday. PHOTO: PID

US ready to help fight terrorism

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She was talking to newsmen after meeting Home Minister Asaduzzaman Khan at his secretariat office.
Expressing concern over the recent killings in Bangladesh, Biswal said the USA and Bangladesh could share information on combating terrorism and violent extremism.
About terrorism, she said Bangladesh Prime Minister Sheikh Hasina has made personal sacrifice. "She [prime minister] herself is a victim of terrorism as most of her family members were killed in the August 15 carnage in 1975."
Biswal expressed satisfaction over stepping up security measures by the Bangladesh government for the safety of the US embassy staff.
Reiterating her government's "zero tolerance policy" against terrorism, Hasina said the government has always been vocal against terrorism and militancy.
About the recent killings of former USAID staff Xulhaz Mannan, imams of mosques, priests of temples and churches, the PM said they were "soft targets". "These heinous killings were cold-blooded murders," she added.
About the "conspiracy hatched in the USA against Sajeeb Wazed Joy", the PM thanked the US government

for bringing the accused to justice.
State Minister for Foreign Affairs Shahriar Alam, PMO Secretary Suraiya Begum and US Ambassador to Bangladesh Marcia Bernicat were present.
'NO IS IN BANGLADESH'
Home Minister Asaduzzaman Khan said the government dislikes demeaning of religion by bloggers and the killings carried out targeting them.
"Bloggers should refrain from hurting religious sentiment," he told reporters after the meeting with Biswal.
The murder of LGBT magazine editor Xulhaz Mannan, press freedom in Bangladesh, terrorism and US-Bangladesh partnership came up for discussion in the meeting, he added.
"We told her [Biswal] that there's no IS in Bangladesh. Some home-grown criminals were behind the recent terrorist attacks. They committed crimes to create panic among people and destabilise the country."
The minister, however, claimed that the activities of home-grown criminals and militants were under control now.
The US assistant secretary of state said they were very "saddened and outraged" at the killing of Xulhaz Mannan, and to bring those perpe-

trators to justice and we are willing to support those efforts. However, we can and will look to see the conclusion of those efforts and those investigations," she told newsmen.
Xulhaz and his friend Mahbub Rabbi Tonoy were hacked to death in the capital's Kalabagan on April 25.
Diplomatic sources said the US official conveyed the message to the Bangladesh leadership that the USA was very much eager to work with Bangladesh to counter violent extremism before it takes root here.
Biswal during her meetings with top government leaders said they saw a series of terrorist attacks in Bangladesh over the last few months in which the ISIL took credit for. The incidents caused concern to the US about the potential for the ISIL taking root in Bangladesh, the sources told The Daily Star.
The US considers Bangladesh as an important country as it is a Muslim majority country with a moderate orientation. And that's why the US wants to boost cooperation with Bangladesh in dealing with violent extremism, according to the sources.
Biswal called upon the government to work seriously to find out whether the series attacks and brutal murders were carried out by local extremist groups or criminals affiliated with the ISIL.

SC won't rehear

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Attorney General Mahbubey Alam told reporters at his office that there was no possibility of changing the judgments and orders even if a few of the cases were reheard.
The full texts will be released within the time in order to alleviate the sufferings of the litigants, he said.
The chief justice's decision to not allow judges to write judgments and orders after retirement will help expedite the delivery of judgments and ensure justice to litigants earlier, the attorney general said, adding that the move was not intended to undermine anybody.

The apex court decided to rehear the cases last month, about three months after the chief justice said writing judgments or orders after retirement was unconstitutional.
On the occasion of the first anniversary of his taking office on January 19, he said some judges made unusual delays in writing verdicts while others continued to stretch the time into retirement, "which goes against the law and the constitution."
Former chief justice Muzammel retired on January 16 last year and Justice Manik on October 1.
The 168 cases include an appeal

linked with the Warrant of Precedence of the republic, SC sources said.
On January 11 last year, the SC disposed of the appeal, "with expunction, modification, observation and findings", against a 2010 High Court order that declared illegal and void the existing Warrant of Precedence formulated in 1986 and revised in 2008.
An Appellate Division bench headed by the then chief justice Md Muzammel Hossain passed the short verdict, now available on the SC website.
The Warrant of Precedence is used for all government purposes including ceremonial occasions.

Lawmakers hit out at judiciary

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The law minister said the government would appeal to the Supreme Court against the verdict on Sunday or Monday, saying he hoped the Appellate Division would scrap the HC judgment.
Opposition Jatiya Party MPs staged a protest when law minister was delivering his speech. They demanded that the government take a strong position against the HC verdict.
They also demanded that Speaker Shirin Sharmin Chaudhury issue a ruling on this matter asserting the sovereignty of the House and dignity of lawmakers.
JP MPs led by Leader of the Opposition Raushan Ershad staged a brief walkout in protest at a bill seeking to increase the salary and remuneration of Supreme Court judges.
The JP, which also shares cabinet posts, demanded that the law minister halt the bill until the issue of the HC verdict was settled. They returned to the House six minutes later and the bill was eventually placed.
Pandemonium broke out in the House as JP MPs shouted even as the law minister spoke. Prime Minister Sheikh Hasina was not present in the House at the time.
The law minister had to stop his speech twice amid the ruckus but later

completed his statement after the Speaker intervened to calm the JP lawmakers.
"It is quite normal that the MPs will register their protests at the verdict. But I am telling you that this is not the final decision. We will appeal against the verdict," he said.
Anisul insisted that the 16th amendment was not illegal as the HC declared in its verdict. "Therefore it [the verdict] is not maintainable."
He claimed the government brought the amendment to give freedom and respect to the judiciary and the judges.
Tofail said the HC should not have given the verdict against the 16th amendment and hoped the government would get justice in the Appellate Division.
Hitting out at Dr Kamal Hossain, Tofail said the jurist, one of the writers of the country's original constitution, spoke against the 16th amendment during the hearing in the HC.
"The provision of impeachment of Supreme Court judges for incapacity or misconduct was there in the original constitution of 1972. But he [Kamal Hossain] has opposed the same provision mentioned in the 16th amendment," Tofail said, adding that this was nothing but self-contradiction.
The original constitution Tofail

referred to also had provisions for making a law for the appointment of the SC judges. But no government has made a law in this regard.
Pointing to a section of judges, Tofail said, "They could become judges because we are in power."
State Minister and JP MP Chunnu sought to know if the House would run independently or as per the Supreme Court's instructions.
He also sought the Speaker's ruling in this regard.
AL MP Sheikh Fazlul Karim Selim claimed there was a conspiracy behind the HC verdict.
He called on the government to investigate if the judges concerned joined hands with any evil forces to destroy the country's democracy and to make parliament nonfunctional.
He also urged the judges "not to do excesses" and hoped that the judges would "correct themselves".
"Don't do excesses and don't undermine the sovereignty of parliament," Selim said. "A judge must face trial like any other person if he commits any mistake. Are they above the law?"
JP MPs Fakhru Imam, Kazi Feroz Rashid and Ziauddin Ahmed Bablu and Jatiya Samajtantrik Dal MP Mayeen Uddin Khan Badal also took part in the discussion.

No place for terrorism on Bangladesh soil

PM tells Jatiya Sangsad

STAFF CORRESPONDENT
Prime Minister Sheikh Hasina yesterday said nobody would be allowed to play with the country's fate in the name of militancy.
"Many will try to play with the fate of the country in the name of militancy. But I won't allow this to happen as long as I am alive," she said in her closing speech of the 10th session of the current parliament.
There will be no place for terrorism and militancy on Bangladesh's soil and nobody will be allowed to use its territory for terrorism, she added.
The PM called upon people, particularly the imams of mosques, teachers, and parents to remain alert so that no one could get involved in terrorism in the name of Islam.
Islam is the religion of peace and there is no room in the religion for carrying out terrorist activities, said Hasina, also president of Awami League.
Allah has not given anyone the

authority to kill another using the name of religion. It is Allah who in the Quran clearly said if any Muslim kills another, he will go to hell, the premier stated.
She urged the house owners in the cities and towns to be careful about renting out their houses to tenants so that no one could carry out any suspicious or subversive activities from there.
'ACCEPT CHALLENGE'
Referring to BNP chief Khaleda Zia's recent remark that the PM's ICT Adviser Sajeeb Wazed Joy has \$300 million in US banks, Hasina said the BNP leader tried to mislead the nation by giving "false information" about her son.
"I hope that she [Khaleda] will accept the challenge of Joy," the PM said.
She alleged that the BNP was plotting to kill her son after failing to kill her by carrying out grenade and bomb attacks.
"This is their [BNP's] character as

killing is their profession. What wrong have we done that we would be killed?"
The PM said she gave her son good education at different universities in the world and did not make him used to a luxurious lifestyle. "Joy has been working for the people's welfare without taking anything."
About the conviction of a BNP leader in a case for "plotting to harm Joy in the USA", Hasina said the information was revealed by the US that they would abduct Joy and even kill him.
It was also disclosed that BNP leaders Shaifik Rehman and Mahmudur Rahman were involved in the plot and the information was given by the US, she said.
The PM alleged that the BNP chief's two sons had "siphoned off huge amount of money abroad which was proved in Singapore and US courts". They had "looted" so much money that they bribed FBI officials to get information about Joy.
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HC scraps 16th amendment

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House while placing a bill that proposed a hike in salary and allowances of SC judges.
He said the government would challenge the HC verdict at the Appellate Division of the Supreme Court next week.
Initially, MPs in both the treasury and the opposition benches opposed the bill when the law minister sought the permission to place it. They later allowed him to place it.
The main opposition, Jatiya Party, staged a walkout protesting the bill. They, however, returned to parliament after a few minutes.
Several ministers and MPs said the HC verdict undermined and humiliated parliament.
In its short verdict, the HC said, "The Commonwealth Latimer House Principles, 2003 about removal mechanism of judges, according to us, are best exemplified by the chief justice-led Supreme Judicial Council as incorporated in Article 96 by the fifth amendment to the constitution."
The HC order came more than a week after the cabinet approved a draft law specifying the procedures for the House to exercise the power to remove SC judges.
The cancellation of the 16th amendment has raised a question whether it would automatically reinstate the SJC in the constitution.
Manzill Murshid, counsel for the nine lawyers who filed the writ petition in November 2014 challenging the 16th amendment, claimed the SJC has been reinstated following yesterday's verdict.
Jurist Shahdeen Malik, however, opposed his view.
"The Supreme Judicial Council will not be restored automatically in the constitution. An amendment to the constitution is needed for that," he told The Daily Star.
In his view, there would be "a vacuum" until the re-introduction of a system for removal of SC judges.
The original constitution of 1972 had empowered parliament to remove SC judges.
But the fourth amendment brought to the constitution in January 1975 bestowed the authority on the president by abolishing the parliament's power.
During the first martial law regime, the then military ruler Gen Ziaur Rahman introduced the SJC in 1978 by amending the constitution through a martial law proclamation.
In 2010, the SC scrapped the fifth constitutional amendment that validated all activities of the first martial law regime. It, however, condoned the introduction of the SJC.
The then Awami League-led government retained the SJC and included the same provisions in the constitution through the 15th amendment in 2011.
But the AL changed its mind after returning to power through the one-sided January 5 parliamentary polls in 2014.
It moved to amend the constitution again and the House passed the 16th amendment to the constitution in September 2014.

- 16 AMENDMENTS TO CONSTITUTION**
- 1st amendment in 1973 empowered the JS to enact law to hold trial of war criminals**
 - 2nd amendment in 1973 empowered the govt to declare state of emergency**
 - 3rd amendment in 1974 empowered the govt to implement the July 1974 treaty between Bangladesh and India on border demarcation and exchange of enclaves.**
 - 4th amendment in 1975 introduced one-party rule and presidential form of govt**
 - 5th amendment in 1979 validated the first martial law imposed after Bangabandhu's assassination in 1975 [scrapped by the SC]**
 - 6th amendment in 1981 qualified the then vice president Justice Sattar to contest the presidential election**
 - 7th amendment in 1986 validated the second martial law imposed in 1982 after ouster of elected president Sattar [scrapped by the SC]**
 - 8th amendment in 1988 set up permanent benches of the High Court in six places outside the capital and made Islam the state religion [partly scrapped by SC]**
 - 9th amendment in 1989 limited the tenure of the offices of president and vice president**
 - 10th amendment in 1990 increased tenure of seats reserved for women in JS**
 - 11th amendment in 1991 validated the then CJ Shahabuddin Ahmad's taking charge of interim government after fall of autocratic Ershad [scrapped by the JS]**
 - 12th amendment in 1991 restored parliamentary form of govt**
 - 13th amendment in 1996 introduced polls-time caretaker govt [scrapped by the SC]**
 - 14th amendment in 2004 increased retirement age of SC judges**
 - 15th amendment in 2011 scrapped election-time CG system**
 - 16th amendment in 2014 empowered JS to remove SC judges [scrapped by the HC]**

parliament. It has imposed a tight rein on them. Members of parliament cannot go against their party line or position on any issue in the parliament.
"They have no freedom to question their party's stance in the parliament, even if it is incorrect. They cannot vote against their party's decision."
They are, indeed, hostages in the hands of their party high command, said the two judges.
"It is easily comprehensible that in 63% Commonwealth jurisdictions, judges are removed from office for their misconduct/misbehaviour or incapacity without the intervention of the legislature."
"In examining the constitutionality of the sixteenth amendment, we cannot shut our eyes to the peculiar political culture prevalent in this country. It is common knowledge that there is no consensus about pressing national issues between the major political parties of the country."
"As a matter of fact, the major political parties are poles apart in this regard. Secondly, our society is sharply polarised. Thirdly, there may not be two-thirds majority of the party-in-power at all times."
Taking these factors into consideration, "we are of the opinion that the parliamentary removal mechanism may fizzle out in many instances. So, the allegedly corrupt or incapacitated judges of the Supreme Court will continue to be in office to the great detriment of public interest. We cannot lose sight of this aspect in any view of the matter".
They said a billion-dollar question has arisen: whether the 16th amendment has infringed upon the independence of the judiciary in public perception?
"The answer is obviously in the affirmative. In public perception, independence of the judiciary has been curbed by the sixteenth amendment."
"In any event, we must attach great importance to public perception when it comes to the independence of the judiciary. If according to public perception, the judiciary is not independent, then it cannot be sustained at all."
"The sixteenth amendment is a colourable legislation and is violative of the principle of separation of powers among three organs of the state, namely, the executive, the legislature and the judiciary and the independence of the judiciary as guaranteed by articles 94(4) and 147(2), two basic structures of the constitution and the same is also hit by article 7B of the constitution," the two judges ruled.

Govt decides

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sold last month for Tk 27.45 crore to three Bogra businessmen: president of Bogra's chamber of commerce Masudur Rahman Milon, its vice-president Shafiqul Islam Juwel and former vice-president Abdul Gafur.
The land was sold by Syed Hammad Ali and Syed Hamde Ali, sons of the late Mohammad Ali who became Pakistan's third prime minister in 1953.
It was not the first time that the palace land has been sold. A few years after the inauguration of a museum and an amusement park on the palace ground in 1998, 63 decimals of land were sold to a real estate company, while shopping centres were constructed on its northern portion.
Following the sale of the palace, different cultural organisations started demonstrating for its preservation and submitted a memorandum to the cultural affairs ministry through the Bogra DC office in this regard.

Sazu told The Daily Star.
During the hearing on the writ petition, the government defended the amendment.
In defence, Attorney General Mahbubey Alam and Additional Attorney General Murad Reza cited the practices in the UK, the US, India, Canada, Australia and few other countries where parliaments retain the power, the HC mentioned in its short order.
"But there is a fundamental difference between the lawmakers in those countries and those in our country. In the USA, the UK, Canada and Australia, the lawmakers are free to perform their functions in the parliament. No restriction like the one imposed by article 70 of our constitution exists in those countries," said the HC.
In India, however, there are some restrictions on the lawmakers; yet they don't blindly obey the party's decisions because of prevalence of democratic practice in the parties, it said.
"Keeping Article 70 of Bangladesh constitution as it is, the members of parliament must toe the party line in case of removal of any judge of the Supreme Court. Consequently, the Judge will be left at the mercy of the party high command," said Justice Moyeenul and Justice Reza-Ul.
"As regards Article 70 of the constitution of Bangladesh, we must say that this article has fettered the members of