

16TH AMENDMENT

# Govt to wait on full verdict

BNP sees it as people's victory

STAFF CORRESPONDENT

Prime Minister Sheikh Hasina yesterday said the Supreme Court's verdict on the 16th constitutional amendment proved that the country's judiciary is independent.

Talking to her cabinet colleagues at the cabinet meeting at the secretariat, she asked them not to express resentment over the SC verdict, said meeting sources.

Emerging from the meeting, Law Minister Anisul Huq said the government would decide about its next course of action on the verdict after receiving the full text of the judgment.

"I don't understand how the court upheld the constitutional amendment incorporated by a military regime although the original constitution of 1972 empowered parliament to remove Supreme Court judges," he told reporters.

The minister said constitutions of most of the democratic and devel-

oped nations have provisions like that of Article 96 of the 1972 constitution to remove judges.

Meanwhile, the ruling Awami League said it would come up with a reaction after going through the full text of the SC judgment.

"We will make a statement after going through the full text of the verdict," AL General Secretary Obaidul Quader told journalists at the Central Shaheed Minar after paying respect to musicologist and litterateur late Prof Karunamoy Goswami.

The BNP described the apex court's verdict as "people's victory".

"The Supreme Court declared the 16th amendment illegal. We think the court's decision is a victory of the people," BNP Senior Joint Secretary General Ruhul Kabir Rizvi said at a press conference at the party's Nayapaltan headquarters.

"The government's plot to take the judiciary in its grip has failed through the apex court's verdict," he added.

## US WARSHIP NEAR DISPUTED ISLAND

# China calls it act of 'provocation'

AFP, Beijing

The US and Chinese presidents spoke yesterday in a scheduled call hours after relations came under renewed pressure as an American warship sailed near a disputed island in the South China Sea.

Presidents Donald Trump and Xi Jinping discussed efforts to denuclearise North Korea and improve US-Chinese trade relations, though the ship's passage was not mentioned in a White House readout of the conversation.

Relations between the two nations had been warmer since Trump and Xi met in April, but Washington has taken a series of actions that have infuriated Beijing in recent days.

The latest move to anger China came on Sunday, when the USS Stethem destroyer sailed less than 12 nautical miles from tiny Triton Island in the Paracel Islands archipelago, which is claimed by China as well as Taiwan and Vietnam, a US official told AFP.

The distance is commonly accepted as constituting the territorial waters of a landmass. Such operations are meant to demonstrate freedom of navigation in disputed waters.

The move prompted China to deploy military vessels and fighter jets, foreign ministry spokesman Lu Kang said in a statement late Sunday, calling the US operation a "serious political

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and military provocation".

The spokesman called on Washington to "immediately stop" operations that violate Chinese sovereignty and threaten the country's security.

It was the second operation of its kind carried out by the United States since Trump took office.

Last week, China lashed out at Washington after Trump authorised a \$1.3 billion arms sale to Taiwan, which China considers a rebel province, and the US Treasury Department imposed sanctions on a Chinese bank accused of laundering North Korean cash.

Washington also vexed Beijing by voicing concern about freedom in semi-autonomous Hong Kong and placing China on a list of the world's worst human trafficking offenders.

**A SHARP COOLING**

Hours after the naval operation, Trump held separate phone calls with Xi and Japanese Prime Minister Shinzo Abe focused on the regional tensions over North Korea's nuclear programme.

In his call with Xi, "President Trump raised the growing threat posed by North Korea's nuclear and ballistic missile programmes," the White House said.

"Both leaders reaffirmed their commitment to a denuclearised Korean Peninsula," it said.

## Aztec skull tower

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Historians relate how the severed heads of captured warriors adorned tzompantli, or skull racks, found in a number of Mesoamerican cultures before the Spanish conquest.

But the archaeological dig in the bowels of old Mexico City that began in 2015 suggests that picture was not complete.

"We were expecting just men, obviously young men, as warriors would be, and the thing about the women and children is that you'd think they wouldn't be going to war," said Rodrigo Bolanos, a biological anthropologist investigating the find.

"Something is happening that we have no record of, and this is really new, a first in the Huey Tzompantli," he added.

Raul Barrera, one of the archaeologists working at the site alongside the huge Metropolitan Cathedral built over the Templo Mayor, said the skulls would have been set in the tower after they had stood on public display on the tzompantli.

Roughly six meters in diameter, the tower stood on the corner of the chapel of Huitzilopochtli, Aztec god of the sun, war and human sacrifice. Its base has yet to be unearthed.

There was no doubt that the tower was one of the skull edifices mentioned by Andres de Tapia, a Spanish soldier who accompanied Cortes in the 1521 conquest of Mexico, Barrera said.

In his account of the campaign, de Tapia said he counted tens of thousands of skulls at what became known as the Huey Tzompantli. Barrera said 676 skulls had so far been found, and that the number would rise as excavations went on.

## Dhamrai Ulto Rath Jatra

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between the local lawmaker and the Dhamrai municipality mayor.

The fair is a 21-day event of the biggest Rath Jatra festival in the country.

Like Dhamrai, statues of Lord Jagannath were pulled on huge chariots as part of Ulto Rath Jatra festivity in Narayanganj, Manikganj and many other areas of the country.

Tight security measures were put in place for Dhamrai Ulto Rath Jatra celebration, a 400-year-old tradition, and a fair that is integral to this Hindu festivity in this part of the country.

Some of the fair stalls were opened again yesterday. Organisers are hoping to restart the fair in full swing again from today.

About 30 CCTV cameras were installed and 20 police check posts set up on the fair premises.

Law enforcers, a team of Rapid Action Battalion bomb disposal unit and a dog squad monitored security in and around the fair premises, said Shah Mizan Shafur Rahman, superintendent of Dhaka district police.

Nanda Gopal Sen, joint secretary of Shree Shree Jashomadhab Mandir Committee, organiser of the festival, said though they had decided to abstain from Rath festival following shutting of the fair, they later organised the Ulto Rath Jatra upon assurances from police and the local administration.



Hundreds of people join Ulto Rath Jatra in Dhamrai amid tight security yesterday. PHOTO: AKLAKUR RAHMAN AKASH

## Power not with JS

FROM PAGE 1

empowered parliament to remove SC judges. But the fourth amendment to the constitution in 1975 scrapped parliament's power and empowered the president to remove SC judges.

Gen Zia curtailed the president's power and introduced the Supreme Judicial Council in 1978. It was ratified and validated by the fifth amendment to the constitution in 1979.

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

In 2005, the HC declared the fifth

During the hearing on the petition, the attorney general in defence cited the practices in the UK, the US, India, Canada, Australia and a few other countries where parliaments retain the power.

"But there is a fundamental difference between the lawmakers in those countries and those in our country. In the US, the UK, Canada and Australia, the lawmakers are free to perform their functions in parliament. No restriction like that imposed by Article 70 of our constitution exists in those countries," the HC said in response to the AG's argument.

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," read the HC verdict delivered by Justice Moyenul Islam Chowdhury and Justice Quazi Reza-Ul Hoque.

"As regards to Article 70 of the constitution of Bangladesh, we must say that this article has fettered the members of 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 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.

During the hearing on the appeal against the HC verdict, Chief Justice Sinha on May 23 said the government doesn't have faith even in its own lawmakers as Article 70 is still in the constitution.

"You don't trust your own party lawmakers. Members of parliament cannot work independently because of Article 70 of the constitution. Why have you kept this article in the constitution?" he asked the attorney general.

"Why can't you have faith in parliament?" questioned the chief justice.

Mahbubey Alam defended Article 70 saying that there is a history of Article 70.

The provision came into being amid "horse-trading" taking place in different countries, said the AG.

In terms of politics, "horse-trading" is bringing in members from the opposition party to gain majority in parliament by resorting to unethical means.

In response, the chief justice asked if there is any certainty that "horse-trading" will not take place while making decisions about judges.

He said there should be an exclusive hearing on Article 70. "We cannot say everything here as it will surface in the media."

Article 70 says, "A person elected as a member of parliament at an election at which he was nominated as a candidate by a political party shall vacate his seat if he resigns from that party; or votes in parliament against that party; but shall not thereby be disqualified for subsequent election as a member of parliament."

Nine of the 12 amici curiae appointed by the SC to give opinions on the appeal suggested scrapping the amendment. One spoke in favour of the amendment while two others did not place any deposition.

# Chapainawabganj gets new variety of mango

RABIUL HASAN, Chapainawabganj

A new variety of imported mangoes is gaining popularity in the mango capital of the country, Chapainawabganj. The exotic fruit winning admirers everywhere is known as banana mango.

Originating from Thailand where it is the most popular variety of mango, the fruit is also being commercially grown in many other countries owing to its export value.

The native name of the mango is Nam Dok Mai but Bangladeshis call it the banana mango for its size and banana-like shape, said scientists at Chapainawabganj Horticulture Centre.

It is also known as the golden mango for a number of reasons. These include high a concentration of vitamin C, a canary yellow skin, an almost silky texture and a much flatter seed or stone allowing for more of its sweet flesh.

On average, the mango's length is 9 to 11 inches, weighing around 350 to 450 grams.

The banana mango was imported from Thailand. In 2011, scientists at Horticulture Centre brought and planted the banana mango fruit tree for the first time.

In 2013, they started selling saplings to mango growers. Many mango growers are showing their interest for commercial cultivation and are already setting up orchards to produce the banana mango variety.

Akbar Hossain, a local businessman of Bulonpur in sadar upazila, made one such orchard and planted around 350 banana mango trees.

Habibur Rahman of Annura in the same upazila also has an orchard for cultivating banana mango on his three bigha land. Like these two, many others growers are buying the saplings for commercial cultivation, said Dr. Saifur Rahman, deputy director of Horticulture centre in Chapainawabganj.

In the last five years, the Horticulture Centre has sold over four thousand saplings from their nursery, each priced at Tk 60.

Due to its attractive export value, people are showing interest in exporting the mangoes, said Dr. Saifur Rahman.

A midseason variety, the ripening time for these mangoes is the month of July. The skin of the variety starts off yellow and steadily takes on a golden-yellow hue when ripened. The flesh of the fruit is known for having very little fibre, a pleasant aroma and very sweet taste, almost like the langra.



'Nam Dok Mai', known as Banana Mango in Chapainawabganj

PHOTO: COLLECTED

mangoes grown in the region.

In the last two years, Bangladesh has been exporting mangoes to different countries. The banana mango, due to its size and colour, enjoys high commercial value and high demand. Thailand and Vietnam are the main exporting countries.

Dr. Saifur Rahman expected that the banana mango will be exported to many different countries in the near future.

Mangoes are the most important agricultural product of Chapainawabganj and the area has a long tradition of producing around 350 varieties of the fruit, said scientists and agriculture officials.

Monjurul Huda, deputy director of Department of Agriculture Extension, said there are a total of 19 lakh mango trees on 26,150 hectares of land in district, producing 2.40 lakh tonnes of mangoes per annum.

"We expected that we will go back to Article 96 of the original constitution [that empowered parliament to remove a Supreme Court judge for incapacity or misbehaviour]."

Writ petitioners' lawyer Manzill Murshid expressed satisfaction at the SC verdict. He termed it an epoch-making judgment in the history of judiciary.

He said the SC has dismissed the appeal filed against the HC verdict and came up with findings that will be disclosed in the full judgement.

The apex court will also make observations and expunge some words in the full verdict, the lawyer said.

The original constitution of 1972

amendment illegal but condoned the introduction of the SJC.

In February 2010, the SC upheld the 2005 HC verdict, and said the system of SJC would be valid till December 31, 2011.

Around six months before the provision on the SJC was to expire, the AL-led government included it in the 15th amendment to the constitution, allowing the SJC to continue.

But later in September 2014, the AL government abolished the decades-old SJC and restored parliament's authority to remove SC judges.

**SHOULD ARTICLE 70 BE BLAMED?** The 16th amendment was challenged with the HC through a writ petition filed by nine SC lawyers.