

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 Nayapaltn headquarters.

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

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 Joshomadhab 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

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

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.

ASHARP 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.

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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.

Power not with JS

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observations.

The observations will be learnt only after release of the copy of the full verdict.

However, the arguments during the hearing of the appeal and the HC's observation made it clear that Article 70 of the constitution that prevents MPs from working in parliament independently largely contributed to declaring the amendment illegal.

In its verdict, the HC strongly criticised Article 70 as well as the lack of unity among political parties.

During the hearing of the appeal, Chief Justice Surendra Kumar Sinha also criticised the restriction on MPs imposed by Article 70.

Now a question is being raised whether the previous system would be automatically reinstated in the constitution.

According to Attorney General Mahbubey Alam, "a vacuum" would be created following the SC judgment.

The SJC will not be automatically restored following the SC verdict, as the court cannot do the act which is done by parliament, he said in a news briefing.

Talking to reporters, barrister M Amir-UI Islam, however, said the Supreme Judicial Council will be restored following the cancellation of the amendment.

It is the custom that when a new law is formulated through repealing a previous law and if the new law is challenged and scrapped by the SC, the previous law is automatically restored, he claimed.

Contacted by The Daily Star, Law Minister Anisul Huq said the government will decide the next course of action on receiving the copy of the full verdict.

Asked whether he is satisfied or disappointed with the apex court verdict, the law minister refused to make any comments.

Talking to her colleagues about the apex court judgment during yesterday's cabinet meeting, Prime Minister Sheikh Hasina said the verdict proved that the country's judiciary is independent, meeting sources said, adding she asked her cabinet colleagues not to express resentful reaction over the verdict.

The attorney general, however, expressed his dismay at the verdict.

"I am very sad over the Supreme Court verdict as the original constitution of 1972 could not be restored following this judgment," he said.

Bangabandhu Sheikh Mujibur Rahman had said that the constitution of 1972 was written with the blood of martyrs, he said.

"We had a dream that we will go back to the original constitution. We had gone back to some provisions of the original constitution through the Supreme Court verdicts in the cases regarding fifth, seventh, eighth and thirteenth amendments of the constitution," added the AG.

"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 judgment.

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

The original constitution of 1972

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

- 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 first martial law imposed after Bangabandhu's assassination in 1975 [scrapped by the SC]
- 6th amendment in 1981** qualified then vice president Justice Sattar to contest the presidential election
- 7th amendment in 1986** validated 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 then CJ Justice Shahabuddin Ahmad's takeover the charge of interim government after fall of autocrat 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 SC]

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.

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 Doc 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 banano 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.

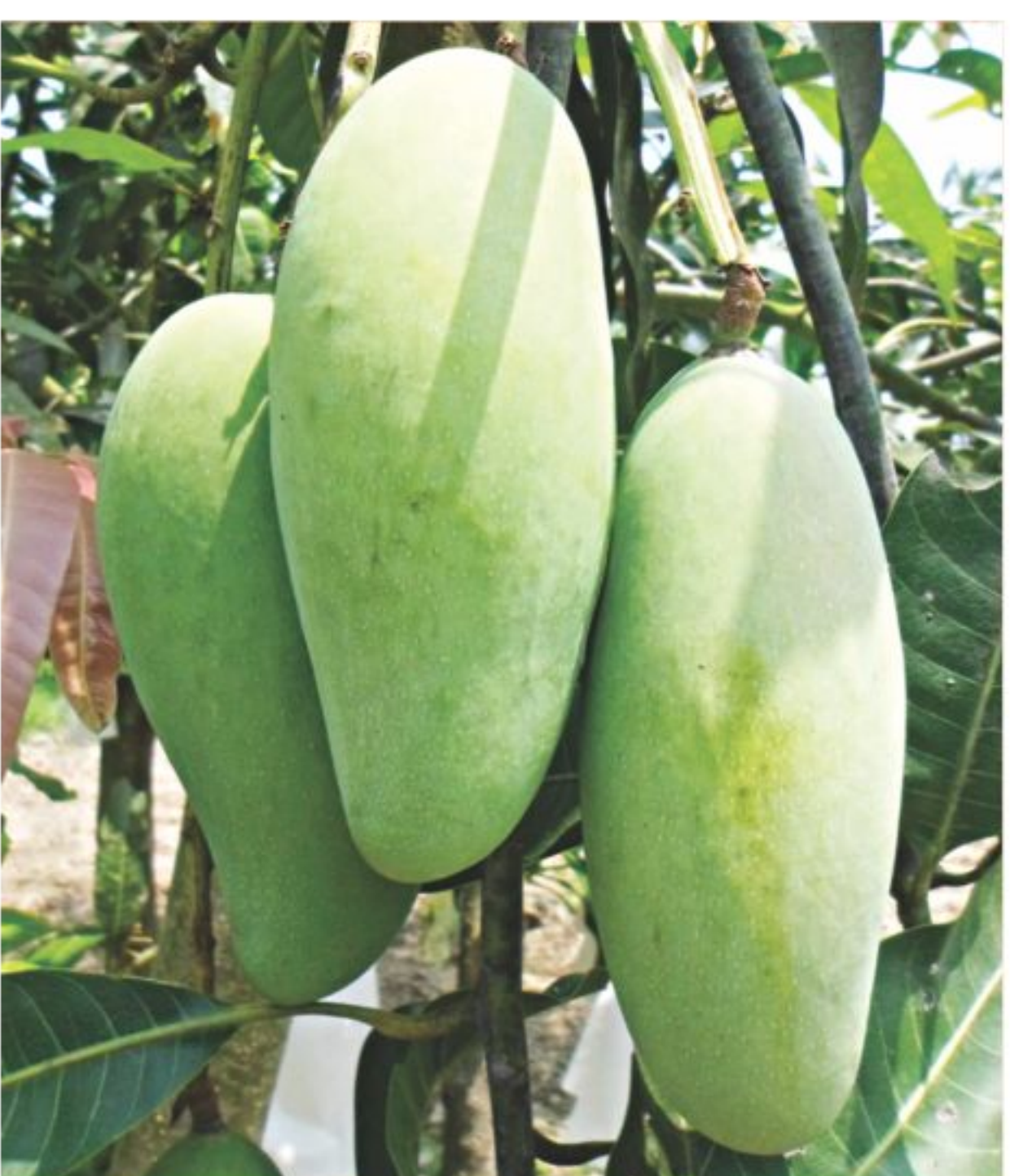
Akbar Hossain, a local businessman of Bulonpur in sadar upazila, made one such orchard and planted around 350 banana mango trees.

Habibur Rahman of Amnura 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 mangos 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.