

Bond of harmony

OUR CORRESPONDENT, Kolkata

Women of the Indian Border Security Force tied Rakhi--a thread symbolising the bond between a brother and sister--round the wrists of Bangladeshi men arriving in India yesterday.

The men, apparently overwhelmed by the gesture, also tied the threads round the wrists of their "Indian sisters". Some of them blessed the BSF women and handed them packs of sweets and candies.

Bangladesh Border Guards also celebrated the festival with BSF for an hour at the border in Hakimpur upazila of Dinajpur.

They distributed sweetmeats among each other.

"Such festivities will strengthen the relationship between us," Mahbub Alam, a BCB camp commander in Hakimpur, said.

Mithel Shekhar, a camp commander of BSF said, "We are hoping such celebrations will strengthen all of us."

The BSF women and the Bangladeshi men wished good relations between the people of the countries.

In Hindu tradition, the sisters fast, tie the thread round the wrist of brothers and offer them sweets on the day of the festival.

The brothers, in turn, give their sisters gifts and wish them well.

The festival was celebrated in every

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A female soldier of the Indian Border Security Force ties a rakhi string on the wrist of a Border Guard Bangladesh soldier while another BSF member stands near with sweets at the zero line of Bangladesh-India border near Hakimpur upazila in Dinajpur yesterday. Rakhi Bandhan (the bond of protection) or Rakhi Utsav is a Hindu festival which celebrates any brother-sister type relationship between men and women. PHOTO: KONGKON KARMAKER

7 NEWLY AFFILIATED COLLEGES DU to hold separate tests for admission

DU CORRESPONDENT

Dhaka University will hold separate admission tests for its seven newly affiliated colleges this year.

"We will hold admission tests for these seven colleges the way we have been doing for other affiliated colleges under our university," DU Vice Chancellor Prof AAMS Arefin Siddique said yesterday while inaugurating the online registration process at the central admission office of the university.

Currently, admission tests at other colleges like Home Economics College affiliated under DU are held separately.

With yesterday's inauguration, the online application for admission into first year honors courses under 2017-18 academic session began. It will continue till August 29.

At the programme, Prof Arefin said this year the number of seats has been increased by 253 from last year's 6,800 as the university authorities introduced honours courses for two new departments -- Japanese Studies and Printing and Publication -- and increased seats at other departments.

"A total of 7,053 seats are available this year. Of the total, 1,765 seats are for 'Ka' [Science] unit, 2,363 for 'Kha' [Arts]

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Govt arguments fallacious: SC

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and between the poor and the powerful, observed the court in further defence of rejecting the argument to allow the parliament to remove SC judges.

The 16th amendment made in September 2014 had restored the parliament's power to remove the SC judges on grounds of misconduct or incapacity by abolishing the chief justice led Supreme Judicial Council.

The amendment was challenged with the High Court. In May last year, the HC declared the amendment unconstitutional and void as it found the changes went against the principles of the separation of powers and the independence of the judiciary. The government appealed against the HC verdict but in July, the Appellate Division of the SC rejected the appeal and upheld the HC verdict.

Following cancellation of the 16th amendment, the Supreme Judicial Council was restored. Now, the President shall, by order, remove a SC judge from office if he is found guilty of gross misconduct in the inquiry to be carried out by SJC.

During the hearing of the appeal filed by the government against the HC verdict, the attorney general and his colleague had made the argument that parliament should have the power to remove SC judges as it can remove or impeach the president, the prime minister and the Speaker.

In the preamble of the 16th constitutional amendment bill placed in parliament in September 2014, the law minister himself made a similar argument.

"The argument that since the Judges are appointed by the President

and since he (the President) can be impeached/removed by Parliament, the Judges are also to be made impeachable by Parliament is absolutely fallacious," said Justice Abdul Wahhab Miah.

Wahhab Miah, one of the seven judges of the Appellate Division of the SC, concurred with the decision made unanimously in dismissing the government appeal with observations. In addition, he expressed his own views about the matter.

According to the verdict, the attorney general and the additional attorney general also argued that "if the President, the Prime Minister and the Speaker could be impeached/removed by parliament why not the SC judges, are they too big, too great and too superior to the representatives of the people?"

Justice Wahhab Miah termed the argument as "populistic and easy consumptive."

The attorney general, in his written submission to the apex court, even said: "If some prospective candidate for the post of a Judge feels himself too big, too great, too superior to the representatives of the people they are not welcome to the judiciary, they may even quit."

In response, Justice Wahhab Miah said in making the above submission the attorney general and the additional attorney general did not at all care to see the provisions of the constitution.

The attorney general even launched a verbal attack on former law minister Shafique Ahmed who placed in parliament the 14th constitutional amendment bill in 2011 which reinstated afresh in the consti-

tution the Supreme Judicial Council.

"He was a technocrat Minister and he being a Senior Advocate wanted to give a good turn to the learned Judges of the Supreme Court, most of whom if not all of them, wouldn't like the idea of facing the House of the Nation, if such situation arises in future, even if at all' in not scrapping the Supreme Judicial Council in Fifteenth Amendment," alleged the attorney general.

In response, Justice Wahhab Miah said: "The submission of the learned Attorney General is absolutely unfortunate, shocking and disparaging for the Judges of the Supreme Court and bereft of factual basis as well inasmuch."

He said the constitution has guaranteed the independence of the judiciary, the SC judges being its stakeholders are independent and if the power of impeachment is given to parliament, it shall be in direct conflict with the provisions of articles 22, 94(4), 116A and 147(2) of the constitution and that shall in effect destroy the rule of law, another basic structure of the constitution.

Article 22 speaks for separation of judiciary from the executive. The articles 94(4), 116A guarantee that the judges of the SC and lower judiciary will be independent in exercise of their judicial functions.

According to article 147(2), the remuneration, privileges and other terms and conditions of a SC judge shall not be varied to the disadvantage of him during his term of office.

The constitution has not said anything about the independence of the other two organs--executive and legislature, said Justice Wahhab Miah.

The attorney general emphasised that our parliamentary system of government is based on the Westminster Parliament, where judges of the higher judiciary may be removed by Parliament.

In response, Justice Muhammad Imman Ali, another judge of the seven-member Appellate Division, said the situation in the UK cannot be equated with that prevailing here.

He said the British parliament was empowered by the Act of Settlement in 1701 to remove the judge only to protect the judges from the draconian and pernicious actions of the then Kings/Queens who could whimsically remove the judges. Since 1701, not a single English judge has been impeached by the parliament, he said.

He further stated: "Moreover, the system of appointment of judges in the UK and other countries referred by the learned Attorney General is not the same as the one operating in our country. Hence, there is no logic in wishing to follow those other countries."

Justice Mirza Hussain Haider, another judge of the Appellate Division, in the verdict said the disciplinary action of all service holders are taken by the department concerned after holding in-house inquiries by the same department to which he belongs not by any outsider. That is the general principle of law. The judiciary cannot be an exception, he said.

"Thus when the question of removal of any person holding a post of Supreme Court Judges' status arises, that should be and must be dealt with by such council [SJC] of their own people, of course higher in rank."

Dead trees on auction

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said upazila unit Krishak League general secretary Shafiqul Karim, who goes by the name Emon Mondol, had employed about 70 labourers for felling the live trees.

They had been uprooting the trees and filling the hole in the ground with dirt to cover up their tracks. It was a 24/7 affair, they said.

They said Md Tofizul Islam, the farm manager, had been helping Emon and when they protested the illegal tree felling, Tofizul told them to be quiet.

Emon paid Tk 9 lakh on May 15 and was officially asked to take the dead and fallen trees within a month, they said.

But tree felling is still going on, the farm staffers said.

"Many of us [staffers] had taken care of these trees over the last 25 years. It hurts to see them chopped down," an official told The Daily Star correspondent at the farm.

During a spot visit, this correspondent saw labourers cutting down trees and noticed a huge stockpile of logs and soil-filled spots on the ground.

The forest department on January 1 marked 388 sisu, 209 babla, 43 neem, 25 koro, and 66 other trees as fallen or dead.

It valued the trees at Tk 8.52 lakh and on March 9, the farm authorities issued auction notice in a newspaper with poor circulation.

The first tender had to be cancelled due to issues with the tender committee, said Farm Manager Tofizul.

A second tender was floated on March 19 and there were 41 bidders. The farm chose three bidders who had offered between Tk 22 lakh and Tk 25 lakh for the dead and fallen trees.

But the bid winners backtracked and the authorities took the security deposit of the highest bidder and let the other two go unpunished, sources

said. In the third tender on April 23, Emon, who offered Tk 9.01 lakh, was selected.

Talking to The Daily Star, Emon admitted tender manipulation but refuted allegations of felling trees that had not been marked for removal.

He said in the second tender he was the highest bidder and that he had made the bid with a relative's name.

"I made other higher offering bidders understand that they are going to lose money making offers so high," Emon told this correspondent over phone.

He said he paid several bidders of the third tender Tk 3.10 lakh in total so that they backed off and he could get the trees.

Emon said, "I advocate tree plantation... the allegation [of cutting down live trees] is false," he said.

Farm Manager Md Tofizul Islam denied any wrongdoing. "I'm supervising the tree felling. How will they uproot unmarked trees?" he said.

He said he had no record of trees on the farm and that he was not documenting the felling of the trees.

When asked why he had ordered the trees to be uprooted, he said he asked so that the farm could plant trees there again.

On why he had awarded Emon the job in the third tender when he had backed off from the second auction, Tofizul said on paper, the winners of the second and third tenders were different people.

Godagari UNO Zahid Newaj on August 3 asked Upazila Forest Officer Shariful Islam to probe the matter.

"I need to discuss with seniors before beginning the investigation," Shariful told The Daily Star, adding that the farm manager was an official a lot senior to him.

Govt critical

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change went against the principles of the separation of powers and the independence of the judiciary.

The government filed an appeal against the HC verdict in January this year. In July, the SC rejected the appeal and upheld the HC verdict.

In the full verdict released on Tuesday, the apex court said the independence of the judiciary was undermined and curtailed by making the judiciary "vulnerable to a process of removal of the judges by parliament".

The procedure entailed in the SJC is more in consonance with the spirit of the constitutional scheme, reads the verdict, adding that the provision of the SJC is not only in the interest of justice, but also for the independence of the judiciary.

The finance minister was the first to make comments questioning the SC's jurisdiction to declare the amendment illegal. His remarks on

Friday that the Jatiya Sangsad would pass the amendment time and again drew criticism.

Five days after the release of the full verdict, the ministers at an unscheduled discussion lambasted some critical observations the apex court made about parliament, governance system and politics.

"The 16th amendment restored the provision of the original constitution. Question is whether the court can scrap any provision of the original constitution of 1972. We think the court does not have the jurisdiction to do so," State Minister for Labour Mujibul Haque Chunnu told The Daily Star, talking about the discussion.

The discussion began after Law Minister Anisul Huq briefed the cabinet members about the verdict.

He highlighted some issues which, in his view, were irrelevant to the case

but were still brought up in the verdict, meeting sources said.

Those who took part in the hour-long discussion included Finance Minister Muhith, Industries Minister Amir Hossain Amu, Commerce Minister Tofail Ahmed, Agriculture Minister Matia Chowdhury, Civil Aviation Minister Rashed Khan Menon, Water Resources Minister Anisul Islam Mahmud and Food Minister Qamrul Islam.

They claimed the court raised some "irrelevant issues" making the observations "unrealistic", "objectionable" and "irrational" and asked the law minister to take measures to have those expunged from the verdict.

The ministers also alleged that the chief justice made some "political statements" in the judgment.

Some of them recommended the government file a petition with the SC seeking a review of the verdict.

Law Minister Anisul Huq may hold a press conference on Thursday to express the government view over the 16th amendment judgment.

"The law minister will defend the government and highlight anomalies in the verdict," a senior minister told this newspaper, wishing not to be named.

Prime Minister Sheikh Hasina, who was presiding over the meeting, heard the ministers and asked her cabinet colleagues to speak up on "irrelevant" issues and "anomalies" in the verdict. She also asked them to drum up public support against those issues.

The PM alleged that a section of media outlets, including The Daily Star and the Prothom Alo, were spreading propaganda against the government by highlighting some "absurd observations" made in the

verdict. She urged the ministers to counter the propaganda, the sources said.

In the full judgment, the SC said, "Even after forty-six years of independence, we have not been able to institutionalise any public institutions. There are no checks and balances, there is no watchdog mechanism at work, and thus the people in the position are being indulged in abuse of power and showing audacity of freehand exercise of power."

"Human rights are at stake, corruption is rampant, parliament is dysfunctional, crores of people are deprived of basic healthcare and mismanagement in the administration is acute."

"In such a situation," reads the verdict, "the executive becomes arrogant and uncontrolled and the bureaucracy will never opt for efficiency."

Tear gas shell

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The commissioner, who is out of the country now, will return tomorrow.

Siddiqur, being treated at Sankara Nethralaya in India's Chennai now, cannot see with his right eye. He perceived little light after the bandage of his left eye was removed on Saturday after a surgery, said a doctor accompanying him.

He has been in the hospital since July 27 with expenses paid by the government.

Doctors said it may take four to six weeks to tell whether Siddiqur will be able to see again.

Siddiqur's friend Sheikh Farid, who talked to him over phone, said Dr Lingam Gopal examined him yesterday. "Siddiqur said the doctor informed that 90 percent of the retina in the left eye was damaged," Farid said.

Siddiqur may return to the country on Friday after the doctor examines him again on Thursday.

Students of seven government colleges affiliated to Dhaka University were protesting at Shahbagh on July 20, pressing for a seven-point demand that included announcement of their exam schedules.

Police that night filed a case accusing around 1,200 unnamed students of attempting to kill policemen, rioting with lethal weapons and damaging properties.

DMP formed the probe committee on July 23 to look into the incident. Another committee formed by DMP's Ramna Division asked for two more days for submitting its report.

A member of the committee told The Daily Star that they too found negligence on the part of some policemen.

Recognition for hilsa

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They would soon hand over the GI certificate to the Department of Fisheries.

He added that as per rules, the Department of Fisheries had asked the DPDT for registering hilsa as a GI product of Bangladesh.

After maintaining all the procedures, the government published a journal on hilsa and uploaded it on

a website. According to the rules, if any country does not raise any objections within two months of publishing the journal, then the product will get the recognition of GI.

The DPDT published the journal on June 1, and the deadline for getting objection ended on July 31.

When the Department of Fisheries would get the certificate from the DPDT, they will request all

the countries that import hilsa to register the fish as the product of Bangladesh, Sanowar said.

At the end of this year, the DPDT will publish a list of Bangladeshi GI products, mentioning that hilsa as the second GI product of the country.

Masud Ara Momi, assistant director of Department of Fisheries working in the hilsa project of the

department, said they were yet to get the certificate from the DPDT.

Last year, Jamdani sari was registered as the first GI product of Bangladesh.

Now, the DPDT is handling with 24 applications filed for recognising 24 other products, including Fazli mango, silk sari from Rajshahi and Hariwanga mango from Rangpur, as GI products of the country.

According to the report of WorldFish, an international research organisation, Bangladesh alone produces over 60 percent of total hilsa production of the world.

India, Myanmar and some Middle Eastern countries, among others, produce hilsa. Though hilsa production decreases in other countries, it is increasing in Bangladesh due to proper conservation.