



The driver of the bus in the back lost control of the vehicle as it was getting off Dewan Ghat Overpass in Chittagong city yesterday and rammed the parked three-wheeler. The driver of the autorickshaw was injured in the incident.

PHOTO:
RAJIB RAIHAN

SC authority over lower courts intact

FROM PAGE 1
BJSA President MA Kuddus Zaman and acting secretary general Bikash Kumar Saha said the six jurists are doing politics over the Masder Hossain case.

They also said the arguments placed by Barrister M Amir-Ul Islam before the SC bench yesterday opposing the disciplinary rules for lower court judges are not acceptable and are against the interest of lower court judges.

In their statement on Monday, the six jurists said the protection of the independence of the judiciary has been undermined and the separation of power has been violated by the rules. But they did not specify those rules.

The four other jurists are -- Rafiqueul Huq, Mainul Hosein, Fida M Kamal and AF Hasan Arif.

On December 11 last year, the law ministry, as per the SC directive, issued a gazette notification on the rules titled "Bangladesh Judicial Service (Discipline) Rules 2017" for the lower court judges.

Later, the law ministry submitted the notification to the apex court through the attorney general's office.

Under the rules, the president will make necessary decisions in consultation with the SC, and the law ministry will then implement those.

The president can also appoint an investigation officer or form a three-member committee to conduct probe into any allegations brought against a lower court judge.

Following the SC order yesterday, the attorney general told reporters at his office that the gazette notification on the disciplinary rules has come into effect as the SC accepted those.

The SC's opinion will have priority regarding different issues, including enquiry, investigation and punishment of lower court judges if any differences arise between the opinions of the president, the law ministry and the SC over any issue, he said.

Some individuals have written

articles in newspapers and said in TV talk-shows that the SC's power has been curtailed through the disciplinary rules. But this is wrong as there is a provision in the disciplinary rules for soliciting advice from the SC at every stage regarding the lower court judges, he added.

WHAT BARRISTER AMIR SAID

Contacted, Barrister Amir-Ul Islam told The Daily Star that he is now placing arguments before the SC in the Masder Hossain case on behalf of Md Masder Hossain, a retired district judge.

Masder was the then secretary general of the BJSA which had filed the writ petition with the High Court in 1995 for separating the judiciary from the executive, he said.

"I have been moving the case on behalf of Masder Hossain, as he has given me the power to move the case," Barrister Amir said, adding that he is not a lawyer for the BJSA now.

MASDER HOSSAIN'S COMMENTS

Asked, Masder told this correspondent that the government formulated the disciplinary rules for lower court judges under Article 133 of the constitution, but it was not right.

The rules were supposed to have been made under Article 116 of the constitution, he said, adding that the disciplinary rules made by the government are against Article 116 of the constitution and against the apex court verdict in the (Masder Hossain) case.

He said the government can formulate the rules under Article 133 of the constitution only for administrative officials, but the disciplinary rules were made for the judicial officials (lower court judges) instead.

The 1972 constitution has to be restored for the full independence of the judiciary and its complete separation from the executive, Masder added.

Following the writ petition filed by Masder and several other judicial officials, the High Court in May, 1997, had directed the government to take necessary steps to separate the judiciary from the executive.

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articles from the executive.

The then government had appealed to the SC against the HC verdict.

On December 2, 1999, the SC had upheld the HC verdict and delivered 12 directives for separating the judiciary from the executive.

From the beginning of the case, Dr Kamal and Barrister Amir have been moving the case for a complete separation of the judiciary from the executive.

Mitt Romney set for comeback

AFP, Washington

Mitt Romney, who once ran for the US presidency against Barack Obama, appeared set for a political comeback Tuesday when veteran Republican Orrin Hatch said he is retiring from the US Senate.

Hatch's announcement that he will not run in this year's mid-terms could spell bad news for President Donald Trump, who had encouraged him not to quit and clear the way for a Senate run by Romney, an outspoken critic who once dubbed Trump a "fraud."

After months of public deliberation about whether to retire, Hatch, currently his party's longest-serving senator, said he will not seek re-election in November, bringing an end to his 40-year Senate career.

"Every good fighter knows when to hang up the gloves. And for me, that time is soon approaching," the 83-year-old Hatch, a former amateur boxer, said in a video message to supporters.

"That's why, after much prayer and discussion with family and friends, I've decided to retire at the end of this term."

Hatch's departure sets up what could be a return to national politics for Romney, who was the 2012 Republican presidential nominee and served four years as governor of Massachusetts.

publication of the draft NRC and names of those whose claims were verified.

When the NRC was first prepared in Assam way back in 1951, the state had 80 lakh citizens then.

Meanwhile, the Indian government on Tuesday told the lower house of parliament that nearly 20,000 people were declared foreigners by the Foreigners Tribunals (FTs) in Assam and kept in detention centres, adds our New Delhi correspondent.

"As per the monthly report of disposal of cases in the tribunals in Assam, 19,612 D [doubtful/disputed] voters were declared foreigners till October, 2017," Minister of State for Home Kiren Rijiju said in Lok Sabha replying to a written question.

He said issuance of notice to doubtful or disputed voters was a legal process and there is no question of harassing people. They are not detained.

"Only those declared by Foreigners' Tribunals as foreigners are kept in the detention centres," he said.

The junior home minister said as per the white paper on the foreigners issue, released by the Assam government's home and political department, during intensive revision of electoral rolls in Assam in 1997, the letter D (for doubtful/disputed) was marked against the names of those electors, who could not prove their Indian citizenship status at the time of verification.

The top court also asked authorities to stick to the original deadline for the

state that borders Bangladesh, is being carried out in Assam following a decision in 2005 after a series of meetings between the central and state governments and the influential All Assam Students' Union (AASU).

Assam, which faced arrival of people from Bangladesh since the early 20th century, is the only state having an NRC, first prepared in 1951.

The current exercise, started in 2005 under the then Congress regime, got a major push only after the BJP came to power in the state with alleged illegal immigration from Bangladesh as a poll plank.

The SC, which is monitoring the entire process, had ordered that the first draft of the NRC be published by December 31 after completing the scrutiny of over two crore claims along with that of around 38 lakh people whose documents were suspected.

Of the 3.29 crore applications submitted, there was confusion over the inclusion of 29 lakh people who had submitted certificates issued by gram panchayats as proof of identity, after a Guwahati High Court order in February had deemed 'panchayat' certificates invalid, an official said.

The Supreme Court set aside the High Court order and upheld the validity of the certificates as identity proof if they were followed up with proper verification.

The massive exercise, aimed at identifying illegal immigrants in the

country has faced the kind of human and economic losses as Pakistan has," he said.

"We have been engaged in a war for 17 years, even though it is technically not even our war."

"The US president should know that as soon as we, the PML-N, came into power in 2013, we took effective steps to end terrorism in Pakistan," he said.

"At that time, we began Operation Zarb-i-Azb, and today the backs of terrorists have been broken and the rest will soon be taken care of. This is not 2001. A dictator is not ruling the country, and one telephone call will not scare us."

"A coalition fund should not be called 'aid'. We do not even need such a fund and our support should not be demanded in return," he asserted.

"I am sure if in 2001, a democratic government was in place in Pakistan instead of a dictatorship, then it would never have sold its expertise to the US. It would neither have sold our expertise, nor our self-respect," he added.

The United States accused Pakistan on Tuesday of playing a "double game" on fighting terrorism and warned Islamabad it would have to do more if it wanted to maintain US aid.

"They can do more to stop terrorism and we want them to do that," White House spokeswoman Sarah Sanders told reporters.

The White House said it would likely announce actions to pressure Pakistan within days, shortly after US Ambassador Nikki Haley said at the United Nations that Washington would withhold \$255 million in assistance to Pakistan, reported Reuters.

"There are clear reasons for this. Pakistan has played a double game for years," Haley told reporters. "They work with us at times, and they also harbor the terrorists that attack our troops in Afghanistan."

"That game is not acceptable to this administration. We expect far more cooperation from Pakistan in the fight against terrorism."

Pakistan civilian and military chiefs on Tuesday rejected "incomprehensible" US comments and summoned American Ambassador David Hale to explain Trump's tweet.

Pakistani UN Ambassador Maleeha Lodhi said in a statement that her country's fight against terrorism was not based on any consideration of aid but on national interests and principles.

"We have contributed and sacrificed the most in fighting international terrorism and carried out the largest

police rescue

FROM PAGE 2
Akram, also a contractor in Chittagong city, said the victim's father wanted to know about his daughter when he went to visit Kishoreganj several days ago. Later, he started to search for the girl and found her yesterday morning in Atur Dipo area where she sought his help describing her ordeal.

Akram added that he then informed Bayezid police of the incident and police rescued the victim.

Abdul Warish, deputy commissioner (north) of Chittagong Metropolitan Police, said they were trying to arrest Din Islam, who went into hiding after the girl was rescued.

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FROM PAGE 2
Israel plans to force out thousands of African migrants

AFP, Jerusalem

Israel plans to force tens of thousands of African migrants to leave over the next three months by threatening to arrest those who stay, Prime Minister Benjamin Netanyahu said yesterday.

Under the plan, some 38,000 migrants who entered Israel illegally, mainly Eritreans and Sudanese, will have until the end of March to leave.

Each will receive a plane ticket and \$3,500 (2,900 euros) to do so. After March, this amount will decrease and those who continue to refuse to go will face arrest.

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"We have contributed and sacrificed the most in fighting international terrorism and carried out the largest

police rescue

FROM PAGE 2
She was moved to Dhaka Medical College Hospital on December 29 for better treatment and she died there on December 31.

Suraiya alleged that Asad's family threatened them over mobile phone to settle the incident outside court.

Asad destroyed her sister's life, she wanted justice, she added.

The victim's family filed a case against four people, including Asad, with Bakerganj Police Station yesterday, said AKM Masuduzzaman, officer-in-charge of the police station, adding that the accused went into hiding.

Police are trying to arrest the accused, said Humayun Kabir, additional superintendent of Barisal police.

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It is scary

FROM PAGE 16

enforcers, it becomes terrifying for the people in general. Sometimes I get scared when I see police. People are bound to get scared too," said Justice Wahhab Miah, who is discharging the duties of the chief justice.

He said sentencing of a person to even one day's jail by any authority without the proper jurisdiction was unconstitutional.

Justice Wahhab Miah came up with the remark while presiding over a five-member bench of the Appellate Division during the hearing of three appeals filed by the government against an HC verdict over the mobile court act.

Appearing for the government, Barrister M Amir-Ul Islam told the SC that the mobile court punishes people who confess.

The Appellate Division adjourned the hearing until next Tuesday.

Two executive magistrates in Laxmipur and Dinajpur sentenced a former civil surgeon and a senior lawyer over trivial matters in December.

After the incidents, the High Court issued rules questioning the legality of the actions and summoned the executive magistrates before it.

The HC scrapped the sentences and observed that the executive magistrates abused their powers through the

mobile court.

The HC exempted them from the rule after the magistrates apologised to the HC for their actions and promised no repeat of such incidents.

Following three separate writ petitions, the High Court on May 11 last year declared unconstitutional the rules under which the executive magistrates run the mobile courts.

The HC also observed that empowering executive magistrates with judicial powers is "a frontal attack on the independence of the judiciary and is violative of the theory of separation of powers".

Later, the government filed separate leave to appeal petitions with the SC challenging the HC verdict.

Following the leave to appeal petitions, the SC stayed the HC verdict allowing the executive magistrates to run the mobile court for the time being.

The apex court then extended the stay orders several times.