

Judgement today

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In reply Attorney General Aminul Haq pleaded that ballot could be both secret and open. Apprehension could not be the ground of grievance. The Act was not violative of fundamental rights because MPs would vote under self-imposed restrictions as per law.

Resuming his submission for the second day, Barrister Amirul Islam said the procedure prescribed in the said Act would amount to selection of President by party leaders and not election by free conscience of MPs.

He said the Act was violative of the fundamental rights to freedom of thought and conscience which were absolute under the Constitution. Barrister Islam said equality before law under Article 27, equal opportunities under Article 28, and equal protection of the law under Article 31 were also subverted by the Act because a voter would be exposed and made vulnerable. Barrister Islam said that the whole object of making the law was to commit mischief. By making MPs vulnerable the Act would destroy the consultative process of inner-party democracy. It would have long term consequences, he said.

The counsel quoted from a US Supreme Court decision to assert that the right to voting was preservative of all other rights. If this right is lost, everything is lost. This would lead to destruction of democracy.

He argued that 'ballot' was introduced to ensure secret voting.

The learned judge said: only Article 48 of the Constitution is devoted to presidential election. Article 70 (against floor crossing) refers not to the election but to the proceedings of Parliament. Barrister Islam answered in the affirmative.

The judge then asked: why then the delay in filing the case?

Barrister Islam replied: members of Parliament tried the political process to have a consensus. And as it failed they took the last resort of protection of the Court.

The learned judge: you challenged when the Ordinance was promulgated.

Barrister Islam: mischief was also in the Act itself.

The learned judge: if you had suffered mischief why you waited till the Ordinance was promulgated?

Barrister Islam: 'we were pursuing the struggle in the Parliament, an organ of the government. Now we are seeking support of the court, another organ of the government.'

Pleading in favour of the prayer for stay, he said there was no constitutional necessity of holding the presidential election on October 8 and no other subsequent date. The Constitution 11th Amendment Act provides that the Acting President can continue in his office till a new President elected under law enters upon the office.

He further submitted that the rules of procedure framed under Article 75 of the Constitution prohibited the use of the chamber of the Parliament for any purpose other than sessions of the

House. And so the gazette notification of September 19 calling meeting of MPs for presidential election in the chamber of the Parliament was liable to be declared void. Holding of the meeting there would violate the sanctity of the chamber. The notice served to each MP in this regard thus also was not in accordance with law.

Attorney General Aminul Haq said, the view that ballot should always be secret was not correct. In the United States there was election of the President through open ballot for 200 years. Those who voted against party candidates were regarded as 'faithless voters'.

Barrister Amirul Islam retorted: this was meant for research to determine voting pattern not to identify persons.

The Attorney General submitted that the petitioners who prayed for stay did not challenge the Act when it was passed, and nobody was aggrieved by the Act till the opposition filed the nominations of their candidates in the election. The writ petition was based on mere apprehension that they may be affected by Article 70, but apprehension could not be the cause of grievance.

He said Article 70 was meant for ensuring stability and political discipline.

Aminul Haq said the fundamental rights of a citizen and those of an MP were different. One becomes subject to some self-imposed restrictions as soon as one becomes a member of a party, because he cannot violate party manifesto and rules. Thus the Act was not violative of Article 39 of the Constitution.

Members of Parliament were not an 'electoral college' as claimed by petitioners. Aminul Haq argued adding MPs only functioned in a different capacity while electing a president. The Constitution does not qualify the election by using the word 'secret', he said.

The Attorney General said the Act was not violative of Articles 27 and 31 because there was no discrimination between MPs and parties in the Act.

The learned judge: was there any restriction on freedom of conscience?

Attorney Gen: 'we are talking about voting system. If the petitioners have accepted Article 70 by consensus, there is no ground of apprehension. The prima facie of the case thus did not stand in the eye of law, he said.

About holding of election in the Parliament chamber, he said this was the practice in India and Pakistan. In Bangladesh too, on three earlier occasions such elections were held in the chamber of the Parliament.

The Attorney General said 'we want the implementation of parliamentary democracy in accordance with the Constitution 12th Amendment Act as soon as possible. Stay will delay the process.'

The Attorney General was assisted by Deputy Attorneys General Salchuzzaman and Hassan Arif; and Barrister Amirul Islam by Zakir Ahmed, Meebahuddin and Gazilul Haque.



Democratic Students Unity brought out a procession on the Dhaka University campus Sunday to protest terrorism in the educational institutions. — Star photo

Presidential poll tomorrow

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He said that the people who voted to elect the MPs would want to know what the elected MPs were doing in Parliament and whether they were upholding their cause.

Farida Hasan MP also spoke appreciating the annulment of the Ordinance.

Abdullah Al-Noman however urged the party MPs to uphold unity among the party members and strengthen the organisation for the future of the party. He also gave some advice on how to organise the voting on Tuesday.

Briefing newsmen after the meeting BNP Secretary General and LGD Minister Abdus Salam Talukder expressed his confidence that the ruling party nominee Abdur Rahman Biswas would win the race.

Salam Talukder also told the reporters that his party had discussions with all other parties in Parliament except the Awami League on the issue of the presidential election.

He also denied the report that there was growing discontent in the ruling party and said confusion had been created unnecessarily over the Presidential Election Act (amendment) Ordinance.

On a question whether the BNP would get support of Jamaat in the presidential election, Barrister Salam Talukder said that during the last nine-year movement against autocracy the BNP had always pleaded for maintaining liaison with the Jamaat and supported it on many issues.

But the Awami League, which used to oppose the involvement of the Jamaat in the movement maintained good

relations with the Jamaat in the dark of night. They are now meeting each other in the daylight he added.

ALPP meet

The Awami League Parliamentary Party (ALPP) has decided to support Justice Badrul Haider Chowdhury in Tuesday's presidential election.

Terming Justice Chowdhury as the national consensus candidate it urged all MPs irrespective of party affiliations to vote for him.

The decision was taken unanimously at the ALPP meeting held Sunday evening in the office of the opposition leader in the Parliament building. However, the AL leadership had to face questions from party MPs on Justice Chowdhury's recent meeting with Jamaat-e-Islami's spiritual leader Gholam Azam, who is yet to get citizenship.

The meeting was presided over by Deputy Leader of the Opposition Abdus Samad Azad.

According to AL sources, when the agenda on supporting Justice Chowdhury was tabled at the meeting, a number of AL MPs wanted clarification on Justice Chowdhury's said meeting with Gholam Azam. They deplored the holding of a meeting with a person like Gholam Azam, a Pakistani citizen who acted against the liberation of Bangladesh.

Some MPs questioned as to how a party like the AL could support a candidate who sought blessings from a person like Gholam Azam.

To defuse the resentment of the party MPs, the AL leaders clarified under what circumstances Justice Chowdhury

met Gholam Azam.

Tofael Ahmed told the meeting that Justice Chowdhury was scheduled to meet Jamaat leaders Friday night to discuss Jamaat MPs' votes in his favour. But when he was taken to the meeting venue, Justice Chowdhury was surprised to see Gholam Azam present there.

AL leaders told party MPs that Justice Chowdhury's meeting with Gholam Azam was not scheduled. The AL leaders also assured their MPs that Justice Chowdhury did not discuss anything about Gholam Azam's citizenship at the meeting.

The ALPP meeting demanded repeal of Election of President Act 1991 and termed its provision for an open ballot as undemocratic.

The meeting condemned the conspiracy in London to kill party chief Sheikh Hasina and demanded clarification from the Foreign Ministry on this issue. The meeting also condemned the armed attack on Sheikh Hasina allegedly by BNP supporters during the by-election in Dhaka on September 11.

The ALPP urged all MPs to support the Indemnity Ordinance (Repeal) Bill during the ensuring Parliament session. The ALPP meeting demanded adequate relief measures in the flood affected areas including the northern districts.

The meeting was attended by 65 AL MPs. Other party MPs are expected to reach Dhaka today, said AL sources.

The ALPP meeting was adjourned till today (Monday). A joint meeting of the ALPP and the AL Working Committee

will be held at 4 pm today at the central office of the party.

JPPP meet

BSS adds: the Jatiya Party Parliamentary Party Sunday held a meeting at the Jatiya Sangsad Bhaban and reviewed the over all socio-economic and political situation obtaining in the country.

The party also reviewed the situation in the flood-hit areas of the northern districts and called for providing adequate relief materials and medical services to the distressed people.

The meeting was scheduled to be held at 11 am but it was delayed by several hours because of the absence of the party central leaders, including Acting Chairman Mizanur Rahman Chowdhury, MP, Moudud Ahmed MP and Secretary General Shah Moazzem Hossain, MP. They returned from Chittagong in the afternoon and joined the meeting.

The meeting was deferred till October 8 at 9 am, the JPPP sources said.

Among others, former home minister Mahmudul Hasan, former communications minister Anwar Hossain, MP, former land minister Tajul Islam Chowdhury, former agriculture minister Sardar Amjad Hossain, Fazole Rabbi, MP, Advocate Fazle Rabbi, MP and Reazuddin Ahmed were present at the meeting.

Later, the JPPP accorded a reception to the JP members of Parliament elected in the by-elections including Acting Chairman Mizanur Rahman Chowdhury, Secretary General Shah Moazzem Hossain, Karim Uddin Bharrasha and Paritosh Chakrabarty.

Lawyers blast Badrul

By Staff Correspondent

Different political parties and organisations strongly condemned the meetings of both the presidential candidates with the Jamaat leader Prof Gholam Azam who lost his citizenship for his anti-liberation role.

The parties and organisations expressed surprise over the incidents and termed them as unexpected and against the spirit of the Liberation War.

Representatives at the Fifth Congress of the Communist Party of Bangladesh in a resolution adopted Sunday strongly resented the meetings of the two presidential candidates with Gholam Azam, a Pakistani citizen who had lost his Bangladesh citizenship for his role against the Liberation War.

Voters in the presidential election are the MPs, the resolution pointed out and said the country's patriotic forces had become angry over the meetings of the candidates with Gholam Azam.

The acts by the candidates, particularly of former Chief Justice Badrul Haider Chowdhury were beyond the expectations of the pro-liberation forces.

The resolution further said such activities that strengthen the autocratic and anti-liberation forces were not desirable.

The Five-Party Alliance at a meeting Saturday night said that the presidential candidates had tarnished the dignity of the whole nation as well as the image of the presidential poll by seeking the blessings of Gholam Azam and assuring him citizenship.

The meeting strongly opposed such a conduct by the two candidates which it said had marred democratic values.

Bangladesh Nagorik Committee in a statement issued Sunday expressed surprise over the seeking of support by the two presidential candidates from a person who lost his citizenship for his anti-liberation role and for doing 'illegal' and 'secret' politics in

the country.

The newly-formed alliance of eight left-leaning student organisation in a statement Saturday said that the meetings were unexpected, and 'against democratic norms and the spirit of the Liberation War' at a moment when the nation was demanding the ouster of Gholam Azam from the country.

The people can't expect such candidates to uphold the values of the war of freedom, who forget Gholam Azam's role and seek his cooperation for their selfish ends.

BNP's student front Jatiyatabadi Chhatra Dal at a gathering on the Dhaka University campus on Saturday said although the Awami League often expresses its hatred for the Jamaat and Gholam Azam it had started shaking hands with the Jamaat for its own interest.

DUCSU AGS Najimuddin Alam and JCD leader Ali Akkas Nadim addressed the rally.

Samajtantrik Chhatra Front in its statement Saturday said those who surrender to the anti-liberation forces could never uphold the spirit of the Liberation War.

UP Congress likes Sonia to contest from Amethi

NEW DELHI, Oct 6: The election committee of the Uttar Pradesh Congress (I) today unanimously recommended Mrs Sonia Gandhi's name as the party candidate for the bye-election from Amethi, reports PTI.

However, sources close to her remained tight-lipped about her future plans.

The central leadership including P V Narasimha Rao and K Karunakaran have left it to Mrs Sonia Gandhi to take a decision on contesting from Amethi.

Leopard in JS

By Staff Correspondent

A leopard appeared at the Sangsad Bhavan Sunday evening.

The eight feet long and three feet high leopard, locally called 'nageswar' was brought from village Bicharabandh in Maulikganga upazila of Moulvibazar.

The caged leopard was presented to Prime Minister Khaleda Zia by Finance Minister Saifur Rahman at a simple ceremony at Sangsad Bhavan premises.

The handing over of the spotted tiger took place just before the meeting of BNP Parliamentary Party, Ministers, MPs and others were present on the occasion. Later, the Prime Minister gave the tiger to Fisheries and Livestock Minister Abdullah Al Noman to be kept in Dhaka zoo.

The inhabitants of Bicharabandh village captured the leopard on September 28.

Chosen few attend Liz's wedding

LOS OLIVOS, Calif, Oct 6: Elizabeth Taylor tried to keep reporters away from her eighth trip to the altar Sunday to marry trucker-construction worker Larry Fortensky in a private, fairy tale ceremony for Hollywood's chosen few, reports AP.

Pop star Michael Jackson, a close friend of the actress, hosts the twilight ceremony at his lavish Neverland ranch in the Santa Ynez Valley wine country. The property 100 miles (160 kilometers) northwest of Los Angeles offered seclusion and security.

Miss Taylor, 59, announced to the world in July that she was marrying the 39-year-old Fortensky, professing her love and devotion and a promise: 'This is it!'

Secrecy enveloped the ceremony. But reporters and photographers were undaunted, and an air and ground war was declared by the tabloid press.

Khaleda

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Prime Minister said seeking cooperation of all concerned and the local people for its implementation.

Begum Zia lauded the role of the Chinese government in the development efforts of the country's power sector.

She thanked the visiting Chinese Vice Minister for Machinery and Electricity Lu Yiansun for his presence at today's foundation laying ceremony at Razuan. Begum Zia conveyed her thanks to Chinese President Yang Sang Kun, Premier Li Peng and the Chinese people.

Beijing will provide Tk. 525 crore to bear the entire cost of the construction of the station, first Chinese assisted project in the power sector in Bangladesh. The project is scheduled to be completed by 1993.

Addressing the function, visiting Vice-Minister for Machinery and Electricity expressed optimism that the existing friendly relations between China and Bangladesh would enhance under the able leadership of Prime Minister Begum Khaleda Zia.

Minister for Energy and Mineral Resources Dr. Khandkar Mosharraf Hossain, Planning Minister Zahuruddin Khan, Forest and Environment Minister Abdullah Al-Noman, Communication Minister Oli Ahmed also addressed the function which was attended among others by Chinese Ambassador in Dhaka Chen Songlu and senior civil and military officials.

Khaleda visits site where Zia was buried first

Addressing a spontaneous gathering in the mazar premises she said the present government would work relentlessly to implement the 19-point programme of Shaheed President Zia.

She called upon all to extend their cooperations to the present democratic government in implementing its uplift programmes.

The Midnight File

Mujahideen advance towards Gardez

PESHAWAR, Oct 6: Afghan Mujahideen said on Saturday they had fought their way to within three km (two miles) of the eastern city of Gardez but were facing heavy government attacks from the air, reports Reuter.

Soviet singer shot dead

MOSCOW, Oct 6: A popular Soviet singer, Igor Talkov, was shot dead today while giving a concert in St Petersburg, Tass news agency reported. It said in an unidentified person shot Talkov 35, in the heart at point-blank range in St Petersburg's Place of Sport. In the ensuing panic the assassin managed to escape. It gave no further details, reports Reuter.

Jamaat may abstain

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The Daily Star last night that the BNP had not yet approached their party to vote for its nominee, former Speaker Abdur Rahman Biswas. Besides, the Jatiya Party alleged that ruling party supporters did not allow them to hold a public meeting in Chittagong Saturday and were also obstructing their meeting in Mymensingh.

Jamaat leaders told The Daily Star that BNP topnotchers had held no dialogue with them over the past three days about the presidential election. The leaders, however, admitted that BNP candidate Abdur Rahman Biswas himself was contacting the Jamaat leadership almost everyday.

When contacted over telephone leaders of the Jamaat Parliamentary Party expressed anguish at the ruling party for not accepting some of their demands including implementation of the judicial enquiry report on Chittagong University, and action against those who assaulted Matur Rahman Nizami in Dhaka University, etc.

The Jamaat was also angry that its student front was not invited to the meeting of student body representatives convened by the Education Minister last week to discuss the campus situation.

The Jamaat leaders said that the ruling party seemed indifferent to the Jamaat's demands and hence none of the ruling party leaders had contacted them over the last three days.

Jamaat high command sources indicated that unless

the present scenario improves with acceptance of some of its demands, the Jamaat may be forced to abstain from voting. The sources ruled out the possibility of voting for Badrul Haider Chowdhury. But the Jamaat will have a very crucial meeting tomorrow with the Awami League leaders where they will seek the AL's support for their demands. But the Awami League is unlikely to accept the Jamaat's demand which include granting of citizenship to Gholam Azam.

Awami League central leaders came under fire from party MPs for backing a candidate who had held a meeting with Prof Gholam Azam. Awami League leaders explained in the parliamentary party meeting yesterday how the meeting was held and denied the report that Badrul Haider Chowdhury had promised to back Gholam Azam's citizenship claim.

Meanwhile the ruling BNP has seemingly consolidated its position as the BNPP meeting was attended by 166 members on Sunday. The BNP needs exactly 166 votes to win the election. Four other members who could not attend the meeting will vote for Abdur Rahman Biswas, party sources said. These four are Foreign Minister Mustafizur Rahman, State Minister Fazlur Rahman Patil, Amanullah Aman, MP, and Azizul Haq, MP. The BNP is confidently depending on Rashed Khan Menon, Salahuddin Quader Chowdhury, Maulana Obaidullah, Shahjahan Siraj and the two independent members.

DU teacher assaulted by students

By DU Correspondent

A Dhaka University teacher, Ataur Rahman, was assaulted Saturday evening in front of his room at the International Hostel of the University allegedly by three students of the Dhaka Dental College.

Ataur Rahman, Assistant Professor of the International Relations Department in a statement alleged that he was attacked by three unidentified youths on the first floor of the hostel, when he asked them their motive of moving there frequently.

He was, however, rescued by fellow residents of the hostel and the three persons were taken to the office of the Warden for questioning.

Truckers block Dhaka-M'singh road

Road communication between Dhaka and Mymensingh remained snapped for several hours Sunday as some truck drivers put barricade on the road at Kazi Shilma under Trishal upazila, district administration sources said, reports BSS.

The truck drivers blocked the road in the morning protesting against failure of the police to arrest dacoits, who committed robbery in some trucks on the road in the early hours yesterday. They also held three police captive for several hours, eye witnesses said.

Following the blockade, which lasted for about three hours, hundreds of vehicular traffic remained stranded at Kazi Shilma.

KAFCO deal

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ercial Banks (NEBs) were all guaranteed by the government. The sources noted that Housing Development Finance Corporation (HDFC) in India could draw a loan of 250 million us dollars in 1990-91 from the International Bank of Reconstruction and Development (IBRD) under a guarantee provided by the government of India.

KAFCO was reapproved by the Executive Committee of the National Economic Council (ECNEC) in April last. The thorny issue about the letter of guarantee on export credits was also sorted out at a meeting between the inter-ministerial officials and KAFCO representatives in June last. Fresh controversy on KAFCO emerged after these developments.

Earlier, foreign shareholders expressed their dismay at the cabinet decision to renegotiate the terms of the agreement for the project.

Agreements on the 459 million US dollar KAFCO project under joint venture were signed by the shareholders (Bangladesh Chemical Industries Corporation (BCIC), Japanese, Danish, Dutch and British) at the tag end of the Ershad regime.

After the fall of the Ershad government, the agreements of the project came under criticism from various quarters who termed them unequal and against the national interest.

Under the agreements, Bangladesh is to supply the main raw materials, gas, from the Bakhrabad Gas Field, to the factory at a 'nominal' price of 75 cents per 1000 cft. Government sources say the international commercial gas price

is three dollars per 1000 cft.

Official sources maintained that Bangladesh could guarantee the 30 per cent share held by the BCIC guaranteeing the repayment of the entire project loans as per earlier agreement is an 'unequal condition', the officials said.

Industries Secretary Shaiful Alam told The Daily Star that a new committee was reviewing the whole project in details. The guarantee clauses are also being scrutinised and new mode of payment is being considered.

The Industries Secretary could not, however, tell whether the October 12 deadline set for signing of the letter of guarantee would be maintained. He said the Planning Minister and the Industries Minister have been inducted to the committee with the Industries Minister as the convener of the committee.

'Definitely we want to see the project get a start-up and we are contemplating that its successful implementation would be resolved', the secretary told The Daily Star.

KAFCO Managing Director maintained that 75 cent floor price for gas was fixed 'to protect the (Bangladesh) government.' He said the International Finance Corporation (IFC), the private sector branch of the World Bank requested lowering of the floor price of gas during negotiation of the promoters' agreement.

He said initially, the floor price was set at \$1.50 basing on the bright forecast for Urea export in 1985-86. But afterwards the Urea price came down in the international market and it became evident that \$1.50 floor price was 'too high'

NOTICE

- From 12th October, '91, Container Express between Chittagong Port and Dhaka ICD will run only 3 days in a week.
- Container Express will run on Saturday, Monday and Wednesday.
- The Container Express will leave Chittagong Port on the fixed days at 7-00 PM reaching Dhaka ICD at 8-10 hours on the following morning. Similarly, the train will leave Dhaka ICD at 7-30 PM reaching Chittagong Port at 8-10 hours on the following mornings.
- If required number of loaded containers are available, Container Express will also run on other days of the week.
- Valued customers are requested to contact Chief Operating Superintendent/East, Bangladesh Railway, Chittagong, Phone: 501104 and Director, Freight Marketing Cell, Kamalapur, Dhaka, Phones: 404210, 403558, 405614 for details.



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