

Judgement today

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In reply Attorney General Aminul Huq 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 MP's 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 MP's.

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 mischiefs. By making MP's 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 : mischievous was in the Act itself.

The learned judge : if you had suffered mischiefs 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.

Pursuing 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

KAFCO deal

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erical 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 450 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 flag 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 guaranteed 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 issues standing on the way of 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'

House. And so the gazette notification of September 19 calling meeting of MP's 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 Huq 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 reported : 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 Huq 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 Huq argued adding MP's only functioned in 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 MP's 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 prime fact 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 Salchuzaman and Hasan Arif; and Barrister Amirul Islam by Zakir Ahmed, Moshahuddin and Gazil 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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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.

Abdullah Al-Noman however urged the party MP's 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 newsman after the meeting BNP Secretary General and LGDR 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 president election.

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

On a question whether the BNP would get support of the ALPP, Abdus 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

met Golam Azam.

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

AL leaders told party MP's that Justice Chowdhury's meeting with Golam Azam was not scheduled.

The AL leaders also assured their MP's that Justice Chowdhury did not discuss anything about Golam Azam's citizenship at the meeting.

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 MP's on Justice Chowdhury's recent meeting with Jamaat-e-Islami's spiritual leader Golam 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 MP's wanted clarification on Justice Chowdhury's said meeting with Golam Azam.

They deplored the holding of a meeting with a person like Golam Azam, a Pakistani citizen who acted against the liberation of Bangladesh.

Some MP's questioned as to how a party like the AL could support a candidate who sought blessings from a person like Golam Azam.

To defuse the resentment of the party MP's, the AL leaders clarified under what circumstances Justice Chowdhury

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

JPPP meet

BSS adds: the Jamaat Party Parliamentary Party Sunday held a meeting at the Jamaat Sangsads 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 Anjum Hossain, Fazle Rabbi, MP, Advocate Fazle Rabbi, MP and Reazuddin Ahmed were present at the meeting.

The meeting was attended by 65 AL MP's. Other party MP's 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

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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 Golam 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 Prof Golam Azam, a Pakistani citizen who had lost his Bangladesh citizenship for his role against the Liberation War.

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 Golam Azam it had started shaking hands with the Jamaat for its own interest.

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 Golam Azam and assuring him citizenship.

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

Bangladesh Nagarik 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

Leopard in JS

By Staff Correspondent

A leopard appeared at the Sangsads Bhaban Sunday evening.

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

The caged leopard was presented to Prime Minister by Finance Minister Saifur Rahman at a simple ceremony at Sangsads Bhaban premises.

The handing over of the spotted tiger took place just before the meeting of BNP Parliamentary Party. Ministers, MP's 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, fairytale 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.'

Secrets 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.

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