

Independence of judiciary seen a must for rule of law

By Staff Correspondent

Independence and separation of the judiciary from the executive branch of government is a pre-condition for establishing rule of law and ensuring the legal rights of the people.

This was agreed upon by speakers at a seminar on 'The rule of law: democracy and government' at the Planning and Development Academy auditorium yesterday.

The judiciary has the foremost role in enforcing rule of law and the pre-condition for that is independence of the judiciary, and this independence is protected by separating it completely from the executive and legislative branches of government, observed Justice Kemal Uddin Hossain in his paper on 'Rule of Law and Human Rights'.

Organised by Gonoshahajjo Sangstha, the inaugural session of the two-day seminar was chaired by Dr Kamal Hossain while Prof Zillur Rahman Siddiqui was the chief guest.

Divided into three separate sessions as part of the first day's programme, Barrister Ishfaq Ahmed presented a paper on 'Separation of Judiciary from the Executive' during the first session chaired by Justice Debesh Bhattacharya.

With the existing sense of insecurity and the waning public confidence in the subordinate judiciary, Ahmed said, no meaningful, real or effective legal system can be evolved.

He pleaded with the political leadership to make 'generous, bold and determined efforts' to restore public confidence in the courts by guaranteeing the independence and separation of the judiciary.

The recent controversy as reported in some newspapers regarding the government decision on the promotion of some subordinate judges contrary to the recommendations of the Supreme Court, Ahmed pointed out, has brought the question of the independence and separation of the judiciary, once more into sharp public focus.

He also noted that in the case of magistrates performing judicial functions, consultations were not made at all with the Supreme Court regarding

their control and discipline contrary to the mandate contained in Article 116 of the Constitution.

Saying that it is 'well settled' that the consultation is mandatory, Barrister Ahmed added: 'In all such cases, the Constitution has been violated, the orders made by the President on the advice of the executive branch are therefore patently void as being violative of the mandatory provision.'

The exercise was to rob the subordinate judiciary of their independence and bring them under the 'full control' of the executive.

The retrograde steps have been such that, ironically, Ahmed said, even the little guarantees and separation provided under the Government of India Act, 1935 were more than what the present provisions of Articles 115 and 116 of the Constitution provide.

He pleaded for the restoration of Articles 115 and 116 to their original form.

Justice Kemal Uddin Hossain in his paper pointed out that the government was curbing the independence of the judiciary, as much as it was leaving the scope for differences of opinion between the executive and the judicial branches.

'Recently a bill has been presented in Parliament for this separation and the sooner this bill is turned into a law and made effective, the better it would be for establishing rule of law,' he noted.

Human rights is an ideology while rule of law is a methodology, he said, and one is complementary to the other.

Presenting a paper on 'Terrorism and Rule of Law' at the final session of the day, Justice K M Sobhan pointed out that although 'terrorism and terrorist' had not been defined in the criminal penal code, the crime described in the anti-terrorism law can all be brought under the code.

'In the eyes of the law terrorism holds a special place in Bangladesh,' he said, 'and the administrative machinery or the law enforcement agencies, after failing to curb crime, have formulated a special law.'

He also termed the enforcement of the Special Powers Act as contrary to the

rule of law and said that the double standard in the application of the laws proved that rule of law was a far cry.

He added that rule of law was also being violated because of the bureaucratic mismanagement.

Earlier, during the inaugural session, Prof Zillur Rahman Siddiqui pointed out that most of the general people, specially the working people and women, are deprived of their legal rights.

People in general, he said, are also ignorant about their legal rights and there are problems with application of existing laws.

Dr Kamal Hossain also thanked the organisers for bringing into focus such an important issue.

He called for establishing the independence of the judiciary to protect constitutional rule in the country.

Earlier, Dr F R Mahmood Hasan, executive director of the Gonoshahajjo Sangstha, and Advocate Abul Hasan, chairman of the Central Committee of the district legal aids cells, welcomed the participants of the seminar.

Sugar Mills

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The Prime Minister, citing examples of Japan, South Korea and Thailand said 'their conditions were not better than ours... we do not lack in resources. Above all, we have huge manpower resources that we can utilise to achieve development and prosperity,' she said.

The country's 17th sugar industry is being set up at a cost of US dollar 12.09 million under a supplier's credit from Pakistan. The mills, expected to be completed by 1995, will produce 16,600 metric tons sugar every year.

About 30,000 farmers will be benefited by the new mills that will generate employment opportunity for nearly 1,075 people.

The Prime Minister mentioned her government's industrial development plans and sought cooperation of all for their implementation to make the country self-reliant.

BSS adds: Begum Zia underscored the need for effectively resisting smuggling and said that a strong social movement had to be initiated against smuggling. She said nationalist feeling means to love the country. Our slogan should always be 'Be Bangladeshi, buy Bangladeshi,' she said.

The Prime Minister said the government had taken up various programmes to develop human resources of the country to make them into a productive force.

She thanked Pakistan on behalf of the government and people of Bangladesh for giving assistance in the setting up of the sugar mill and said it was a bright example of regional cooperation under the framework of SAARC, dreamt by Shaheed President Zia. She hoped that this trend of cooperation would hasten the prosperity of the people of the South Asia.

Production in Sylhet fertilizer hampered

From Our Correspondent

SYLHET, Dec 27: Production in the Natural Gas Fertilizer Factory had been stopped since 2:00 AM Sunday when both the generators of the factory went out of order.

The factory complex was still in dark and water supply to the quarters had been stopped.

The electricity supply had not been restored till writing of this report.

Iraqi jet

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volt in southern Iraq following Iraq's defeat in the Persian Gulf War.

The United States, Britain and France joined together in August to impose the no-fly zone. President Bush announced that allied aircraft would 'respond decisively' to shoot down Iraqi planes and helicopters in order to protect the Shi'ite Muslims.

A similar no-fly zone was imposed in northern Iraq to protect Iraqi Kurds. Today's shooting down of the Iraqi plane is the first direct confrontation between the allied forces and Iraq since the no-fly zone was imposed.

Another report says: Iraq today confirmed that coalition forces shot down one of its planes inside Iraq.



Prime Minister Begum Khaleda Zia addressing a public meeting at Daulatpur Degree College ground in Kushtia yesterday. —PID photo

Dhaka ready to talk

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Myanmar bilateral accord as a total of 8277 refugees were at present waiting in the transit camps to be repatriated.

The Dutch ambassador in Dhaka raised the question whether Bangladesh would go ahead with the on-going repatriation or not.

High Commissioner Sadako Ogata in her letter to Begum Zia called for a halt to what she termed the 'coerced return' of the Myanmar refugees to their homeland.

Responding to the UNHCR and US statements the Foreign Secretary had told reporters Saturday that the local officials of the UN agency breached an agreement with the Bangladesh government by asking that the understanding be renegotiated.

The UNHCR-Bangladesh government accord signed on October 8 said that officials of both sides would jointly monitor the return of the refugees.

After sending two small batches consisting of less than 200 refugees under that accord, field-level UNHCR officials unilaterally backed out of the understanding, demanding they be allowed to interview the returnees privately.

Analysts here have described the UNHCR statement unprecedented.

This is a rare occasion in

Kabul providing security to Najibullah

ISLAMABAD, Dec 27: Former Afghan ruler Najibullah is in Kabul where the Islamic government is providing him with necessary security.

United Nations special envoy Sotirios Mousouris said today, reports AFP.

'Najibullah is in the UN premises' in Kabul, Mousouris, the personal envoy of UN Secretary-General Boutros Boutros-Ghali, told a news conference here.

The former Afghan leader resigned in April under a UN-brokered accord promising his safe passage out of Afghanistan. But the Mujahideen government has so far not allowed him to leave.

Najibullah, the ex-chief of the country's secret police who enjoyed the backing of the former Soviet Union, had ruled Afghanistan with an iron hand.

Reports from Kabul earlier speculated that he might have fled to the northern city of Mazar-e-Sharif or one of the neighbouring Central Asian republics after severe fighting in Kabul in August.

Mousouris ruled out negotiations with the government of outgoing Afghan President Burhanuddin Rabbani for Najibullah's extradition 'at this stage.'

Paracetamol syrups

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findings of the laboratory test conducted on its product.

The City Pharmaceuticals claimed that the alleged sample tested in the laboratory was not its product, the BDA chief informed this correspondent adding 'We shall again test the syrup of the company and make sure no one escapes legal measures.'

The Drug Administration decided to test all the paracetamol syrups available in the market following a Shishu Hospital doctor's observation in mid-November that 239 out of a total of 309 children admitted into the Hospital with Acute Renal Failure (ARF) were found to have taken paracetamol syrups. A total of 233 children later died, the Shishu Hospital authorities said.

The Shishu Hospital authorities also came out with the observation that Flamadol, a brand of paracetamol syrup, contained diethylene glycol — a fatal cousin of propylene glycol.

According to experts, propylene glycol is used in producing the syrup as a solvent of the paracetamol — the active ingredient of the medicine.

Khaleda

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The Prime Minister, during her day-long tour of the districts of Kushtia and Pabna, also addressed a huge public meeting at Ishurdi Shara Marwar High School ground.

Begum Zia in her address said the development programmes of the government are aimed at the commonman. BNP is the party of the commonman and has always marched ahead with the people, she added.

'We have re-embarked on the politics of production initiated by Shaheed President Ziaur Rahman. We are building industries, roads, bridges, hospitals and setting up poultry farms,' she said.

Begum Zia accused the opposition of not seeing these works of the present government and hindering development process by raising unnecessary issues. They want that BNP cannot proceed with its politics of production.'

Referring to the local demands, the Prime Minister assured that all pledges made by Shaheed President Zia will be fulfilled. The Ishurdi airport will be reopened and the local Girls' High School and Pilot High School will be nationalised, she assured.

Presided over by Ishurdi BNP president Moutazur Rahman, the meeting was also addressed by the Finance Minister, Information Minister, Social Welfare Minister, State Minister for Communications and local MPs and BNP leaders.

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OIC asks Russia, US to oversee return of deportees

JEDDAH, Dec 27: The Organisation of the Islamic Conference Sunday held Israel responsible for deteriorating conditions at a camp housing 415 Palestinian deportees in a southeast Lebanon no-man's land, reports AP.

It also asked the United States and Russia — the two sponsors of the Middle East peace conference — to see that they return safely to their homes.

'The government of Israel is directly and solely responsible for the tragic living conditions faced by the deportees now,' Secretary-General Hamed al-Gabid said in a statement.

The 51-member OIC serves as a political umbrella for the world's estimated 1 billion Muslims.

Gabid issued the statement following a meeting earlier in the day with the consuls-general of the permanent member states of the UN Security Council accredited to Jeddah.

The statement said Gabid delivered them messages to convey to their heads of state concerning Israel's decision to deport the 415 Palestinians from the occupied territories.

Delhi to buy

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'The government's aim is to ensure that the balance of both communities is maintained,' he said.

The spokesman said the government had decided to refer to the Indian President the question of seeking the Supreme Court's opinion on whether there had been a Hindu temple on the site where the mosque stood.

The militant Hindus who tore down the Ayodhya mosque want to build a temple to the Hindu warrior-god lord Rama on the site.

A Calcutta report says, the West Bengal Chief Minister Jyoti Basu tonight charged the centre with 'once again compromising in panic' with 'fundamentalist' BJP and other Hindu religious organisations by permitting 'darshan' in the illegally constructed structure on the disputed land after demolition of the mosque in Ayodhya.

Fourth Plan

From Page 1 Col 7

achieving a 5 per cent annual growth rate during the plan period. But, according to official figure, growth achieved in 1990-91 and 1991-92 were 3.60 per cent and 3.99 per cent respectively.

The growth target is 5 per cent in the current fiscal. At least 6 per cent growth is to be achieved in the last two fiscal years of the FFYP to fulfil the target of a 5 per cent overall growth during the plan period.

A good number of projects, mostly the ones having low absorption capacity, are likely to be dropped and some may face cut in their allocations in the revision exercise.

Labour oriented investment projects will get priority in the revised FFYP, the sources said.

Also, they added, higher allocation will be given for income generating programme in rural areas with the non-farm programmes, including rural industries, getting priority.

Investment in competitive export-oriented industrial ventures would also be in the revised priority list.

The Planning Commission is reviewing with individual ministries and executing agencies the implementation of Annual Development Programmes of 1990-91 and 1991-92 to assess their absorption capabilities and also their demand of fund for the remaining period of FFYP.

The Midnight File

Afghans in Pakistan observe 'Black Day'

ISLAMABAD, Dec 27: Afghan nationals throughout Pakistan observed a 'black day' today to condemn the Soviet military invasion of their country 13 years ago, the Afghan News Agency (ANA) said. It said Mujahideen leaders in camps run by the Hezb-i-Islami of dissident leader Gulbuddin Hekmatyar lashed out at the decade-long military occupation of Afghanistan that ended in 1989, reports AFP.

HC rule on Israeli govt

JERUSALEM, Dec 27: Israel's High Court today gave the government 72 hours to answer a challenge to a cabinet decision barring humanitarian aid through Israeli lines to 415 Palestinian deportees in Lebanon, the Justice Ministry said. Judge Aharon Barak was ruling on a petition by Israeli Arab Parliament Member Abdel Wahad Darawshe. A seven-judge High Court panel has twice rejected challenges to the December 17 expulsions, reports Reuters.

Pakistan starts rebuilding damaged temples

ISLAMABAD, Dec 27: The government said Sunday it has started to rebuild hundreds of Hindu temples damaged or destroyed earlier this month by Muslim mobs, reports AP.

The conservative Islamic government of Prime Minister Nawaz Sharif told parliament that reconstruction work began last week with money from the federal Ministry of Religious Affairs. It did not say how long reconstruction would take.

The government also has promised unspecified compensation to Hindu families whose homes and businesses were set ablaze by Muslim gangs seeking revenge for destruction of a 16th century mosque by Hindu fanatics in northern India.

The mosque's demolition created a backlash in Islamic Pakistan that badly damaged or destroyed at least 260 Hindu temples, according to the government.

Most of the temples are in southern Sindh province, where Pakistan's 800,000 Hindus are concentrated, or in eastern Punjab province bordering India.

Keranigonj

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at Keranigonj during the hartal hours Sunday, witnesses said.

Police were patrolling the burned 'Khanka' (a place for religious meditation) of Sadr-uddin at Chuknukta. Agitated people set it ablaze Saturday.

Meanwhile, namaj-e-janaja of the two victims of Saturday's clash Saiful Haider Badsha and Belayet Hossain was held at the Kaliganj ground and the bodies were buried near the Bara Masjid at Kaliganj Sunday evening.

UNB adds, Jamaat-e-Islami Secretary General Maulana Matur Rahman Nizami yesterday demanded a probe committee with Ulema to investigate into allegations against the 'fake peer' of Keranigonj and action against him if found guilty.

Nizami condemned Saturday's police firing in Keranigonj and said such unwanted situation could have been averted had the government taken appropriate steps.

In a statement, the Jamaat leader alleged that unislamic activities and publication of objectionable books from the camp of the 'fake peer' misinterpreting Islam generated anger among the pious people in the locality for a longtime.

DESAs Tender Notice

Sealed tenders are hereby invited from the bonafide firms engaged in printing work for supply of Monitoring Forms & Ledger Books. Tender document can be purchased from the office of the undersigned (Biddut Bhaban 1, Abdul Ghani Road, Dhaka) till 14.01.1993. The cost of the tender document, Taka two hundred (Non-refundable) shall be paid through DD/PO in favour of Addl. Director, RAO, DESA. Bids will be received on 17.01.1993 up to 12.00 O'clock and shall be opened on the same day at 1.00 PM in the presence of bidders, if any.

Director Procurement & Stores, DESA. D-718

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Emergency Gas Notice

It is hereby notified for information of valued consumers that to remove the temporary difficulties created in the supply of gas to some areas of Dhaka city viz. Rayer Bazar, Tally Office Road, Jhikatala, Kalabagan, Lalbag, Raj Narayan Dhar Road, Adabar, Shyamoli, Krishna Charan Saha Street, Chankhar Pool, Moneshwar Road, Mir Hajirbag, Bibir Bagicha, Dhalpur, Manik Nagar, Gopibag, Brahmanchiron, Golapbag, Dhania, East Jurain, Alamganj, North Jatrabari, South Jatrabari, Shekhi Nurpur, Gandaria, Nayatola, Mirbag, Meradia, Khilgaon, Sipahibag, Purbarampura, Olan etc. Necessary technical steps are already being taken by the company to increase the pressure. As a result the condition will improve soon in some areas and in near future in some others.

The areas where temporary difficulty in gas supply is being experienced during peak hours of the day, are mainly under the company's gas distribution network set up at the initial stage. Later on as the unplanned human settlements grew up in different areas of the capital, so with the enormous increase in population and increasing industrialisation, demand for gas also increased at an unexpected rate. But mainly due to finance constraint and land acquisition complications as well as delay in availability of fine pipe & other essential materials, planned improvement in gas distribution network could not be implemented. Besides, natural increase in gas demand during the winter season is also a reason for present crisis. To resolve this work of installing new lines with necessary technical arrangement is in process.

Besides this, it has been marked on the spot in those depression areas that by excess use of approved limit and by using gas with unauthorised connection, a number of consumers are deteriorating the situation. Legal actions including disconnection of such unauthorised connections are being taken by the company.

Under the circumstance, to check misuse of gas & illegal use of gas, valued consumers are also specially requested to cooperate by furnishing information.

However, under any emergency situation regarding gas, it is advised to contact the company's Emergency Gas Control Centre, 7, Motijheel C/A, Dhaka, Phone: 232200, 232172, 258462. The company earnestly regrets the temporary inconvenience caused to the consumers. The company strongly hopes that the inconvenience can be overcome soon and solicits overall cooperation of valued consumers.

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DFF (BA) 12462 - 26/12 G-1685

Authority

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Executive Editor: Mahfuz Anam

Published by the Editor on behalf of Media World Ltd., 52, Motijheel C/A, Dhaka-1000 and printed by him at The Sangbad Ltd., 36, Purana Paltan, Dhaka. Editorial, News & Commercial Offices: House No 11; Road No 3; Dhakamandi R/A, Dhaka-1205. PABX: 500091-4. Advertisement: 500091. Fax No 89-02-863085. GPO Box No 3267. GRAM: DAILY STAR DHAKA.