

## Pak newsman jailed for accusing court

RAWALPINDI (Pakistan), Mar 2: Pakistan's Supreme Court sentenced a freelance journalist to jail indefinitely today for contempt, sparking plans by Rawalpindi's journalist community to march in protest, reports AFP.

Shahid Orakzai, 40, was declared guilty of contempt on Monday during the trial here, 15 kilometres (nine miles) west of Pakistan capital Islamabad, of former army chief Mirza Aslam Beg.

Orakzai stood up, openly accused the Court of trying to exonerate Beg, charged with influencing the Court while he was army chief, and said the job of presenting details of Beg's actions had been wholly left to the press.

Orakzai, warned repeatedly by the Court, refused to remain quiet. His comments sparked chaos, and the courtroom atmosphere degenerated.

The full bench, headed by Chief Justice Afzal Zullah, said in a statement Orakzai had not only "disturbed the decorum of the Court, but contemptuously acted in a manner to scandalise it and bring it into hatred, ridicule and contempt."

He was sentenced "until he purges himself of the contempt," the statement said. Orakzai is to make a statement to the Court Registrar every four months, and the content of his statement is to determine the length of his jail term.

Authorities, unable to find Orakzai since the verdict was handed down, have raided his home, as well as the Islamabad bureau of The Frontier Post, the Northwest Frontier Province daily newspaper, for which he sometimes writes.

Sources said police tried to arrest the newspapers chief reporter Qaisar Butt for refusing to be interviewed or being unable to give details of Orakzai's whereabouts.

Journalists say will march through city streets here to protest against police raids and repeated harassment of the press.

After the verdict on Orakzai was handed down, Beg's trial, in its second day following a one-week recess, continued.

Beg denied influencing a Court decision not to restore the elected National Assembly, dissolved by then President Muhammad Zia-ul-Haq in May 1988.

Zia was killed in August 1988 when the Pakistani air force plane he was in exploded in mid-air.

In a speech to the Lahore Press Club on February 4, Beg commented on the Court decision not to revive the assembly.

Later on Tuesday, journalists who attended Beg's press club talk were to testify in Court.

Beg said his remarks, widely considered to be controversial, were not meant to scandalise the Court.

In a short statement on Monday, Beg said he gave a message to the Court through then Law Minister Wasim Sajjad, who is now senate chairman, that holding assembly elections was in Pakistan's best interests.

However on Tuesday, Sajjad denied having received such a message. He said he would issue a detailed statement after the Court hands down its verdict on the Beg case.



Prime Minister Begum Khaleida Zia having Iftar with high government officials at Sugandha office yesterday. —PID photo

## Azam's case: Natural justice

From Page 1 Col 7

On that occasion, Justice Sarkar and Justice Badrul Islam Choudhury gave a split verdict.

Going through the judgement of Justice Sarkar, Barrister Yusuf claimed that Article 3 of the Bangladesh Citizenship Temporary Order (PO-149 of 1972), under which the disqualification notice was issued, could not be applied retrospectively.

To which, the court enquired, "Where is the retrospectivity of the government order?"

The government order itself is not retrospective, replied Barrister Yusuf, but Justice Sarkar is saying that it is.

Article 3 of the Temporary Order states: "In case of doubt as to whether a person is qualified to be deemed to be a citizen of Bangladesh under Article 2 of this order, the question shall be decided by the government, which decision shall be final."

Article 2 places three conditions required to be deemed to be a citizen: that a person or his father or grandfather was born in the territory comprising Bangladesh, that he was a permanent resident on March 25, 1971 and that he continued to remain so resident.

Justice B I Choudhury also concurred with this view, he added.

Justice Sarkar held that inclusion of the petitioner in the voters' list was a "bonafide mistake". Simply because he was included in the voters' list does not ipso facto make him a citizen of Bangladesh.

Citing the case against declaring Jamaat-e-Islami as an illegal association and involving Abul Ala Moududi (17 DLR of Pakistan Supreme Court), the counsel for the petitioner said, Justice Sarkar ruled that the principles of natural justice was not violated in not issuing a show cause notice to the petitioner.

However, Barrister Yusuf contended that the case dealt on the subject of striking down of laws and that Chief Justice Cornelius, on that occasion, had struck down the order against Jamaat as unconstitutional.

To that extent Justice Sarkar was totally erroneous and it was misquoted and out of context," he added.

The court observed that it depends on the situation of every case whether a show cause notice is to be given or not.

Barrister Yusuf argued that if by any action of the authorities any person is going to be adversely affected then the principles of natural justice demands the issuance of a show cause notice. "No person shall be condemned unheard, the procedure is important."

The court enquired if the counsel for the petitioner

ment can use delegated power "only in making orders prospective in nature, my offence has to be decided as per the laws prevalent at the time."

He went on to quote Justice Sarkar as saying "In view of the discussion about it, it cannot be said that he (Azam) was a citizen of Bangladesh prior to the making of the impugne notification on April 18, 1973."

Justice Sarkar also said, he added, that there was no malafide in issuing of the notification considering the fact that none of the other 38 disqualified for citizenship were members of Jamaat and that general elections were held in the country on March 1973 before the notification was issued.

Barrister Yusuf contended that "Article 3 vests government with a very wide power but does not provide a guideline as to how to remove doubt with respect to Article 2."

The counsel for the petitioner said that Justice Sarkar in his judgement held that Article 2(b), which refers to conduct and relates to renunciation by a citizen, is not applicable as it was incorporated after the notification was issued to the petitioner.

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mean that for fairness the petitioner should have been asked.

Replying in the affirmative, Barrister Yusuf said, "Notice could have been served at the permanent address (of the petitioner) and mere not knowing his whereabouts is not enough."

He went on to quote Justice Sarkar as saying, on the question that the petitioner was deprived of his natural rights, that it was not a case of cancellation of one's citizenship as petitioner was not residing in Bangladesh on the date the impugne notification was issued by the government.

As there is no vested right no show cause notice required," said Justice Sarkar.

At this point, Barrister Yusuf noted that the government had issued a gazette notification to the petitioner on July 15, 1972 on collaboration charges asking him to surrender within a specified date or else his property would be confiscated. If the government could provide a gazette notification, he noted, then why couldn't the government serve a show cause notice to the petitioner?

In response to a question by the court, Barrister Yusuf went on to elaborate the points of difference between the two judgements, namely that the petitioner was a citizen in accordance with the provisions of Article 2 (b) of the Temporary Order, about the application of the principle of natural justice and the violation thereof and whether the petitioner was guilty of delay and latches in coming to the court.

Acting on behalf of the state, Attorney General Aminul Haque pointed out that Article 3 of the Temporary Order had never been debated in court before and that resolution of doubt had come to the court for the first time.

However, he added that the doubt cannot be resolved through writ jurisdiction but through a legal suit.

Barrister Yusuf noted that on the point of conduct and on the virus of Article 3 there was no difference between the two judgements.

He submitted that the third judge had jurisdiction only to hear the points of differences.

On the point of delay by the petitioner in coming to court, Barrister Yusuf noted that the petitioner "never attempted" to come to Bangladesh from London until the change of government in 1975 as the Awami League government was "inimical" towards the petitioner because of "serious political differences" and that the persona, safety of the petitioner was at stake.

At this stage the hearing was adjourned till 2pm today.

## CPI-M opposes import of Jamdani

CALCUTTA, Mar 2: Import of Jamdani sarrees from Bangladesh would adversely affect artisans in West Bengal who produced the same sarrees and render them jobless, CPI-M MIA, Pannalal Maji, said today, reports PTI.

Opposing the union budget which encouraged import of Jamdani sarrees Maji said during the mention hour in the state assembly, we cannot support it. The artisans in our state are producing a good number of Jamdani sarrees which are also comparatively cheaper.

If it was essential to import Jamdani sarrees, then it should be done on a reciprocal basis, he said, adding, we have already lodged our protest against this decision with the central government.

## 146 drowned in Zairean ferry capsizes

BRAZZAVILLE, Mar 2: At least 146 people from Zaire drowned here Monday after the gangway to a ferry boat collapsed under the weight of a rush of passengers, Congolese police said today, reports AFP.

The Zairean ferry Matadi had come to pick up Zaireans expelled from Congo and take them across the river between Brazzaville and the Zairean capital Kinshasa on the opposite bank.

The gangway collapsed as passengers scrambled to get aboard, police said.

Police said 146 bodies had been found, raising the toll from 33 given earlier by hospital sources.

Several boats were searching for further bodies believed still to be in the river.

The Matadi normally carries about 200 passengers.

When the gangway collapsed, dozens of people fell into the water. Seven were rescued by police, but the others were swept away by the river.

Three thousand Zaireans illegally in Congo had been waiting Monday to be repatriated to Kinshasa from Brazzaville, unable to afford a ticket for the fare.

## Student shot by snatchers

A college student who tried to save a rickshaw passenger from the hands of snatchers was shot at near the Jonaki cinema hall yesterday, reports UNB.

Hamidullah alias Prince (19), a intermediate student of Habibullah Bahar College, was shot by miscreants this evening when he tried to save the rickshaw passenger from the snatchers.

Witnesses said two youths stopped a rickshaw and tried to snatch gold ornaments from a woman passenger at around 7 pm near cinema hall. Prince, who was passing-by, challenged the snatchers who immediately opened fire.

Prince was admitted to Dhaka Medical College Hospital with bullet wounds in his thigh.

## Hartal observed at Sirajganj

SIRAJGANJ, Mar 2: An 8-hour hartal was observed in the town today (Tuesday) protesting Sunday's police action on the activists of Jatiyatabadi Chhatra Dal (JCD), reports UNB.

District JCD and Jatiyatabadi Juba Dal, which jointly enforced the shut down, alleged that police assaulted JCD activists during a clash in the town Sunday between supporters of BNP and Awami League that left 10 people injured and several houses ransacked.

They also alleged that police picked up three JCD leaders and roughed up them in custody. They were later released.

JCD sources claimed at least 10 JCD workers were injured today as police lathicharged on a procession near Bhasani Milanayanata in the town during the hartal period.

## Armed cultmen free more children

WACO (Texas), Mar 2: A heavily armed religious cult allowed more children to leave its bullet-scarred compound Monday as the FBI sent in reinforcements and negotiations to end the bloody standoff dragged through a second day, reports AP.

More children remained in the compound, and a man who identified himself as a cult member said others would be released later.

Authorities kept up negotiations a day after a rain of gunfire killed four federal agents and two members of the sect, one reportedly a daughter of cult leader David Koresh.

## The Midnight File

### Afghan factions move closer to solution

ISLAMABAD, Mar 2: Warring Afghan factions meeting here moved closer today to a compromise solution to end fighting around the capital Kabul, Pakistan's Foreign Secretary said. "There has been considerable advance on some issues, while differences still persist on some basic points including the question of legitimacy" of President Burhanuddin Rabbani's two year term, Shahryar Mohammed Khan said, reports AFP.

### Japanese opposition parties boycott budget debate

TOKYO, Mar 2: Japanese opposition parties boycotted the 1993 budget debate today because the ruling party refused to agree to their demands for tax cuts. Faced with one of the most stubborn economic downturns in decades, opposition parties urged the government and ruling Liberal Democratic Party (LDP) to revise the draft budget to include 4.26 trillion yen (\$6.7 billion) in income tax cuts and other tax breaks, reports Reuter.

### JS: Mostafiz

From Page 1 Col 8

The Foreign Minister said that Dalim was promoted to the rank of Joint Secretary on September 1, 1987 while S H M Nur Chowdhury, A K M Mahiuddin Ahmed and Shariful Islam were promoted to the same rank on December 18, 1989.

A joint secretary, according to the Bangladesh Civil Service rules, is eligible for the post of an ambassador of Grade-C, so Dalim was appointed High Commissioner in Kenya on December 14, 1988, the Foreign Minister added.

The Foreign Minister reminded that there was a parliament at that time when the present Leader of the Opposition held the same position.

A number of Awami League MPs raised hue and cry as Mustafiz concluded his statement. Taking the floor Opposition Chief Whip Mohammad Nasim said the Foreign Minister sidetracked the main question of giving promotion to the self-confessed killers by the present BNP government.

Nasim who gave a notice on this issue on Monday said that late President Ziaur Rahman absorbed the killers of Bangabandhu in foreign service, ousted President Ershad retained them in the service while the present elected government of BNP promoted them to the post of ambassadors.

"It's unfortunate that self-confessed killers of Bangabandhu were given promotion by an elected government and the Foreign Minister avoided that in his statement," Nasim said.

Speaker Shaikh Razzak Ali adjourned the House till 2 pm today without allowing further discussion on the issue.

### 48-hr shutdown

From Page 1 Col 4

reason for SKOP's fresh course of action.

Nazrul Islam Khan of Jatiyatabadi Sraniak Dal, Fazul Haque Mantu of Jatiya Sraniak League, Abdus Salam Khan of Trade Union Centre and Dr. Wajedul Islam Khan, SKOP coordinator answered reporters' queries in the presence of other leaders.

Meanwhile, Abul Bashar announced the 48-hour shutdown by the jute-textile-cotton-sugar mills workers March 15-16 at another press conference that followed the SKOP's.

Held at the Workers Party office at Tophkhana Road, the conference was attended by the labour leaders of the said four sectors.

In his written speech, Bashar, convener of Patkal Sraniak Karmachari Sangram Parishad, said they were forced to announce the new programme as the government had not fulfilled its agreement on the announcement of the Wage Commission report and other demands.

He condemned the government 'repression' on the workers during the February 15-16 nationwide barricade.

Iqbal Majumder of Suta-Bastrakal Sraniak Karmachari Federation, Z M Kamrul Anam of Bastra Shilpa Sraniak League and Nurul Islam Khan of Chitnikal Sraniak Federation were among others present at the press conference.

### WB warns

From Page 1 Col 5

March 15 to realise the recommendation of the commission.

The World Bank document, however, observed that the recommendation of wage hike was not based on any analysis of either labour productivity of Bangladesh's export competitiveness.

Quoting a review of a sample of seven public sector units, the bank claimed that wages have been rising at a much faster rate than productivity since 1985.

It warned that the application of the Wages Commission Awards will only widen the gap between wages and productivity, and render those public sector units even less viable.

The Bank memorandum pointed out that real wages in the public sector increased by around 30 per cent between 1985 and 1992, triggering 22 per cent increases in real private sector wages during the period. On the contrary, it claimed, productivity in manufacturing has declined.

The World Bank as well as other major donors are deeply opposed to any wage increase in the industrial sector wages arguing that this would adversely affect the on-going reforms in the public manufacturing sector and further erode the country's external competitiveness.

A couple of weeks back, the World Bank Vice-President Joseph Wood in a letter to the Finance Minister made similar caution against wage hike saying any such action would jeopardise the planned reforms in the jute manufacturing sector.

Official sources indicated that the World Bank argument is likely to influence the Aid Club members at next month's aid pledging session in Paris and they may also ask the government to refrain from any wage hike.

## 6000 hospitalised

From Page 1 Col 5

patients and pitched two tents outside the hospital building with the arrival of increasing number of sick people.

On an average some 400 patients were coming to the centre daily besides those admitted to Dhaka Medical College Hospital, PG Hospital and Midford Hospital.

Chief physician of ICDDR,B told The Daily Star that "it is cholera-like epidemic caused by vibrio non-O1 bacteria."

But no cholera germ was detected in pathological test. The centre tested stool of one out of every 25 patients, he added.

Dr Salam said that contaminated water was the main reason of the latest spurt of the disease in the country and unhygienic slum dwellers and working class were the worst victim.

He said that drinking of boiled or tablet-purified water and avoidance of junk or uncovered food at the hotel and street-side eateries may help check the disease.

UNB adds: Dhaka WASA Chairman Nurul Islam said yesterday morning that mixing of polluted water through the leaked WASA pipes can be reduced by keeping up the pressure of supply and changing the 60-70 year old water lines,

mostly in the old city. "Our present supply of water is less than half of the city's requirement", he added.

The WASA chairman refuted a report published in a section of the press today (Tuesday) that bacteria infested WASA water is the major cause for outbreak of diarrhoea and that WASA has failed to take measures in controlling presence of bacteria in its water.

Our Staff Correspondent in Barisal quoting, Deputy Director of the Health Service stationed in the newly established divisional headquarters said that the number of affected people increased during the past several days.

The health official told The Daily Star that the number of coliform bacteria in water increased upto 70 per cubic centimeter which contaminated the water in the region.

Normally four to five such bacteria are found per CC but 10 to 15 are considered as safe.

He said that the supply of anti-diarrhoeal medicine was satisfactory but there were shortage of doctors in some areas. Some 500 medical teams have been working in the affected districts.

The health official predicted that rainfall might improve the situation.

## Utilization of ADP

From Page 1 Col 7

also points to the apathetic attitude of different ministries, divisions and departments which have not been compliant with the directive to hold monthly evaluation meetings.

The IMED review is meant for the members of the Cabinet.

According to the IMED paper, only 27 per cent of the Taka 8650 crore ADP allocation, which is Taka 2363 crore, has been spent during July-December period. Of the spent money, Taka 1077 crore — 27 per cent — is in local currency and Taka 1286 crore—28 per cent— from project assistance.

In a startling revelation, the IMED says that 15 ministries and divisions did not spend a single cent during the period. Twenty eight ministries spent less than 27 per cent of the funds allocated to them.

Of the 40 top priority projects selected earlier by the Cabinet for which Taka 940 crore was allocated, only Taka 616 crore was spent, giving a disbursement rate of only 66 per cent.

The IMED recommends that the government ask the defaulting ministries to give extra efforts to utilise the funds or else the money be diverted to more deserving projects.

The IMED reports that 30 agencies, who were given Taka

132 crore with Taka 25 crore project aid component, did not spend at all the money allocated to them. And in the cases of 286 projects, for which allocations were to the tune of Taka 905 crore including Taka 361 crore from project aid, there had been absolutely no progress in implementing expenditure.

Therefore, the Planning Commission suggests, a re-evaluation is needed to ascertain the rationale behind allocating money for these projects.

For 84 of these projects, foreign aid money was not made available, the IMED says.

However, pace of project implementation by 16 ministries or divisions, which get major portion of ADP funds, has been found encouraging with a 82 per cent disbursement rate.

Of the Taka 8650 crore ADP outlay, Taka 7008 crore was given to these ministries and divisions—Taka 2917 crore in local currency and Taka 4091 crore in project aid.

For the first six months, 36 per cent of the project aid—Taka 1453 crore—was allocated to them of which Taka 1185 crore—82 per cent—was spent.

But the IMED insists that the disbursements are not satisfactory and should be expedited.

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## Garments worker

From Page 1 Col 8

eight in number fled the spot by the auto-rickshaws exploding several crackers, said Hossain.

However, fatally wounded Faruq was immediately brought to the Dhaka Medical College Hospital (DMCH) where he died after half an hour of admission, hospital sources said.

Faruq and Hossain travel together from Narayanjanj to join duty everyday and as usual yesterday they got down from a bus at Science Laboratory bus stand and were walking to the office when the incident occurred, said police quoting Hossain.

Faruq was a machine operator of the factory and resided at Char Islam village under Bandar Police Station in Narayanjanj. He was one of the five sons of one Siddique Mollah.

Hossain lodged a murder case with Dhanmondi police but no arrest was made and police were yet to find out the motive behind the murder, said police.

Autopsy of the body of Faruq was done at the Forensic Department of Dhaka Medical College Hospital yesterday and the body was sent to his village, said police.

## Israel seals off Gaza

JERUSALEM, Mar 2: Soldiers sealed off the occupied Gaza Strip on Tuesday, barring half of the strip's workers from reaching their jobs in Israel, after a Gaza man killed two Israelis in a stabbing spree in Tel Aviv, reports AP.

There was no word about how long Gaza would remain sealed.

## ALWC

From Page 1 Col 8

A rally will be organised at 9am at Bangabandhu Bhaban where wreaths would be placed at the portrait of Bangabandhu. In the afternoon, the party will hold a discussion meeting at the central office premises which will be presided over by Sheikh Hasina.

Earlier, the meeting moved an obituary reference condoling the death of several leaders of the party and its front organisations. Besides, the meeting expressed its condolence at the loss of 134 lives in Iran in a plane crash and those died in recent bomb explosion at New York International trade centre.

## ADB grant for greenbelt along coast

MANILA, Mar 2: The Asian Development Bank approved grants Tuesday to Indonesia, Bangladesh and other Asian countries, reports AP.

Indonesia is to receive two grants totalling \$1.025 million, a statement from the Manila based bank said.

A \$1.6 million grant is for a study aimed at improving Indonesia's rural water supply and sanitation system. The study will cover the provinces of Ratu, Jambi, West Kalimantan, Central Kalimantan, East Kalimantan and South Kalimantan.

The second grant, \$1.425 million, is to study the private post secondary education system in Indonesia.

Bangladesh is to receive a \$1.34 million grant for a plan to establish a greenbelt of tree and palm plantations along its southeastern coast.

A \$1.5 million grant was set aside for a financial sector policy study that will cover South Korea, Taiwan, Indonesia, Thailand, the Philippines, India and Pakistan.