

20 hurt as rival labourers clash in Khulna

KHULNA, Mar 30: At least 20 people were injured in a clash between rival groups of labourers at Baira CSD Godown area in the town early today (Tuesday), reports UNB.

The clash that ensued over the possession of the godown area at about 2 am continued for five hours.

More than 300 bombs were hurled during the clash, they said adding that the injured were not admitted to the hospital to avoid arrest.

UN staffer

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ment soldiers and fled, he said.

One of the three Bangladeshis in the second car was killed instantly and a second was slightly wounded by shattering glass, Kanharith said.

An American academic, Hourm Kim Kao, who arrived at the scene just minutes after the shooting, identified the dead man as MA Rouf, a permanent staffer of the world body based in Geneva.

Nirmul

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lating democratic norms as well as the Constitution.

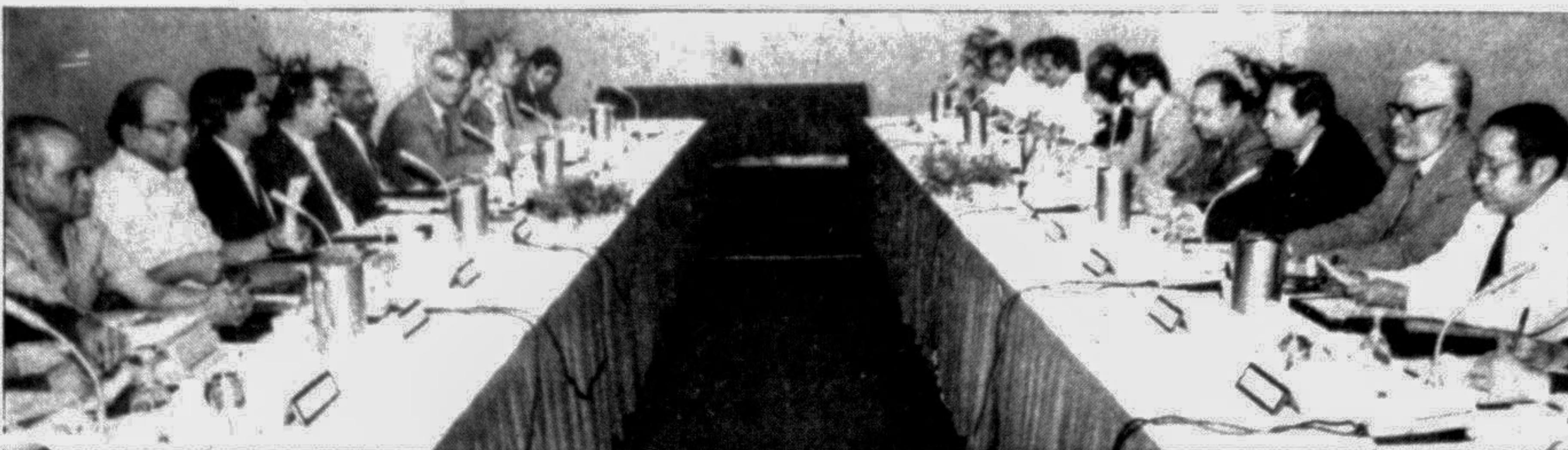
Head of the newly announced Public Enquiry Committee Begum Sofia Kamal chaired the meeting which was attended among others by Prof Kabir Chowdhury, Justice Deves Bhattacharya, Prof Khan Sarwar Moshed, Sawkat Osman, Architect Majharul Islam, Barrister Sawkat Ali Khan, Kalim Sharafi, Advocate Gazil Huq, Barrister Shaifu Ahmed, Foyez Ahmed, Abu Osman Chowdhury, Ali Zaker, Abdur Razzak MP, Prof Abdul Mannan Chowdhury, Kazi Aref Ahmed, Syed Hassan Imam, Principal Abid Chowdhury and Sharier Kabir.

Jute, textile

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Textile Mills, Madaripur—Monday. The government has also invited tender for auctioning the mills.

According to records separately signed with the workers of the jute, textile and sugar sector as well as with the SKOP (Sramik Karmachari Oikya Parishad) last year and the year before, the government was under obligation to disinvest the public sector industries only after the contending parties reached a consensus on privatising the industrial units.



Irrigation, Water Development and Flood Control Secretary M As-fuddaula and Indian Water Resources Secretary Dr C D Thatte leading their respective governments at the Bangladesh-India water talks at a city hotel yesterday — PID photo

Balanced growth a must for state security: FM

Foreign Minister ASM Mostafizur Rahman Tuesday said that harmonious and balanced socio-economic growth is essential for ensuring security of state.

Only a proper democratic environment in which wishes, hopes and aspirations of the people will receive due cognizance can ensure realisation of such objectives, the Foreign Minister said.

Broad-based political consensus would only help in uniting and strengthening a nation internally, he said and added that this would place the foreign policy of the country on a stronger footing.

The Foreign Minister was speaking as the chief guest at the launching ceremony of a book titled 'Bangladesh in International Politics: The Dilemma of Weak States' by National Professor and former Foreign Minister Prof Muhammad Shamsul Huq at the Bangladesh Institute of International and Strategic Studies (BISS).

The book describes vividly the evaluation of Bangladesh foreign policy since independence and gives an overview of world political scenario.

The Foreign Minister in his speech also said domestic issues dividing a nation weaken it internally and erode its role in external relations.

Talking on the principles of the country's foreign policy he said, "We abhor any use of force or a tendency towards it to resolve disputes."

Rahman said Bangladesh firmly believes in co-existence with all its neighbours based on mutual respect for sovereignty, territorial integrity, non-interference in the internal affairs of others and peaceful resolution of all

Talks on Harkin Bill

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banned on import of any product made whole or in part, by children under the age of 15 who are employed in industry and mining.

At a telepress conference at the United States Information Service (USIS), Bangladesh Garments Manufacturers and Exporters Association (BGM-SEA) President Mosharrar Hossain hoped for a "positive approach" by the US legislators so that the spirit of the Bill could be retained while not worsening the socio-economic condition of the developing countries.

The trade representatives of our country must have the opportunity to convince the US importers of our realities," he said.

The BGMSEA President and two other panelists were hooked up to Sweeney and the International Labour Rights Education and Research Fund (ILREF) Executive Director Paris J. Harvey in Washington.

The other panel discussion in Dhaka were Additional Labour Director MAS Talukder and Zahiduzzaman Faruque, Economic Editor of the Daily Ittefaq.

"If you feel that children are not being employed in the garments industries of Bangladesh, you have nothing to fear," assured Sweeney.

Asked by the BGMSEA President, if the Bill was introduced out of more love for the US workers than affection for the children of the developing world, the ILREF Executive Director and that the Bill had not desired to bring back job from Bangladesh to the US.

"The bill is driven by humanitarian concern rather than trading," said Harvey, "our market serves to assist Bangladesh update the labour situation and aims at helping productivity in Bangladesh."

Delhi delegates

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through."

However, an unhappy Asaf-uddinowa gave no such indications.

Thatte spoke of many more important things to be done before reaching short and long-term arrangements for water sharing. He, however, did not specify.

The Irrigation Minister of the two countries after a two-day meeting in Dhaka last August formed the JCE mandating the joint body to work for an equitable, long-term and comprehensive arrangement for sharing the flows of the major common rivers.

A joint communique then said, "The JCE shall endeavour to achieve an acceptable settlement including the interim arrangements for sharing the dry season flows of the Ganges in the meanwhile."

Prior to today's talks, the Indian delegation leader will call on Irrigation Minister Majid ul Huq reportedly a RAW agent in the morning.

Pakistan

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him who has fled the country, were "only operators" in the conspiracy.

"Bigger powers, big money, beyond the capacity of the smugglers and criminals, had been put into play," Samra said referring to India's allegations that Pakistan's secret service masterminded the blasts.

"A neighbouring country seemed to be interested in opening a second front in India through Bombay," he told a news conference.

A dozen of powerful explosions within two hours hit the Bombay stock exchange, three luxury hotels, shopping arcades, and a cinema hall. As well as the hundreds dead the bombs left 1,250 people injured and paralysed Bombay, India's commercial heart.

India blames Pakistan for fuelling Sikh and Muslim separatism in its states of Punjab and Kashmir.

BEA

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he said the decision taken from sectoral review would be more acceptable to both the employers and employees.

He also stressed the need for improving the relations between employers and workers saying that the constraints towards improving the relations must be identified and removed immediately.

Reiterating his concern for low productivity of the industrial sector the BEA President said the employers were ready to sit with the leaders of trade unions to discuss the issue. This would not only help increase the productivity but also the wages of the workers, he added.

Shantibahini

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day in response to a letter sent by the Liaison Committee leader Honsadhoz Chakma a week ago asking for extension of ceasefire upto April 30 for continuing the dialogue with the government, according to sources.

A highly placed source said the PCJSS leaders in their letter sent today to Honsadhoz Chakma, also asked the authority to provide a guarantee of non-violation of ceasefire by any government force.

However, the Liaison Committee sent the letter to PCJSS leaders earlier for extension of ceasefire and holding the third round of talks, after being requested by the parliamentary committee, sources added.

Shantibahini leaders held the 1st round of peace talks with the parliamentary committee headed by the Communication Minister Col (Rtd) Oli Ahmed on November 5 at Khagrachari Circuit House. It was followed by a second round of talks on December 26 at the same venue.

Initially the ceasefire was announced by the Shantibahini unilaterally on August 10 for three months and that was formally extended upto December 31 during the first round of dialogue.



A family of eight, after being evicted from the T&T colony yesterday, sitting sadly amid furniture strewn around under the open sky. The head of the family, Khalilur Rahman, lost his job as a mail operator in the postal department in 1984 under MLO (Martial Law Order)-9. He, however, was acquitted of the charges of corruption in 1985. But he was evicted yesterday while the government was yet to decide on restoration of his job. Khalilur Rahman, father of six children, two of them students of the Dhaka University and one studying at a medical college, now does not know where to go. He had not even been communicated by the concerned authorities that he would be evicted yesterday. — Star photo

North Korean special envoy due today

A special envoy of North Korean President Kim Il Sung arrives here today on a four-day visit to Bangladesh, reports UNB.

North Korean Vice President Li Jong Oh will hand over a message from President Kim Il Sung to Prime Minister Begum Khaleda Zia, Foreign Office sources said.

Corruption case filed against ex-CCC Mayor, Chief Executive

CHITTAGONG, Mar 30: Anti-corruption Bureau Chittagong region here today filed a case with Kotwali police against former Mayor Mahmudul Islam Chowdhury and the Chief Executive officer D K Chowdhury of Chittagong City Corporation for illegally leasing a Corporation's commercial building to Dainik Janata causing financial loss to the Corporation, reports BSS.

It was alleged that the mayor and the chief executive officer illegally lease out the portion of corporation's commercial building at Nurahmud after constructing it with corporation's money.

Yeltsin

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Constitutional Court rather than hold his own referendum, presidential spokesman Vyacheslav Kostikov said.

"Most of the speakers said that it will not be expedient to hold to separate referendums," said lawmaker Nikolai Arzhanikov. "It will be another step to breakup, while everybody talks about uniting."

Editor: S. M. Ali
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Published by the Editor on behalf of Mediaworld Ltd., 52 Motijheel C/A, Dhaka-1000 and printed by him at The Sangbad Ltd., 36 Furans Paltan, Dhaka. Editorial, News & Commercial Offices: House No. 11, Road No. 3, Dhanmondi R/A., Dhaka-1205. PABX: 500092-4. Advertisement: 500091 (Direct) Fax No. 88-02-863035. GPO Box No. 3257. GRAM: DAILY STAR DHAKA.

The Midnight File

US brands Iran as 'international outlaw'

WASHINGTON, Mar 30: Secretary of State Warren Christopher branded Iran as a "international outlaw" because of its attempts to acquire weapons of mass destruction and its support for what the US sees as terrorism. Testifying before a Senate subcommittee, Christopher said the United States would do its best to block Iranian attempts to gain World Bank loans, reports Reuter.

Hearing of Azam's case

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tion shall be final.

"Thus, the grounds on which the impugned notification was issued by the government is ultra-virus of Article 3 read with Article 2 as none of those three grounds noted in the notification are included in Article 2," Barrister Yusuf added.

However, the court pointed out that the government could use these grounds under Section 16 of the Bangladesh Citizenship Act of 1951, which provides for deprivation of citizenship.

But the government referred "exclusively" to Article 3 of the order in issuing the notification, Barrister Yusuf said. "Can they (the government) go beyond Article 2?"

Replying in the negative as the law is specified, the court, however, said "non-continuance of residence may refer to the petitioners' stay abroad and conduct may be relevant how the petitioner stayed abroad."

Conduct cannot be a ground to determine birth right and residence on March 25, 1971 in respect to Article 2, the counsel for the petitioner said, adding "staying abroad since Liberation is no bar and continuing to be citizen of Pakistan is no ground under Article 2."

The court asked if the government could use Article 2 (b) of the Temporary Order, which provides for disqualification if a person owes, affirms or acknowledges, expressly or by conduct, allegiance to a foreign country.

Barrister Yusuf noted that the Article 2 (b) was inserted into the Temporary Order in May 1973, after the impugned notification was issued, and thus cannot be used in the petitioners' case.

"You have to answer this: If the notification stands whether the citizenship (domestic of origin) revives," the court asked, adding "your (the petitioners) root has been cut and so far as Bangladesh is concerned you are dead, unless the notification is set aside you remain so."

The counsel for the petitioner replied that the grounds taken by the government has to confine the investigation to Article 3 in respect of Article 2. "Power of Article 3 is confined only through conditions of Article 2."

Saying that "this appears to be a solid point," the court asked "What were the findings of the two judges?"

Barrister Yusuf said that Justice Ismail Uddin Sarker and Justice Badrul Islam Choudhury, who last year gave a split decision verdict during the initial hearing of the petition, did not go in that direction.

"But that is a solid point," repeated Justice Choudhury.

The counsel for the petitioner went on to argue that the grounds specified by the government in the impugned notification go beyond the scope of Article 2.

The government took irrelevant considerations into account beyond the scope of Article 2 and therefore, the notification is illegal, void and ultra-virus of Article 3 in respect of Article 2.

Moreover, he claimed that the government intended to cancel the citizenship through the notification "in the guise of disqualification."

The court pointed out that the notification states that the petitioner is not qualified to be a citizen.

Barrister Yusuf noted that the government through a subsequent public notice acknowledged that the notification was not for removal of citizenship under Article 3 as contemplated but, in effect, was a cancellation of citizenship.

The government through a press release in 1976 (annexure) invited applications from those (the 39 against whom the notification was issued) whose "citizenship was cancelled," he pointed out.

The court noted that perhaps cancellation was only shown to reconfer citizenship "to show favour to affected persons," and asked "what happened to the others included in the list of 39?"

The only person left out was the petitioner, Barrister Yusuf said, as all others were given back their citizenship.

At this point, the Attorney General noted that the petitioner was too late (in coming back), in other cases the notification was withdrawn or dropped.

But cancellation of the citizenship is akin to deprivation, the counsel for the petitioner said, and it does not fall in the purview of Article 3 of the Temporary Order but only falls under Section 16 of the Citizenship Act of 1951, which calls for the issuance of a show cause notice.

"Saying that this (the notification) is an exercise of power under Article 3 and even if the government makes a wrong decision, which is final (as per the article), the court asked "how far this court could go in examining it?"

Referring to Bindra's interpretation of statutes, Wade on administrative laws and a number of other judgements, Barrister Yusuf held that "finality of a government decision means that no appeal or other procedures would lie but it does not preclude the power of the High Court for judicial review to examine whether the order itself was in accordance with the law."

To this, the court replied "all order of facts is not an error of law, factual aspect of an evidence is a question of fact but wrong assumptions in coming to an inference is a question of law."

Barrister Yusuf argued that cancellation of citizenship under Article 3 is a "malafide exercise of power for collateral purposes" and as such the impugned notification is "wholly illegal."

In support of this contention, the counsel for the petitioner, relied on a decision by the court of appeals in England (1948-1KB), 1920 appeal cases of the Privy Council of the House of Lords and the 1969 "one all-England report".

Wherein, he said, it were held that discretionary power granted to the government must be exercised within the scope of the power and not beyond it and he further held that the government cannot take irrelevant considerations into account.

"Any violation of these principles would render the government order void and illegal," he added.

Barrister Yusuf further argued that the principles of natural justice was also violated by not providing the petitioner an opportunity to be heard.

"Professor Golan Azam was condemned unheard, violating the principles of fair hearing and procedural justice was denied to him."

Referring to a 1723 English judgement (R vs University of Cambridge), he said that it was observed in that case that the principles of natural justice was first observed by God in the Garden of Eden when He asked Adam why he ate the forbidden fruit and also put the same question to Eve.

Barrister Yusuf added that Prophet Mohammad (SM) also followed similar procedures of show-cause notices and thereafter this principle was adopted in Europe and other countries.

Referring to a number of recent decisions, the counsel for the petitioner held that the principles of natural justice should be read in every enactment unless expressly ousted by a particular law.

The courts, he added, held that the principles of natural justice is not only applicable in judicial and quasi-judicial proceedings but also in administrative proceedings.

Citing a recent decision (45DLR) by a Division Bench of the High Court, he noted, Justice Choudhury held that the principles of natural justice has to be treated as added and need not be super-added.

But in the case of the petitioner, Barrister Yusuf said, the government failed to issue a show-cause notice, thus violating the principles of natural justice and denied him of a fair hearing and rendering the impugned notification as void and illegal.

Moreover, he added there was no emergency at the time the notification was issued to relax the rule of principle of natural justice and even under an emergency it must be heard after the emergency is over.

"And in this case the government notification being final and the petitioner having no right of appeal or review petition, adherence to the principles of natural justice was all the more important," he asserted.

Citing a previous judgement, the court agreed by saying "maybe not at the threshold [of issuance of the order] before a final decision is made, at some point in time [the petitioner] must be heard, and that will be satisfactory."