

Azam's counsel concludes arguments Statement relating to PIA flight misleading: AG

Attorney General Aminul Huq yesterday submitted before the Appellate Division of the Supreme Court that it should take judicial notice as to whether it was practicable to have a PIA flight from Karachi to Dhaka on December 3, 1971 when war between India and Pakistan had broken out following the night of December 2, reports BSS.

Refuting the contention of Golam Azam's counsel A R Yusuf, Bar-at-Law, that Azam had made an attempt to come back to Dhaka from Karachi by a PIA flight on December 3, 1971 the Attorney General said it was a misleading statement because both the Dhaka and Karachi airports were heavily bombed after war had broken out following the night of December 2, 1971.

The Appellate Division was hearing for the 11th day the appeal against the verdict of the High Court Division restoring the citizenship of Golam Azam.

A R Yusuf concluded his arguments yesterday while Attorney General Aminul Huq began his reply.

Controverting the submission of Yusuf that in the affidavit of the government a single sentence about the abandonment of permanent residence by Golam Azam was not mentioned, the Attorney General said this was not at all correct.

He further submitted that it was positively mentioned in four paragraphs in the affidavit of the government that Golam Azam was continuing as a citizen of Pakistan which, by implication, shows abandonment of his permanent residence.

The Attorney General submitted that it is evident from the past conduct of Golam Azam, as placed before the court earlier, that he had abandoned his residence in Bangladesh and continued to be a citizen of Pakistan.

The Attorney General further submitted that the anti-Bangladesh activities of Golam Azam from March 26, 1971 till December 15, 1972 — the date of commencement of the Presidential Order (PO) 1972 — are sufficient to prove that Azam renounced his Bangladeshi residence and remained with the political community of Pakistan.

When the court asked why doubt arose when Golam Azam was treated as a non-citizen of this country by the government, the Attorney General replied that this was because Azam had a house in Bangladesh but he was residing in Pakistan.

Referring to Yusuf's argument that the PO 149 of 1972 is partly retrospective and partly prospective, the Attorney General said that was an erroneous assumption of the law because the law itself says it is retrospective and subsequent amendments to PO 149 are also retrospective.

The Attorney General maintained that Article 3 of the PO 149 has legally empowered the government to decide a past issue relating to citizenship on Sunday.

Dhaka strategic point

From Page 1 Col 7
1992, is now the ICAO consultant on the CNS/ATM system designed to provide maximum safety for any aircraft.

Singh is in Dhaka to conduct a three-day workshop on CNS/ATM that concluded on Tuesday. He is conducting similar workshops in 26 member countries of the ICAO's Asia-Pacific rim ranging from Iran to Fiji and the Maldives to Korea to assess the needs of respective countries.

The ICAO is a UN agency which monitors and controls international standards in aviation. Currently it has 183 member countries including Bangladesh. The organisation is headquartered in Montreal, Canada.

"Being an ICAO consultant I should not say which country should use which method of communication. Individual member countries will take the decision in this regard," Singh told this correspondent during the interview at his Sheraton Hotel room.

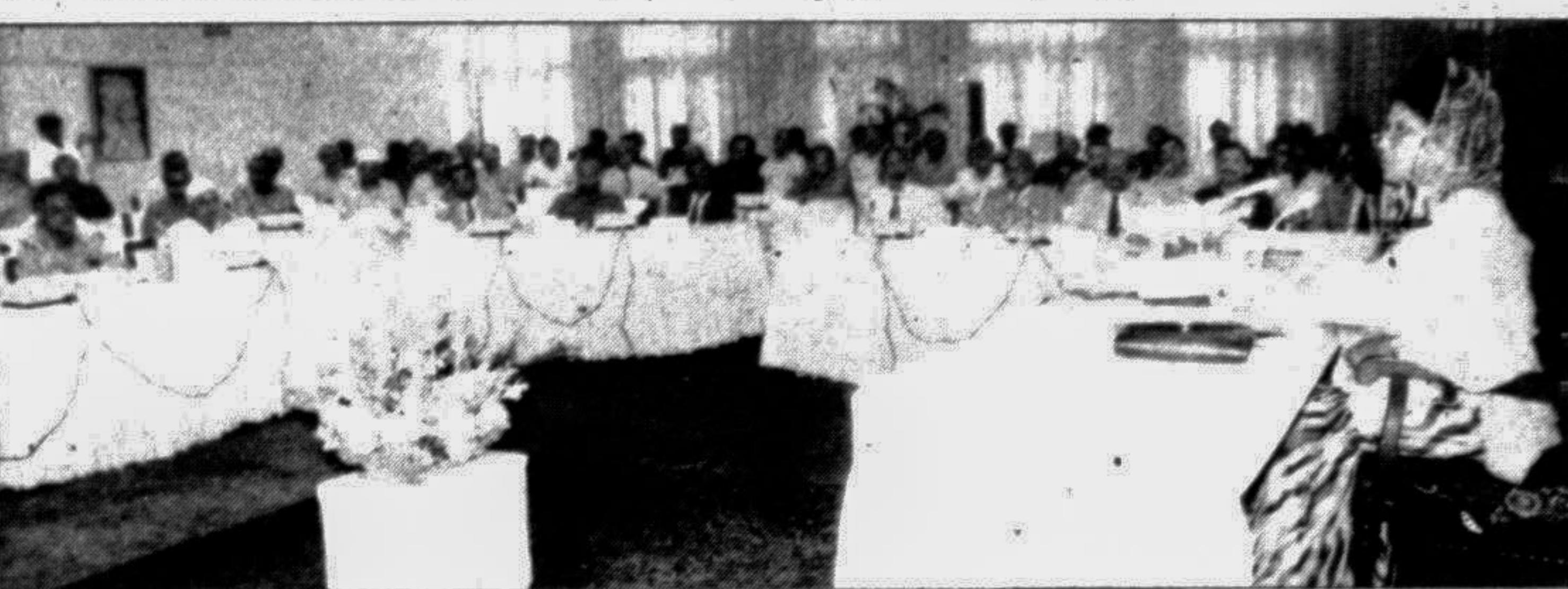
"But the Bangladesh aviation experts are in favour of the CNS/ATM system," he said.

He said his job is only to inform the countries of the benefits of the new system.

There will be three technological back-ups for future aviation communication and traffic management. For the first time, satellite is to be used for this purpose, which will be backed up by very high frequency (VHF) data link and secondary surveillance radar (SSR) mode-S data link. Under the system, an aircraft would

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Prime Minister Begum Khaleda Zia presiding over the National Economic Council meeting in the city yesterday. — PID photo

Help expand city amenities: PM

Prime Minister Begum Khaleda Zia yesterday called upon all to help expand the city amenities, improve services, maintain peace and develop Dhaka as a clean and beautiful capital city, reports BSS.

Yusuf argued that even if Golam Azam was not available, notices and summons could have been sent to his address. He submitted that in case the person concerned is out of the country, notices are sent to his last known addresses and such notices are considered as valid.

He submitted that notification with regard to Golam Azam was issued in violation of the principle of natural justice.

He said the legislature by the Act V of 1973 introduced Article 2(B) with retrospective operation. But this act did not contain any validation clause validating past or earlier invalid orders of the government and this is the settled law in the country.

Yusuf relied on a decision reported in Pakistan Legal Decisions (PLD) 1963, Supreme Court and also a decision of the Bangladesh Supreme Court reported in XXII Dhaka Law Report (DLR) wherein it is consistently held that the legislature can validate a past invalid order.

Therefore, he submitted that by Act V of 1973, invalidity of the government notification disqualifying Golam Azam as a citizen of Bangladesh was not validated. As such the notification was ultra vires of the PO 149 of 1972.

Making submission on the principle of natural justice, Yusuf said it is a duty cast upon the authority to exercise power to follow this principle of natural justice.

In reply to the Attorney General's contention that there would be a national catastrophe if Azam's citizenship were restored, Yusuf said Azam is already a citizen of Bangladesh from July 25, 1993.

He submitted that during the last 10 months there was no catastrophe and said if the past is a mirror to see the future, then nothing will happen in future, and it is only a threat by paper tigers.

Yusuf relied on a case reported in 1942 appeal case by the House of Lords wherein Lord Atkins observed that law speaks in the same language, whether in peacetime or during war.

The court resumes hearing on Sunday.

automatically transmit its position and other relevant data such as speed, weather, etc, via satellite.

It is a multi-billion dollar investment project but when implemented the system would save billions of dollars," Singh added.

"An aircraft would be able to fly at optimum level, therefore, it will reduce operating cost," the ICAO expert said.

The present ground-based system is VHF Voice and SSR which have some limitations. And in view of this the ICAO, in consultation with the member states, undertook the project in 1983. He also said that the existing system would be phased out — gradually — by the year 2005.

He said that not only the civilian airlines but also military aviation would be benefited by the new system.

The ICAO consultant admitted that the aviation sector in many countries has been unable to cope with the pace of technological advancement taking place around the globe. Otherwise, such a project like the CNS/ATM would have been in place much earlier.

Singh said 75 to 80 percent of air accidents are caused by human error and sophisticated technological support can help reduce the number of accidents: "A man-machine interface will check the possibility of accidents."

In reply to a question, he said Bangladesh meets international standard aviation guidelines.

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Tk 11,000 cr ADP approved

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been given the single highest 17 per cent allocation in the new ADP, the Prime Minister said. Of the total allocation for education sector, 57 per cent has been earmarked for universal primary and mass education sub-sector. Steps are being taken for free schooling of girls up to class X in rural areas besides other education incentives.

Begum Zia was addressing a group of people who announced their joining to the Bangladesh Nationalist Party (BNP) at Sugandha. The group was led by the newly elected commissioner of the Dhaka City Corporation Ward No. 65 mayor of Dhaka and BNP special affairs secretary Mirza Abbas MP. Jatiyatabdhi Chhatra Dal leader Nasiruddin Pinto and ward commissioner Habibullah Habib also spoke.

Welcoming the newly joined workers to the BNP, Begum Zia said that her government had been putting its efforts to develop the country along with the overall improvement of the capital city.

Begum Zia said that the BNP believed in the politics of development of the country along with its cities.

Our aim is to eradicate

poverty by maintaining strategy for production-oriented job, development of human resources and promotion of exportables, fulfilling the basic needs of the people and improving the standard of their living.

Begum Zia further said her government's prime objective is to establish an accountable, democratic development process by ensuring active participation of local people, including women.

"People are the main force of development. Keeping this in mind, we want to formulate development schemes and implement those with the participation of the people irrespective of their party affiliations."

The Prime Minister claimed that country's macro-economy had got stability following different economic reforms. A congenial atmosphere has been created for invest-

Armedmen ransack shops at DIT market in N'ganj

From Our Correspondent

NARAYANGANJ, June 1:

One shopowner was seriously injured when a group of armed miscreants attacked and ransacked two electronics shops in the Narayanganj DIT market at 4 pm today.

The shopkeepers have decided to shut down their shops for an indefinite period in protest against the attack.

The owner of Nur Electronics, Alauddin (40), received serious injuries. He has been admitted to the Narayanganj General Hospital.

Prokrichi leader transferred

By Staff Correspondent

The government yesterday transferred a central leader of the Prokrichi, apparently as a punitive measure for his involvement in the campaign for restructuring the country's bureaucracy.

The central leaders of the Prokrichi-BCS Central Action Council said M Ruhul Matin, a senior engineer in the Public Works Department (PWD) was transferred to Bagerhat.

They are learnt to have advised the AL chief to finalise the draft at a meeting of the leaders of the opposition parties in Parliament.

Sheikh Hasina is scheduled to sit with her colleagues in the party presidium this morning.

They are learnt to have advised the AL chief to finalise the draft at a meeting of the leaders of the opposition parties in Parliament.

The Prokrichi members are scheduled to observe a three-day work abstention from June 14.

The shopkeepers brought out processions in the city in the evening demanding immediate arrest and punishment of the culprits.

The shopkeepers said, the notorious terrorist of Fatullah, Farid and his 10 to 15 accomplices came to the Nur Electronics in the afternoon to buy a ceiling fan.

"While the price of the fan is Tk 3,100, Farid insisted on paying Tk 2000, and at one stage of the bargaining, he became angry and left the shop only to return with arms," they said.

The terrorists armed with lethal weapons like pipe gun and pistols ransacked Nur Electronics and an adjacent electronic shop.

Police have been deployed in the area.

Meanwhile, the cloth merchants of the Salimullah Market at a press conference condemned the acts of violence and terrorism in the market yesterday.

India to receive first batch of Mig-29s

NEW DELHI, June 1: India will receive the first batch of Russian Mig-29 fighter-bombers soon, an informed source said here today, reports Xinhua.

India is to get 30 Mig-29 planes along with six 29ub trainer aircraft from Russia.

All the Russian planes to be supplied to India will cost 700 million US dollars.

India decided to buy Russian Mig-29 planes following the US decision to supply 38 F-16 fighter planes to Pakistan.

Kamal on present crisis

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tions which protracted reconciliation to remove racial antagonism, encouraged tolerance and mutual respect of each other to take precedence over inter-party violence and racial hostility.

The process was marked by the holding of a national peace convention in September 1991.

The convention concluded with the adoption of a national peace accord consisting of code of conduct for political parties and making it obligatory for them to give up violence and engage themselves in a negotiating process to arrive at agreements to promote condition conducive to holding free and fair elections on one-person-one-vote basis in order to establish a representative National Assembly and multi-racial democracy.

Upendra Lal recently issued a statement to a section of the Indian press saying that the situation in CHT was not favourable for repatriation of the refugees.

Meenakshi, chairman of Chakma, MP, chairman of refugee repatriation committee, in a statement urged the refugees to come back on their own arrangements and said they would get the facilities with those who returned under official arrangements.

Through multilateral negotiations, a consensus was arrived by April 1993 on the constitutional and legal framework under which a first multi-racial election was held on April 27, 28, 29 this year.

The framework together with active participation of citizens and professional groups which undertook voter education to promote a national peace movement with peace structures at the national, provincial and local levels was intended to create an environment in which free and fair election could be held to bring about historic changes and to usher in a new multi-racial South Africa.

Dr Kamal Hossain thinks Bangladesh has a lot to learn from this experience. "Despite party differences, we can agree on codes of conduct and on basic institutions and processes which would ensure free and fair election in Bangladesh. Open dialogues between political parties with active participation of all sections of citizens and professional groups could contribute towards achieving a national consensus on an improved constitutional and legal framework necessary to ensure free and fair election in Bangladesh."

The Midnight File

2 Iraqi officers held in Iran

NICOSIA, June 1: Iran has smashed a network of saboteurs masterminded by a pair of Iraqi army officers, the Iranian intelligence minister claimed Wednesday. Speaking at a news conference in Tehran, Ali Fallahian identified the two Iraqis as Rad Mustafa Fatah and Arkan Abdul Amir. He did not give their military ranks, but said they were high-ranking officers. The two Iraqis confessed that their mission was to smuggle explosive into Iran, Fallahian said, reports AP.

BCL (M-I) leader arrested

By DU Correspondent

A special squad of the Detective Branch arrested a Bangladesh Chhatra League (M-I) leader, Shahabuddin Ahmed, 24, from the TSC area yesterday afternoon.

At least six rounds of gunshots were fired and a group of unidentified youths damaged at least four motor vehicles in front of the Arts Faculty Building and TSC areas apparently in protest against the arrest.

Shahabuddin, president of the BCL Surya Sen Hall Unit of Dhaka University is allegedly involved in three murder cases, police sources said.

The police say, Shahabuddin is an accused in the Laku, Liton and Alok murder cases. All the victims were students of the DU.

Flood situation in Sylhet worsens

From Our Correspondent

SYLHET, June 1: The flash flood situation in the district has worsened further due to continued rains and on-rush of waters from across the border. Companiganj, Gowainghat and Jaintiapur are the worst affected areas.

Road communication between Gowainghat and Sylhet town was snapped today as some parts of the road went under flood water.

According to the district administration here, ten villages of Alir Gaon union and the Purbo Jaffong union of Gowainghat have also been inundated.

Hands of Moitree worker chopped off in Kushtia

KUSHTIA, June 1: About 20 students of the Kushtia Government College were injured in a fierce clash between two rival groups, reports UNB.

The hands of a Chhatra Dal (JCD) activist, Motree worker, Russell, were chopped off during the clash with the Jatiyatabdhi Chhatra Dal (JCD) activists.

Left Front, SKOP support striking teachers

By Staff Correspondent

Leaders of the Left Democratic Front and the Sramik Karmachari Oikya Parishad Wednesday expressed solidarity with the ongoing strike of the non-government teachers.

They also gave the assurance of cooperation in realising the 'legitimate' demands of the Central Teachers Action Committee. The support came when the leaders of the liaison committee met the SKOP and left leaders