

High Court verdict

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late and the HC divisions, court sources said.

One Anwar Hossain Khan, an advocate, had filed a writ on which the court issued a rule on June 28 calling upon the Leader of the Opposition Sheikh Hasina, the Jatiya Party's Moudud Ahmed and the Jamaat's Matur Rahman Nizami to show cause as to why they should not be directed to attend the sessions of Parliament.

The petitioner accused the Opposition of not fulfilling the pledges they had made to their voters in their respective constituencies by staying away from Parliament. The opposition parties have been boycotting Parliament sessions since March 1 last demanding a neutral, caretaker government for holding general elections.

A large number of people gathered before the court during the hour-long delivery of the 37-page judgement. Moudud Ahmed was the only defendant present in court at the time. Barrister K S Nabi and Barrister Abdur Razzak Khan represented Awami League chief Sheikh Hasina and Jamaat Secretary General Matur Rahman Nizami respectively.

The petitioner had stated that the respondents — Sheikh Hasina, Moudud Ahmed and Matur Rahman Nizami — were elected from their respective constituencies in the general elections held in 1991. They took oath of office to abide by the provisions of the Constitution to represent the people of Bangladesh, binding them not to allow their personal interest to influence the discharge of their duties as members of Parliament.

The writ said that by abstaining from attending Parliament sessions since March 1, 1994, they had failed to

perform their constitutional obligations in protecting the cause of the people. Abstention from attending parliamentary sessions is a clear violation of the rights, obligations and privileges they were to exercise, the petitioner added.

The writ alleged that the respondents had neither asked for leave of absence from the Speaker nor filed their *hazira*, or attendance.

The petitioner stated that although they were not attending Parliament sessions, they have been illegally drawing salary, allowances and other facilities, thus causing financial losses to the people and the country.

The petitioner had prayed before the court that the respondents may be directed to refund all emoluments, salary and allowances they received during the period of their unauthorised absence.

The judgement was given after several days of hearing during which lawyers of the respondents appealed for forming a larger bench to hear the case. The Chief Justice, however, rejected the appeal last week.

The unanimous judgement said, "We find that the petitioner had a right to get the performances of the legal duty of the respondents to attend the sessions of the Parliament.

"The Constitution imposes a duty upon the respondents to perform such duty and the duty complained of undoubtedly is a public duty... but there is no other remedy available and, therefore, we hold that this writ of *mandamus* should not be denied to the petitioner," the court observed.

Sources in the three opposition parties said separate appeals against the verdict would be preferred before the Appellate Division "very soon".

Japanese warn

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pressed his dissatisfaction at delays in implementation of some Japanese-funded projects. He said, "Unfortunately, some of our projects had not been implemented effectively and efficiently."

The resident representative of the Japan International Co-operation Agency (JICA) H Suzuki, first secretary of the Japanese embassy K Yokoyama and H Sakamoto also spoke on the occasion.

Suzuki also said that till 1991, the percentage of Japanese aid utilisation was around 40 to 50 annually. "Which we consider a normal rate." But "After the present government came to power, the percentage came down to 10 to 20, due to increasing complexities of procedures in the bureaucracy."

"Last year, the aid utilisation rate was 11 per cent and this year we are expecting this to rise to 18 to 19 per cent," he said.

Since the independence of the country, Japan has been the number one donor by providing Bangladesh 7.5 billion dollars (accumulated on commitment basis), according to Kuroda. Of this, 5 billion dollars was provided as loans and the rest as grant aid.

"Although the other international donor agencies had already developed the so-called aid fatigue, Japan continued to be the top donor. But we are not optimistic about long run cooperation in this regard," Kuroda pointed out.

"JICA collects the funds in yen and we are determined not to waste our aid money which comes from taxpayers."

Elaborating why he was not optimistic, Kuroda said: "Firstly, the so-called aid fatigue was spreading in Japan. Secondly, the Japanese economy was experiencing a recession for a much longer period than anticipated and, lastly, taxpayers provide the money and judging from the economic situation, we cannot be very optimistic about their support in this regard."

Regarding "Delays of project implementation due to inefficient handling by Bangladesh," he said: "I don't say our aid had been wasted in Bangladesh. But due to delays, our time to implement such projects was squeezed and we had to work very hard to complete a task."

In support of his contention, he cited the Narayan-ganj-Narsingdi Irrigation Project. He said, work could not be begun on time as the Bangladesh government delayed in acquiring the necessary land.

About delays in aid utilisation, Kuroda said, "Previously the percentage of aid utilisation in Bangladesh was higher because the nature of the Japanese projects was different from those being undertaken nowadays."

The Japanese diplomat urged the government to co-operate in implementing aided projects.

PM leaves today

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meeting in Casablanca to draw up an agenda for the summit.

Foreign Minister A S M Mostafizur Rahman is already in Casablanca to attend the meeting to prepare for the summit.



The mausoleum at Mirpur is being spruced up ahead of the Martyred Intellectuals' Day December 14. This picture was taken yesterday. —Star photo

Victory Day: City wears a festive look

By Staff Correspondent

With only less than a week to go, the city already wears a festive look in connection with the celebration of Victory Day.

Today, women's organisation Nari Pakkha will stage a programme in homage to the martyrs of the Liberation War by lighting hundreds of candles at the Central Shaheed Minar at dusk this evening.

The Sammilta Sangskritik Jote members will visit the martyrs' graveyard in Kullapathar in Kasba under Comilla district this evening as part of their week-long victory festival programme.

Jote leaders and artists will pay a befitting homage to the 51 martyrs buried at the site.

The Bangladesh Awami League has taken a programme to observe the Intellectual Martyrs Day on December 14 and National Victory Day on December 16.

The programme on the Intellectual Martyrs Day includes hoisting of black flag, national and party flags at half mast at the party central office, at Bangabandhu Bhaban as well as party offices across the country at 6:30 am, placing of wreaths at Shaheed Intellectual Mausoleum at Mirpur at 8 am and at Rayer Bazar at 9 am.

The party has also taken a separate programme on the occasion of the National Victory Day on December 16.

B Chowdhury, Rafiq slate

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such an ill-attempt will create adverse reaction among the democracy-loving people of the country," he said in a statement giving his reaction to the incident.

He said the constitutionally accepted judiciary has its own dignity and the patriotic and democracy-loving people cannot allow the tarnishing of the image of the judiciary directly or indirectly.

Prof Chowdhury said it is the sacred and moral responsibility of all the independence and democracy-loving people to uphold the dignity of the judiciary.

UNB adds: Housing and Public Works Minister Rafiqul Islam Mia, who is also a

member of the BNP standing committee, has said the High Court judgement would enhance the democratic and constitutional rights of voters in the political arena.

Giving his instant reaction on the court's verdict yesterday on the Opposition's continuous boycott of Parliament, Rafiq said: "This will safeguard the right of voters and the citizens at large."

The BNP leader hoped that the spirit of the judgement would be carried out by the Opposition MPs.

The judgement is an expression of the independence of the judiciary in this country, Rafiq said.

Donors face crisis

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out that even the powerful Japanese business delegation, the Kiedanran mission, had to be confined to their hotel during their visit in June last.

"I don't need to say anything more, you can imagine what kind of impression they had," Kuroda added while noting the detrimental effect political disturbances would have in attracting foreign investments.

Stephen Chard also noted that the political situation may also have an impact on the donor countries as they would like to ensure that the investment environment is right and that the donors would also be concerned under a democratic set-up.

"I think we all realise that the political situation has been distracting from the economic objectives," observed Brown of USAID. The ODA representative added, "I think it would be extremely unfortunate for Bangladesh if politics is allowed to ruin the economy."

The Japanese diplomat was also critical of the tendency to politicise everything. "You are very fond of politicising anything," he said while summing up his impressions about Bangladesh during his 16-month stay here. "I am afraid you could also politicise our economic assistance to your country."

All donor representatives agreed that the implementation of aided projects needs to be improved for a more effective and efficient use of development assistance.

The Japanese diplomat identified several problems relating to implementation of projects, including lengthy bureaucratic procedures, problems in land acquisition and poor maintenance of completed projects.

The ODA representative also pointed out the difficulty in getting projects approved due to the 'excessively centralised bureaucracy'.

The fundamental point for public sector reform in Bangladesh is to bring about delegation of authority and to hold people accountable, he observed.

Brown of USAID noted that the issue of public administration and governance was a major issue raised at the Paris aid club meeting for Bangladesh in April last. However, he noted that in a new democracy there is usually a period of adjust-

ment for the public administration to work with the political leadership.

The CIDA representative, however, pointed out that the implementation problem may also be symptomatic of the changing relationship between the donors and recipients and also because of the government's increased capacity to take up projects.

Dezell acknowledged that priority allocations of resource is taking place presently. "But there is a need to begin the planning process between the donor and the recipient countries at the highest level."

The donor representatives at the meeting all agreed that increasing amount of development assistance is being diverted through NGOs. "We indeed are encouraged to work with the NGOs because of the increased community participation," pointed out the USAID director.

They said that they are increasingly emphasising on human resource development in their bilateral aid rather than on infrastructural projects.

The ODA representative added: "The NGOs are actually doing something better than the government. They can make a lot of contribution."

Earlier, A H M Moazzem Hossain, the editor of the Financial Express and president of the forum, noted the poor utilisation of aid in the pipeline because of poor disbursement, the conflicting donor advice in some instances and also talked about the need for mutual appreciation of the need of the recipient country and the objectives of the donor country.

Later, Shamsul Huq Zahid of The Bangladesh Times, the secretary general of the forum, thanked the guests for attending the meeting.

Casablanca

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the banner of the United Nations — a suggestion that has been rejected by Western countries which fear it could allow Muslim fundamentalists, such as the Iranians, to gain a foothold in the Europe.

Bosnia is the least divisive item on the agenda of the summit, which will tackle such issues as the image of Islam, tarnished by the rise in extremism; Middle East peace, including the status of Jerusalem; inter-Arab conflicts and international terrorism.

Subscription of Square shares opens today

Subscription of ordinary shares of the Square Pharmaceuticals Ltd opens today at each share value fixed at a whopping Tk 900 that includes a premium of Tk 800 over the par value of Tk 100, reports UNB.

Square Pharmaceuticals Chairman Samson H Chowdhury at a projection meeting yesterday explained the future expansion and diversification plans of the company.

Representatives of foreign investors, banks and insurance companies, and members of the Dhaka Stock Exchange attended the projection meeting held at a local hotel.

Reaction

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In Parliament Mohammad Nasim, reacting to the verdict, told The Daily Star last night: "The judgement delivered by the particular bench clearly reflected a partisan outlook."

"This judgement cannot be acceptable to us," Nasim added.

Nasim also maintained: "The High Court judgement has interfered with the sovereignty of Parliament and privileges of the legislators."

"For the sake of fair judgement, we shall appeal to the Supreme Court challenging the High Court verdict very soon."

Acting leader of the JP's parliamentary group Moudud Ahmed told this correspondent over telephone: "The judiciary, by delivering the judgement, has eventually involved itself in political issues. It has now brought itself into a direct conflict with Parliament — the sovereign legislature."

The judgement, Moudud Ahmed said, would only worsen the political situation by generating more violence in the political arena.

Jamaat-e-Islami leader Maulana Matur Rahman Nizami, however, refused to make any comment on the judgement and said, "The issue is still a subjudice matter."

The Jamaat leader only told this correspondent that his party would challenge the High Court verdict in the Appellate Division 'very soon'.

Meanwhile, a lengthy press statement issued by National Democratic Party (NDP) leader Salahuddin Quader Chowdhury said, "I am shocked that the High Court has even considered it proper to judge the propriety of parliamentary practice — a subject on which it has neither any jurisdiction nor any political competence."

Chowdhury, who is also an opposition MP boycotting JS sessions, further said, "Overenthusiasm in delving in partisan political issues makes the judiciary vulnerable to undesirable suspicion."

The leaders of the major opposition parties are scheduled to meet this evening to review the political situation.

The Midnight File

Pak generals discuss security crisis in Karachi

KARACHI, Dec 11: Pakistani generals met today in Karachi amid growing alarm over a deepening security crisis in the city where at least 76 people have been killed in the 11 days since troops pulled out. Defence Ministry officials said the joint chief of staff had been due to discuss defence and internal security issues, but gave no details, reports Reuter.

Pan-American summit ends

MIAMI, Dec 11: The first Pan-American summit conference in 27 years ended today after 34 leaders signed a declaration calling for a Western hemisphere free trade zone to be created early in the next century, reports Reuter.

Bomb hurled at residence

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Manowaruddin and an income-tax lawyer, Mosharrif Hossain. The home-made bombs were hurled soon after Mosharrif Hossain returned home in his white Toyota Corolla car around 1:15 pm.

Mosharrif Hossain, who has been occupying the first floor of the house for the past seven years, told The Daily Star: "When I was climbing up the stairs, I heard explosions and my driver Anwar Hossain screaming. I rushed down and saw my driver blood-soaked and the windshield of the car (bearing number Chittagong Kha-225) damaged."

Anwar Hossain was admitted to the Dhaka Medical College Hospital with shrapnel wounds on his body and hands.

Justice Manowaruddin said he was not at home during the incident.

"After pronouncing the judgement, I was waiting in my court chamber. I rushed home after receiving a phone call from home."

When asked if the incident was related to the verdict, Justice Manowaruddin told The Daily Star, "I don't have any enemy. It is an obvious conclusion."

"When we talk about an independent judiciary, such incidents are very unfortunate for the country," said the judge, adding: "Still there is a scope for appeal. Also, we've even issued a certificate for the respondents to appeal."

The judge, who lives on the ground floor, said, both Mosharrif Hossain and he had white cars. "Perhaps the attackers thought I was in the car," he added.

Mosharrif Hossain claimed he did not have any rivalry which might have prompted the bomb attack.

An eyewitness said, three or four youngsters aged between 20 and 25, who were waiting near the house, hurled crackers inside the house.

A case has been lodged with the Ramna police but no arrests reported. Police contingents were deployed in the area, as well as at the residence of Justice Manowaruddin.

Meanwhile, the Dhaka University Teachers' Association (DUTA), in a statement last night, condemned the incident and demanded punishment of the culprits.

The Dhaka unit of the

Jatiyatabadi Ainjibi Forum condemned the bomb attack at the residence of the Judge.

In a press release, the unit said that some miscreants had lobbed the bombs at the residence of Justice Manowaruddin immediately after pronouncement of the judgement in the case against the continuous boycott of the House by the Opposition Parliament members.

The Forum also said that passing comments before the pronouncement of any judgement and such incidents soon after any verdict were contrary to the concept of rule of law and independence of the judiciary.

Four newsmen in the dock

By Court Correspondent

Charges against four journalists of the vernacular daily Janakantha, including its editor Atiqullah Khan Masud were framed yesterday for publishing an article hurting the sentiments of the Muslims.

Others against whom charges were framed in the court of Additional Chief Metropolitan Magistrate (CMM) M Nazrul Islam were the daily's advisory editor Toab Khan, executive editor Borhan Ahmed and assistant editor A T M Shamsuddin.

Standing in the dock, the journalists pleaded not guilty and prayed for justice when the charge was read out by the court.

The CMM had issued warrants of arrest against the four on June 8 last in a case filed by the officer-in-charge of Mottijheel thana, Nurul Islam, under Section 295A of the Penal Code.

Changes

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retirement (LPR) of Bangladesh ambassador to Poland Nazem Ahmed Chowdhury has been cancelled and he has been reappointed ambassador on contract till August 4, 1996.

Retired member of the National Board of Revenue Mesbauddin Ahmed has been appointed Chairman of the Taxes Settlement Commission.

Retired additional secretary A B M Siddik and retired divisional commissioner Abdur Rahim Chowdhury have been appointed members of the commission on contract for two years.

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BGMEA Election '95

attention: All BGMEA Members.

As per rule 3 of Election Rules '95 of the BGMEA, all member units have to submit nomination of the voter for their unit with resolution in support of the nomination as prescribed in the said rules. The last date for submission of such nomination of the voter was 10.12.94 as per revised Election Schedule dated 17.12.94 which has been given publicity through newspaper, through BGMEA notice to the members and in the BGMEA News Letter. But a large number of members have not yet submitted the nomination of the voter for their unit. As such the Election Board has again revised the Election schedule, according to which the last date for submission of nomination of the voter is 22.12.94.

ALL MEMBER UNITS ARE, THEREFORE, REQUESTED TO SUBMIT THE NOMINATION OF THE VOTER WITH RESOLUTION IN SUPPORT OF THE NOMINATION IN THE PRESCRIBED FORM ALREADY MAILED TO THEM WITH NOTICE DATED 10.12.94. IF THE NOMINATION OF THE VOTER AS MENTIONED ABOVE IS NOT RECEIVED WITHIN 22.12.94 THE ELECTION BOARD WILL HAVE NO ALTERNATIVE BUT TO DISALLOW THE DEFAULTING UNITS/THEIR NOMINEES TO CAST THEIR VOTE.

The member units are also requested to submit the specimen signature of the voter alongwith 2 (two) stampsize Photographs of the voter by 22.10.94 as per proforma already mailed with the notice dated 10.12.94

By order of the Election Board

Faruque Ahmed
Secretary to the Election Board
BGMEA Election 1995.

Editor: Mahfuz Anam

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