



The death anniversary of four brothers of the Hossain family and their brother-in-law who embraced martyrdom at the hands of the occupation Pakistani forces, was observed yesterday. Mokarram Hossain Mukul, Mansur Hossain Monju, Moshataq Hossain Anju, Mosharrar Hossain Ranju and a brother-in-law Yusuf Ali were killed by the retreating Pakistani forces as the victorious liberation forces of which they were fighters were engaged in penetrating Dhaka from Rugganj. Their death anniversary was observed through holding milad mahfil held at their elder brother and valiant freedom fighter Mozammel Hossain's Mohakhali residence.

One arrested

Detective Branch of Dhaka Metropolitan Police in a raid Sunday arrested Anjad Ali, 35, from Tejgaon on charges of withdrawing money through false signature, reports UNB.

Anjad Ali had withdrawn Tk 14.75 lakh through false signature from two separate accounts of Sonali Bank Tejgaon PM Office branch in May 1992.



Ambassador Humayun Kabir, Bangladesh Envoy to the United States (3rd from right) attended as chief guest the inaugural session of a five-day workshop on Research writing in the community Development Library auditorium, in the city Sunday. Also in the picture are Dr Syedur Rahman, a professor of Penn State University, USA, Dr Mizanur Rahman Shelley, Chairman, CDRB, Professor Frederick Norling of USA.

TO-LET

331 DOHS, Floor-1, Mahakhali
Mosjid Rd-22, 4 bed, 4 bath, 3
verandah, all mogal, garage.
Phone: 814666/3566 S-646

A truly glowing tributes

By Staff Correspondent

Women's organisation Naripakkha yesterday remembered the martyrs of the Liberation War by lighting hundreds of candles at the Central Shaheed Minar yesterday evening.

Like previous years, the leaders of the feminist organisation recalled another unrecognised hero of the war — a Panjabi driver who, ignoring all ethnic prejudices during the war, risked his life to save one Gauri Sen and his family.

Similarly, a poor boatman provided food and shelter, despite his modest means, to hungry freedom fighters.

The boatman, Jaba, was eventually killed by the Pakistani forces for this.



Artists presenting a chorus at the candlelit remembrance programme of the Naripakkha, a women organisation, at city's Kendriya Shaheed Minar premises yesterday. — Star photo

NARI to form common agenda of women's issues

The National Association for Resource Improvement (NARI) in a meeting yesterday to form a common agenda of women's issues to raise the status of women in the SAARC region, reports UNB.

Raheela Tiwana, Adviser to the Chief Minister of Sindh, Pakistan, attended the meeting as chief guest while Hasna J. Maudud, president of the NARI, presided.

Raheela, here in connection with the meeting of the SAARC Technical Committee on Women, informed that a number of Bangladeshi women are in different jails of Pakistan as illegal immigrants.

Most of the detained women reportedly declined to return to Bangladesh as they are afraid that they would be again caught and put back to human slavery and forced prostitution, Raheela told the meeting.

Notice

Our regular feature 'Dhaka Day by Day' could not be published today due to space constraint. Inconvenience to readers is regretted.

DU programmes on Intellectual Day

By DU Correspondent

The Dhaka University authorities have planned an elaborate programme to commemorate the Martyred Intellectual Day and the Victory Day on December 14 and 16 respectively.

On the occasion of the Martyred Intellectual Day — teachers, students, officers and employees will gather near the Aparajito Bangla at 6:45 in the morning.

Later, they will start silent march to place wreaths at the graves of the martyred intellectuals adjacent to the university central mosque and at the mausoleums in Jagannath Hall premises, the Kendriya Shaheed Minar residential area and also at the mausoleum in the residential area at Fullar Road, said a DU press release yesterday.

After wards, they will place wreath at Shaheed Intellectuals' Graveyard, Mirpur.

A discussion on this occasion will be held at 10 am at the TSC auditorium with Vice Chancellor Prof. Emajuddin Ahmed in the chair and a special

munajat will be offered at the central mosque of the university after Zohr prayers.

The Victory Day programmes include — placing of wreath at the national memorial mausoleum, Savar in the early morning and offering of special munajat at the central mosque of the university after Jumma prayers.

Obituary

Eminent educationist Kazi Amber Ali died of old age complications in the city yesterday morning. He was 96, reports BSS.

Author of a number of text books and a specialist in English language teaching, Ali retired as the headmaster of Dhaka Collegiate School in 1968.

The namaz-e-janaza of the deceased was held at Chhapra mosque after Zohr prayers and he was buried at Azimpur graveyard.

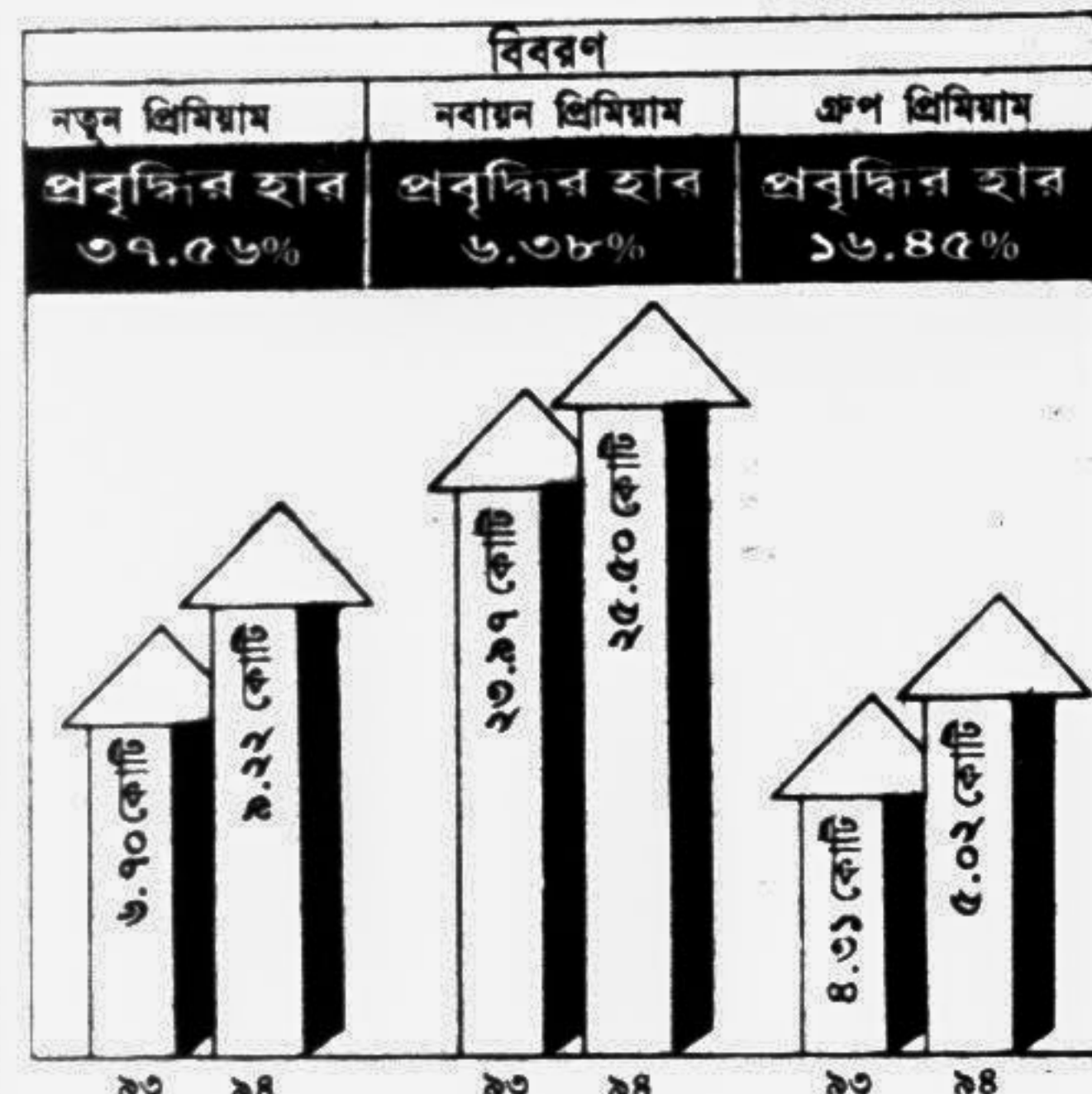
The qul khwani will be held on Thursday after Asr prayers at his residence at 117, Azimpur.

ARTS AND HANDICRAFT EXHIBITION

Date: 4, 5 & 6 January, 1995
Place: BAF Shaheen College, Tejgaon, Dhaka.
For allotment of Stalls please Contact:
Tele: 888011, 887611/4454, 4550, 4555, 5024.

BANGLADESH AIR FORCE WOMEN'S WELFARE ASSOCIATION

জীবন বীমা এগিয়ে চলেছে...
১৯৯৪ সনের অক্টোবর পর্যন্ত ব্যবসা আরো বেড়েছে...



আপনার সহযোগিতার জন্য ধন্যবাদ

জীবন বীমা কর্পোরেশন
একটি রাষ্ট্রীয় জীবন বীমা প্রতিষ্ঠান

DDP: 12/26/6/12

undp

Vacancy Announcement

Sustainable Development Adviser

UNDP Bangladesh is seeking application from Bangladeshi nationals for a new post of Sustainable Development Adviser in its Dhaka office. This is a demanding, senior level position, and the successful candidate will be responsible for practical integration of environment and sustainable development into all aspects of the development process, promote participatory approaches in sustainable development programmes/projects, facilitate mainstreaming of poor and women in future and on-going programmes and support national follow-up to the 1992 'Earth Summit' and Agenda 21. Broad responsibilities will include:

- Technically reviewing programmes/projects for environmental impact;
- Monitoring implementation of UNDP's environmental management guidelines;
- Proactively supporting capacity-building programmes for national implementation of agenda 21;
- Coordinating country activities under major UNDP-sponsored/co-managed sustainable development programmes;
- Promoting implementation of UNCED related activities;
- Monitoring developments in the Global Environment Facility and assisting in the preparation/review of potential national programmes and projects;
- Liaising with UN System Organizations, funding institutions and NGOs; and
- Promoting participatory approaches in sustainable development programmes/projects emphasizing the role of women, youth, NGOs, private sector and other key communities.

Salary: Salary ranges from Taka 570,090 - 1,089,590 net per annum plus children's allowance and other admissible benefits as per UN rules.

Qualifications:

The successful candidate will possess an advanced degree, preferably at Ph.D. level, in environmental studies, ecology or related fields. The candidate will also have minimum 10 years experience in natural resource management and applicable aspects of economic and social development. Experience in managing and implementing grass-roots level environmental management programmes is essential. Fluency in spoken and written English and Bangla and good writing and conceptual skills are necessary.

Applications marked confidential, and including curriculum vitae (no copies of references, certificates or professional should be submitted at this time) should be sent to the Manager, Administration and Human Resources, UNDP, GPO Box 224, Dhaka-1000. Applications should be received within 15 days from the date of publication of this advertisement. Only short-listed candidates will be contacted.

UNDP particularly encourages qualified female candidates to apply.

Workshop on social sciences

Speakers at a workshop said international relations among the nations are now-a-days taking a different shape and dimension due to increasing flow of knowledge through scholarly exchange of information and views, says a press release.

This was observed by Bangladesh Ambassador to the United States Humayun Kabir while inaugurating a workshop-cum-seminar for faculty-building in social science research jointly organised by the American Institute of Bangladesh Studies (AIBS) and the Centre for Development Research, Bangladesh (CDRB) at the Community Development Library auditorium on Sunday in the city.

Dr Mizanur Rahman Shelly, chairman of the CDRB presided.

FF rehabilitation body programme

By Staff Correspondent

The Bangladesh Freedom Fighters' Rehabilitation Organisation had taken elaborate programmes to observe the Victory Day on December 16.

The programmes include placing of wreaths at the Jatiya Smriti Shoudha in the morning, milad mahfil and distribution of cash among the distressed martyrs' families. A discussion meeting will also be held at the office of the organisation at Nawabpur Road on that day.

The organisation in a meeting of its central executive committee yesterday decided that Mia Muhammad Jahangir Alam, a member of the committee will be the acting chairman because of the absence of the incumbent chairman. The chairman of the organisation Enamul Huq Khokon is now staying out of the country for some emergency work.

JS Boycott Case: Text of Judgement

From page 8

ate bills for the good of the people and to participate in the discussion in all the internal proceedings of the parliament so that the lot of the general people may be improved and good name of the country may be raised but instead of performing such constitutional obligation, the respondent Nos 3-5 along with others have boycotted Parliament for establishing a caretaker Government. Mr Moudud Ahmed respondent No 4 has stated in his affidavit-in-opposition that, he is to abide by the decision of the party and it is 'the decision of the party to boycott the proceedings' of the Parliament and it is further stated that to participating in the proceeding in the Parliament is only one of the function of the members of the Parliament. He has further stated on oath that, 'the boycotting of the proceeding of Parliament was continued to pressurise the Government with the expectation that it would respond to resolve the issue peacefully and constitutionally inside the Parliament but it failed'. It is further stated that, 'members of Parliament belonging to the opposition were always eager to join the Parliament but since the ruling party took no initiative to resolve this impasse, it made the Parliament ineffective'. So the abstention of the members from Parliament is not a simple abstention but it is a conditional abstention i.e., the demand for caretaker Government be not conceded by the ruling party they should abstain from parliament till realisation of such demand. It is submitted by the respondent that they have a right to walk out and boycott any session but there is hardly any provision in the Constitution that absence without leave of the Parliament could be allowed. Article 67 clearly states that a member could only remain absent with leave of the Speaker. Nowhere, the members are authorised to remain absent without leave of the Parliament. If members walk-out or boycott the Session they are to attend first then they may walk-out. But without attendance no such walk-out is contemplated. If a member remains absent anybody on his behalf could ask for leave for such person but absence without any leave is wholly illegal and unauthorised and therefore the long unabated and continued absence cannot absolve the members from the liability but such liability could be imposed only as provided under the Constitution. But absence without leave is illegal and unauthorised. The respondent Nos 3-5 both are validly elected as members of the Parliament but are not attending the Parliament without any

leave and are not discharging their constitutional obligation but are engaged in some other activities prompted by political consideration namely for realisation of the demand for a caretaker Government. The concept of caretaker Government is nowhere to be found within the four corners of the Constitution. In the fundamental principle of State Policy as stated in Part II of the Constitution it does not even contemplate such idea. Shorn of legal cover or sanction as to the demand of 'Caretaker Government' the respondent Nos 3-5 along with others are abstaining from Parliament Session without leave and are carrying on activities for their own selfish ends which is clearly against their oath of office as such the demand so canvassed for by the respondent Nos 3-5 in order to justify their unabated absence from Parliament is wholly illegal and unconstitutional.

The normal course of effecting any reform or amendment of the Constitution is to be done by introducing a bill and in case of amendment of any 'Constitutional provision' 2/3rd majority of the members of the parliament is necessary. As the ruling party (BNP) is not conceding to such a demand, it is stated in the affidavit that the respondent Nos 3-5 have opted for abstention and are making agitation in order to pressurise the ruling party to concede to such demand. Such an attempt is not only illegal and unconstitutional but is also a coercive measure unknown to the history of the country. The free-will and freedom to exercise one's judgement subjected to limitation imposed by law each member should participate in the internal proceedings of the Parliament. But such right of the ruling party has been taken away by the members of the Opposition including the 3 respondents and they are not only coercing the ruling party members to concede to their demands but also about to bring a downfall of the democratically elected Government for their selfish ends. This cannot be called a struggle for emancipation of down-trodden people or restoration of democracy, nationalism or socialism but he called sabotaging all efforts of the democratically elected government to bring down showing complete disregard and defiance to the provision of the Constitution. The action of the respondent Nos 3-5 cannot be called legal or constitutional but are violative of the provision of the Constitution and of democratic norms.

Mr K S Nabi, the learned advocate for the respondent No 3 has submitted that Article 102 (2) (b) (11) re-

quires a person to show cause under what authority of law he is holding the public office. Mr K S Nabi submits that the writ of quo warranto is not maintainable in as much as the petitioner has acknowledged or admitted the respondent Nos 3-5 to be validly elected members of the parliament and therefore he is not challenging the title of his office. Therefore, the rule so issued should be discharge. It is to be remembered that person holding any public office is to be designated as a rightful holder of the same if he performed the functions, duties and obligation there to properly. But without performing any functions, obligations and duties it cannot be said that the person so elected for such public office to the holding the same rightfully. A holder of a public office without accepting his responsibility can be termed to holding the same purportedly. In the instant case respondent Nos 3-5 although are validly elected as members of the Parliament but they do not seem to be an elected members within the meaning of Article 65 of the constitution. The moment number becomes a member of the Parliament, he assumes all responsibilities function and obligations attached to such office. Bereft of such power, function and obligation, the member so elected is a mere shadow of his title. The petitioner who cast his vote and the members were elected and when he finds that the members are not performing their functions or are not discharging their obligations in their normal course of business, he does not see the man whom he elected. He is a colourable man attached to such office. Therefore he asked the court to issue a writ of quo warranto asking the respondent Nos 3-5 under what authority of law they are holding such public office. In such circumstances court is justified in issuing such writ of quo warranto in order to get information from the respondent Nos 3-5 as to how they cling to their office without performance of duties and obligation attached to such office. It is not the holding of office but it is their purported holding of office that gave rise to issue of this kind of writ. For a member shorn of all of his function, right and obligation cannot be in the true sense of the term be called a de jure member of Parliament. In the premises we think that it is open to attack in a collateral proceeding to challenge the status of a member having colourable title to his office without public acquiescence and his abstention from the internal proceedings of the Parliament. The proper proceeding to question his right to boycott the Parliament is by quo warranto information. To

refuse such relief as in the present case is to perpetuate the illegality the respondent Nos 3-5 are committing in boycotting the sessions and indulging in activities other than the function and obligation of member of the Parliament. Therefore, the title of respondent Nos 3-5 to the office is colourable title to office for which quo warranto lies.

The writ of mandamus is directed to those public functionaries that have neglected to perform or have willfully omitted to perform some specific statutory or constitutional duties which is clearly shown to be incumbent on them by law and the dominant purpose of the proceeding is to compel them to conform to the requirement of law. Writ of mandamus as of enormous range and power.

It is a formidable weapon in the hands of the court where-with to smite all transgressors against law and the Constitution. We find that the petitioner has a right to get the performance of the legal duty of the respondent Nos 3-5 to attend the sessions of the Parliament. The constitution imposes duty to the respondent Nos 3-5 to perform such duty and the duties complained of undoubtedly is a public duty and constitutional in nature. We further find that there is a right inherent in the petitioner but there is no other specific remedy available and therefore we held that this writ of mandamus should not be denied to the petitioner.

In the result, the writ of quo warranto is allowed. The continuous absence of the respondent Nos 3-5 for realisation of their demand for a caretaker Government is hereby declared to be illegal, unconstitutional and void.

The Rule is made absolute. The respondent 3-5 are required to attend the Parliament. They are directed to attend the Parliament and if the Parliament is not in session, as and when the session is summoned by the president and within 3 days from commencement of such session subject to the conditions and incidents as conditioned in Article 67 of the constitution.

The respondent Nos 3-5 have received the salary, emoluments, allowances and all other benefits for the period of their unauthorised absence we declare that the salary emoluments allowances and other benefits so received by the respondents are illegal and unauthorised. The forsaid illegal and unauthorised receipts of salaries emoluments and allowances by the absentee members of the Parliament without leave of the Parliament is recoverable by the appropriate authority upon due processes of law.



Tuesday 13th December
(All programmes in local time)



9:00am BBC World Service News
9:25 Film 94 With Barry Norman
10:00 BBC World Service News
10:25 Tomorrow's World 11:00
BBC World Service News 11:15
Panorama 12:00noon BBC World
Service News 12:30 BBC Business
Breakfast 1:00 BBC World Service
News 1:25 Voyager 2:00 BBC World
News Headlines 2:05 Horizon 3:00
BBC World Service News 3:15
Panorama 4:00 BBC World News
Headlines 4:05 A Question of
Sport 4:30 BBC World News
Headlines 4:35 Network East 5:00
BBC World Service News Hour
6:00pm BBC World News
Headlines 6:05 The Dream
Machine 7:00 BBC World Service
News Hour 8:00 BBC World
Service News Hour 9:00 BBC
World Service News 9:10 World
Business Report 9:25 Tomorrow's
World 10:00 BBC World News
Headlines 10:05 The Longest Walk
11:00 BBC World Service News
11:15 Panorama 12:00noon BBC
World Service News Hour 1:00
BBC World Service News 1:25 Food
And Drink 2:00 BBC World News
Headlines 2:05 Horizon 3:00 BBC
World Service News 3:25 Voyager
4:00 BBC World Service News 4:25
World Business Report 5:00 BBC
World Service News 5:25 World
Business Report 6:00 BBC World
Service News 6:25 Newswatch 7:00
BBC World Service News 7:25
World Business Report 8:00 BBC
World Service News 8:25
Newswatch



6:00am Mr Rogers' Neighbourhood
6:30 Sharky & George 7:00
Kidstreet 7:30 Size Small 8:00 G.I.
Joe 8:30 Yan Can Cook 9:30 The
Sullivans 10:00 Donahue 11:00 El
TV 11:30 Arabics Oz Style
12:00noon Neighbours 12:30 Santa
Barbara 1:30 The Bold & Beautiful
2:00 The Oprah Winfrey Show 3:00
Rivers 3:30 Yan Can Cook 4:00
Arabics Oz Style 4:30 The
Sullivans 5:00 Small Wonder 5:30
Robotech 6:00pm Teenage Mutant
Ninja 6:30 Batman 7:00 El TV
7:30 Neighbours 8:00 M.A.S.H.
8:30 The Flying Doctors 9:00 P.S.I.
Luv You 10:30 The Bold & The
Beautiful 11:00 Santa Barbara 12:30
M.A.S.H. 1:00 Baywatch 2:00 El
TV 2:30 Neighbours 3:00 Movie:
"Minder On The Orient Express"
5:00 Perfect Scoundrels



7:00am Fashion Police 7:30 VJ
Rick 8:00 Rewind 8:30 VJ Sophia
9:00 Big Bang 9:30 VJ Petrina
10:00 Fashion Police VJ Rick 10:30
Billboard Profiles 11:00 By
Demand VJ Nonie 12:00noon The
Ride VJ Trey Farley 1:30 Billboard
Profiles 2:00 Frame By Frame VJ
Sophia 3:00 Big Bang VJ Petrina
4:00 Rewind VJ Sophia 5:00 The
Vibe VJ Ruby 6:30 Billboard
Profiles 7:00 By Demand VJ Nonie
8:30 Billboard Profiles 9:00 The
Ride VJ Trey Farley 10:00 Big Bang
VJ Petrina 11:00 Rewind VJ
Sophia 11:30 Billboard Profiles
12:00noon The Vibe (R) VJ Ruby
1:30 Billboard Profiles 2:00 The
Ride VJ Trey Farley 3:30 Bill Board
Profiles 4:00 By Demand (R) VJ
Nonie 5:00 Jump Start 5:30 VJ
Shadow



6:00am 1994 Compaq Grand Slam
Cup Semi-Final From Munich,
Germany 8:00 Primebodies 8:30
Watersports World 9:30 Live Enson
& Hedges World Series Match 7
Australia A v England From
Melbourne 5:30 Futbol Mundial
6:00pm 1994 Compaq Grand Slam
Cup Semi-Final From Munich,
Germany 8:00 Enson & Hedges
World Series Match 7 Australia A v
England 10:00 Enson & Hedge
World Series Match 7 Australia A v
England From Melbourne

Zee TV

2:30 HFF: Mujrim Kaun Khooni
Kaan (Jairaj, Indira) 5:00 Kab Kyon
Kahan 5:30 Hum Hunge Kamyab
6:00 Positive Health Show 6:30
Chitra Ranjani 7:00 Ebar Jombe
Mawja 7:30 Saptharishi 8:00 Manasi
8:30 Double Trouble 9:00
Grithalaxmi Ka Jinn 9:30 Tara 10:00
Commander 10:30 Insight 11:00
Bazaar Buzz 11:10 Filmi Chalkar
11:40 Kurokshetra 12:10 Lux Kya
Scene Hai 12:40 Khoobsurat
(Arabic) 1:10 Index 1:40
Infotainment 4:00 Close Down