

Court told during hearing of writ Rouf remains judge as per service condition

Under the terms of condition of Justice Muhammad Abdur Rouf's service as the Chief Election Commissioner (CEC), he (Rouf) remains a judge although, Khademul Islam Chowdhury, a lawyer for the Election Commission, told the High Court yesterday, reports UNB.

Justice Rouf was required by the then Acting President Justice Shahabuddin Ahmed for a temporary period, he said while submitting on the writ petition challenging Justice Rouf's holding of two constitutional posts simultaneously.

Since this was his service condition given by the then Acting President, Justice Rouf's service as CEC was treated as 'actual service' of a judge, he argued.

A High Court Division bench earlier issued rule nisi on Justice Rouf, the Registrar of the Supreme Court, the Law Secretary and the Secretary of the Election Commission after Advocate MI Farooqui concluded his submission on the writ.

The writ was filed by M Saleem Ullah on July 11 last year.

Justice Rouf's lawyer Dr Ahmed Hossain in his submission told the court yesterday that his appointment as CEC was notified in the official gazette, but he did not take the benefit and salary of CEC as he remained the judge of the High Court Division.

Dr Hossain submitted that Justice Rouf drew salary and benefits as judge although his status was changed and he was at par with the judges of the Appellate Division.

The first oath of Justice Muhammad Abdur Rouf as a

judge never extinguished. "It was in his pocket when he (Rouf) took his second oath as Chief Election Commissioner," the lawyer said.

Justice Rouf resumed his office in the High Court and no fresh oath was required as his earlier oath was there, he added.

To substantiate his contention, Dr Hossain argued that judges do not take fresh oath when they are confirmed as judges to both bench and bar.

As the two-member bench comprising Justice Habibur Rahman Khan and Justice MM Ruhul Amin pointed out that judges, when they are confirmed, are required to take oath, the lawyer retreated.

Referring to Article 102 of the Constitution, Dr Hossain said the court has no jurisdiction to enquire into the legality of the office of a judge as held by Justice Rouf.

"It is only possible in case the office is a public office. Judgement is not a public office," he said adding "judiciary is outside the government, but within the state."

Under the Constitution, Dr Hossain said, the Prime Minister is the head of the government and the President is the head of the state. Justice Rouf, like other judges, was not appointed by the government, but by the President, so service of judges are in the service of the Republic, he argued.

Earlier, Senior Additional Attorney General Abdul Wadud Bhuiyan, the main lawyer for the Election Commission, referring to the Challenge to the 4th Amendment in another writ, said unless the petitioner challenges the 11th Amendment he cannot challenge the 4th Amendment in isolation.

The 4th Amendment to the Constitution was modified before the 5th Amendment was passed and the 5th Amendment was changed before the 7th Amendment was passed and all 5th, 7th and 8th amendments were changed when 11th Amendment was passed. So all the amendments merged into the 11th Amendment, he argued.

Barrister Amirul Islam, lawyer for Advocate Shamsul Huq Chowdhury who filed a writ challenging under what authority Justice Rouf is holding the office of judge in the Appellate Division, filed a supplementary affidavit on June 28.

The affidavit alternatively challenged the 4th Amendment which demolished the basic structure of the Constitution and abolished the provision under Article 94 for consultation with the Chief Justice while appointing a judge.

Bhuiyan further said a judge cannot be removed except by referring his case to the Supreme Judicial Council.

The hearing will resume today (Wednesday).

PLO-Israel accord on July 25

GAZA, July 4: Israel and the PLO will sign an accord on expanding Palestinian self-rule to more of the West Bank on July 25, PLO head Yasser Arafat and Israeli Foreign Minister Shimon Peres said in a joint statement after talks today, reports Reuters.

The statement, made to reporters in Gaza in the presence of Peres and Arafat by Palestinian authority head of culture Yasser Abed Rabbo, said the sides had yet to reach agreement but would hold intensive negotiations so as to meet the signing date.

Jute, textile workers continue strike

The fourth day of the five-day strike by private sector jute and textile workers passed off peacefully yesterday, reports UNB.

Trade union leaders claimed that the strike was observed fully in the mills of Dhaka, Chittagong, Narsingdi, Bhairab, Ghorashal, Kanchan, Munshiganj, Rajbari, Jessore and Khulna.

Nearly one lakh workers and employees of 41 traditional jute mills, about 50 twine mills and 35 traditional textile mills in the private sector participated in the shutdown, trade union sources said.

Leaders of the Patkal Sramik Sangram Parishad, Private Sector Jute Mills CBA Coordination Committee, Suta-Bastrakal Karmachari Federation, Bastra Shilpa Sramik League and Private Sector Textile Mills CBA Coordination Committee enforced the strike from July 1 for realising their demands, including implementation of the accords signed between the government and the trade unions.



Wazed Ali Khan Ponni, former deputy foreign minister, presenting a bouquet to Awami League chief Sheikh Hasina at the Dhanmondi party office on his joining the party yesterday. — Star photo

Wazed Ali Khan Ponni joins AL

By Staff Correspondent

Wazed Ali Khan Ponni, a former deputy foreign minister joined the Awami League yesterday.

Welcoming Ponni the AL chief Sheikh Hasina said the BNP government was pushing the country towards disaster only to satisfy its greed for power.

The reception ceremony, held at the party's Dhanmondi office, was attended by other senior party leaders and activists.

Hasina said that the country would have to go a long way to overcome the shadows of misdoings done by the present government.

Speaking on the occasion, Ponni pledged to struggle for the implementation of the ideals of Bangabandhu Sheikh Mujibur Rahman under the leadership of Sheikh Hasina.

Party leaders Abdul Mannan, Zillur Rahman, Tofael Ahmed, Abul Hasan Chowdhury and Abdul Kader Siddiqui Bir Uttam also spoke.

Legal notice

From Page 1

Earlier, the registered graduates' representatives of the DU Senate had alleged that the voters' list for the Syndicate member election was changed "illegally" just before the polls.

Tazmary Selina Islam was nominated by the Chancellor in place of Prof Mamtaz Uddin Ahmed who had not resigned a source.

Again Shajahan Mia was nominated by the Speaker as Parliament representative in place of Barrister Aminul Hoq, State Minister for Establishment, the source added.

According to Article 54 of the Dhaka University Ordinance, 1973, in case of any casual vacancy, interim nomination can be given for the rest of the period.

But Tazmary Selina Islam was nominated for three years.

Warrant for arrest of Murdoch

BOMBAY, July 4: A court here has issued an arrest warrant for media tycoon Rupert Murdoch in connection with a talk show on his Star TV network during which a guest made derogatory remarks about Mahatma Gandhi, reports AFP.

The Indian Express newspaper reported today that the arrest warrant for the Australian-born Murdoch had been issued on Monday following a complaint filed by Tushar Gandhi, the grandson of the Indian independence hero.

MOU on elimination of child labour signed

From Page 1
contribute 50 per cent of the cost of the stipends up to a maximum of US 250,000 dollars per year for three years.

For the schooling programme, UNICEF will contribute 175,000 dollars this year. The BGMEA will donate 50,000 dollars per year for the UNICEF-sponsored schooling programme.

The MOU was signed by BGMEA President Redwan Ahmed MP, UNICEF Officer-in-Charge Gretchen Goodeale and ILO Dhaka Director Paul Joseph Bailey in presence of Foreign Minister ASM Mostafizur Rahma, Commerce and Information Minister M Shamsul Islam, Labour and Manpower Minister Mir Shawkat Ali, US Ambassador David N Merrill and senior officials and members of BGMEA.

The MOU followed over one month's fresh negotiations after BGMEA's refusal to sign an earlier version on May 17 and declaration of an Oc-

University Ordn '73

From Page 1

posals regarding disposal of audit objections. He also reiterated that the additional expenditures by the ministries were not being regularised through supplementary budget leading to financial indiscipline in the organisations.

The report also dealt with financial affairs of different ministries and the organisations under them and made specific recommendations in this regard. However, it stressed more on the universities, being run by the 1973 ordinance, the Zia Fertiliser Factory, the Hotel Sonargaon and the Hotel Sheraton.

Expressing concern over the current state of administrative affairs of the universities, the committee said, the university ordinance required to be amended to suit the needs of the present socio-political and economic atmosphere. "There was no scope for proper observation of the good and bad aspects of the 1962 and 1973 university ordinances as those were formulated under certain circumstances".

Most of the universities, receiving government grants, were not formulating their budgets with the beginning of the year, said the report adding this was destroying economic discipline and was not ensuring transparency and accountability in spending the public money.

The report also found misuse by the university teachers of the restructuring facilities, provided by the ordinance. Elaborating, it said, teachers

were getting promoted through the restructuring facility and the practice was discouraging the professionally skilled persons to the teaching profession. "In future, it may create a frustrating situation in the higher education", the report warned.

The public accounts committee, after examining the audit reports, directed the Sheraton and Sonargaon hotels to produce before it relevant documents with a view to bringing about financial discipline at the two leading hotels.

It found that the Sonargaon Hotel authorities were illegally occupying huge lands owned by the common people.

The report also said the Sheraton Hotel was going to face an accumulated loss after the signing of an uneven and anti-national accord between the Sheraton Management Corporation and the Bangladesh Services Limited.

Regarding the Zia Fertiliser Factory, the report apprehended involvement of local and international vested quarters behind the disposal of the compensation case filed with the International Chamber of Commerce and Industry regarding the 'breach of agreement' by the US-based contracting firm Mers. Foster Whiler Limited. The matter was resolved with only five US dollars against the original compensation claim of 43 US dollars which was later reduced to 38 US dollars, it said.

Move to prolong BNP rule

From Page 1

The AL leader described government's move as "politically motivated to cling to power by keeping alive this one-party Parliament."

Abdul Quader Mollah, Publicity Secretary of Jamaat-e-Islami, in his instant reaction said that the BNP government was trying to delay solution of the crisis by sending the issue to the Supreme Court.

"Such an act of the government has again proved that the ruling BNP does not have the capability to solve the constitutional crisis."

UNB adds: Jatiya Party leader Moudud Ahmed in his reaction yesterday said, "the reference of this matter to the Supreme Court has not only insulted the Parliament, it has also undermined the working of the constitution."

He said the ruling BNP did it with a political motive to buy time to stay longer in the government and keep this "dead Parliament alive."

In reply to a query, the JP leader said, "we will watch the development and take a collective decision in consultation with other political parties."

NDP leader Salahuddin Qader Chowdhury said the Supreme Court would be very much within its right to question the cause of action for invoking Article 106 of the Constitution.

Because, he said, "it is apparent to all that neither the House, nor the Speaker had taken any decision on the vacation of seats. Neither of them had expressed their inability to interpret the letter and spirit of the Constitution or Rules of Procedure."

He said, it must be remembered, Article 106 relates to interpretation of law and not facts. It must also be remembered that any advice rendered by the Supreme Court as per Article 106 is a non-binding advice.

Constable held for snatching, refused bail

By Court Correspondent

The Chief Metropolitan Magistrate (CMM), Dhaka, yesterday rejected the bail petition of Bazul Gani, a constable of the Detective Branch (DB) of Dhaka Metropolitan Police (DMP), arrested earlier on charge of snatching 2,500 US dollars from a person in the city.

Gani was sent to the Dhaka Central Jail. The CMM also ordered the jail authorities to produce Gani before the court on July 10 for Test Identification Parade (TIP).

Gani, along with DB inspectors Samiul and Imrul and three other persons Zakir, Jibon and Shahid had allegedly snatched the dollars from one Bakul from a city hotel on June 29. Bakul, who had returned from Malaysia on June 24, was staying in the hotel.

Gani, Zakir, Jibon and Shahid were arrested after Bakul lodged a case with the Kotwali police on June 30 accusing the six persons. The two DB inspectors are absconding since filing of the case.

Gani, who was arrested on Monday, yesterday refused to give confessional statement in the CMM Court.

The three other arrested persons, Jibon, Shahid and Zakir were earlier placed on five day's police remand on Monday.

3 DU students hurt in clash with DMCH employees

By DU Correspondent

At least three students were injured yesterday in a clash between the students of Fazlul Hoq and Shahidullah halls of the Dhaka University and the fourth class employees of the Dhaka Medical College Hospital (DMCH).

Sources said some students from the Fazlul Hoq Hall went to the DMCH to visit a patient at around 11:30 am, but the guard on duty did not allow them to enter the hospital. They returned to the hall and went to the hospital again with their friends later.

The students exchanged hot words with the employees and at one stage, the employees attacked the students.

Three students — Titu, Habib and Masud — were injured.

At about 3 pm, the students from Fazlul Hoq and Shahidullah halls went to the DMCH again and damaged some shops near the emergency ward gate of the hospital.

When police came to the scene students fired some five rounds of gunshots.

Trawler looted

From Staff Correspondent

BARISAL, July 4: Armed pirates committed a robbery on a fishing trawler, F B Laldia, in Baleswar river under Patharghata thana of Barguna district last night.

Accurate survey of underaged workers in all BGMEA factories from this month. No underaged workers will be terminated before the survey is completed and appropriate schooling programmes are fixed, the MOU said.

No new child workers, who have not attained 14 years of age will be hired by the garments factories.

The education programme will be arranged in consultation with the Primary and Mass Education Division of the government. The ILO will provide technical assistance and an initial financial support of about US 250,000 for a 'verification programme'. The ILO will help devise a labour inspection system, which is expected to continue for two years, in cooperation with the government.

"BGMEA undertakes to offer employment to qualified family members of underaged workers whose employment will be terminated under this programme. This information will be sought during the survey," the MOU said.

In addition, the UNICEF, the ILO and the BGMEA may arrange a food supplementation programme and other income generation opportunities after school.

The three parties will coordinate through a local and informal steering committee the government and the US embassy have been requested to attend the meeting of the steering committee.

Police-mob clash in Ctg : 30 hurt

From Staff Correspondent

CHITTAGONG, July 4: At least 30 people including seven police personnel were injured during a pitched battle between police and mob at Hazari Lane near Boxirhat police camp today.

The injured policemen were admitted to the police hospital. Among others, one Abdullah, 32, was admitted to the Chittagong Medical College Hospital with bullet wounds while the others were admitted to different clinics in the city.

Police said the incident occurred when one magistrate accompanied by police force went to Hazari Lane at noon to evict illegal occupants from a building.

Cocktails were exploded and gunshots fired by some youths during the clash, witnesses said. However, police later resorted to lathicharge to disperse the mob.

None was arrested till writing of this report.

Indian troops fire across ceasefire line in Kashmir

From Page 1

MUZAFFARABAD, Pakistan, July 4: Indian troops fired across a ceasefire line in Kashmir, killing one man and wounding another on the Pakistani side of the disputed region, police said today. Both men were travelling by a jeep that was hit by gunfire on Monday at Keran bypass in the Neelum Valley of Pakistan-controlled Azad/free Kashmir, the police said, reports Reuter.

SC interpretation

From Page 1

the Chair not to exercise his jurisdiction under Article 178 (3) of the Rules of Procedure until the SC opinion is passed.

According to the rules, the Speaker should inform the House about the absence of members without leave of the House.

Mirza Hafiz said that the matter has public importance and the President decided to refer it to the Appellate Division for interpretation. "A copy of the reference had also been sent to you," the Minister added.

"I would request you that you should keep your decision pending until the SC opinion is available," the Minister told the House.

Immediately after the Law Minister informed the House, Speaker Shaikh Razzak Ali put the proposal to vote when the treasury bench members collectively said "yes."

But Deputy Leader of the House Prof. Badruddoza Chowdhury and Chief Whip Khandaker Delwar Hossain objected the 'voting' and said that the House should not be a party in the matter.

"You have been informed about the matter by the Law Minister. The House should not be involved in it," Khandaker Delwar Hossain said.

Speaker Razzak Ali said, "I sought the opinion of the House whether the Law Minister's proposal is accepted or not. But your objection is recorded."

Talking to a group of newsmen at his Chamber, the Speaker declined to comment on the reference made to the

The Midnight File

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Fresh areas flooded

From Page 1

Sangu rose at various points. The Flood Information Centre has forecast further rise in the water level of most of the major rivers which may also cross the danger levels at several places.

The highest amount of 81 mm rainfall was recorded at Sylhet, while nearly 77 mm was at Comilla, 76 mm at Feni, 38 mm Dhaka, 32 mm at Faridpur and 25 mm at Mymensingh from six am to noon yesterday.

The Met office forecast valid upto six pm today said, heavy rainfall is likely at all places over Dhaka, Chittagong, Rajshahi and Barisal divisions.

The day's temperature may rise slightly over the southern part of the country.

Another Bill placed in JS

From Page 1

A Bill to enforce the Tokyo, Montreal and Hague Conventions for checking criminal acts against the safety of Biman was introduced in parliament yesterday, reports UNB.

State Minister for Civil Aviation and Tourism Major (rd) Abdul Mannan moved The The Suppression of Crimes against Biman Bill 1995.

Speaker

From Page 1

suffering from Hamletian complex. Earlier, the Speaker had told reporters that he would inform parliament on June 20 of the matter of 90-day absence of the opposition MPs as per rule 178 (3) of the parliament's Rules of Procedure. But he couldn't.

The Speaker is learnt to have had an independent stand which is not in conformity with the government party decision to refer the issue to the court.

Voter list

From Page 1

The remaining voters will get cards in phases, an EC high official said on condition of anonymity.

The law that makes ID cards a must for all voters before general elections, however, is yet to be amended.

The EC will sell tender schedules from July 8 to July 22 and receive the bids on August 5.