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

Justice Rouf's lawver 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

ROK refuses entry to 33

A total of 33 persons who flew to Seoul on the plea of attending a Lions international convention were sent back to Dhaka yesterday, reports UNB.

Special Branch of police arrested them from the airport when they returned at 10.30 am. They left for Seoul on Sunday, but the Korean authorities denied entry permission suspecting them not to be members of the Lions

The SB also arrested the director of Flysoon Travels, Anisur Rahman Khokon for his alleged involvement in the matter. He was detained for 120 days.

Our Staff Correspondent quoting informed sources adds: A 156-member team went to Seoul Sunday to attend the convention, currently being held there.

Among them, 120 persons, despite holding valid visas, were refused entry by the Korean immigration on the grounds that they failed to show adequate funds for their proposed stay in Seoul and also they did not have any hotel bookings.

Most of the persons refused entry were young men aged between 25 to 28.

Five to six hundred individuals were issued visas to attend the convention, the sources added. Meanwhile, another batch

of 150 left for Seoul on Mon-

Jute, textile workers

continue strike The fourth day of the fiveday 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, Munshigani, Rajbari, Jessore and Khulna.

Nearly one lakh workers and employees of 41 traditional fute 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.

Editor: Mahfuz Anam Printed & Published by A. S. Mahmud, Managing Director, on behalf of Mediaworld Ltd, 52, Motifheel C/A, Dhaka-1000, from City Publishing House Ltd, 90 Kakrail, Dhaka-1000. Editorial, News & Commercial Offices: House No: 11, Road No: 3, Dhanmandi R/A, Dhaka-1205. PABX: 500092-4, Commercial: 500091 (Direct), Fax No: 88-02-863035, GPO Box No: 3257, Cable: DAILYSTAR, DHAKA.

judge never extinguished. "It was in his pocket when he (Rout) 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

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

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 legal ity of the office of a judge as held by Justice Rouf.

"It is only possible in case the office is a public office. Judgeship 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 of the Constitution 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 Amend ment was passed. So all the amendments merged into the 11th Amendment, he argued.

Barrister Amirul Islam, lawyer for Advocate Shamsul Hug 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

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

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 selfrule 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 Reuter.

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.

Judicial Admin Training Instt Bill '95 passed

The Jatiya Sangsad last night passed a pending bill for establishment of a specialised training institute (body corporate for the judicial officers and others to ensure more efficient judicial administration in the country, reports BSS.

Piloted by Minister for Law, Justice and Parliamentary Affairs, Mirza Golam Hafiz, the Judicial Administration Training Institute Bill, 1995, was introduced in the House during the last 19th

session (summer) in April. The House accepted certain amendments moved by Abu Yusuf Md Khalilur Rahman (BNP-Joypurhat).

The proposed institute with its headquarters in Dhaka will be headed by a director general,

Wazed Ali Khan Ponni, former deputy foreign minister, presenting a bouquet to Awami Wazed Ali Khan University Ordn '73

The Baily Star

League chief Sheikh Hasina at the Dhanmondi party office on his joining the party yesterday. - Star photo

Ponni joins AL

By Staff Correspondent

Wazed Ali Khan Ponni, a former deputy foreign minister joined the Awami League vesterday. 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 coun-

try 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

Larlier, 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 said 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 causal vacancy, interim nomination can be given for the rest of the period

But Tazmary Selina Islam was nominated for three

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

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 mis-

use 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 profession ally 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

It found that the Sonargaon Hotel authorities were illegally occupying huge lands owned by the common peo-

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 Merrs. 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

Move to prolong BNP rule tion with other political par-

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 Jamaate-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 consulta-

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 interprete 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.

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.

ees of the Dhaka Medical College Hospital (DMCH). Sources said some students

The students exchanged ees attacked the students.

Habib and Masud — were in-

gency ward gate of the hospi-When police came to the

rounds of gunshots.

MOU on elimination of child labour signed vey," the MOU said. tober 31 deadline for termiaccurate survey of underaged In addition, the UNICEF,

contribute 50 per cent of the cost of the stipends up to a maximum of US 250,000 dollars per year for three For the schooling pro-

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

From Page 1

The MOU was signed by BGMEA President Redwan Ahmed MP, UNICEF Officerin-Charge Gretchen Goodeale and ILO Dhaka Director Paul Joseph Bailey in presence of Foreign Minister ASM Mostafizur Rahmaa, 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 BG-

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

nating all underaged workers. The BGMEA's refusal had prompted the US-based organisation the Child Labour Coalition (CLC) to declare that it would call for boycott of Bangladeshi garments in the US market.

The signing of the MOU was hailed by some US oganisations including the CLC the National Consumers League and the General Federation of Women's Clubs vesterday.

US Ambassador David N Merrill in his comments welcomed the MOU and said it will help Bangladesh garments in its "natural access" to the US market. "The parties to this MOU

request all appropriate continued cooperation from the Government of Bangladesh and the American Embassy in Bangladesh in achieving the purposes of this MOU which will be essential to its success," it further said.

The BGMEA will form 25 survey teams to conduct an

workers in all BGMEA factories from this month. No underaged workers will be terminated before the survey is completed and appropriate schooling programmes is 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 sur-

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. Before signing the MOU

Redwan Ahmed appealed to the international community, "specially the authorities and the news media in USA, to come forward with goodwill and all out support towards successful implementation of the MOU."

Labour Minister Mir Shawkat Ali said Bangladesh is committed to eliminate child labour from all sectors of the economy gradually.

Bangladesh exports garments worth about 500 million dollars to the USA annu-

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.

Constable held for snatching, refused bail

By Court Correspondent The Chief Metropolitan Magistrate (CMM), Dhaka. yesterday rejected the bail petition of Bazlul 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 lune 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 tiling of the Gani, who was arrested on

Monday, yesterday refused to gave 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

Atleast three students were injured vesterday in a clash between the students of Fazlul Hoq and Shahidullah halls of the Dhaka University and the fourth class employ-

from the Fazlul Hog 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.

hot words with the employees and at one stage, the employ-Three students - Titu,

At about 3 pm, the students from Fazlul Hoq and Shahidullah halls went to the DMCH again and damaged some shops near the emer-

scene students fired some five

Major reelected

that the time for division is over," Major said outside his

The fact that a third of his colleagues didn't vote for him cast a cloud on Major's already fragile authority. Bill Cash, one of Major's prominent critics within the party, said it was only a starting point for healing party rifts.

Tony Blair, leader of the

could pull together. divided party ... that drift and

would have had to resign if he lost.

The Midnight File Indian troops fire across

ceasefire line in Kashmir

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

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

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

From Page 1

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 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 Speaker Razzak Ali said, "I sought the opinion of the House whether the Law

Minister's proposal is ac-

cepted or not. But your ob-

jection is recorded. Talking to a group of newsmen at his Chamber, the Speaker declined to comment

on the reference made to the

SC saying "this is a President's prerogative.

Speaker Razzak Ali had earlier said that the Constitutional provisions were very clear and the relevant Articles would be applicable for the

absentee opposition MPs. A source in the Prime Minister's office told The Daily Star that Additional Attorney General Abdul Wadud Khandaker was entrusted by Begum Zia to get the reference letter signed by the President Earlier AAG Khandaker, who prepared the document, went to the Bangabhaban at around 3:15 pm and submitted it before the President. The President went through it and signed the reference to submit

brought the 10-page letter of reference to the Ministry of Law from where at around 4 pm, it was sent to the Chief Justice by special messenger. Legal experts, however, failed to give any clear answer

AAG Khandaker, later

it to the SC.

Division.

the Court since this is the first such case in the country. When contacted over telephone, Wadud Khandaker, citing examples from Indian SC, said the matter would be heard in the Appellate

about the next procedure in

The opposition, whose name is mentioned in the reference, is likely to be made a party during the hearing. "I am telling you on the basis of some examples from

India but I have no idea how

our SC would take up the

matter," Khandaker said. In India there were 11 references placed before the SC since 1947 while in Pakistan there were only three, he ad-

Fresh areas flooded

From Page 1 points and most rivers in the Meghna and the South East-" ern Hill basins also recorded a

According to a bulletin issued by the Flood Information Centre in Dhaka, the Brahmaputra at Bahadurabad, the Someswari at Durgapur and the Halda at Narayan Hat were flowing above the dan-

rise yesterday.

All rivers in the Brahmaputra basin, except the Brahmaputra at Bahadurabad, were flowing below the danger levels. Rivers in the Ganges basin recorded a further rise but were flowing below the danger mark.

The rivers in the Meghna basin, except the Someshwari at Durgapur, were flowing below the danger level.

The rivers Surma, Kushiyara, Manu, Gumti, Matamuhuri, Muhuri, Feni and

Aricha ferry services disrupted

MANIKGANJ, July 4: Ferry services between Aricha-Nagarbari and Aricha-Daulatdia were disrupted today due to long queues of vehicles at the three ferry terminals, reports UNB.

At least 1,400 vehicles including 900 trucks were waiting at the three terminals this evening for their turn on the ferries.

exceeded the 50-vote margin he needed over Redwood under party rules. "The message I would give to every Conservative... is

From Page 1

office in Downing St.

"We've got to strive to find that common ground," Cash

opposition Labour Party, doubted that Conservatives "Mr Major hasn't come out on one side or another of his

that lack of direction will simply continue," Blair said. Major's supporters shouted with delight and relief when the vote was announced The party leader is automatically the prime minister and Major

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 Faridour 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

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

State Minister for Civil Aviation and Tourism Major rtd) Abdul Mannan moved the The Suppression of Crimes against Biman Bill

Speaker

From Page suffering from Hamletian

complex.

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

Earlier, the Speaker had

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.

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

The law that makes ID

22 and receive the bids on August 5 The bidders will have to collect the photos of the voters, prepare ID cards and dis-

tribute those after lamination. Meanwhile the EC has postponed its plan to appoint 10 local consultants to supervise the implementation of

the ID card project