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Amici curiae, defending lawyers say Writ against Shahabuddin not maintainable

By SC Correspondent

All the amici curiae and the defending lawyers observed that the writ petition, filed challenging the election of former Chief Justice Shahabuddin Ahmed as the President of the Republic, is not maintainable, as it is premature.

After hearing the writ petition for the fourth successive day the division bench of the High Court Division comprising Justice M M Haq and Justice M A Matin yesterday fixed Monday for judgement.

Barrister Rafique-ul Haq and Barrister Moinal Hossain, made their submissions as amici curiae yesterday, while, Dr Kamal Hossain, another amici curiae earlier submitted his written argument.

At the end of hearing of all the amici curiae and the defending lawyers, Barrister Azmatul Hossain, the counsel for the petitioner, made some replies, on law points, to the

submissions of the defending lawyers.

Earlier, Barrister Rafique-ul Haq concluding his argument submitted that though it is admitted fact that the President gets remuneration and other benefits out of the consolidated fund of the state, he in no case could be treated in service of the Republic.

Barrister Moinal Hossain argued that as the President-elect has not yet taken oath and he is yet to start functioning, the writ petition, in the form of quo warranto, is premature and hence the same is not maintainable.

He, however, observed that the petitioner has locus standi to file the writ petition.

"The post of the President is the symbol of national unity," Barrister Moinal Hossain submitted.

Barrister Moinal Hossain further argued, "the President appoints all persons in the service of the Republic, there-

fore, the status and position of the employer and the employee are not the same.

Dr Kamal Hossain in his written submission said "The election of Justice Shahabuddin Ahmed as the President-elect was in conformity with the provisions of the Constitution."

The service rules and other provisions relating to persons in the service of the Republic do not apply to the President, as the President's office is a constitutional one and the term of his office is as provided by Article 50 of the Constitution," Dr Kamal argued.

Earlier, Attorney General K S Nabi, on behalf of the government represented by the Secretary, Ministry of Law, Justice and Parliamentary Affairs, and Senior Advocate Maksudur Rahman, on behalf of the Chief Election Commissioner, appeared in the case.

Punitive measures

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contemplate further action.

It may be mentioned that some retired army officers were absorbed into the foreign service after August 15, 1975. They were sent a recall notice a few weeks earlier. Of them, only Major (ret) Khairuzzaman, who was serving as the CDA in Manila, responded to the notice. Those who are yet to report back to the Foreign Ministry are Major (ret) Noor Chowdhury, Col (ret) Ahmed Sharful Hasan, Major (ret) Mo-huddin Ahmed, Col (ret) Abdul Aziz Pasha and Major (ret) Rashid Chowdhury.

Meanwhile, the Home Ministry, following the arrest of three former officers on Tuesday, has started searching the records to verify their involvement in criminal and anti-state activities, sources in the ministry said.

The three retired army officers - Col Farooq Rahman, Col Shahrar Rashid Khan and Major Khairuzzaman - were picked up by police on suspicion from different areas of the city and sent to the Dhaka Central Jail for a 30-day detention under the Special Powers Act of 1974.

A high-level meeting held at the Home Ministry yesterday with the minister in the chair discussed the matter, the sources said.

Two cases under Arms Act and Special Powers Act were

filed against Col (ret) Farooq while no cases were filed Col (ret) Shahrar and Maj (ret) Khairuzzaman till yesterday, police sources said. The cases against Farooq were lodged for possessing two illegal firearms and some foreign currencies, the sources said, adding that the CID police would investigate the cases.

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They added that the two firearms which were seized from the residence of the brother-in-law of Maj (ret) Khairuzzaman, from where he was arrested, had valid documents.

Besides, the authorities were also examining three passports seized from Col Shahrar's residence.

MOU signed

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panson works, and container handling capacity also will rise to 75,000 TEUs yearly from 25,000 TEUs.

Earlier, as per a separate MOU signed on April 2, 1996 the operation and management of the ICD till 2010 were vested with the Chittagong Port Authority.

However, the MOU was signed today for expansion of ICD against the backdrop of increase in transportation on cargo through container as per overall demand of the country.

Khaleda visits injured JCD workers at DMCH

BNP Chairperson Begum Khaleda Zia yesterday visited Dhaka Medical College Hospital to see the condition of the JCD workers injured in a clash at DMCH, reports UNB.

She went round different wards of the hospital enquiring about the condition of the Jatayatabadi Chhatra Dal (JCD) workers Arifur Rahman, Lutful Kabir, Rezwanur Rahman Sohel and Abu Bakr Siddique.

JCD leaders informed Begum Zia that BCL activists attacked Fazle Rabbi Hall of the Medical College early yesterday. They fired gunshots and beat up students indiscriminately, the JCD leaders alleged.

Begum Zia, the former prime minister, told the injured JCD workers to face the terrorists with patience and courage.

She said student community and the people are always against terrorism. "They are with us."

DMC closed

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clash between the two rival student organisation on July 10.

When the college reopened on August 5 after the unscheduled closure for 25 days, the JCD observed a four-day strike on the campus to press a six-point demand.

Foreign aid sought to modernise JS Sect

Representatives of some foreign missions and donor agencies in Dhaka had a meeting with Speaker Humayun Rashid Chowdhury at Jatiya Sangsad Bhaban (parliament building) yesterday, reports UNB.

Elaborate discussions were held during the meeting about modernisation of the parliamentary secretariat to make it more effective and to how the donor agencies can assist in the process, said a parliament secretariat press release.

Speaker Humayun Rashid Chowdhury apprised the representatives of the needs of assistance from donor agencies for modernisation of the parliamentary secretariat.

Bangladesh is firmly committed to institutionalise parliamentary democracy in the country, the Speaker said. "For development, political stability is a must and political stability can be ensured only through a democratic process."

He said the people of Bangladesh were highly enthusiastic about democratic system and this was manifest in the keen interest the people were taking in Bangladesh Television's special pro-

gramme on parliament session. The Speaker said steps would be considered for live telecast of parliament session. The representatives of the donor agencies were informed that the parliament secretariat needed assistance for computerising its working system, printing debates of parliament, conducting seminars and orientation programmes for the MPs, and for training of the staff to increase their efficiency.

50 shops gutted at Gournadi

From Staff Correspondent

BARISAL, Aug 14: At least 50 shops were gutted in a devastating fire at Torki Bandar under Gournadi thana this afternoon.

Witnesses said, the fire originated from an electric short circuit of a pulse crushing mill. The blaze quickly engulfed a big area of the bazar. Nine shops were gutted completely and forty others partially. The fire that started at 5-30pm.

Nation mourns

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March 7, 1971, Bangladesh was arrested on the night of August 25 as the Pakistani armed forces attacked the unarmed civilian population, whose only crime was to have asked for equality and justice.

Death sentence was awarded to Bangabandhu in August 1971 at a make-shift court at Loyalpur, a township some 100 km off Pakistani city.

After his killing on August 15, 1971, the body of Bangabandhu was flown to his village home in Tungipara, Gopalganj and was hurriedly buried immediately before the traumatized nation could take stock of what had happened. The rest of Bangabandhu's family members killed on the day were buried at the Banani graveyard in the city.

In a travesty of justice the subsequent government put a bar on trial of the killers promulgating an indemnity Ordinance, which was later made a part of the Constitution by the government of Gen Ziaur Rahman. The killers were also later absorbed in the diplomatic services providing them an automatic escape.

Two daughters of the slain leader - Sheikh Hasina and Sheikh Rehana could escape the carnage, thanks to their being on a trip abroad to Germany.

With the return of AL to state power on June 23 this year, the Hasina government decided to observe August 15 as National Mourning Day and chalked out elaborate programmes in a befitting manner.

The Prime Minister is scheduled to fly to Tungipara today to place wreath, and offer فاتھا at the mazar of Bangabandhu.

In her message on the eve of the day, Prime Minister Sheikh Hasina said, "let the objective of a remembrance of August 15 be a renewed dedication to the cause of liberty and principles we fought for in the days of our liberation struggle a quarter century ago."

As part of the day's programme the national flag will be hoisted at half mast at Bangabhaban on the occasion today. The day-long programme includes Quran-Khwan and milad mahfil. A special prayer will be offered on the occasion.

President Abdur Rahman Biswas will attend the milad mahfil and special prayer.

In observance of the National Mourning Day, a three day programme began on Tuesday last at Tungipara with ministers, MPs belonging to ruling AL and party leaders placing wreaths at the mazar of Bangabandhu Sheikh Mujibur Rahman.

As part of the programme, a discussion meeting on Bangabandhu was held yesterday morning at Sheikh Mujibur

Rahman Degree College premises at Tungipara. Gopalganj Minister of State for LCRD and Cooperatives Sayed Abul Hossain addressed the meeting as chief guest.

Thousands of mourners from across the country thronged the sleepy village Tungipara, on the bank of river Baghria, to pay glowing tributes to the best Banglaee in thousands of years. Both sides of the streets from Gopalganj district headquarters to Tungipara were decorated with black flags and festoons, according to reports reaching here.

Awami League has drawn up an elaborate programmes in observance of the National Mourning Day.

The programmes include, hoisting of black flags atop and national and party flags at half-mast at Bangabandhu Bhaban, AL central office and all other offices of the organisation at 5:30 am, placing of wreaths at the portrait of Bangabandhu at 7 am, offering فاتھا at the graves of martyrs of August 15 at 7:30 am, feeding of destitutes at various wards in the city from 12 noon to 2 pm, holding of milad mahfils and prayers at places of worship and bringing out a mourning procession in the city at 4 pm.

Bangladesh Television and Bangladesh Betar have drawn up special programmes while national daily will bring out special supplements highlighting the significance of the day.

Bangladesh Postal Department will issue a commemorative postage stamp worth Tk 4 and a first day cover valued Tk 6 on Bangabandhu.

Bangla Academy will hold a juvenile poetry recitation session at 9 in the morning at Academy's seminar room while a discussion on life and works of Bangabandhu will also be held at the Academy premises at 4 pm.

Institute of Fine Arts, will organise a grand group art exhibition at Shilpakala Academy this morning. Post and Telecommunication Minister Mohammad Nasim and artists Quayum Chowdhury and Hashem Khan will be present as guests of honour at the inauguration to be opened by poet Shamsur Rahman.

Bangladesh University of Engineering and Technology (BUET) will organise a discussion meeting at 10 am at the BUET Auditorium. Education Minister ASHK Sadek will attend the meeting as the chief guest.

Nazrul Institute will arrange a discussion at the Institute auditorium in the city at 5:30 pm.

Meanwhile, various socio-cultural and political organisations have chalked out programmes at district level throughout the country in observance of the National Mourning Day.

PM: Materialise dreams

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nation would observe, in a free, uninhibited atmosphere, the anniversary of death of the Father of the Nation with befitting state honour.

She lamented that the leader, who spent his life struggling for emancipation of his people against risks to his life and miraculously escaped hangman's noose, was done to death through conspiracy.

Through the assassination of Sheikh Mujib, Hasina said, his killers sought to place the country in new shackles of subjugation and the principles which went into the great War of Liberation were trified with.

Therefore, the process of distortion of national history began with nefarious objective of keeping the younger generation, in dark about facts, she said.

After the death of Bangabandhu, she said, social values declined and corruption took a heavy toll of national economy. "Civic life, in time, became hostage at the hands of forces wedded to the dubious cause of terrorism sponsored by the usurpers of political authority."

Hasina said in the killing of Bangabandhu, the greatest of Bangalis in a thousand years, she lost her father, but the nation lost its thousand years'

heritage, dignity and pride.

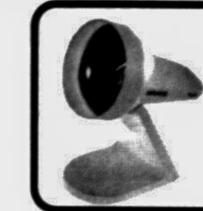
"At the same time, the nation became helpless and lost its sense of direction," she said, adding that in the absence of trial of his self-confessed killers, the stage was set for murder and mayhem to take over.

In past 21 years, she said the proud nation of 1971 was reduced to a state of destitution in the comity of nations. "A land sparkling with richness, a land we knew as Golden Bengal, was lost to us and our children."

Referring to the June 12 election, Hasina said, the people have expressed their firm commitment to guide the nation to the correct path for materialising the dream for Golden Bengal.

She said the message that goes out on August 15 is one of a revival of values that went missing 21 years ago. "My golden Bengal - I love you, have very lyrics remind us all of the great leader who shaped the patterns of our collective existence."

The prime minister sought divine blessings for her government to serve the cause of the countrymen by materialising the dream of the Father of the Nation.



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10 alleged pirates held, arms seized

From Our Correspondent

NARAYANGANJ, Aug 14: Naval police arrested 10 alleged pirates and recovered arms from their possession after raiding a boat on the Shitalakkhya river here this morning.

Police quoted the arrested as confessing that they were planning to commit piracy.

The boat carrying the pirates that sailed from the Aricha-Nagarbari ghat Tuesday night reached Kollaghat of the Shitalakkhya river at about 11 am today, police said.

Acting on a tip off a squad of Narayanganj naval police raided the boat and arrested all of them. The arms recovered include one revolver, one pipegun, one kirich, one knife, three rounds of bullets and four torch lights.

The arrested are: Rajab Ali, 30, Fazul Haq, 24, Jalal Mia, 30, Harun, 22, Md Fazul Haq, 22, Nowsher Ali, 30, Solaiman, 25, Halm, 20, Karim, 18 and Asraf, 22. All of them are from Shibhalaya thana of Manikganj district.

Pak Foreign Secy due tomorrow

By Staff Correspondent

Pakistani Foreign Secretary Najmuddin Sheikh, who arrives in Dhaka tomorrow, is likely to carry a personal letter for Prime Minister Sheikh Hasina from her Pakistani counterpart Benazir Bhutto, sources concerned said.

The Pakistani Foreign Secretary will be in the capital for three-day for bilateral consultations with his Bangladesh counterpart Farooq Sobhan. He will leave Dhaka for Beijing on August 18.

The Pakistani diplomat is also likely to carry a letter of invitation from the Pakistani premier for the Bangladesh premier.

Tungipara

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to the country's independence leader.

Jubo League, a front organisation of Awami League, today arranged a commemorative meeting and milad-mahfil at the mazar premises.

A delegation of Jubo League, led by its chairman Sheikh Fazlul Karik Selim, placed wreaths at the mazar on the second day of the three-day national programme.

Some socio-cultural organisations and party workers from different districts also placed wreaths at the mazar of Bangabandhu today.

World leaders' tribute

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the two leaders. Indian Prime Minister H D Deve Gowda paid tributes to the memory of Bangabandhu.

In a message to Prime Minister Sheikh Hasina he said: "I learn that August 15 has been declared a day of national mourning in Bangladesh in memory of Sheikh Mujibur Rahman. He is remembered in India as a great champion of liberty and a leader of his people whose untimely end cast a long shadow on the newly liberated nation."

"It would be a fitting tribute to his memory if we work together in cooperation and understanding, to enhance the ties between India and Bangladesh in the mutual interest of our peoples," Gowda said.

President of All India Congress Committee (I) and former prime minister of India PV Narasimha Rao in a message recalled with deep respect the memory of Bangabandhu saying that time could not dim the inspiring presence of Sheikh Mujibur Rahman.

Today as we remember Bangabandhu, we are reminded of the deep bond between our two countries, a bond which he and Smt Indira Gandhi agreed must be nurtured and encouraged to develop, for the benefit of the peoples of both Bangladesh and India, he said.

Transit

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Nepal's 304.3 million dollar trade deficit with its giant neighbour.

India agreed in June to allow the duty-free entry to a range of Nepali products. But Nepal says it cannot reap the benefits of the concessions until they are included in the treaty.

Lohani said the two sides discussed defining a 'sub-economic zone' that would promote coordinated infrastructure development in adjoining areas of Nepal, northern India, Bhutan and Bangladesh.

That would mean a lot of economics of scale in coordination and planning. This is at a conceptual stage and we are trying to push this concept," Lohani said.

Lohani also said he had asked India to relax its rules on Indians investing in Nepal and suggested more than one private airline from either country be allowed to operate in the other.

Tourism is one of Nepal's biggest sources of foreign exchange, and many of its visitors are from India, Lohani said.

President Nelson Mandela of South Africa in a message to the people of Bangladesh shared his grief on the occasion.

The South African President said, he, in his personal capacity and on behalf of all people of South Africa, liberated from the yoke of oppression, associate his country and its people with the Bangladeshi people on their day of national mourning to commemorate the untimely death of Bangabandhu Sheikh Mujibur Rahman.

King Jigme Singye Wangchuk of Bhutan in his message to Hasina on the occasion expressed his deep sorrow and anguish.

"The people of Bhutan and myself share the deep sorrow and anguish of your Excellency and the people of Bangladesh on the day of national mourning. Sheikh Mujibur Rahman will always be remembered in our country as a great and noble leader of Bangladesh and a true friend and well-wisher of Bhutan," the message said.

Khairuzzaman was in India, on Aug 15, claims wife

Family members of Maj (ret) Khairuzzaman yesterday said he was not involved in the killing of Bangabandhu Sheikh Mujibur Rahman on August 15, 1975, reports UNB.

"What was published in the newspapers about his involvement in the incident was totally baseless and imaginary," said Rita Rahman, the wife of Khairuzzaman, at a press conference at the Jatiya Press Club in the evening.

Khairuzzaman was one of the three retired army officers arrested by special branch police in separate drives early Tuesday. Two others were: Col (ret) Syed Farooq Rahman and Col (ret) Shahrar Rashid Khan.

Rita Rahman, a journalist, told newsmen that in August 1975, Maj Khairuzzaman was in Ahmed Nagar, India, attending a training course on tank maintenance, where he came to know about the killing of Bangabandhu.

She said, the arms seized from the Gulshan house during Khairuzzaman's arrest were not illegal. The arms were produced before Gulshan thana immediately after the seizure, but yesterday's press reports did not mention it.

Advertisement for Bangladesh House Building & Finance Corporation. Text: আপনি কি এইচবিএফসি'র একজন খেলাপী ঋণ গ্রহীতা? খেলাপী ঋণ গ্রহীতাদের নামের তালিকা পর্যায়ক্রমে সংবাদপত্রে প্রকাশের বিষয়টি বিবেচনাধীন রয়েছে। এর পাশাপাশি ঋণ খেলাপীদের বিরুদ্ধে আইনগত প্রক্রিয়াও জোরদার করা হচ্ছে। অতএব, আপনি খেলাপী হয়ে থাকলে সত্বর খেলাপী কিস্তি পরিশোধ করে সংবাদপত্রে প্রকাশের পূর্বেই খেলাপী তালিকা থেকে আপনার নাম কাটিয়ে নিন এবং আইনগত সমস্যা এড়িয়ে চলুন। নিয়মিত ঋণের কিস্তি পরিশোধ করে ১৫% ইনসেন্টিভ/অনুমোদিত রিবেট গ্রহণপূর্বক নিজে লাভবান হোন এবং অন্যকেও ঋণ পাবার সুযোগ দিন।

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