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Killings except that of Mujib were incidental

By SC Correspondent

The constitutionality of the Indemnity Ordinance cannot be questioned before any court as it was made during the Martial Law which has been termed as 'Supra Constitutional Law' by the Appellate Division of the Supreme Court, said Barrister Qurban Ali, counsel for the petitioners of the writ filed challenging the Indemnity (Repeal) Act, 1996.

Replying to the arguments of the amici curiae and that of the Attorney General yesterday, he also submitted, 'The Indemnity Ordinance is being encountered emotionally and the Indemnity (Repeal) Act, 1996 is nothing but an outcome of that emotion.'

He praised the advisors of late president Ziaur Rahman for inserting 'Bismillah-hi-Rahman-hi-Rahim' and the sentence, 'Absolute faith upon Almighty Allah' in the Constitution in order to neutralise the provisions of Article 7 which speaks, 'People is the supreme authority of all power.'

'Since Khandaker Mushtaque Ahmed simultaneously held two sorts of power, one under the Martial Law and the next under the Constitution as

the president, any of his words became a law,' he submitted.

With reference to the killings other than that of Sheikh Mujibur Rahman, he said that those were incidental killing during such a coup.

In his reply Barrister Qurban Ali mainly reiterated his earlier submissions and arguments.

He may conclude his reply today and after that Attorney General K S Nabi will also reply to the arguments of the amici curiae and that of Barrister Qurban Ali.

DU student assaulted

By Staff Correspondent

A female student of Dhaka University was assaulted allegedly by a leader of the Jatiyatabadi Chhatra Dal (JCD) on the varsity campus yesterday afternoon, witnesses said.

According to sources, Jakir Hossain, the president of the JCD Zia Hall unit and a JCD central committee member, slapped the girl in front of the Arts Faculty building at around 4:30 pm. The girl is a third year student of English.

Khondkar Ashraf Hossain, a teacher of English, rescued the girl and informed the proctor who rushed to the spot but did not find the accused.

The proctor Dr Nur-un-Nabi could not be contacted last night.

PAC meet

From Page 1

'We have started scrutinising the government reports of 1987. We are optimistic of making its doors, windows, glass and furniture.

A contingent of Monirampur thana police rushed to the spot to protect the PBS office from the mob attack.

According to police, farmers from various parts of the thana stormed the PBS office breaking its doors, windows, glass and furniture.

A contingent of Monirampur thana police rushed to the spot to protect the PBS office from the mob attack.

A case has been registered.

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Load shedding Sitakunda power station gheraoed

From Staff Correspondent

CHITTAGONG, Jan 22: Over 2,000 workers of Anwara Jute Mills at Barabkunda under Sitakunda thana gheraoed the local power sub-station and put up a barricade on the Chittagong-Dhaka highway this morning to protest load shedding and frequent power disruption in the mills.

Police rushed to the spot and forced the angry workers to withdraw their action programme.

During the barricade traffic on the highway was disrupted for one hour, witnesses said.

Farmers attack Palli Bidyut office in Jessore

From Our Correspondent

JESSORE, Jan 22: A sub-inspector of police was injured in a clash with farmers at Monirampur today.

The angry farmers attacked the Palli Bidyut Samity-2 office in protest against load shedding affecting Irri-Boro cultivation in Monirampur.

According to police, farmers from various parts of the thana stormed the PBS office breaking its doors, windows, glass and furniture.

A contingent of Monirampur thana police rushed to the spot to protect the PBS office from the mob attack.

A case has been registered.

Reception to Sheikh Rehana in Calcutta

From Page 1

CALCUTTA, Jan 22: Sheikh Rehana, daughter of Bangabandhu Sheikh Mujibur Rahman said here today that the ideals of Netaji Subhash Chandra Bose and the bold and uncompromising role played by the Bangabandhu would always inspire us, reports BSS.

She called upon all concerned to come forward for the welfare of human society.

Sheikh Rehana was speaking at a reception arranged by Agramani Mohila Samity, a women organ of Forward Block at Netaji Mela this evening.

Parajit Ghosh, president of Agramani Mohila Samity presided. Prasanta Das Gupta, deputy chairman of All India Forward Block West Bengal Committee, also spoke on the occasion.

West Bengal Minister for Food and Civil Supply Kallimuddin Shams, Bangladesh deputy high commissioner Jahangir Saadat were also present on the occasion.

Earlier in the morning Sheikh Rehana met with noted Indian writer Annada Shankar Ray and stayed for sometime with him at his residence. Dr Ray presented to her some books written by him.

Cold spell

From Page 1

gal, where the minimum temperature was 5.2 degree Celsius on January 19.

The meteorologist said, Tuesday's rain and the chilly winds made life difficult in most parts of the country, including Dinajpur and Rangpur, where the authorities distributed warm clothes among the poor.

Dinajpur recorded the lowest temperature of 10 degree Celsius yesterday followed closely by Rangpur, notching 10.6 degree Celsius. Earlier on January 18, minimum slipped to six degrees and 7 degrees respectively in Dinajpur and Rangpur.

The day's warmest place was Teknaf in the south-eastern fringe of the country.

The Deputy Commissioner of Dinajpur told The Daily Star on Tuesday that he had received warm clothes for distribution among the distressed people. 'But I need blankets for which I have asked the authorities,' he said.

The DC said there had been no report of death due to cold in Dinajpur.

The Dhaka City, the floating population experienced the most biting cold on Tuesday, when drizzles compounded their woes with strong winds, and the night temperature down to 11.5 degrees.

Poor people lighted fires in the city pavements and street corners yesterday evening in their attempt to warm themselves while parts of the city plunged into darkness due to power failure. The numbers of poor families huddled together to stave off the biting cold with whatever materials they could gather to make fires for warming themselves.

As the night temperature dipped they competed with each other for a place to sleep in the stadiums, shopping malls and arcades.

Rickshaw pullers, cart pushers and hawkers abandoned their work to hurry home. Even the shopping streets of Dhaka found less buyers for the second day yesterday as they preferred to stay home in the evening because of the cold spell.

Draft bill presented

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'(4) A judge may resign his office by writing under his hand addressed to the President.'

Amendment suggested to Article 98 of the Constitution are: '(a) after the words 'the President may,' the commas and the words, 'in consultation with the Chief Justice' shall be inserted; and

(b) in the proviso, for the full-stop at the end a colon shall be substituted, and thereafter, the following new proviso shall be added, namely: 'Provided further that a person appointed as an additional judge under this Article, shall not be appointed as a judge under Article 95 except upon a recommendation by the Judicial Commission.'

(c) either dispose of the case itself; or

(d) determine the question of law and return the case to the court or tribunal from which it has been so withdrawn or transfer it to another subordinate court or tribunal together with a copy of the judgement of the division on such question, and the court or tribunal, as the case may be, to which the case is so returned or transferred shall, on receipt thereof, proceed to dispose of the case in conformity with such judgement.'

In Article 111, in place of 'all courts,' substitution has been suggested as 'all courts and tribunals.'

Substitution for the heading of Chapter II of Part IV has been suggested as 'Chapter II-Subordinate Courts and Tribunals'

The suggested amendment to Article 114 is 'Establishment of subordinate courts and tribunals. There shall be in addition to the Supreme Court such courts and tribunals subordinate thereto as may be established by law.'

Substitution of Article 115, as suggested in the draft bill deals with appointment to subordinate courts. It says: 'Appointments of persons to offices in the judicial service or as magistrates exercising judicial functions, shall be made by the President in accordance with law made by the Parliament in that behalf.'

The suggested amendment to Article 116 deals with 'Control and discipline of subordinate courts and tribunals. There shall be in addition to the Supreme Court such courts and tribunals subordinate thereto as may be established by law.'

Substitution of Article 115, as suggested in the draft bill deals with appointment to subordinate courts. It says: 'Appointments of persons to offices in the judicial service or as magistrates exercising judicial functions, shall be made by the President in accordance with law made by the Parliament in that behalf.'

The suggested amendment to Article 116 deals with 'Control and discipline of subordinate courts and tribunals. There shall be in addition to the Supreme Court such courts and tribunals subordinate thereto as may be established by law.'

For Article 99, the suggested substitution in the draft bill reads: 'A person who has held office as a Judge otherwise than as an Additional Judge shall not, after his retirement or removal therefrom, plead or act before any court or authority or hold any office of profit in the service of the Republic not being the office of Chief Adviser or Adviser.'

The amendment suggested for Article 107 is: '(a) in clause (1), for the words 'any court' the words 'any court or tribunal' shall be substituted; and (b) in clause (2), for the figure '113' the figures and word '109 and 116' shall be substituted.'

Amendment to Article 109 suggests that the Supreme Court shall have superintendence and control over all courts and tribunals subordinate to it.'

Substitution suggested for Article 110 deals with transfer of cases from subordinate courts or tribunals to the High Court Division. It says, if the High Court Division is satisfied that a case pending in a court or tribunal subordinate to it involves a substantial question of law as to the interpretation of this Constitution, or on a point of general public importance, the determination of which is necessary for the disposal of the case, it shall withdraw the case from that court or tribunal, as the case may be and may

(a) either dispose of the case itself; or

(b) determine the question of law and return the case to the court or tribunal from which it has been so withdrawn or transfer it to another subordinate court or tribunal together with a copy of the judgement of the division on such question, and the court or tribunal, as the case may be, to which the case is so returned or transferred shall, on receipt thereof, proceed to dispose of the case in conformity with such judgement.'

In Article III, in place of 'all courts' substitution has been suggested as 'all courts and tribunals.'

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The visiting World Bank directors had a meeting with government officials on Financial Sector Reform Programme at the conference room of the Finance Ministry yesterday. —PID photo

Fair polls not possible under Leghari: Imran

ISLAMABAD, Jan 22: Cricket hero-turned-politician Imran Khan today demanded that President Farooq Ahmed Leghari immediately resign, saving fair elections were not possible under him, reports AFP.

Addressing a news conference ahead of elections due on February 3, Imran accused Leghari of having entered into a secret deal with former prime minister Nawaz Sharif to help him to win the polls.

'Fair elections cannot take place with Leghari in power,' said Imran, who heads his Movement for Justice Party founded by him in April last year.

'Asked whether his party would boycott the polls if the President did not resign, he said "we are keeping all options open."

Party sources said no decision had been taken by the party to suspended its current electioneering campaign.

Pakistan's main fundamentalist party, Jamaat-e-Islami, and a few other religious groups

Young man stabbed, robbed in city

By DMC Correspondent

At least three persons were injured in separate incidents in the city yesterday.

A young man was stabbed and robbed of Tk 400 by a group of muggers at a slum near the Suhrawardy Hospital yesterday afternoon, witnesses and hospital sources said.

The victim Milon, 20, who received injuries in his left hand was admitted to the Dhaka Medical College Hospital (DMCH).

In another incident, Habib, 22, a businessman, was injured when a gang of miscreants stabbed him at Kaptan Bazar at about 6:30 pm.

He was admitted to the DMCH.

An auto-rickshaw driver was seriously injured when a rickshawpuller stabbed him at Sarulla yesterday evening.

Shahjahan, 32, was admitted to the DMCH with injuries in his head.

JS : Stock market

From Page 1

and demanded more supplementaries.

Amidst hue and cry, he allowed M K Anwar of BNP to ask one more question.

He called the recent slide in the capital market a 'share market scam'. Anwar said it not only rocked the economy and closed the doors of investment in the country, but also shook the whole world.

He said the past BNP government imposed a lock-in in the share market so that nobody, particularly the foreign portfolio investors, can manipulate the market.

But the black marketeers and profiteers with alliance of maroeries manipulated the market and the government intentionally allowed them to do so, he alleged.

M K Anwar, a former commerce minister, also alleged that the persons blamed for the 'capital market scam' were found accompanying the prime minister during her trips abroad.

Major (Retd) Hafizuddin Ahmed alleged that the Securities and Exchange Commission (SEC), which is responsible for regulating the capital market, had failed to protect the market from scandal.

Mirza Azam alleged that shares in the name of some 'signboard-based companies' like Shine Pukur Holdings are being sold and asked the finance minister whether it would be stopped.

Kibria said the companies

were listed with the stock market according to rules of the exchanges and the SEC, and the government does not want to interfere into the matters.

He informed that a team of Dhaka Stock Exchange recently met him and raised allegations against some of the officials of the SEC. Charges against DSE were also brought.

Two SEC members have already been replaced by experienced ones. A high-powered enquiry committee was also constituted to probe the alleged manipulation in the capital market, he said.

The finance minister observed that the recent controversy arose due to ignorance and confusion of people about the share market. He said a 10 per cent circuit-breaker was recently imposed in the Shanghai Stock Exchange.

The stock markets in Hong Kong, Bombay and New York also experienced crash, he said.

Supporting the withdrawal of lock-in system, the minister noted that there is no direct link between the withdrawal of the lock-in system and the recent slide in the capital market.

The lock-in system acted as an impediment to foreign investment in the stock market, he said, adding the system was lifted to expand local investment and encourage foreign investment in the country.

He also informed the House of various developments in the market and formation of different committees to look into the affairs and to stabilise the market.

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WB team

From Page 1

ment Secretary. Energy secretary and administrative reorganisation committee chairman.

Earlier, the WB delegation exchanged views on financial sector reforms at a high-level meeting here at the conference room of the Finance Ministry yesterday.

Finance secretary, Banking Division secretary of the Finance Ministry, Bangladesh Bank governor and Banking Sector Reform Committee chairman were present on the occasion.

Jessore Jail revolt

Probe body resumes hearing tomorrow

The Enquiry Commission headed by Justice Habibur Rahman Khan will begin its second phase of activities on Jessore Jail revolt tomorrow, reports BSS.

The Commission will hear the testimony of officials of the administration, law enforcing agencies and Jessore Jail at Jessore Circuit House from 4 pm of January 24 to January 30, an official handout said in Dhaka yesterday.

The Commission earlier heard the testimony of 47 others in this connection.

Car bombs kill 7 in Algeria

ALGIERS, Jan 22: Two powerful car bombs killed at least seven people in Algiers Tuesday, hours after Islamic extremists threatened more massacres in the wake of a bloody weekend that left nearly 100 dead, reports AFP.

The first blast ripped through a crowded street as a bus passed a booby-trapped car during the afternoon rush-hour period, killing at least six people.

The Algerian security services first put the toll at five dead and several wounded, but witnesses said the blast had killed at least 16 people riding on the bus and injured more than 40 others.

Mannan Bhuiyan

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included in the recent Ganges water-sharing treaty signed by Bangladesh and India.

The BNP secretary general criticised the government for agreeing with the Indian proposal to conduct joint operation against insurgency in the north-eastern region of India.

'Why shall we invite the insurgency inside our country,' he asked.

The meeting was also addressed by former Speaker Shaikh Razzak Ali MP. Dr Aftab Uddin Ahmed, journalist Sadeq Khan, Gias Kamal Chowdhury, and Reaz Uddin Ahmed, advocate Mia Sadeque Rahman, BNP leader Habibur Rahman Habib, DUCSU general secretary Khairul Kabir Khokon, and leaders of Bhasani Sangsad.

Journalist Syed Zafar, member-secretary of the Sangsad, presided.

KAFCO

From Page 1

vention and necessary remedial actions to resolve the problems.

Dr Towhid reminded that the continuation of the prevailing situation would have disastrous consequences for KAFCO's operation and the safety of over 600 employees as well as their families.

The negative impact of the current violence at KAFCO site on the foreign governments who have participated in and supported KAFCO, on KAFCO's foreign shareholders and on the future of foreign investment in Bangladesh need not be emphasised, he added.

The shareholding structure of KAFCO is: Bangladesh government — 43.4 per cent, KAFCO Japan Investment Corporation — 31.3, Haldor Topsoe A/S of Denmark — 14.9, Commonwealth Development Corporation of UK — 4.4, International Fund for Developing Countries, Denmark — 4.4 and Stamicar-bank b v of Holland — 1.6 per cent.

Meanwhile, the CBA leaders have threatened to make the KAFCO inoperative if any of them is arrested.

7 DCC officials suspended

The Dhaka City Corporation (DCC) yesterday suspended its seven officials including the Chief Health Officer for their failure in combating mosquito menace in the city, a DCC press release said, reports BSS.

The suspended officials will face departmental charges.

According to the press release, Chief Health Officer of DCC Dr Ashraf Uddin has been replaced for his failure to take necessary steps in this regard.

The six other doctors of the Corporation were charged with 'negligence of duties.'

The six assistant health officers are: Captain (retd) A B K M Zulfikar, Dr Alhaj Mohammad Abu Bakar Siddiqi, Dr Alhaj Mostafizur Rahman, Dr Mohammad Shahidur Rahman, Dr A L B Itekkhar Rasul and Dr Latifur Rahman.

4 bills sent to special body

Four bills were sent to the special committee seeking its recommendations after scrutiny within four days, reports BSS.

The bills are Rangamati Hill District Local Government Parishad (Amendment) Bill, 1997, Khagrachhari Hill District Local Government Parishad (Amendment) Bill, 1997, Bandarban Hill District Local Government Parishad (Amendment) Bill, 1997 and the Aartha Rin Adalat (Amendment) Bill, 1997.

Speaker

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Chowdhury said, 'The six-member committee I formed on 24 December, 1996 with Bangabir Kader Siddiqi as its head, was not one guided by the JS Rules of Procedure. It's an administrative body.'

Quoting relevant Clauses of the JS Secretariat Act, 1994, that conferred the administrative authority of parliament on the Speaker, Humayun Rashid Chowdhury said, 'As part of my administrative job, I had formed the committee to recommend on certain issues. Therefore, this committee can't be defined by the Rules of Procedure.'

The task of the committee is purely recommendational and neither the committee nor its chief has been given any administrative duty, said the Speaker.

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