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**PHILIPS** 

#### Dismissal of Gen Nasim

## Hearing on maintainability of writ resumes Monday

By SC Correspondent

The hearing on maintainability of the writ petition filed by Lieutenant General Abu Saleh Mohammad Nasim challenging his retirement or dismissal from the office of the Chief of Army Staff remained incomplete yesterday.

The hearing will resume Monday, though the matter will appear as part heard above the motions in the daily cause list of the division bench of the High Court comprising Justice AM Mahmudur Rahman and Justice Abu Sayeed Ahmed on Sunday.

BNP called a dawn-to-dusk hartal on Sunday. Barrister AR Yousuf, counsel the President. for the petitioner, yesterday be-

gan to make his submission on merits of the writ. Attorney General KS Nabi earlier questioned the main-

tainability of the petition and sought a hearing on it. "Time and conditions ensured under the Army Act and the rules framed thereunder cannot be challenged under writ jurisdiction on the plea of impingement of fundamental rights," the Attorney General

submitted. "Article 45 of the Constitution states a clear bar to evoke writ jurisdiction in enforcing his fundamental rights by a person in defence service," he

"Since the petitioner was or is in the defence service, as per Article 102(5) of the Constitution he is not a person ag-

grieved," KS Nabi said. He submitted, "By the provisions under Article 61 and 62 of the Constitution the petitioner is also barred to evoke writ jurisdiction.

In his submission A R Yousuf, referring to Article 45

From Page 1

of the changing labour market

in Bangladesh. "There cannot

be a flat pay for a worker in a

jute mill and a sophisticated

worker in a computer software

also told to consider wage-pro-

ductivity linkage, but did not

deal with it, leading to a long-

drawn fight between the gov-

mendations, if adopted by the

government and announced

through gazette notification,

SC bldg

Annual Development Budget for

project, fully-equipped court

rooms will be set up in the first

floor of the annexe, which is

expected to be completed before

the end of the current fiscal."

said another official, adding

that the four storied building

would be completed before the

There are 27 court rooms in

end of the next financial year.

the main Supreme Court build-

ing and four others have now

been readied in the rear portion

of the old High Court building.

Shantu Larma

From Page 1

among the people," he said.

adding "they could only make

brushed aside murmurings

about the accord that it would

not be successful because it left

out the settlers, particularly

those who expressed concern

over their fate, living on ra-

tions of foodgrains from the

government, in 'cluster vil-

"We do not want them out.

They are human beings. If they

have papers, they could have

lands for themselves. If not,

they could be resettled. It is up

to the government to see that

the accord is implemented and

the Bangalees' interests are

taken care of, Hansadhaja

but missed the final moment

because doctors did not allow

him to travel to Dhaka. "I knew

that it was going to be signed.

The accord was finalise and I

was told a day before it's sign-

ing areas were quiet today after

a demonstration by the Sar-

badaliya Oikkyo Parishad, led

by BNP, against the agreement.

Pro-agreement demonstrations

took place in Dighinala and

Panchhari, organised by

Parishad leader Rikton Chak-

ma accused Larma's supporters

of kidnapping Minto Khisa, a

Meanwhile, Pahari Chhatra

Awami League and tribals.

PCP leader.

The town and its surround-

ing."

He helped prepare the accord

Hansadhaja Chakma also

some noise in the capital."

"In the first phase of the

are binding on all employers.

The Commission's recom-

The last Commission was

business," she argued.

ernment and the BEA.

the purpose.

Wages commission

of the Constitution, asserted that the petitioner in his petition did not seek for enforcement of his fundamental rights under Part III of the Constitu-

"The petitioner by the petition has challenged the violation of his statutory rights and as such the petition is not barred by Article 45 of the Constitution," he argued.

With regard to immunity of the President, Barrister Yousuf argued that none of the four notifications were issued by the President himself, but all of them were issued by the Ministry of Defene at the order of

Referring to Article 102(5) of the Constitution he submitted that the petitioner did not challenge any order of any military tribunal or court in as much as he was not tried by any

"Though the petitioner was confined in allegations of insubordination and mutiny, he was not tried rather he was given compulsory retirement which is malafide". Barrister Yousuf submitted.

lawful authority and is of no legal effect".

He further submitted, "The President was acting as a prosecutor, then as a jury and finally as a judge which is malafide and also liable to be declared without lawful authority."



Nandan, a theatre group from Chuadanga, staged a drama at the Central Shaheed Minar in the city yesterday as part of the Street Drama Festival organised by 'Samay.

-Star photo

## JP rejects CHT peace accord

By Staff Correspondent

The Jatiya Party yesterday rejected the concept of Regional Council in the Chittagong Hill Tracts (CHT) and demanded revision of the accord signed between the National Committee on CHT and the PCJSS, said party sources.

An emergency meeting of the presidium chaired by party chief HM Ershad, the JP chief yesterday resolved that, "Powers of the central government of a sovereign state has been curtailed as the Council has been vested with the rights of land allocation and extracting natural resources under the Accord."

The presidium also demanded constitutional recognition of the minority and Bangla speaking people in the CHT, acknowledging the area as a tribal

## US, North Korean officials' meet in

and North Korean officials are to meet in New York next Wednesday for new talks on the fate of American troops who never returned from the Korean war, the Pentagon said, reports

US officials, led by acting deputy assistant defence secretary Alan Liotta, will request access to several US troops known to have fled to North Korea during the Cold War, the Pentagon said in a statement.

The team will seek access to the known American deserters living in North Korea in an effort to resolve alleged sightings of Americans there," the statement said, alluding to the baffling appearance of Westerners in tightly closed North Korea.

Six sets of remains believed to be those of US troops have been recovered and handed over this year. They are now being studied at the Pentagon's identification laboratory in Honolulu, Hawaii.

returned to his family.

BUCHAREST, Dec 4: Romaers Prime Minister Victor Ciorbea's reshaped Cabinet strengthened by the surprise inclusion of several economists committed to speeding up reforms, reports Reuter.

From Page 1

been killed in the hills not only

been done without affecting the

sovereignty of the country and

within the ambit of the Consti-

tution," the Prime Minister as-

has already met with positive

response. The Chakmas who

had left their homes are

trekking back. And already the

international community and

the donors have come forward

to ask what sort of cooperation

they can provide for develop-

the Opposition and noted that

opposition for the sake of op-

position would be harmful for

the country on such a issue of

"They also negotiated. You

When it was pointed out that

also study what proposals they

the present Opposition had also

negotiated but the burden of

signing the treaty falls on the

present government, the Prime

Minister noted "They cannot

question our loyalty to the

country and to the Constitu-

tion. Even after the water ac-

common national interest.

too had given earlier.

She sought cooperation of

Hasina said the peace accord

mosquito bites," she said.

sured.

in the fighting but also due to .

"We feel that the accord has

"Many of our soldiers have

#### Transport strike in 16 northern dists called off

Transport leaders called of their indefinite strike in 16 northern districts following fruitful negotiations with Communications Minister Anwai Hossain here yesterday, reports

committee of Bangladesh Sarak Paribahan Sramik Federation enforced the strike from December 1 to realise their 8-point demand.

munications Minister assured them to implement their demands. The meeting decided to take

effective steps to stop illegal registration of unions and withdraw cases filed against the leaders during the strike. President of the federation Waziuddin Khan, MP, executive president Shahjahan Khan,

MP, joint secretary Simul Biswas, organising secretary Abdul Mannan, vice-president Fazlul Karim Shelley, regional committee general secretary Mojibur Rahman, information secretary Akhtar Hossain Badal, and members Sadegul Islam, Firus Khan and Abdul Quddus were present during the

# accidents

Three persons were killed and 20 others injured in separate road accidents in Manikganj and Chittagong yesterday. reports BSS.

In Manikgani, one woman was killed and 20 others were injured, 15 of them seriously, when a Aricha-bound bus fell into a roadside canal near Falshatia of Shibalaya thana on Dhaka-Aricha highway yester-

mon Nesa, 60, wife of Nayeb Ali of Jhenidah district died on the spot. Of the injured, 15 were admitted to Uthuli hospital. The driver of the bus fled away. Two persons were killed

when a speeding bus hit a rickshaw from behind at Mohora, adjacent to Kaptai diversion road under Chandgaon thana in Chittagong yesterday after-

According to police and eyewitnesses, the accident occurred when a Kaptai bound bus ploughed into a rickshaw killing the puller and a passenger on the

cord they criticised us. They

even negotiated in Tripura, on a

foreign soil, but we negotiated

her party had resigned from the

Sangsad in the past, it never

criticised or condemned moves

by the then BNP government re-

negotiations involved sensitiv-

ities, she said, even during the

BNP rule, there were 13 official

meetings and 19 unofficial

accord was not placed in the

Sangsad before it was signed.

the Prime Minister replied, "I or

my party made no prior com-

She went on "the most im-

portant question was whether

we violated the Constitution by

bartering our independence.

The negotiations were reached

with a section of our own people

through difficult, delicate and

arduous process. It was a sensi-

tive issue. We had to undergo lot

place the accord in parliament

mitment regarding that.'

Asked why the draft of the

garding its CHT negotiations.

Hasina said that although

Mentioning that the treaty

on our own soil."

meetings.

of difficulties."

## Businessman hurt in cocktail blast in Ctg

lice said. The injured Chitta Babu, 40

was admitted to Chittagong Medical College Hospital. Police said a group of toll collectors hurled the cocktail at the transport office of Chitta as

However, none was arrested in this connection till filing of this report.

# Tower Hamlets in Sylhet today

SYLHET. Dec 4: A sevenmember delegation from the Tower Hamlets Borough Council UK will reach Sylhet tomorrow afternoon.

Dhaka on November 30 on a two-week programme in the country.

The delegation will visit a number of educational, cultural, investment and social welfare institutions with a view to launching a twin programme between the Sylhet pourashava and Tower Hamlets Council, said an official.

Councillor Rajan Uddin Jalal chairman of the Tower Hamlets Regeneration Committee will also attend a workshop on 'Social and economic accord between Tower Hamlets Council and Sylhet pourashava.'

#### Hartal observed at Barisal

hartal was enforced here by 'Muktijoddha Smriti Vaskarja Nirman Sangram Parishad demanding cancellation of leave of land in front of the

The Parishad demanded construction of war memorial sculpture on the land.

vehicles were off the road and banks, business establishments and educational institutions remained closed

#### UK Foreign Office under-secy calls on Khaleda

Visiting British Foreign and Commonwealth Office under Secretary John Sheppard called on Leader of the Opposition in Parliament Begum Khaleda Zia at her 29 Minto Road official residence yesterday, reports

During the meeting, they discussed matters relating to bilateral interests with particular reference to the existing economic and political situation of Bangladesh. BNP Secretary General Ab-

dul Mannan Bhuiyan, former Ambassador MM Rezaul Karim and British High Commissioner in Dhaka were present. Meanwhile, Denmark

Charge d'Affaires in Dhaka also called on Begum Zia last night at her Minto Road residence.

They discussed issues of mutual interests and political situation of Bangladesh.

#### DCC ward commissioner arrested

Police yesterday arrested ward commissioner Chowdhury Alam, also a leader of Ramna thana unit of BNP, from his Pir Yameni Market office. reports UNB. BNP sources said police

picked up the ward commissioner at about 8:45 pm. They also raided the residence of Kazi Abul Bashar, another commissioner, at Kaptainbazar. BNP Dhaka city convenor

Sadek Hossain Khoka in a statement last night condemned the arrest and police

#### Passport forgery: 2 arrested in city

Police have detected a racket involved in passport forgery and arrested two people along with a huge number of passports, including red ones, reports UNB. Acting on a tip-off, a special

squad of DB conducted a raid on the chamber of Madan Mohan Kundu at 4/1 Simpson Road and nabbed two of the gang mem-

The arrested are Shipu Pal 31, and Bhupi Kundu. The detective police also recovered the passports and other papers from the chamber.

Those included 91 passports, 40 applications for passports 40 applications for visas and 44 renewal forms.

Police said the gang was illegally involved in visa and passport renewal forgery for a long time. The arrested could not produce any legal papers in support of their activities.

#### Miscreants kill housewife, her daughter in Barguna

From Our Correspondent BARGUNA, Dec 4: A housewife and her minor daughter were murdered while her husband was severely beaten up by some unidentified miscreants at Hosnabad village under Betagi thana of the district Wednesday midnight.

According to police, Fatema Begum and her six year-old daughter were throttled in their residence by some unidentified miscreants late Wednesday night while her husband Abdul Mutalib, was severely injured He was hospitalised in an unconscious state in the Mirzaganj thana health complex.

The Officer-in-Charge of Betagi thana suspected that past enmity relating to the union parishad polls may be the cause of the attack.

## CID team

From Page 1

Police said the CID team was attacked when they went to raid a house in the area at about 9 am and recovered about 400 grams of heroin from the house of one Joy Sankar Sur. During the raid some local

people started shouting 'fake police ... fake police within minutes, a big mob gathered in and around the house. The mob threw brickbats on police, held them hostage inside

the house and at one stage started beating the CID members. Later, Kotwali police rescued

them from the house. None was arrested in connection with this incident till

filing of this report last night. A case was lodged with Kotwali thana accusing about 150 people including Joy Sankar and his eldest son.

# Woman's body

From Page 1 said they informed other thanas in the city to trace the

identity of the woman Meanwhile, the body was sent to the Dhaka Medical College Hospital morgue for autopsy. A murder case was lodged with Gulshan thana in this re-

# Violence marks UP polls

From Page 1 centres in Nabinagar thana under Brahmanbaria district and at four centres in the Shibchar thana under Madaripur dis-

Besides, some centres in Sadar thana of Pabna district and Bianibazar thana under Sylhet, and one centre each in Sadar thana of Sirajganj, Domra thana of Nilphamari, Ramgar thana of Laksmipur and Kumarkhali thana in Kushtia witnessed suspension of polling.

According to a news agency report, some unruly people voting at 17 centres by indiscriminately firing shots, exploding bombs and snatching ballot boxes and ballot papers. Following the incidents, the authorities suspended voting at those centres.

Police also recovered some arms and ammunition, including three pipe-guns and two rounds of bullet during the

Our Pabna Correspondent said polls at seven centres out of 12 in Hemayetpur Union under Sadar thana were marked by violence. Polling was cancelled at two centres.

Our Staff Correspondent in Barisal reported that wide spread violence at some 10 centres in nine unions under Ujir-

#### 150 houses gutted in Ctg From Staff Correspondent

CHITTAGONG, Dec 4: Over 150 dwelling houses were gutted in a devastating fire that broke out at Hazari lane in the city this noon, police and fire brigade sources said. The fire, originated from an

oven, soon engulfed the entire area causing damage to tinshed houses, they said. Fire brigade personnel

brought the blaze under control after two-hour battle. According to fire brigade, the loss of property was estimated at taka ten lakh.

#### Direct train service with Sylhet for today & tomorrow From Staff Correspondent

SYLHET, Dec 4: The Occidental Company has again allowed the Bangladesh Railway authority to operate trains through the rail track near the Magurchhara gas field for two days from tomorrow morning. Occidental official Robert

Joseph sent a letter to the Divisional Manager of BR today asking for suspending the direct train service to and from Sylhet from December 7 as the company would do risky work in capping the mouth of burnt out gas well, said an official of BR this night.

#### Gold seized From Page 1

scanning her luggage. The customs team recovered

gold chains weighing about 1010 grams kept inside the lights. Besides, 155 grams of gold chains were also recovered while searching her body.

Customs officials recovered the banned drugs while scanning the luggage of a transit passenger of a Sylhet-bound Biman flight. Two departmental cases

were lodged.

The seven opposition parties

#### BNP, 6 other parties From Page 1

will demonstrate against the CHT accord at all the thanas and wards in the capital today and hold protest rallies and bring out torch processions at the district and divisional headquarters tomorrow. The current phase of agitation against the CHT accord will culminate in a dawn-to-dusk

#### Big oil cos From Page 1

hartal across the country on

Sunday.

This way, you cannot achieve much of progress," said a representative of a participating foreign oil company.

Twenty-one companies, including the state-owned BAPEX. were in the race for 12 blocks. Meanwhile, the negotiators

"suggested" the Investment Committee that the most sought-after Block 9 be offered to both the Chevron-Texaco joint venture and the Mobil-BAPEX-Petronas joint venture. The final decision regarding which joint venture gets the block would depend on which makes the best offer.

The suggestion puts Irish company Tullow out of block 9. The company was offered block

9 on October 22, the first day of the negotiation process. However block 11 was suggested for this company.

Till now, the negotiators only invited smaller companies (excepting Shell and Maerks) and bigger companies like Mobil, Chevron, Total, Texaco and Petronas have been totally left out of the process. Shell-Cairn joint venture was called thrice for negotiations, initially for block 10 and finally for blocks 10 and 5.

#### pur thana left at least 25 people injured. Police fired some five shots to control situation at the

Babarkhan Primary School UNB adds from Sirajganj: Voting of three polling centres, out of 17, in Sadar thana was

postponed following violence. The centres are: Alampur High School, Bhatpiari High School and Bahuta High School centres Some 50 people, including a

police constable, were injured in the clashes. Of the injured, 20 people including the police constable, Azizur Rahman, were admitted to Sirajganj sadar hospital and other clinics.

#### 11 fake voters held in Savar SAVAR, Dec 4: Eleven people

were arrested for their alleged involvement in casting false votes at a polling centre in Vakurta union here Wednesday, reports UNB.

The arrested are: Quddus Mia, 25, Abul Hossain, 25, Khokon Mia, 23, Mohammad Ali, 27, Anisuzzaman, 18, Nawab Ali, 19, Abdul Mannan, 16. Arzoo Mia, 25. Mazharul Islam, 18, and Ayub Ali 30. Most of them are school and college students.

## Bangabandhu Bridge rail link project accord signed

Bangladesh Railway yesterday signed an agreement with Samwanh-Tso, a contract firm jointly formed by South Korea and France, for the installation of 94-kilometre mixed gauge rail track from Joydevpur to Sirajganj under Bangabandhu Bridge rail connecting project contract 1, reports BSS.

Jamuna Bridge Rail Connecting Project General Manager M Shamsur Rahman and Xwang Soo Kim signed the agreement on behalf of Bangladesh Railway and Samwanh-

Tso respectively.

The project will involve a cost of Taka 514 crore and 96 lakh. The main five kilometres of mixed gauge line on the Bridge will be installed by Hyundai Construction Com-

The work for converting 245 kilometres of broad gauge rail tracks to mixed gauge — from Siraigani to Parbatipur — will be done under contract 2 at a cost of Tk 1,155.40 crore. The signing ceremony was

attended by Director General of Bangladesh Railway M A Munaf and other high railway offi-

## Donors

From Page opposition parties regarding the peace agreement is misleading and he appealed to the opposition to refrain from following the "path of destruction."

The donor representatives

congratulated the government

of Sheikh Hasina for its success in signing the peace agreement. They wanted to have detailed information needed for resettlement and development programmes for the purpose. Kibria thanked the donors for their assurances of support

and cooperation. A follow-up meeting in this regard will be held within a couple of weeks, according to officials. Ambassadors of the USA,

France and Japan, the High Commissioner of Canada and representatives of different development partners of the country attend the meeting.

#### Suhrawardy

From Page 1 dent Sheikh Hasina along with her party leaders and workers will place wreaths at the mazar of the great leader and offer fateha at 8 am.

Awami League will also hold a discussion meeting on the life and works of Suhrawardy at the party's central office at 3 pm.

Bangladesh National Personality Research Centre will hold Qurankhwani, place wreaths and offer fateha at the mazar premises at 7 am.

It will also hold a discussion on life of Suhrawardy. LGRD and Cooperatives Minister Zillur Rahman will attend the function as chief guest, said a press release.

## Health Minister

ence in the city this afternoon. Repeated attempts by this correspondent to contact Mannan Bhuiyan for comment on the issue failed last night. Meanwhile, the interna-

From Page 1

tional agencies which support the immunisation project have expressed their concern. According to sources, offi-

cials of Unicef. WHO, JICA and USAID have also communicated their displeasure to the Opposition parties. On Wednesday, some of them spoke to at least two senior BNP leaders informally.

## Published by the Editor from City Publishing House Ltd, 90 Kakrail,

**Editor**: Mahfuz Anam

Referring to the case of Rear Admiral (retd) Mostafa, he submitted, "the doctrine of pleasure of the President will not be curtailed unless a case is made out corum non-judice and malafide. All four notifications are malafide and any malafide action of the President is liable to be declared illegal, without

There has also been debate

on whether the government

should at all intervene into the

affairs of private enterprises in market economy by "imposing" a pay structure for their workers. "We want to give incentives to one who has done well. But someone who hasn't performed well will not get it. If the government imposes a wages for-

mula on us, then incentive-

based management does not

work," Rokia Rahman said. Labour leaders are also locked in the pre-formation fight. "It's the social responsibility of the government to ensure minimum wages for a worker as well as equal pay for equal work," said Nazrul Islam Khan of Jatiyatabadi Sramik Dal, the labour wing of BNP. "It is like the government control on such issues as working hours, the minimum age for

entry into the workforce and how women should be treated." He said the government should continue to dictate the "rock bottom" wages for workers, in practice since 1969.

#### OIC FMs meet Samad Azad off to Tehran

Foreign Minister Abdus

Samad Azad left for Tehran last night to attend the Islamic Foreign Ministers' meeting beginning tomorrow, reports BSS. The meeting will be followed by OIC (Organisation of Islamic Conference) Summit which is scheduled to begin in the Ira-

nian capital on December 9. Azad will lead the Bangladesh delegation at the two-day foreign ministers' meeting. Meanwhile, senior officers of the Islamic countries will meet in Tehran today to prepared ground for the ministers'

meeting and eventually for the summit. Foreign Secretary Mustafizur Rahman is already in Tehran to attend the meeting. Prime Minister Sheikh

## **Dhaka for Tehran on December**

Hasina is scheduled to leave

PM asks secys From Page 1 for national development could

be made uninterrupted. She said some basic significant changes had been noticed in the country's economic field due to the pragmatic programmes and policies taken by her government. "We want to achieve self-sufficiency in all spheres of national life," she

The Prime Minister urged the officials to implement the development projects without any delay. "Projects must be executed in due time," she said.

She also laid emphasis on inspection and training of the officials at the grassroots level.

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NY Wednesday WASHINGTON, Dec 4: US

Remains of one soldier were found in July, identified, and

# Romanian cabinet

reshuffled nia's Parliament today consid-

# North Bengal regional

During the talks, the Com-

# 3 killed in road

Police sources said one Agi-

Zilla Parishad. During the hartal hours,

# PM on CHT agreement

at least after it has been signed,

she replied, "I have sent the

agreement to the President. If

he says so, we will discuss it."

Later, however, she said, "I will suggest to the President that it be laid before the House for discussion." The Opposition is not for issue-based opposition. They are opposing one issue and after failure to mobilise support on it making another issue. They are simply changing issues, with

the blind hope that they will

strike success with one or an-

Asked how she viewed the Opposition call for hartal, Hasina replied, "I had called hartals so many times. I will not speak against hartal. But there should be a valid reason for calling hartal." When asked if it would be bad on our part to roll back

temporary army camps as spec-

ified in the accord, Hasina said,

"Temporary camps could be set

up when a situation of conflict

prevailed there. If there is no

conflict, there will be no need She also said the treaty does not involve other countries. It for temporary army camps. The Prime Minister said the is a domestic matter. Therefore, rights of the Bengalee settlers she thought it was not mandatory to discuss it in parliament. When pressed by some edicontroversy tors that it would be better to

have been never a subject of "The right of the settlers are

there and intact," she assured.

From Staff Correspondent CHITTAGONG, Dec 4: A businessman was severely injured when a cocktail exploded at Kadamtoli this morning, po-

he refused to pay tolls.

Council team due From Staff Correspondent

The delegation arrived in

The delegation headed by

From Staff Correspondent BARISAL, Dec 4: A half-day