

HC issues rule nisi on PSA

Govt asked to explain why the Act won't be declared ultra vires of Constitution

By SC Correspondent

A High Court Division Bench comprising Justice Abu Saeed Ahmed and Justice Khademul Islam Chowdhury yesterday issued a rule nisi upon the government to show cause within two weeks why the Public Safety Act (PSA) shall not be declared ultra vires of the constitution.

The rule was issued after a hearing on a petition filed by BNP lawmaker M Morshed Khan and his son Faisal M Khan challenging the validity of the PSA.

This is the first time that the PSA has been challenged since its enactment in February 14 last year.

After hearing the two sides, the court also directed the police not to harass or arrest the petitioners until Monday (January 15), pending a hearing on the stay of the case under the PSA filed against the petitioners in Chittagong on charges of ransacking and looting Tk 45,000 from a sweets shop on December 26.

Barrister Syed Ishtiaque Ahmed, Dr Kamal Hossain, M A Malek, Khandakar Mahbubuddin Ahmed, Barrister Rafiqul Huq, Dr M Zahir and Barrister Rokanuddin Mahmud took part in the hearing on behalf of Morshed Khan.

Additional Attorney General Mahbub-e-Alam represented the state. He was assisted by Deputy Attorney Generals M Faruq and Bazlur Rahman Sana.

The rule nisi has been issued upon the Law Secretary, Home Secretary and Chittagong Metropolitan Police Commissioner.

Earlier on January 9, Morshed Khan filed a writ petition under Article 102 of the constitution challenging the validity of the Act. The PSA violates the fundamental rights guaranteed by the constitution under article 27, 31, 32, 35 and 36, the petitioners pointed out.

Barrister Syed Ishtiaque Ahmed argued that the PSA is ultra vires of the constitution and that it curtails fundamental rights of the accused such as granting of bail. There is no guidelines as regards application of the PSA on issues of public interest, he noted.

Dr. Kamal Hossain said that there must be a guideline on issues of public interest. He argued that the offences stated in the Act are there in the existing penal code. The whole law as well as its application is discriminatory, he added and cited the alteration of the FIR against the petitioners, which was first lodged under penal code

only to be changed later with the inclusion of the section 10 of the PSA into it.

He said that a sub-inspector of Khulshi police station in Chittagong had been closed on charge of the alteration.

Khandakar Mahbubuddin Ahmed argued that Article 36 of the constitution guarantees the right to bail to citizens; but the PSA denies that right. A police officer must produce any offender before a magistrate within 24 hours after the arrest, but the Act does not have such provision, he pointed out.

Dr M Zahir argued that the provision of equal treatment of law is not in this act contrary to article 27 of the constitution.

The lawyers for the petitioners sought a stay on further proceedings of the case as well as the PSA.

Additional Attorney General Mahbub-e-Alam, however, came up with counter arguments saying that the PSA is not a discriminatory law. It was enacted to maintain public order and prevent violence and other terrorist acts like

See page 11 col 3

President asks all to build on successes achieved so far



President Shahabuddin Ahmed addresses the New Year session of the Jatiya Sangsad, which began yesterday. -- Star photo

President Shahabuddin Ahmed yesterday said that the next parliament election will be held under a caretaker government after the present parliament completes its term this year, reports UNB.

"The nation will move a step forward in consolidating democracy, electing a new government by the people, exercising their right of franchise freely and fairly," he told the parliament as it convened yesterday morning.

Delivering his new year's speech in the opening session, President Ahmed appealed to all citizens to sink their differences and work together with dedication and patriotism to steer the nation into its cherished goal of prosperity.

As the President delivered his 38-page written speech containing the success stories of Prime Minister Sheikh Hasina's government in the past one year, the House remained only half-full due to continued opposition boycott.

BNP, JP and Jamaat stayed out in line with their declared position. See page 11 col 2

New Year session of JS begins

By Staff Correspondent

The New Year session of the Jatiya Sangsad began yesterday with the Speaker's fresh call to the opposition parties boycotting parliament sessions to return to the House in the interest of the nation.

In a breakaway from convention, an obituary reference on a member of the present parliament and four others preceded the President's speech.

See page 11 col 7

Linguistic riddle

By Nazmul Ashraf

The English version of the speech the President delivered yesterday at the New Year's opening session of the Jatiya Sangsad was riddled with linguistic lapses.

Besides, poor and inaccurate construction of sentences with redundant words made the speech all the more taxing for readers.

Spelling mistakes, incomplete and ambiguous sentences, See page 11 col 7



Anti-government lawyers staging a sit-in in front of the Chief Justice's chamber in a bid to block the oath-taking of two judges yesterday. -- Star photo

Unprecedented protest disrupts SC proceedings

Lawyers try to block oath taking of two judges

By Special Correspondent

In an unprecedented demonstration in the Supreme Court, a section of lawyers disrupted its proceedings for several hours yesterday over the appointment of two judges of the court.

Pro- and anti-government lawyers scuffled in the court during the oath taking of Justice Golam Rabbani and Justice Ruhul Amin, elevated to the Supreme Court from the High Court, superseding three judges.

The trouble started when lawyers protesting the appointment staged a sit-in carrying black flag in front of the chamber of the Chief Justice, demanding that he should not administer oath to the two new judges.

Chief Justice Latifur Rahman, however, went ahead with the oath taking ceremony which was attended by all judges of the Supreme Court and the High Court. The ceremony took place at his chamber instead of the Judges Lounge due to the agitation.

Appointment of the two judges by President Shahabuddin Ahmed on Wednesday was criti-

cised by 13 senior lawyers of the Supreme Court. They said the judges had superseded their seniors in the High Court and it was a deviation from the convention.

The pro-government lawyers said their appointment was in accordance with constitutional provisions and the agitating lawyers had violated sanctity of the courts.

As the agitation continued, the judges of the Supreme Court and the High Court could not come out of the Chief Justice's chamber. The oath taking ceremony was held 10-30 am but the judges were confined there for more than two hours. This led to disruption in proceedings in the courts.

Amidst noisy demonstration by the agitating lawyers and scuffle between the two rival groups, litigants left the courts in frustration.

Only one hearing partially took place in the Supreme Court at 8:30 am. It concerned the fatwa issue.

See page 11 col 1

Politicisation of judiciary on, alleges Khaleda

By Staff Correspondent

BNP Chairperson Khaleda Zia has strongly criticised the government for appointing "controversial and party men" as judges in the higher courts and said the motive behind this politicisation was to protect Awami League's own interest.

"The ruling party has already politicised all institutions and is now blatantly politicising the

judiciary," the leader of the opposition in the parliament said while addressing a public meeting at Paltan Maidan yesterday. "It is appointing party men, who do not have the minimum capacity and competence to be judges of the High Court and Supreme Court."

The government is also giving promotion to controversial

persons, violating the rules and ignoring the protest of judges and lawyers, she alleged.

The city BNP organised the meeting to press for repeal of the "black" Public Safety Act and withdrawal of "false" cases against party leaders and activists, including M Morshed Khan MP, his son Faisal Morshed Khan. See page 11 col 3

Textbook trouble takes a new turn

Beximco trio accused of selling allotment letters

Star Report

Three sister concerns of Beximco Group have allegedly sold out the allotment letters to some notebook printers of Banglabazaar and a publisher of Sylhet district.

Sources in the printing and publishing industry said the selling of allotment letters by

Beximco concerns Shuktara, Free Press and Pustaka, who were awarded the tender for printing around eight crores textbooks for primary and secondary levels, has triggered off widespread criticism.

The Beximco concerns were scheduled to print up to one lakh

copies of compulsory books and 50 thousand copies of optional ones and distribute those all over the country by November 30, the sources said.

"The notebook printers would bargain for a higher price cashing in on non-availability of text. See page 11 col 1