

## SC finds flaw

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It also directed counsels of both sides to complete their arguments in the first two hours after court resumption at 9:00am today.

Things took a dramatic turn after yesterday's court hearing -- CECMA Syed tightened his lips and counsels of both sides shifted focuses in their arguments.

In last few days, the CEC repeatedly told The Daily Star that he neither filed the appeal nor gave permission to anyone to file it, but was tight-lipped after submission of the appeal to the highest court.

In his argument, Barrister Rokonuddin Mahmud, counsel of Bikalpa Dhara Bangladesh (BDB) candidate M A Mannan, questioned the authority of the CEC to give approval for filing the appeal.

Referring to a previous Supreme Court judgment, he said the CEC could not give such permissions individually bypassing the EC, as the body was comprised of other commissioners.

Quoting the judgment that the CEC's authority was not sufficient, he also questioned the powers of the returning officer to lodge the appeal.

Before presentation of the CEC's approval, Rokonuddin raised the question of legality and transparency in filing the appeal and the attorney of warrant.

Former justice TH Khan, counsel of the appeal petitioner, termed the mistake in lodging the appeal as minor and was apparently reluctant to argue on the point after the presentation of the approval document.

He argued for holding the by-polls in 90 days after the seat fell vacant at the resignation of Mannan.

Mannan resigned from parliament and from the ruling BNP before joining the BDB.

The special bench handling the petition on Sunday referred it to the full court that heard the petition from 9:10am to 1:00pm with half an hour tea break.

Only journalists with accreditation cards were allowed to the court after two days of restriction.

When Rokonuddin argued the petition was tampered in different ways, the chief justice wanted to listen to the advocate on record?

Maulavi Wahidullah appeared before the court himself and responded to the judges' queries on the allegation.

The chief justice asked him who directed him to change the petitioner's name.

As the advocate on record could

## 3 killed in city

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vehicles.

At least 30 people were injured during the hour-long clashes, police said.

Shopkeepers of eight markets in the area kept their shutters down for nine hours till 5:00pm fearing further violence.

Three people were killed and two others became maimed in five road accidents in Fulbaria area during last one-month, shopkeepers said.

A police contingent was deployed in Fulbaria area to avert any untoward incident, locals added.

At Malibagh, an enraged mob set fire to a covered van after it killed a private car driver at around 1:30pm.

The van rammed Bazlur Rahman Shakil, 30, near Malibagh intersection, killing him on the spot, hospital sources said.

Locals chased and seized the vehicle and damaged it before setting it ablaze. The crowd also damaged the signboard of New Era Medical in Malibagh, witnesses said.

Bazlur was going to his sister's Malibagh house to deliver the death news of their mother who died an hour before the accident, family members said.

In another incident, an unidentified young man died on the spot after he was crushed under the wheels of a speeding truck at Khilkhet in Badda at about 1:00am.

## Blast at Karachi

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Fears of a fresh round of inter-Muslim sectarian violence ran high in Karachi after the killing on Sunday of Mufti Nizamuddin Shamzai, a radical Sunni preacher, and thousands of police were deployed at mosques in anticipation of a backlash.

The blast at the Ali Raza Imam Bargah mosque was less than a mile away from where Shamzai, a pro-Taliban cleric who called for "jihad", or holy war, against the United States, was killed.

Sunni-Shia sectarian violence has killed thousands in the past 15 years.

"We heard that there was an explosion near the Ali Raza Imam Bargah", Karachi police chief Tariq Jamil told the Reuters news agency, referring to a Shia mosque.

Pakistan's information minister, Shahbaz Ahmed, said the blast, during evening prayers, was caused by a bomb.

Initial reports said the explosion was so powerful it cracked the mosque's concrete dome.

An office building belonging to the trust that manages the mosque collapsed.

Angry crowds quickly gathered at the mosque and our correspondent says a police vehicle was set on fire.

The blast took place only a kilometre from the site of Mufti Shamzai's killing.

Police had been trying specifically to protect Shia mosques following Mufti Shamzai's death.

Interior ministry spokesman Abdur Rauf Chaudhry said it was too early to say who carried out the attack but said it appeared to be

not satisfy the court, the chief justice asked him whether he took permission from the chamber judge before amending the petition.

Without a direct reply to the question, the advocate said he did it in front of the chamber judge, prompting chamber judge Tafazzal Islam, also a judge of the full seven-member court, to say he could not recall giving such an order.

Justice M Ruhul Amin again asked in Bangla whether Wahidullah took permission before changing the petition, he kept from replying.

During the argument, Additional Attorney General AJ Mohammad Ali submitted the document of the CEC's approval.

Earlier, Rokonuddin said the petition first had the returning officer as the petitioner and the EC as the respondent. But later the EC was made the petitioner without permission from the chamber judge. The appeal was accepted without the warrant of attorney, he alleged.

Rokonuddin questioned if the BDB candidate could file an appeal without the warrant of attorney and had a special bench constituted for hearing.

Briefing reporters on tampering with documents after the hearing, TH Khan said: "It is not a major issue. They raised it as if it were a major issue."

He claimed Rokonuddin could not properly reply to the arguments he raised.

## Citizens' rally urge all to resist JMJB

STAFF CORRESPONDENT, Rajshahi

A citizens' rally in Rajshahi city yesterday called upon people to launch a united movement to resist militant activities of the Jagrata Muslim Janata Bangladesh (JMJB).

Speakers at the rally criticised Rajshahi police for escorting the May 23 armed showdown of JMJB in the northwestern city and obstructing yesterday's rally against the Islamist outfit blamed for killing at least eight suspected outlaws in vigilante action since April 1.

Police stopped workers setting up the police for the rally in the morning but backed off later in the wake of public protest. Police also tried to drive away demonstrators to clear way for traffic.

The speakers, including main opposition Awami League General Secretary Abdul Jalil, blamed the government for its failure to fight the armed militants in the northwest.

"We united in upholding the spirit of the Liberation War and our efforts to free the country from the misrule of the BNP-Jamaat alliance," Jalil said.

Workers Party President Rashed Khan Menon slated Jamaat-e-Islami, linking the ruling coalition partner to the rise of Bangla Bhai, dreaded operations commander of the JMJB. He demanded arrest of the operatives and punishment to government officials who backed them.

"It's unbelievable that police who arrested hundreds of innocent people in April without charges are unable to capture Bangla Bhai," Menon said.

Communist Party of Bangladesh President Manjurul Ahsan Khan demanded a ban on Jamaat politics and accused the BNP-Jamaat alliance of patronising Bangla Bhai.

Organised by Rajshahi Nagarik Committee at Shahab Bazar, the rally was also addressed by Jatiya Samajtantrik Dal President Hasanul Haque Inu, Gonotantri Party President Mahmudul Rahman Babu, Gono Azadi League President Abdus Samad, Samyabadi Dal General Secretary Dilip Barua and Awami League organising secretaries Abdul Mannan and Akhtarurrahman. RNC Convenor Kalamur Arif Tipu chaired the meeting.

## sectarian violence.

A coalition of six fundamentalist parties, the Muttahida Majlis-e-Amal (MMA), had called for a nationwide strike on Friday in protest at Mufti Shamzai's killing.

A senior MMA leader, Maulana Fazlur Rahman, said: "We will not sit silent. We will protest against the brutal murder of a great religious personality."

The car of Mufti Shamzai was ambushed by up to six gunmen "We will be forced to take other steps if the killers of Nizamuddin Shamzai are not arrested," he said.

A police taskforce has been formed to investigate the killing.

No one has yet said they carried out the attack.

Up to six gunmen ambushed the car of Mufti Shamzai, witnesses said.

One of the 75-year-old cleric's sons, a nephew, a driver and a police bodyguard were wounded.

Mufti Shamzai was a strong critic of the US, urging a holy war after the invasions of Afghanistan and Iraq.

Sunni Muslims, including his students, rioted at news of his death, attacking a police station and burning cars.

Prime Minister Zafarullah Khan Jamali called the killing a "dastardly act of terrorism."

The cleric's death came three weeks after at least 14 people were killed in Karachi when a man, apparently dressed as a Shia cleric, blew himself up in a Shia mosque.

As many as 4,000 people have been killed in Pakistan since the late 1980s in Shia-Sunni sectarian violence.

## Tarique's legal notice yet to reach Hasina

UNB, Dhaka

Legal notices served by Senior Joint-Secretary General of Bangladesh Nationalist Party (BNP) Tarique Rahaman were not yet received by Awami League (AL) President Sheikh Hasina and General Secretary Abdul Jalil.

Tarique's lawyer Barrister Nawshad Jamir had sent the notices by mail through GPO (General Post Office) on May 24 for their alleged libelous and false comment against him.

However, sources said, the mails returned yesterday as the notices were not duly received by the addressees or persons on behalf of them.

Messengers of the GPO had gone to the Sudha Sadan residence of Sheikh Hasina and Abdul Jalil's Gulshan house several times, but returned the notices to the sender, saying that the addressees were not found.

Tarique's counsel had asked the respondents to reply within a week of receipt of the notices, "seeking apology for the false and fabricated statements" against Tarique Rahman. Otherwise, legal actions would be taken against them, the notices said.

Ashik Islam, a spokesman for Hawa Bhaban, the BNP chairperson's political office, told the UNB that they would take steps in accordance with the law.

The notices had also stated that the BNP joint-secretary general would file separate defamation suits of Tk 100 crore each against Sheikh Hasina and Abdul Jalil, if they failed to seek apology for their "derogatory" comments against him.

## Containers

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Lutfozaman Babar and attended by, among others, the home secretary, inspector general of police and director general of Bangladesh Rifles.

"Introduction of scanning machine will help check smuggling and enhancing security," Babar said. "It is not possible to check smuggling overnight and we are trying to find out the barriers to solving the problem."

He also said the committee ordered immediate disposal of smuggling cases across the country. It also ordered preparing a list of smugglers and hundi traders and submitting it at its next meeting.

The meeting decided setting up 10 cattle import corridors as suggested by the BDR and discussed steps to check raw hide smuggling.

It directed railway police to step up efforts to curb smuggling and suggested setting up mobile courts at Tongi, Koshba, Feni, Bilonia and some other railway stations.

The meeting also discussed measures to check drug smuggling and posting of women police at airports and land ports.

## FM reaches

FROM PAGE 12 strengthening the regional economic grouping.

"We are glad the Indian prime minister spoke about strengthening relations with neighbours. We will work together to advance the cause of the people of the region."

Morshed will call on Manmohan Singh and Sonia Gandhi and meet External Affairs Minister Natwar Singh, Defence Minister Pranab Mukherjee, Petroleum and Natural Gas Minister Mani Shankar Aiyer and National Security Advisor JN Dixit today.

Morshed got down to interacting with Indian leaders yesterday evening, having met former prime minister IK Gujral and CPI (M) veteran Somnath Chatterjee, tipped to become the new speaker of parliament.

Official news agency BSS quoted Gujral as saying: "It's a great joy to receive Morshed Khan, a leading minister of Bangladesh and a personal friend of mine."

Morshed said: "(I) came to see a great South Asian leader with outstanding contribution to Saarc."

## Aid to drive

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present Tk 90,000.

The finance ministry has not yet planned how the planned Tk 1,000 crore agriculture subsidy, up from this year's Tk 300 crore, will be delivered directly to the farmers. The ministry is considering an agriculture ministry proposal for irrigation subsidy, which stipulates that each thana will have a committee headed by the Upazila Nirbahi Officer (UNO). This committee will list how many deep tubewells are functional and the ministry will provide the subsidy according to this list.

The finance and agriculture ministries will meet today to decide how imported fertiliser would be subsidised.

The government plans to expand the old-age pension scheme, widow pension scheme, stipend and scholarships.

The finance ministry is under pressure to allocate funds for dearness allowance of government employees, which would mean an extra Tk 1,000 crore. The current budget contains Tk 700 crore for dearness allowance.

Besides, the budget will announce a special savings scheme for retired government officials.

The budget is likely to propose a post-MFA linkage fund for the garments sector.

## CEC's signature

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"The CEC now appears stuck in deep mud. If he says that he has been tricked into signing the appeal papers, a government lobby that wants his removal will accuse him of failing to carry out his constitutional responsibilities," he added.

This lobby left its mark in the 14th amendment to the constitution, which increased the retirement age of all constitutional posts excepting those in the EC. It means that the CEC will retire by the next election.

The CEC on Saturday told The Daily Star, "It is just a fraud as we have neither filed any appeal nor given permission to anybody to file it." He made the comment when the petitioners at the Appellate Division claimed that the EC has filed the appeal.

He also made similar remarks while talking to Dr Kamal Hossain on the phone, sources said.

Additional Attorney General AJ Mohammad Ali told the court after producing the EC file that the CEC himself created controversy and confusion about transparency of the petitioner by denying his role to the media.

Barrister Rokonuddin Mahmud, counsel of Bikalpa Dhara Bangladesh candidate in the

## Anti-tobacco day

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tobacco epidemic' the activists cautioned, emphasising a massive anti-tobacco drive right from now.

The World No Tobacco Day 2004 with the theme 'Tobacco and poverty: a vicious circle' was observed in the country yesterday. Different organisations brought out rallies and held seminars on the occasion to raise mass awareness about harmful effects of tobacco.

Tobacco use has sharply increased in low and middle-income countries including Bangladesh in recent years although it has declined in many high-income countries.

About 75 per cent of tobacco users are in developing countries including Bangladesh, consuming around 60 per cent of the 5,700 billion cigarettes smoked worldwide each year. There are an estimated 1.5 crore smokers in Bangladesh.

This in itself justifies investments in a comprehensive tobacco control programmes, the activists said.

Tobacco kills people at the height of their productivity, depriving millions of families of bread earners and nations of a healthy workforce, they mentioned.

The proportion of household expenditures made on purchase of tobacco products is often very high in developing countries.

If two-thirds of the money spent on cigarettes in Bangladesh were spent on food instead, it could save more than 10 million people from malnutrition, the World Health Organisation said in a report.

A study shows the poorest households in Bangladesh spend on tobacco almost 10 times their spending on education.

Bangladesh Cancer Foundation, Adhunik and Coalition Against Tobacco, Bangladesh Young Tourists Club,

## Gayle, missed opportunities

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Overnight rain had made parts of the outfield soggy and the umpires after three inspections, have finally decided on starting play at 12:00pm local time (10:05pm BST). The West Indies resume on 262 for five, still 154 runs behind Bangladesh's first innings total of 416.

If the first two days had belonged to the two centuries from Bangladesh Habibur Bashar and Mohammad Rafique, it was surely Chris Gayle's time to enjoy day three.

The left-handed opener from Jamaica made an uncharacteristically watchful 111 not out playing 246 balls (14x4) and has featured in three vital partnerships with Ramnaresh Sarwan (87 for the first wicket), skipper Brian Lara (73 for the second wicket and Dwayne Smith (70 for the fourth wicket). And it is to him and wicketkeeper Ridley Jacobs that the West Indies are looking to push along the innings when it resumes. But Gayle had been dropped thrice by butterfly-fingered Bangladeshi fielders, who let go as many as six chances.

Gayle was relieved with the hundred after the dropped chances and a poor run of form coming into the game.

"They are good lads and we crack a joke here and there," said Gayle when asked whether he was good friends with the Bangladeshi fielders who let him off the hook thrice.

"It was not possible to have a go on this wicket. And credit must be given to the Bangladeshi bowlers. They stuck to a plan and bowled very straight."

## 2 GIs, 2 Iraqis die

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major road that leads to the Green Zone, a security area around US headquarters in central Baghdad, to defuse a second car bomb.

Shia leaders, meanwhile, called on US forces to halt "aggressive patrolling" around Kufa and Najaf to shore up a peace accord that is rapidly unraveling there, 100 miles south of Baghdad.

The fighting in Kufa broke out Sunday night and lasted until early yesterday. Shia attackers loyal to radical cleric Muqtada al-Sadr ambushed a patrol with small arms fire, killing one US soldier, and fired a rocket-propelled grenade at a tank, killing another American, according to the US military.

At least one Iraqi was killed and eight injured, hospital officials said. Al-Sadr's militia often avoids taking its casualties to government hospitals for fear of arrest.

Shia militiamen accused US troops of firing near the city's main

Dhaka-10 seat Abdul Mannan in whose favour the stay order was granted, said: "The CEC must explain (to clear this confusion)."

The Daily Star tried to take Syed's comment on the issue and when journalists met him at his chamber, a visibly dumbfounded Syed did not utter a single word except a barrage of questions. He looked shattered when he was heading home at 4:00pm.

A section of 'over-enthusiastic' EC officials led by the secretary filed the appeal against the HC stay order in an unusual pace. They contacted the Office of Attorney General (OAG) although according to norm they are to contact their own lawyers first. An assistant attorney general also joined them and collected the warrant of attorney from the EC to file the appeal, the sources added.

The EC officials led by the secretary yesterday spent a busy day holding meeting at his office for several hours and when journalists went there to meet them, they regretted not talking to them.

The OAG's involvement in the legal process, meanwhile, has raised many eyebrows since the government is not the party to the case.

## Bangla Bhai

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in Bangladesh can write whatever they wish as they don't care about accountability," he added.

"It is no matter what the newspapers are writing, but the fact is that the government is not harbouring any criminal in the country," he added.

The political secretary also denied the allegation raised by some human rights groups that police were assisting the notorious Jagrata Muslim Janata Bangladesh leader in unlawful activities.

"I could have shown more respect to their (human rights groups) activities if they could come up with concrete evidence," he added.

Meanwhile, Noor Mohammad, deputy inspector general of police, Rajshahi, announced a Tk 50,000 reward for anyone who can help arrest Bangla Bhai.

## Danish vessel hits navy ship, seized

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Chittagong Port Authorities (CPA) seized a Danish cargo vessel as it hit a Bangladesh navy ship in the port channel on Sunday.

MV Tiger loaded with defence cargo collided with navy ship BNS Dhanshiri at about 6:30pm following an engine failure when it was entering the port channel, port officials said yesterday.

The navy ship sustained a little damage in the accident while the Danish ship, which came from Mumbai Port the same day, was unharmed, they added.

A CPA tug-boat towed the 65-meter-long vessel to jetty No. 9 following the accident.

The CPA, shipping ministry and naval authorities formed separate committees to probe the accident. They are expected to submit their reports within three days, said Qamrul Hossain, member (operation) of Chittagong Port.

MV Tiger was scheduled for sailing out for Kelang Port on Tuesday after unloading at Chittagong Port, said port sources and local agent of the ship.

## Vagrant centre

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committee headed by a magistrate to probe the incident. Deputy Commissioner Harunur Rashid sent samples of the food to Dhaka for test.

Informed sources said the inmates complained to the minister of low quality food, unhealthy environment and even physical repression by the officials of the centre.

## Another shot

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Police said four armed cadres were killed and at least 19 others including five law enforcers injured in a fierce gunfight among these two groups and police on May 19 last month.

Meanwhile, police could not yet find any clue to the killing of eight Gono Mukti Fouz (GMF) cadres on Sunday.

Sources said Deputy Inspector General (DIG) of Khulna range Abdul Aziz Sarkar on Saturday in a meeting with superintendents of police of Kushtia, Jhenidah and Chuadanga ordered to launch a special drive in the region to resist the downward slide in law and order. Police, however, could not yet nab any of the killers.

At least 50 people were murdered in the district since January, with 20 in the last month alone.

At least 70 people including 18 school and college students were abducted. Eight of them including three schoolboys were killed while others had to pay hefty ransom for their release.

Awami League, Jubo League and ASL brought out a procession in the town yesterday evening to protest at the killing of Nakshatra and accused the 'ruling gongs' of the murder.

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## Licences of 187 firearms cancelled in Bagerhat

STAFF CORRESPONDENT

Licences of 187 firearms in Bagerhat district have been cancelled following an order by the Ministry of Home Affairs.

The deputy commissioner of Bagerhat has asked the officers-in-charge of all police stations of the district to seize the firearms.

The licence holders reacted sharply against the government decision, saying the government had deprived them of the privilege without showing any specific reason. Such a move by the home ministry would make their life most insecure in the district where outlaws reign, apprehended some shrimp traders.

However, the deputy commissioner (DC) said the licences have been cancelled, as per law, for not renewing those. Similar action will be taken against those who are yet to register their firearms after purchase, the DC added.

## 1,122 workers await golden handshake

STAFF CORRESPONDENT, Khulna

Mongla Port Authority (MPA) will be releasing 1,122 dock workers from services through a golden handshake programme from the first week of June.

The port authorities and concerned parties signed an agreement in this regard on Saturday with the MPA chairman in the chair, sources said.

In the second phase of the programme, the MPA will spend Tk 12 crore for releasing the staff under its Dock Workers' Management Board, they added.

Between 2001 and 2002, the MPA handed over Tk 4 crore to 476 dock workers for releasing them from services in the first phase of the programme, MPA sources said.