

# CJ's unprecedented

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other parts of the capital, especially at a mass rally of the Awami League-led 14-party alliance, its allies and a few other political parties during their sit-in programme around Bangabhaban.

Law enforcers beefed up security in and around the Supreme Court as aggrieved lawyers geared up for street protest.

The stay came at a time when most political parties except those of the BNP-led four-party alliance were increasing agitation demanding the president's resignation as chief adviser. They blamed President Iajuddin for repeatedly violating oath by 'implementing the four-party alliance's agenda'.

Eleven leaders of the 14-party alliance, Jatiya Party, Liberal Democratic Party, Zaker Party and Islamic Front filed three petitions with the HC on Sunday, challenging the legality of the president's 'unilateral' decisions, and the Election Commission's move to declare election schedule.

Hearings of the writ petitions were held for two days by an HC division bench comprising justices M Awlad Ali and Mainul Islam Chowdhury.

As the bench began its proceedings at 10:55am yesterday, Attorney General Mohammad Ali appealed to hear the petitions at a larger bench.

Petitioners' counsel Dr Kamal Hossain told journalists that the AG had told the court that the "small bench" does not have the jurisdiction to judge any action of the president, no matter what he does.

Dr Kamal opposed the appeal, saying the question of hearing the matter at a larger bench does not arise before issuance of any ruling and formally admitting the matter before the court. The matter is still in a premature stage, he argued, adding that there is no instance of forming a larger bench at such stage.

Echoing Dr Kamal's contentions, another counsel for the petitioners, Barrister Rokonuddin Mahmud, told the court that it might be a "plot" to frustrate the writ petitions. "Earlier, the attorney general had made attempts time and again to defer the hearing," he said.

Mohammad Ali, however, said there are previous instances [of larger benches].

Dr Kamal challenged the attorney general, who sought time until 2:00pm to present examples.

"The court asked the attorney general to produce the examples when it resumes at 2:00pm, saying it would dispose off his application and deliver its ruling then," Dr Kamal told reporters.

When the court resumed at 2:15pm, Mohammad Ali rushed to with three applications for staying the proceedings of the writ petitions and submitted them before the presiding judge. He did not serve any copy of the applications to the petitioners' counsels, the petitioners' lawyers told reporters later at a press briefing.

The court offered the petitioners' lawyers a look at the attorney general's applications, but they said they could not look at them since the applications had not been served on them.

After examining the applications, the chief justice announced the stay order on further proceedings of the

writ petitions and withdrew from the court.

**VIOLENCE**  
The aggrieved lawyers of the petitioners locked in arguments with the pro-BNP lawyers in the courtroom.

As soon as the court withdrew, the petitioners' lawyers raised a hue and cry inside the courtroom, saying the chief justice cannot stay the process as the matter has not been formally admitted before the court and no ruling has been issued.

As the lawyers attempted to seek interpretation from Mohammad Ali and former law minister Moudud Ahmed, the two rushed out of the courtroom fearing trouble.

The petitioners' lawyers attempted to stop them, but pro-BNP lawyers escorted them hurriedly to their cars and they left the court premises.

At 2:30pm, the angry lawyers rushed to the chamber and office of Chief Justice Muddasir Husain to ask him how such an order, "which had no precedence", could be passed.

Finding that the chief justice had already left the court premises, they vandalised his chamber and office.

They also rushed to the office of the attorney general but police prevented them. They broke the windowpanes of the offices of the attorney general and the Registrar.

The aggrieved lawyers chanted slogans against the chief justice and attorney general.

At the judges' lounge of the Appellate Division they asked the other judges present there to go out and vandalised it.

Finding a flag in the car of Shahjahan Omar parked on the SC premises, a few protesters vandalised and set fire to it at 2:45pm.

Police arrived on the SC premises 20 minutes later and chased the marauding crowd and took control of the situation. Fire fighters also reached there at 3:12pm and doused the fire.

The agitators also beat up the cameramen of private satellite television channels ntv and Baishakhi and snatched the videocassette from Channel 1 cameraman.

Meantime, briefing reporters at Bangladesh-China Friendship Conference Centre on the sidelines of lawyers' meeting with BNP Chairperson Khaleda Zia, former law minister Moudud Ahmed said the CJ has stayed the hearing on writ petitions in a "justified way".

He said as the subject is very important and requires constitutional interpretation, it should be heard in a larger bench of the court. Shahjahan Omar termed the whole incident unfortunate, saying, "There is no example of such vandalism not only in the history of Bangladesh but also in the world."

The petitioner's lawyers held a press conference at the SCBA library immediately after the court withdrawal.

"The chief justice does not have the right to stay the proceedings at this stage," said SCBA President Barrister Amir Ul Islam.

At an emergency meeting, SCBA leaders said the chief justice and attorney general have lost all moral authority to continue in their offices. It will be an insult to the state and its citizens to allow them in the republic, they said.

# Top business leaders

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programme from Sunday.

They also requested the CA to create an environment so that the political parties do not go for such programmes in future that disrupt smooth running of the business activities.

The president of top six business chambers and associations placed the demands to the President and CA Iajuddin Ahmed when they met him at Bangabhaban.

Mahbubur Rahman, president of International Chamber of Commerce-Bangladesh (ICCB), Fazlul Hoque, president of Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA), SM Fazlul Haque, president of Bangladesh Garment Manufacturers and Exporters Association (BGMEA), MA Awal, president of Bangladesh Textile Mills Association (BTMA), MA Momen, president of Dhaka Chamber of Commerce and Industry (DCCI) and AK Azad, president of Bangladesh Chamber of Industry (BCI) were in the delegation.

"You are the lifeblood of the economy, I feel your problem," the CA said adding that he had already taken some steps to solve the political crisis referring to his initiative where his advisers met with the chiefs of both the political parties on Wednesday.

"I am trying to convince the political leaders to avoid further disturbance. In addition to my initiatives, you can also come forward again to convince the political leaders," the CA said.

Contacted, BTMA President MA Awal said that they have urged the CA to resolve the political crisis before Sunday adding, "we also requested him (CA) to become more strong in tackling the present political situation so that business activities can run in full swing."

He also noted that to run businesses smoothly, it is very important to hold a free and fair election. "So we urged the CA to arrange the election in a way so that all political parties as well as the people are satisfied."

They had also asked the CA to ask the political parties to keep the economic activities out of purview of any political programmes, he added.

BKMEA President Fazlul Hoque

said, "We don't know how and when the political crisis will be solved. But we think the president and CA would take some immediate measures to help resume economic activities and solve the political crisis."

"We have already met political leaders to find a solution which can save the country's economy, but none could assure us," DCCI President M A Momen said adding, "the president is our only hope now, who can stop further political unrest by taking adequate measures."

## Bhuiyan

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would accept a dialogue if they propose one."

Bhuiyan made his comments while addressing a press conference at the city office of BNP. During his speech, he also called upon the 14-party alliance to stop vandalism and participate in the upcoming election.

"Please join the democratic process and follow the path of law," he urged.

He said the electoral process has been obstructed by the attack on the HC, adding if the 14-party alliance did not like the verdict of the court they could lodge an appeal.

In the backdrop of such a volatile situation, Mannan Bhuiyan feared that the upcoming election could be foiled, if the 14-party alliance continues its anarchic activities.

He also insisted that there was "no scope to shift the election date as the election schedules have already been declared. However, some other timetable could be changed"

The secretary general admitted that the election would remain incomplete if any major political party boycotts it, but "the constitution should not wait for anyone".

BNP ally, Jamaat-e-Islami Bangladesh, also termed the ransacking of the court premises unexpected and sad. In a statement signed by Jamaat-e-Islami Ameer Matur Rahman Nazami and Secretary General Ali Ahsan Mohammad Mujahid the party said, "We are concerned that the 14-party alliance is creating controversies over the constitutional institutions one after another."

## Mumbai blasts

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court, the police charges claim that Pakistan's intelligence agency and outlawed pro-Pakistan militant group Lashkar-e-Taiba were behind the blasts, which also injured more than 800 people. "Our investigations reveal the role of Pakistan-backed terrorism, which we aim to prove before the court," KP Raghuvanshi, head of the police anti-terrorism squad in Mumbai, told AFP.

He said that of the 28 accused, 13 have been arrested by the anti-terrorism squad and most of the suspects had links to Pakistan, including the alleged main conspirator Azam Cheema whom they said is a Pakistani national.

There was no immediate reaction to the charges of Pakistani links by the Indian federal government, which agreed in November to set up a three-member panel with Islamabad to consider counter-terrorism measures, including regular sharing of information.

The idea of such a panel was first agreed in Cuba in September in talks between Indian Prime Minister Manmohan Singh and Pakistan President Pervez Musharraf in the wake of the serial train bombings in Mumbai.

India at the time alleged Pakistan's spy agency had a role in the Mumbai attacks, a claim denied by Islamabad.

On Sunday, Pakistan's foreign minister, on a private visit to India to attend a wedding, said the anti-terror panel would work successfully only if both countries cooperated with each other rather than trading accusations.

## Iraq troop

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and demands mount to bring US troops home. The recommendations are non-binding.

New US anxiety over the failure of Iraqi to crack down on Shia militias surfaced in a memo by national security adviser Stephen Hadley, which the New York Times published Wednesday.

The memo said "reality on the streets of Baghdad suggests Maliki is either ignorant of what is going on, misrepresenting his intentions, or his capabilities are not yet sufficient to turn his good intentions into action."

Yet at a joint press conference in Amman, Bush praised Maliki as the "right guy" for the job, and said US forces would stay in Iraq "to get the job done."

Maliki in turn said the two agreed "on the need to speed up the transfer of security responsibilities to the Iraqi forces."

The White House said the memo had nothing to do with Maliki's failure to appear at a planned three-way meeting Wednesday also including Bush and King Abdullah II with spokesman Tony Snow describing it as "jointly decided."

## Khaleda blames

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on the lawyers. The attackers must be brought to justice," she said.

She criticised Awami League for creating chaos and anarchy in the country, saying that it wants to foil the upcoming election as its leaders know they cannot be victorious.

She called upon the lawyers to resist those who are creating chaos. "Parliamentary democracy, rule of law and the rights of people will be destroyed if AL comes to power again," she said while addressing a view exchange meeting with the Jatiyatabadi Ainjibi Forum (organisation of pro-BNP lawyers) held at the Bangladesh-China Friendship Conference Centre.

The former prime minister alleged that the allies of AL in the 14-party alliance are preventing the party from going for polls.

AL has no respect for democracy and constitution and it is trying to destroy those, she complained.

"People are worried to see the activities of Awami League that harmed the garment and pharmaceutical sectors and they were not secure during its rule," she said.

"They (AL) wanted to establish family dynasty but people did not accept," she said and urged her political opponent to come to the way of peace and welfare.

Urging her party men to make preparation for election and to work together for party candidates, she said, "A few more parties showed interest in joining our coalition."

Drawing attention of the advisers to the caretaker government, she said election must be held in time as stipulated in the constitution.

Presided over by senior jurist Khandaker Mahbub Uddin Ahmed, the meeting was addressed by, among others, former state minister Shahjahan Omar, Justice IH Khan and Shah Khasruzzaman. Former Ministers Moudud Ahmed, Nazmul Huda and Aminul Haque were also present.

## Nafees ton

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boundary in 138 balls.

The 20-year-old made his maiden hundred (118) in Zimbabwe in the last match of the five-match series in August before smashing the highest individual score (123) for the country in the very next game when the two sides met in the ICC Champions Trophy in India in October.

In-form Aftab registered his eighth half-century and punished the Zimbabwean attack in his own style to entertain the electric crowd, cracking three big sixes and two fours in a blazing 60 from 88 balls.

Earlier, Bangladesh left-arm spinners once again proved too good for the Zimbabwe batsmen as the visitors stumbled to slow bowling after getting a confident start against the new ball bowlers.

Brendan Taylor (38) and Stuart Maitland (27) put on 52 runs in the opening stand, but all went wrong once the left-arm spinners joined the attack.

Habibul Bashar's men travel to Bogra today where they will play the next two one-dayers on December 3 and 4 under lights.

# Petrobangla

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seniority due to blatant politicisation of Petrobangla by the immediate past government.

While Mukhtar has taken over as director, Production Sharing Contract (PSC), and Mokbul as acting director (Mining), the post of director (Operation) will be vacant from tomorrow as the existing official is leaving Petrobangla on December 1. Director (Operation) Rahman Morshed is set to join the Asian Development Bank.

Meanwhile, the vital post of director (Finance) remains vacant, while director (Planning) Rais Uddin Siddiqui is due to retire in March. The current chairman is also likely to be replaced very soon, sources said.

There are five director's posts in Petrobangla that oversees nine oil and gas affiliates and annually contributes over Tk 2,700 crore to the national exchequer and monitor activities of foreign oil companies under PSCs.

Lack of new recruitment for seven years, a wave of retirements, exodus of talented officers and the severe politicisation have created a manpower vacuum in Petrobangla at its top and mid levels, sources said.

"At this point, the caretaker government should consider transferring and promoting competent and

appropriate officials from outside Petrobangla to fill in vital posts," said a high official.

"The government should not just fill in higher posts by promoting less competent officials from Petrobangla affiliates. Frankly, there are not many competent officials left to lead Petrobangla," he added.

"For instance, the post of director finance should be filled with someone with chartered accountancy background or similar discipline instead of promoting an official who has little command over finances," he pointed out.

Petrobangla is now dealing with a number of challenges: handling the country's two troubled mines, oil companies which are now supplying around 28 per cent of the country's total gas requirement and set to increase that to 50 per cent next year and also holding the third round block bidding for oil and gas exploration within next October.

There are about 450 people in Petrobangla now while the posts of directors have remained vacant in turns, for more than two years. The alliance government had held up promotions of many senior persons and controversially made top-level appointments on contract. The caretaker government cancelled one of them.

# EC now waits

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to act to that end.

The UN Secretary General's special envoy Craig Jennings who met the acting chief election commissioner (CEC) and other election commissioners yesterday morning enquired how a political consensus could be reached on the official polls plan.

In reply, acting CEC Justice Mahfuzur Rahman told the envoy, "President/Chief Adviser Iajuddin Ahmed has already made a move to have a political consensus over the issue. We wish all the political parties take part in the election."

Later, when the reporters asked him whether such measures (for consensus) could have been taken before declaring the schedule, he said, "None took such steps then and now we cannot initiate any."

Justice Mahfuz talked to the media yesterday for the first time since the announcement of schedule.

He told the reporters that during the meeting, the United Nations special envoy has expressed concern about the upcoming election.

The acting EC chief declined to make any comment when asked if the EC too is worried about the way things have panned out since the declaration of election schedule. Then when queried whether the EC has had any meeting to review the prevailing situation, he said, "It is an internal matter. So, no comment."

He also did not answer whether the election minus any major political alliance will be acceptable or not.

He however said they might rearrange different dates like the ones for filing nomination and with-

drawing candidature if the political parties arrive at a consensus over the issue. "But because of time constraints there is no scope to change the polling day," he added.

Asked if the EC will suspend the operation of the schedule until the outcome of president's initiative, the acting CEC replied in the negative.

EC Secretary Abdur Rashid Sarkar met the president late at night Sunday and the following morning the EC announced the schedule.

The Awami League-led 14-party alliance, Liberal Democratic Party-led Jatiya Oikya Front, and a few other political parties rejected the schedule outright while the BNP led four-party alliance welcomed it.

Against this background, the EC secretary met the president on Wednesday afternoon again and after that, Iajuddin sent his adviser Mokhesur Rahman to AL President Sheikh Hasina and BNP Chairperson Khaleda Zia to discuss different issues including the possibility of rescheduling the election dates.

Meanwhile, about his meeting with the acting CEC, the UN special envoy told reporters, "I only laid stress on the UN secretary general's hope that there will be a free, fair, transparent and peaceful election in Bangladesh."

"We discussed the overall electoral environment," the UN envoy said adding that he thinks the EC intends to do its best to build up confidence among the political parties.

Everyone likes to see a free and fair election and the Election Commission should remain committed to holding that, he observed.

# 14-party sit-in

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outside the security barricade around Bangabhaban, to enforce a non-stop rail-road-waterways blockade across the country from Sunday if their demands are not fulfilled by the time. Some of the leaders even vowed not to allow any rickshaws which are used virtually as the lone mode of transport in the city during blockade.

Hundreds of demonstrators started marching towards Bangabhaban through all the roads leading to the presidential house in the morning and occupied the streets till 2:00pm without resorting to any violence.

They took position at 10 points including Ittefaq intersection, Gulistan Cinema Hall intersection, Dainik Bangla crossing, Shapla Chattar, Paltan and near Jibon Bima Bhavan and held rallies.

At the rallies, the speakers said the activities of President and Chief Adviser Iajuddin Ahmed have proved that he is a person of the BNP and Jamaat. He cannot be a president of 14 crore people and hence he must follow the way of Justice KM Hasan and Chief Election Commissioner (CEC) MA Aziz.

They urged the people to be ready for a continuous blockade from next Sunday if the government does not fulfil their demands. This time the blockade would be much harder, the speakers warned.

They alleged that the president directed the EC office to announce the election schedule hurriedly without updating the voter list, which will not be acceptable.

The speakers said the president has to take the decision whether he would be greeted by the countrymen or be hated like Pakistani rulers.

Awami League presidium members Abdur Razzak, Tofail Ahmed, Suranjit Sengupta, Begum Matia Chowdhury, Mohammed Nasim, and Rashed Khan Menon of Workers Party of Bangladesh, among others, addressed the rally in front of Gulistan Cinema Hall where Mofazzal Hossain Chowdhury Maya chaired.

Bangabandhu Avenue, Gulistan, Noor Hossain Square, Golap Shah Mazar and adjoining areas were

## Factory fire

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fire after a four-hour effort.

Selim Newaz Bhuiyan, deputy director of Fire Service and Civil Defence, said they faced severe obstacles due to non-availability of water in the surrounding areas.

Firefighters, however, failed to ascertain the reason of the fire.

Meanwhile, vehicular movement was disrupted for an hour as the place is just beside the Dhaka-Tangail highway.

## JCD, BCL

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bodies were engaged in chase and counter-chases when a procession of the BCL, the student wing of Awami League (AL), reached in front of DU central mosque at around 8:30am.

The BCL brought a group of outsiders and urchins in its procession, who took part in the fight, according to witnesses.

The two student organisations were locked in fights at least three times on the campus since a strike had been called at the university on November 19.

Chhatra Sangram Parishad (CSP), a combine of 14-party backed student organisations led by the BCL, called the indefinite strike protesting the pro-BNP student body JCD's attack on its leaders and activists.

BCL men by DU unit President Sobel Rana Tipu and General Secretary Sazzad Sagib Badsha pelted JCD men with bricksbats, while the JCD led by Saiful Islam Firoy retaliated in the same way.

Both the groups exploded cocktails and fired gunshots. No casualty was reported.

Police rushed to the spot and brought the situation under control. They also recovered three unexploded cocktails from the spot and took them to Shahbagh Police Station.

Saiful Islam Firoy, DU unit JCD general secretary, alleged that the BCL is creating anarchy and making the campus unstable with outside criminals and urchins, who exploded bombs and fired gunshots.

Firoy said JCD along with students will resist the BCL criminals so that it cannot create further anarchy.

Sohel Rana Tipu, however, denied the allegation of bringing outsiders in its procession. He said the JCD hooligans attacked their peaceful procession without any provocation and hurled cocktails and fired gunshots at them.

## EC commissioner

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town where many central leaders and ministers from the party were present.

On July 27 2004, he participated in a relief distribution programme among the flood victims in Ajmirjari.

The Sylhet district 14-party held a rally at the city's Court Point yesterday afternoon and demanded Mudabbir's removal from the Election Commission.

The rally was presided over by district Awami League (AL) chief ANM Shaiful Haque. Among others, Sylhet City Corporation mayor and city AL Chief Badar Uddin Ahmed Kamran spoke at the rally.

The day before, on Tuesday, Habiganj district 14-party held a rally and brought out a procession in the town protesting Mudabbir's appointment as an election commissioner.

## Foreign aid

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Development Programme (ADP). The domestic-funded projects for building local infrastructure were aimed at getting popular support in the elections.

The sources also said such projects created greater scope for corruption as these are not put under rigorous scrutiny, unlike donor-funded projects.

Donors also held back a significant amount of aid due to concern that the donor-funded projects will not be properly implemented as, they feared, the past government would not be able to fulfil foreign aid conditions before handing over power to the caretaker government (CG), said sources in the Economic Relations Division (ERD).

Recently, an Asian Development Bank (ADB) representative met with Finance and Planning Adviser to the CG Akbar Ali Khan to inform him that a \$500 million project would be deferred until the next government takes over after the elections.

Several other donor agencies are taking similar steps, sources said.

But a top ERD official said that as per directives from the finance and planning adviser, they have prioritised expediting the donor-funded projects.

The ERD has also started identifying specific impediments to donor-funded projects that have stalled fund disbursement and implementation of those, he added.

The finance adviser yesterday met the Local Consultative Group members and requested them to take steps so that the funds for foreign-aided projects are released quickly.

## 10 killed

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The injured are undergoing treatment at Banga Upazila Health Complex, Faridpur Medical College and Hospital and Barisal Sher-e-Bangla Medical College and Hospital.

In Chittagong, three people died and two were injured in road accidents in Chandanaish upazila and in the port city, according to the UNB.

The first accident took place on the Chittagong-Cox's Bazar highway at Bajirhat under Chandanaish upazila at about 9:30am when a Cox's Bazar bound bus rammed a taxicab, leaving its two passengers dead and two others injured.

The dead are Shamsul Haq, 36, and Sabur, 21, of Chandanaish upazila.

The injured passengers of the taxicab were admitted to Chittagong Medical College Hospital (CMCH).

In another accident, an unidentified boy aged about 14 was crushed under the wheels of a speeding truck at Oxygen Crossing in the city at about 2:00pm.

Police recovered the body and sent it to the CMCH for autopsy.

# CJ's decision

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"unilateral" decisions.

"The chief justice has the power to intervene at any stage of a case. In my 20 years as a lawyer and 20 years as a judge, I am not aware of any chief justice who, despite having the authority to do so, exercised his authority when there was only the ruling left to be delivered," Kamal said.

Kamal told the BBC last night that according to the constitution the chief justice has the authority to constitute or reconstitute a bench. So, theoretically, he has the power. But it depends whether he used the power in a bona fide or a mala fide manner.

When asked to comment on yesterday's allegations made by the lawyers of the High Court that the chief justice intervened in the last stages of the judicial process, Kamal said he has not seen such incident in his 40 years of experience.

Regarding the attorney general (AG) forwarding the chief justice's order to the bench as he did yesterday, Kamal said,