CLIMATE CHANGE MITIGATION AND ADAPTATION

Bangladesh needs \$9.5b annually, says expert

Matia rejects view on capacity to absorb fund

STAFF CORRESPONDENT

Agriculture Minister Matia Chowdhury yesterday rejected climate change experts' view that the government lacks capacity to absorb the huge amount of fund for climate change mitigation and adaptation.

"We liberated the country in nine months ... and are mitigating so many problems. That means we can do things. I don't like this kind of helplessness," she said at a discussion titled Post-Copenhagen Summit: Way Forward for Bangladesh.

Her remarks came following some climate change experts' observations that the ministries concerned have serious lack of coordination and the government almost regularly fails to spend the money allocated in the Annual Development Programmes

Bangladesh Institute of International and Strategic Studies (BIISS) and European Union jointly organised the discussion at BIISS auditorium in the capital.

Dr Asaduzzaman of Bangladesh Institute of Development Studies said Bangladesh needs 9.5 billion dollars annually both for the mitigation and adaptation programmes.

This is almost three times the ADP size, he said, adding that when the government machinery fail to implement the ADP there is surely a question mark over its efficiency.

Referring to the agreement of the Copenhagen Summit, Asaduzzaman said it was agreed that the least developed countries would be provided with 10 billion dollars yearly and by 2020 it would stand at 100 billion dollars.

In Bangladesh water, agriculture, local government, health and disaster management are the core areas and works on these involve a number of ministries, he said, adding: "But who is to do what is not decided yet. How to integrate activities is a big challenge."

Dr Ainun Nishat, senior adviser on climate changes to the International Union for Conservation of Nature, said: "Our ministries work like separate islands. Those who provide funds will surely want to see some sorts of capacity. Therefore Bangladesh should take preparation that way."

Referring to the cyclone Aila he said that people are still suffering there. Matia Chowdhury, however, said

Bangladesh is much more efficient than other countries.

Even the developed countries get puzzled during natural disasters, she said, adding that the government of Bangladesh had efficiently managed the aftermath of cyclone Aila that had resulted in fewer casualties.

Matia came down heavily on some donors and NGOs saying that they blindly supported unplanned irrigation schemes in the country's northeastern part, which is suffering from depleting underground water levels.

widespread in the country. Interestingly enough, the generous donors and NGOs are now spending money on arsenic eradication," Matia said. Dr Stefan Frowein, ambassador of

"Due to that, arsenicosis has become

the Delegation of European Union, said the EU is committed to helping Bangladesh to cope with many challenges ahead.

BIISS Director General Maj Gen Sheikh Md Monirul Islam, Communist Party of Bangladesh General Secretary Mujahidul Islam Selim also spoke at the discussion chaired by BIISS Board of Governors Chairman Maj Gen Muhammad Firdaus Mian.

29pc cut in power sector allocation

150 megawatt plant, Khulna 150 MW plant, Sirajganj 150 MW gas turbine power plant, two plants of 120 MW capacity each in Shiddhirganj, and Haripur 360 MW combined cycle power plant.

Power Division sources said the tender processes for these plants are far from the final stages.

The resulting allocation cut in the power sector is about to come despite the government's earlier prioritisation of the sector in the original ADP document.

The total amount of allocations in the revised ADP will be cut by Tk 2,000 crore bringing it down to Tk 28,500

crore. The local component will be slashed by 2.57 percent bringing it down to Tk 17,200 crore.

Project aid will be brought down to Tk 11,300 crore, slashing the original projection by 12 percent.

The planning ministry will soon place the draft of the revised ADP to the National Economic Council (NEC) for final approval, the ministry sources said.

In the draft revised ADP the allocation for the health ministry has been cut by 7.82 percent bringing it down to Tk 2,981 crore while the allocation for transport sector has been cut by 22 percent

bringing it down to Tk 3,650

Allocation for the government's physical infrastructure building and water supply has also been slashed by 21 percent bringing it down to Tk 2,842 crore.

Planning ministry officials said several ministries failed to complete tender processes for different development projects on schedule, resulting in a cut back in the disbursement of pledged foreign assistance within the current fiscal year, which in turn is causing the cutbacks in the revised ADP.

However, many ministries will see increases in their

Energy and Mineral Resources Division spent 74

allocations as their project

implementation rates were

percent of its current allocation in the first six months of this fiscal year, as a result the division's allocation will be increased by 53 percent bringing it up to Tk 1,079

Allocation for the agriculture ministry will be Tk 1,798 crore with an increase of 5.95 percent.

The water resources min-

istry will also get an increased allocation of Tk 1,085 crore after a 22 percent hike.

Fake revenue stamps on sale

FROM PAGE 16

stamp buyer to Nurul Alam, the Rab man settled that he (Nurul) would provide fake stamps worth Tk 12000 only at Tk 1200.

Major Shafiqur added, accordingly, stamp vendor Nurul took the Rab man to a place near the EXIM Bank in the area and brought out the fake stamps from a vault, and immediately Rab personnel detained Nurul. He said they also arrested

Shakil and seized the fake stamps from Nurul and Shakil's possession acting on

FROM PAGE 16

more river encroachers.

Nurul's information.

Sources said Nurul was arrested six months ago on the same charge and being freed on bail, he got involved in fake stamp selling again.

Nurul said, "One Sarwar supplies the fake stamps every day and receive the money for the stamps at Nurul added he bought

each Tk 200 stamp at Tk 20, Tk 100 stamp at Tk 10, Tk 50 stamp at Tk 5, Tk 20 stamp at Tk4 and Tk5 stamp at Tk3.

He said they used to sell fake revenue stamps, non-

Stop dumping in Buriganga

judicial stamps and court fee stamps to some selected buyers who then took the stamps to different places in the country.

Nurul said he again started

selling fake stamps only around 15 days back and during the time he sold fake stamps worth around Tk 7

However, he did not disclose where the stamps were printed.

Nurul told Rab that he used to serve as a cashier of Wapda and after his office hours he used to work at Dainik Bangla

2001, he became acquainted with Sarwar who got him involved in fake stamp busi-Shakil said he was employed two months back

intersection as a typist. In

by vendor Dhiran Rajbongshi and he (Shakil) did not know that these were fake ones as he was only asked to sell. Major Shafiqur said the two

arrestees are gang members of a fake stamps selling network. He added they were trying

to nab the others involved in this network.

Lawyer's assistant commits suicide at law chamber

STAFF CORRESPONDENT

ted suicide at a law chamber at Rajar Dewri in old part of the city yesterday. The dead was identified as

A lawyer's assistant commit-

Imam Hossain, 30, an assistant of Advocate Kazi Rezaul Haque and Advocate Zakir Hossain. His body was found hang-

ing from the ceiling fan with a piece of cloth, the police said. Kotwali police sent the body to Sir Salimullah Medical College Morgue at about 10:00am.

Imam Hossain stayed at the chamber at night, the police said. A cleaner first saw through window that Imam was

hanging from the ceiling fan. Advocate Zakir Hossain told the police that Imam had been working at the chamber over the last ten years.

Imam had an affair with a girl in Dhaka, but his parents married him off to another girl in Shariatpur, his home district, over a month ago, which might have been the reason behind his suicide, Zakir said.

FIFTH AMENDMENT

US envoy welcomes SC verdict

STAFF CORRESPONDENT

US Ambassador James Moriarty yesterday expressed satisfaction over the Supreme Court (SC) order that dismissed the leave-to-appeal petitions challenging the High Court (HC) verdict that nullified the fifth amendment to the constitution.

"We are happy," he said during a meeting with Law Minister Shafique Ahmed at his office at the secretariat in the city. After the meeting, the law

minister told reporters that the US envoy welcomed the Supreme Court verdict in the case regarding the fifth amendment to the constitution.

During the meeting, they discussed different issues regarding judicial reforms, case management and court management, Shafique Ahmed said.

Earlier in the day, when reporters asked for comments on the fugitive killers of Bangabandhu who are reportedly hiding in the USA and the execution of the five convicts, the US ambassador declined to make any comment.

Fire breaks out at central bank

STAFF CORRESPONDENT

A fire broke out at the corridor on the third floor of the Bangladesh Bank (BB) at Motijheel in the city yesterday morning.

BB Security-in-charge Lt Col (Retd) Mahmudur Huq Khan Chowdhury said the fire originated from an electrical short circuit and created huge smoke on the corridor and some rooms in the second annex building around

personnel doused the fire within five minutes, he said. There was no report of

damage or casualty, he added.

9:20am. However, the security

BDR mutiny trial begins in Thakurgaon, Panchagarh today OUR CORRESPONDENT,

JCD leaders demand

withdrawal of cases

Jatiyatabadi Chhatra Dal arrest of the "criminals" who are

Speacial Court-2 of Bangladesh Rifles will begin trials of 47 members of two BDR battalions, who are accused of mutiny, in Thakurgaon and

Thakurgaon

Panchagarh today.

The three-member court led by BDR Director General Maj Gen M Mainul Islam will sit at the Thakurgaon Battalion Headquarters at 10:00am to start the trial of 25 members of 20 Rifle Battalion under Dinajpur sector.

Later, the same court will sit at 25 Panchagarh Rifle

DU CORRESPONDENT

Dhaka University.

the ministry office.

yesterday asked the state

minister for home affairs for

immediate withdrawal of the

cases filed against its 12 cen-

tral leaders in connection with

the January 18 violence at

by JCD Vice President Haider

Ali Lenin submitted a memo-

randum on the demand to

State Minister for Home

Affairs Shamsul Haque Tuku at

also demanded punishment for

the Bangladesh Chhatra League

men for their "attack" on JCD

leaders including its chief

included co-existence of all

The other demands

Sultan Salauddin Tuku at DU.

JCD in the memorandum

A three-member team led

Battalion Headquarters at 3:00pm to start the trial of 22 members of 25 Rifle Battalion under Rangpur Sector.

The 52 members were allgedly involved in the mutiny in their battalion during the bloody carnage in BDR Headquarters at Dhaka on February 25-26 last year.

They alladgeley took part in the mutiny by firing blank shots and putting up barricades on February 26 last year on Thakurgaon-Dinajpur and Panchagarh-Thakurgaon roads following the mutiny at the BDR Headquarters in Dhaka.

student organisations at the

educational institutions and

staying illegally in the DU halls.

Amiruzzaman Khan Shimu

said the minister heard their

demands and received the

fulfilment of our demands and

called on us not to take part in

procession from its city office

around 12:45pm, and police

intercepted it near Bijoynagar.

then went to the secretariat

and three of them met the

would continue their demo-

cratic movement until their

demands are fulfilled.

A seven-member team

JCD leaders said they

any violence," he said.

memorandum.

state minister.

ICD Joint Secretary

"The minister assured us of

Earlier, JCD brought out a

Saifuddin Manik's death anniversary today

BSS, Dhaka

The second death anniversary of Saifuddin Ahmed Manik, a veteran politician and former general secretary of Gono Forum, will be observed today.

Gono Forum has announced different pro-grammes, said a press release.

As part of the programme, the members and workers of different political parties will place wreaths at the grave of Manik at Mirpur Shaheed Intellectuals Graveyard at

at Tajul auditorium of the Trust Bhaban.



says a press release.

On the occasion, a milad and doa mahfil will be held at his residence after Asr prayers.

of his departed soul.

Mollah Abdur Rashid METRO DESK



Today is the 2nd death anniversary of Mollah Abdu Rashid, a retired joint Registrar of

Societies, says a press release. On the occasion, doa mahfils will be held at his village at Shibpur in Narsingdi today and at House No # 1 Road No # 7/C, Sector-3 at Uttara in the city after Maghrib prayers on February 6.

mahfils.

Obituary STAFF CORRESPONDENT

Anwara Begum, mother of photojournalist Shahadat Hossain, passed away due to old-age complications at her village home in Chandpur yesterday at the age of 80, says a press release.

sons and two daughters to mourn her death.

journalists' Association President AKM Mohsin and General Secretary Nuruddin Ahmed expressed condolence at her death.

Survey contained anomalies. He pointed out that there are

"We cannot achieve anything overnight. We need to plan seriously involving experts from Water Maintenance and Water Engineering sections and implement those plans," he said, adding that the Buriganga needs locals who

would act as its parents. Humayun Kabir, ward

councillor of Lalbagh area, blamed the city corporation cleaners and inspectors for dumping rubbish into the river and demanded exemplary punishment for them.

"For years, these DCC [Dhaka City Corporation] men have been dumping rubbish along the embankment every day," he said, "This must stop immediately." Prof Firoze Ahmed of Bapa

said every citizen has to play a role in saving the rivers. "If you

Third Proclamation issued on

November 29, 1976, enabling

the said Major General Ziaur

ambit of the Constitution.

ity and without jurisdiction.

13. The Referendum Order,

1977 (Martial Law Order No 1 of

1977), published in Bangladesh

Gazette on 1st May, 1977, is

unknown to the Constitution,

being made only to ascertain

the confidence of the people of

Bangladesh in one person,

namely, Major General Ziaur

Martial Law Regulations and

Martial Law Orders made dur-

ing the period from August 15,

1975 to April 9, 1979, were ille-

i) Those were made by per-

ii) The constitution was

sons without lawful authority.

made subordinate and subser-

vient to those Proclamations,

Martial Law Regulations and

graced the Constitution which

is the embodiment of the will of

the people of Bangladesh, as

such, disgraced the people of

April 7, 1979, Bangladesh was

ruled not by the representatives

of the people but by the usurp-

ers and dictators, as such, dur-

ing the said period the people

and their country, the Republic

of Bangladesh, lost its sovereign

iv) From August 15, 1975 to

iii) Those provisions dis-

Martial Law Orders,

Bangladesh also,

dictators,

gal, void and non est because:

as such, without jurisdiction,

14. All Proclamations,

Rahman, BU.

flowing into the Buriganga, the problem related to pollution will be solved to a great extent," he said. Special guest Quamrul

stop the tannery wastes from

Islam, state minister for law, justice and parliamentary affairs, said the government is determined to save the rivers around the capital. He said it is necessary to launch awareness campaigns aimed at the residents on the banks to protect the river.

Chairman of Bangladesh Inland Water Transport Authority (BIWTA) Abdul Maleque Mia expressed determination to complete the job his office has been entrusted with. "I have written to various departments of private and public offices to stop polluting the river.

"I can tell you clearly that we shall soon start prosecuting people for polluting the rivers," he said.

HC verdict summary Mohammad Sayem, by the

FROM PAGE 1

Republic, created by the Constitution, as such, are bound by its provisions. The Legislature makes the law, the Executive runs the government in accordance with law and the Judiciary ensures the enforcement of the provisions of the Constitution.

Defence Services and all other services, owe its existence to the Constitution and must obey its 5. State of emergency can

4. All Functionaries of the

Republic and all services of the

only be declared by the President of the Republic on the advice of the Prime Minister, in case of imminent danger to the security or economic life of the Republic.

The Constitution stipulates a democratic Republic, run by the elected representatives of the people of Bangladesh but any attempt by any person or group of persons, how high so ever, to usurp an elected government, shall render themselves liable for

high treason. 7. A proclamation can only be issued to declare an existing law under the Constitution, but not for promulgating a new law or offence or for any other purpose.

8. There is no such law in Bangladesh as Martial Law and no such authority as Martial Law Authority, as such, if any person declares Martial Law, he will be liable for high treason against the Republic. Obedience to superior orders is itself no defence.

9. The taking over of the powers of the Government of the People's Republic of Bangladesh with effect from the morning of 15th August, 1975, by Khandaker Mushtaque Ahmed, an usurper, placing Bangladesh under Martial Law and his assumption of the office of the President of Bangladesh, were in clear violation of the Constitution, as such, illegal, without lawful authority and without jurisdiction.

violation of the Constitution.

office of Martial Law

Administrator to Major General

Ziaur Rahman BU, PSC, by the

10. The nomination of Mr such, lost its democratic charac-Justice Abusadat Mohammad ter for the said period. Savem, as the President of vi) The Proclamations etc., Bangladesh, on November, 6, destroyed the basic character of 1975, and his taking over of the the Constitution, such as, office of President of change of the secular character, Bangladesh and his assumption negation of Bangalee nationalof the powers of the Chief ism, negation of Rule of law, Martial Law Administrator and ouster of the jurisdiction of his appointment of the Deputy Court, denial of those constitute Chief Martial Law seditious offence. Administrators by the 15. Paragraph 3A was illegal, Proclamation issued on firstly because it sought to November 8, 1975, were all in validate the Proclamations,

MLRs and MLOs which were 11. The handing over of the illegal, and secondly, Paragraph 3A, made by the Proclamation Orders, as such, itself was void. 16. The Parliament may aforesaid Justice Abusadat enact any law but subject to the

Constitution. The Constitution (Fifth Amendment) Act, 1979 is ultra vires, because: Firstly, Section 2 of the

Constitution (Fifth Rahman, to exercise all the powers of the Chief Martial Law Amendment) Act, 1979, Administrator, was beyond the enacted Paragraph 18, for its insertion in the Fourth 12. The nomination of Major Schedule to the Constitution, in General Ziaur Rahman, BU to order to ratify, confirm and become the President of validate the Proclamations, Bangladesh by Justice Abusadat MLRs and MLOs etc. during the Republic, namely, Civil Service, Mohammad Sayem, the period from August 15, 1975 to assumption of office of the April 9, 1979. Since those President of Bangladesh by Proclamations, MLRs, MLOs Major General Ziaur Rahman, etc., were illegal and void, there BU, were without lawful authorwere nothing for the Parliament to ratify, confirm and validate.

Secondly, the Proclamations etc, being illegal and constituting offence, its ratification, confirmation and validation, by the Parliament were against common right and reason.

Thirdly, the Constitution was

made subordinate and subser

vient to the Proclamations etc.

Fourthly, those Proclamations etc. destroyed its basic features. Fifthly, ratification, confirmation and validation do not

'amendment' in Article 142 of the Constitution. Sixthly, lack of long title which is a mandatory condition for amendment, made the

come within the ambit of

amendment void. Seventhly, The Fifth Amendment was made for a collateral purpose which constituted a fraud upon the People of Bangladesh and its Constitution.

17. The Fourth Schedule as envisaged under Article 150 is meant for transitional and temporary provisions, since Paragraph 3A and 18, were neither transitional nor temporary, the insertion of those paragraphs in the Fourth Schedule are beyond the ambit of Article 150 of the Constitution.

republic character and was 18. The turmoil or crisis in under the subjugation of the the country is no excuse for any violation of the Constitution or its deviation on any pretext v) From November 1975 to March, 1979, Bangladesh was Such turmoil or crisis must be faced and quelled within the without any Parliament and was ruled by the dictators, as ambit of the Constitution and the laws made thereunder, by the concerned authorities, established under the law for such purpose.

19. Violation of the Constitution is a grave legal wrong and remains so for all time to come. It cannot be legitimised and shall remain illegitimate forever, however, on the necessity of the State only, such legal wrongs can be condoned in certain circumstances, invoking the maxims, Id quod Alias Non Est Licitum, Necessitas Licitum Facit, salus populi est suprema lex and salus republicate est suprema

20. As such, all acts and

things done and actions and proceedings taken during the period from August 15, 1975 to April 9, 1979, are condoned as past and closed transactions, but such condonations are made not because those are legal but only in the interest of the republic in order to avoid chaos and confusion in the society, although distantly apprehended, however, those remain illegitimate and void

21. Condonations of provisions were made, among others, in respect of provisions, deleting the various provisions of the Fourth Amendment but no condonation of the provisions was allowed in respect of omission of any provision enshrined in the original Constitution. The Preamble, Article 6, 8, 9, 10, 12 25, 38 and 142 remain as it was in the original Constitution. No condonation is allowed in respect of change of any of these provisions of the Constitution. Besides, Article 95, as amended by the Second Proclamation

valid and retained. We further declare:

 The Constitution (Fifth Amendment) Act, 1979 (Act 1 of 1979) is declared illegal and void ab initio, subject to condonations of the provisions and actions taken thereon as mentioned above.

ii) The "ratification and

Order No IV of 1976, is declared

confirmation" of The Abandoned Properties (Supplementary Provisions) Regulation, 1977 (Martial Law Regulation No VII of 1977) and Proclamations (Amendment) Order, 1977 (Proclamation Order No 1 of 1977) with regard to insertion of Paragraph 3A to Fourth Schedule of the Constitution by Paragraph 18 of the Fourth Schedule of the Constitution added by the Constitution (Fifth Amendment) Act, 1979 (Act 1 of 1979), is declared to have been made without lawful authority and is of no legal effect.

We further direct the respondents to handover the physical possession Hall at 11, Wiseghat, Dhaka, in favour of the Petitioners, within 60 (Sixty) days from the date of receipt of the copy of this Judgment and

In the result, the Rule is made absolute but without any order as to costs. Before parting with the case,

I would like to express my deep gratitude to the learned Advocates appearing in this case for their unfailing assistance to us. I have enriched my knowledge by their profound learning and experience. I would like to put it on record my deep appreciation for all of

S probe suggests

The sub-committee on health ministry started working on June 15 last year with lawmakers Dr Motiur Rahman as its convener and Dr Anwar Hossain as its member.

It examined the documents of procurement, recruitment, interviewed people of different level and reviewed the reports of the previous committees. It identified corruption in

procuring 11 out of 13 items. The items include a second cath lab, bedside lockers, echocardiogram, water treatment plant, haemodialysis, ventilator for intensive care unit (ICU), bronchoscopy for paediatrics department, lithotropsy and ventilators for The president, members

and member secretary of the procurement committee did not assess the demand and expenditure properly. Instead of international tender they called local tender and procured the equipment, the report said. They neither followed the

procurement steps of Public Procurement Rule 2003 nor checked the market price before they bought the equipment at exorbitant price, the report went on to say. The government had to count loss of around Tk 8 crore

only for purchasing 6 of those

items at higher prices, says the

report and recommended realizing the amount from the persons responsible and depositing it in the university fund and take legal steps against them.

The report also says without

following the University recruit-

ment rule, the then administra-

tion recruited inefficient people

superseding the skilled and qualified ones. It suggested cancellation of those recruitments. While talking to The Daily Star Vice-chancellor of the Bangabandhu Sheikh Mujib Medical University (BSMMU) Pran Gopal Datta said he is yet to get any instruction from the

parliamentary standing com mittee and hasn't yet received the copy of the investigation. When contacted, parliamentary body member Nazmul Hassan said the presentation of the report would take place at the next meeting of the parlia-

mentary standing committee.

"Hopefully the meeting will

be held at the end of this month and after that we will talk about it," he added. The 1200-bed hospital had 1474 employees including doctors, nurses and teachers. After the year 2001, the BNP-led four-party alliance government recruited 1230 more people

contributing only 15 percent to

its regular activities. Most of the

recruitments were done

through unfair means, sources

at the BSMMU said.

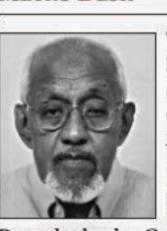
9:00am today. A memorial meeting will also be held at 4.30pm today

M Akhtar Ali



Today is the 12th death anniversary of former secretary M Akhtar Ali,

Relatives and admirers are requested to attend the doa mahfil and pray for salvation



Bangladesh Co-operative

Admirers and relatives are requested to attend the doa

Anwara left behind her two

Bangladesh Photo-