The arguments

FROM PAGE 1 submissions on the contempt of

court petition. Chief Justice ABM Khairul Haque asked TH Khan to begin

with the leave to appeal petition.

Khan said it was urgent to hear the contempt of court petition first as it involved the court's dignity and honour.

The chief justice told him to start arguments on the leave to appeal petition as it was at the top of the cause list.

"We shall hear all petitions chronologically one after another," the CJ said.

Khan said it was necessary to hear the contempt of court petition to investigate the incidents regarding the cantonment residence and punish the contemnors in line with Article 108 of the country's constitution.

The article states: "The Supreme Court shall be a court of record and shall have all the powers of such a court including the power, subject to law, to make an order for the investigation of or punishment for any contempt of itself."

The CJ said, "Sorry. Please start with the petition for leave to appeal. We are aware of Article 108 of the constitution."

remember that justice should not only be done but also should be shown to have been done."

"We are requesting you to start with the leave to appeal petition keeping it [TH Khan's comment] in mind," the CI said.

Khan then appealed to the court to adjourn hearing on the leave to appeal petition for a week. Justice Khairul Haque said, "We

reject your prayer for adjournment as the leave to appeal petition is on the list." Barrister Rafique-ul Huq,

another lawyer for Khaleda, prayed to the court to adjourn hearing on the leave to appeal petition and allow Khan to place arguments on the contempt of court petition.

He said the petitioner's residence had been sealed unnecessarily despite the fact that the leave to appeal on the issue remained pending with that court.

Khan is a senior lawyer and he should be allowed to move the contempt of court petition, Rafique-ul Huq said.

The CJ told Rafique-ul Huq, "We [judges] all are your students. We have learnt from you about the norms and rules of this court. It is our honour that a senior lawyer like

Khan said, "The court has to TH Khan regularly comes to this court to move cases."

"He [TH Khan] prayed for adjournment on November 10 when you were abroad. We adjourned the hearing and fixed November 29 [yesterday] for further hearing," the CJ said.

Justice Khairul said, "Although we should hear arguments from the senior most lawyer and one counsel in line with the law, we will also hear arguments from you [Rafique-ul Huq], and Moudud Ahmed in this case."

The CJ said no petition other than the leave to appeal petition would be heard. He asked Khan to place arguments on it.

TH Khan said he was not prepared to place arguments on the leave to appeal petition.

When Barrister Moudud stood up and tried to say something, the CJ said, "Mr Moudud, please sit down.

At that time, a section of pro-BNP lawyers shouted at the chief justice in the courtroom.

Justice SK Sinha asked lawyer Gias Uddin, who was shouting at that time, to come near the bench. The pro-BNP lawyers loudly

said that they would not do so.

then asked the lawyers to assist the court in dispensation of justice.

Hossain, a pro- BNP lawyer and president of the Supreme Court Bar Association, stood up and requested the lawyers creating chaos to maintain silence in the courtroom.

But the pro-BNP lawyers continued to shout for a few minutes.

In this situation, the CJ asked TH Khan to place the leave to appeal petition for hearing.

TH Khan said many things happened centring the cantonment residence of Khaleda Zia after the court adjourned hearing the leave to appeal petition. All these have been described in the contempt of court petition.

It was obviously a simple matter that the SC would pass a stay order on the HC verdict on November 10 since a petition for stay was pending along with the leave to appeal petition, he said.

"We have obviously sought stay from this court (SC) on the High Court verdict. Is it a joke? You have not stayed the High Court ruling. We have not got justice. Allah will try this," Khan said.

It is a matter of common sense Justice Md Muzammel Hossain that the SC stays the HC verdict

when a petition is pending, he said. Chief Justice Khairul Haque

Advocate Khandker Mahbub then said this court goes by the law, does not go by common sense. "I have loudly said in this court

on November 10 that the petitioner's lawyers have not moved the stay petition and even orally have not prayed for stay order, while the attorney stood to oppose the stay petition," he said.

"God knows very well whether I said it," the CJ said.

Khan said. "I want to sit on the bench for some time."

The CJ said, "You can place arguments on the leave to appeal petition by sitting on the bench. It is the norms and rules of the Appellate and High Court Divisions that the senior most counsel starts arguments and then other lawyers place arguments"

Khan prayed to the court to adjourn the hearing for a few minutes so that they could consult their client on whether they would continue the case.

The CJ said, "You (TH Khan) have consulted a lot with your client since November 10. Now the law will take its own course whatever might happen. We can give you time to take decision whether you will proceed with the case."

At this stage, Rafique-ul Huq stood before the court to place an argument but Justice SK Sinha mentioned the SC rules over the placing of arguments by the law-

Rafique-ul Huq told the court,

"Don't show us rules. I have been seeing the rules for 50 years. It has become a convention of the Supreme Court that more than one lawyer can place arguments before

The CI said it is the normal practice that the SC does not allow other lawyers to place arguments first if the senior most lawyer is present at the court. Justice SK Sinha told Rafique-ul

Hug that he (TH Khan) said he is fit for appearing for the contempt of court petition, but not fit for the leave to appeal petition. "You say, is it good?" he said,

adding that it is regrettable if you don't help the court being functional. Khan said what would be the

benefit of giving treatment to other organs of the body if the head is cut off from the shoulder.

"I have come to honour this court. You become soft and hear the contempt of court petition," Khan said, adding that he feared he

was getting into a war which he was not willing to join.

The CJ told Khan, "We are not in a war. We go by the law. You become soft and start argument. Why are you being so stubborn?"

Justice Khairul went on, "If you don't start argument on the leave to appeal petition, we will pass an order, as you have kept us waiting for 90 minutes."

Attorney General Mahbuby Alam told The Daily star that there is no scope for Khaleda Zia to move any appeal against the HC verdict in this case since the Appellate Division has dismissed her leave to

appeal petition. Meanwhile, Barrister Mahbub Uddin Khokon, one of the counsels for Khaleda, said it cannot be said without getting the copy of the SC order whether the case over the cantonment residence can reopen or the chapter has closed.

The SC's insisting on hearing the original petition (for leave to appeal), and not the petition (concerning contempt of court), and passing order without hearing are unprecedented, he said.

The counsel also said they did not refuse to move the leave to appeal petition but the SC said the petition was not placed.

Japan pledges \$100m additional credit

World Bank will provide \$1.20 billion, ADB \$550 million, IDB \$130 million and the Abu Dhabi Fund of the UAE government \$30 m

illion to implement the Padma Bridge Project.

The Japan premier also assured Hasina of actively considering the Bangladesh proposal for relaxing the rules of origin of Generalised System of Preferences (GSP) on knit products to strengthen bilateral economic relations through textile

On the Padma Bridge project, the 19-point joint statement said the two prime ministers expressed their strong expectation that the project will substantially contribute towards the economic development and poverty alleviation of Bangladesh through improved connectivity between its capital area and its eastern and south-western regions. The two premiers also reached a common view that they will cooperate further in order to bolster global peace and security as well as the prosperity of the international community and the

South Asia region. The statement said the two premiers decided to make further efforts to strengthen high-level policy consultations and to expand high-level visits and dialogue at various levels, including exchanges among opinion leaders and members of their parliament.

In the joint statement, PM Kan underscored the need for an improved environment for invest-

ment in Bangladesh. In this regard, Hasina referred to the attractive investment incen-

tives offered by Bangladesh.

PM Kan conveyed Japan's commitment to continue to support the strengthening of disaster reduction measures by Bangladesh in the face of its pronounced vulnerability to climate change.

He also reiterated that the government of Japan will continue to invite Bangladeshi youths and officials under the Japanese Government Scholarships in order to support Bangladesh's efforts in the field of human resource devel-

Following Hasina's proposal, Kan expressed Japan's intention to work jointly with Bangladesh for formulating and implementing an Action Plan towards further enhancement of Japanese investment in Bangladesh. The two premiers also decided

relations between Japan and Bangladesh in the year of 2012 in an appropriate manner. Hasina conveyed Bangladesh's support for Japan's claim for permanent membership of the United

to celebrate the 40th anniversary of

the establishment of diplomatic

Nations Security Council. In this regard, the two premiers reaffirmed their determination to strengthen their cooperation for early reform of the UN Security Council, which would include the expansion of both permanent and non-permanent categories, in order to make the body more representative, legitimate, effective and responsive to the realities of the international community in the 21st century.

They also reaffirmed their commitment in continuing to work closely in various international

operations, Bangladesh as the

On terrorism, they reaffirmed their unequivocal condemnation of terrorism in all its forms and

Recognising that the threat of concern, they reiterated their determination to address the threat posed by terrorists to the peace, security, stability and prosperity in the region.

early entry into force of the Comprehensive Nuclear Test-Ban Treaty (CTBT) and the immediate commencement and early conclusion of negotiations on a Fissile Material Cut-off Treaty (FMCT).

They decided that both countries will enhance cooperation in nuclear disarmament and nonproliferation Hasina reiterated her sincere appreciation for Japan's support to core infrastructure development, such as large-scale bridges, roads, highways, power plants, and electronic distribution facilities, as well as Japanese assistance in the areas of education and health.

The two premiers reaffirmed the importance of further enhancing the long-standing close and cooperative relationship between the two countries, sharing democratic

Welcoming the steady economic growth of Bangladesh, they noted with satisfaction the growing interest of Japanese enterprises in

Hasina stated that her governeffectiveness of UN peacekeeping tance and cooperation for the ment to assist Bangladesh in Bangladesh in its quest for a "Digi- friendship between Japan and banquet.

smooth implementation of achieving the MDGs, especially in Japanese investment in Bangladesh.

The two premiers also decided to commence close and regular dialogues at senior official level to

They also welcomed the fact that the Japan-Bangladesh Joint Committee for Commercial and Economic Cooperation led by the private sectors in both countries has been contributing to the strengthening of bilateral economic relations.

the importance of infrastructure, social and human resources development for sustainable economic growth and the achievement of the Millennium Development Goals (MDGs).

the importance of promoting infrastructure development in the field of electricity, taking into account environmental aspects and with partnership between public and private sectors. Kan and Hasina shared the view

that poverty reduction and sustain-

able development, in particular the

achievement of the MDGs, are crucial issues that the international community is facing today. Kan highly commended Bangladesh for its remarkable achievement in attaining the MDGs, especially in reducing child

the field of maternal and child health.

The two premiers noted with satisfaction the important role that the Japanese and Bangladeshi nongovernmental organisations (NGOs) are playing in the international community, as well as progress in their cooperative relation-

Hasina commended the Japanese NGO's active contribution in Bangladesh.

On global warming, the two premiers reiterated the urgent need for resolving the climate change issues and importance of strengthening dialogue on these issues on various forums.

They reaffirmed their determination to constructively work together towards a successful outcome of the 16th Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) in Mexico.

The two premiers shared the view that it is essential to seek the earliest adoption of a new and comprehensive legal document which establishes a fair and effective international framework for tackling climate change, with the participation of all major economies, based on the Copenhagen accord.

The Japanese premier also assured PM Hasina of his government's continued support for the Least Developed Countries (LDCs). HASINA, KAN HOLD SUMMIT TALKS

Japanese Prime Minister Naoto Kan has assured Prime Minister

position of a middle-income country by fulfilling "Vision 2021." The assurance came when the

tal Bangladesh" and achieving the

two prime ministers held summitlevel talks at the PM's Office (PMO) in Tokyo yesterday evening.

"Earlier, we had an excellent meeting where we identified new areas of cooperation, besides ways to expand and strengthen the existing ones. I am convinced Japan and her generous people will stand by our side in our quest for a "Digital Bangladesh," Hasina said at the official banquet hosted by the Japanese PM that took place at the PMO after the summit talks. The premier said they had an

excellent meeting where they identified new areas of cooperation, besides ways to expand and strengthen the existing ones. Hasina also said an Economic Partnership Agreement between Bangladesh and Japan now could help reap mutual benefits by exploiting much of the two countries' untapped potentials. "I take this opportunity to

request you to encourage Japanese investors to invest in investment friendly Bangladesh," Hasina said. They could relocate their not-

so-profitable industries to Bangladesh, which is now being considered the second most profitable economy among South Asian countries, she said. These investments could also

significantly help reduce the two countries' adverse trade, which is now over a billion dollars of import against \$330 million export to Japan, Hasina added.

The premier said the bond of Azad, among others, attended the

values, culture and traditions. "The goodwill that the Japanese people, civil society, and political leadership cherish for us was clearly demonstrated during our liberation war in 1971," the premier

Hasina recalled that the Father

of the Nation, Bangabandhu

Sheikh Mujibur Rahman, visited

Bangladesh is bound by shared

Japan in October 1973, and Crown Prince and Princess visited Bangladesh in February 1975. "I am delighted to see that the existing strong bond between two countries have become more

intimate than ever before, keeping pace with our developmental cooperation," Hasina said. She said, "We are committed to international peace and security, counter-terrorism, preventing nuclear proliferation, eliminating weapons of mass destruction,

issues, and are signatories of NPT and CTBT." In fact, the two countries common views on most issues of mutual concern, goodwill, understanding and complementarities, naturally lead our two countries, towards a strategic partnership,

managing global climate change

which would promote peace worldwide. The PM in her address conveyed Bangladesh's support to Japan for its claim to have a permanent seat in an expanded UN Security

Council. Finance Minister Abul Maal Abdul Muhith, Foreign Minister Dipu Moni, Adviser to the PM Dr Mashiur Rahman and Press Secretary to the PM Abul Kalam

Govt backs down

FROM PAGE 16

League's lawmaker Kamal Ahmed Majumder, and the party's Mirpur Unit General Secretary SM Hanif also recommended the withdrawal of the charge against Osman.

But the home ministry decided to

drop the case altogether, and made recommendation accordingly, said the PP. He said yesterday's petition was filed on instruction from the law ministry. Judge Mahbubur Rahman of the **Environment Appeal Court on October**

3 dismissed the murder case following a relevant petition submitted by the special PP on recommendation from the home ministry. Home Secretary Abdus Sobhan Sikder however said there is no scope for recommending dismissal of a case

that implicates top criminals. "There might have been a mistake in this regard," he told The Daily Star. He said such mistakes had happened earlier as well, and the National Review Committee for Withdrawal of

reinstate the charges against genuine suspects. State Minister for Law Qamrul Islam said his ministry decided to review the dismissal of the case after re-evaluating

Politically Motivated Cases took steps to

the merit of it. Qamrul is the chairman of the national committee that reviews politically motivated cases filed mostly during the last BNP-Jamaat coalition government, and the subsequent caretaker

government. critical of the court's decision to dismiss the case.

"How a court dismisses a case without the presence of absconding accused. As per the law, the court can't do so," he said adding that they will investigate the matter and take punitive measures against persons responsible.

"I have gone through the documents of the dismissal order, and found that the court dismissed the case based on one person's appeal," claimed Qamrul.

court requesting to drop the charge only against one person. And then he questioned the court's decision to scrap the case, dropping the charges

against all accused. But some home and law ministry

officials said putting the entire blame on the court does not hold water, neither does the claim that there had been a mistake, as the procedure for scrapping cases that are deemed politically motivated is quite lengthy.

According to the procedure an

aggrieved person first files an appeal to a district level sub-committee headed by a deputy commissioner. The subcommittee then refers the matter to a PP, who after examination returns the matter to the sub-committee with his or her opinions. The sub-committee chief then sends it to the home ministry's national committee for a final decision. The national committee set up on

February 17, 2009 so far recommended to scrap 6,499 cases, of which 6,212 were under the Penal Code and other laws, while 287 were filed by the Anti-Corruption Commission. Meanwhile, the parliamentary

standing committee on law ministry yesterday asked the ministry to submit all records and documents related to the murder case filed in 2005. "It cannot happen that a court would drop such a murder case in which identified top gangsters were implicated,"

said Suranjit Sengupta, chief of the

parliamentary committee. Afatabuddin, a businessman of Mirpur-2 in the capital, was sprayed with bullets by a gang of armed men on motorbikes on December 25, 2005. He died of the wounds on the 28th of that month. His brother Afrozuddin filed the He also talked about a possible case with Mirpur Police Station the mistake being made, and was highly same month accusing Shahadat, Khorshed and 13 of their associates. Four other unidentified persons were also implicated. Afroz said in the case statement that his brother was killed because he had not paid the extortion money the gang had been demanding

leader of one of the most notorious extortion rackets in the capital. He allegedly runs the racket from abroad. He used to be a leader of a Mirpur unit of He said the PP had appealed to the Bangladesh Chhatra League, a student organisation backed by ruling Awami League. There are 14 murder cases against him.

Shahadat is widely known as the

from him.

Khorshed is also a gangster of the same area, who has 10 murder cases against him.

highest troop-contributing country and Japan as the second largest financial contributor respectively.

manifestations. terrorism remains a global security

They stressed the importance of

Bangladesh. forums to enhance the overall ment will extend all possible assis- He renewed Japan's commit- Sheikh Hasina of standing by

REUTERS ONLINE

meeting," he said.

DEADLOCK IN PARLIAMENT

Indian govt calls

The government and opposition parties will

meet today to try again to break a deadlock in

parliament that has stalled passage of key

sessions since Nov 9 over its demand for a

joint parliamentary committee (JPC) probe

into a corruption scandal that a government

auditor said could have cost the nation up to

\$39 billion in revenue and has triggered the

of India's parliament called for an all-party

meeting at 1:30 pm (0800 GMT) on Tuesday,

an official at the speaker's office told Reuters.

"All the floor leaders will be present at the

unlikely, with the government refusing to

bend to opposition pressure for a joint inves-

(to pass) all bills listed for the session, but first

and foremost the government should consti-

tute a JPC," said SS Ahluwalia, a senior leader of

pm (1030 GMT) on Monday, but Ahluwalia had

said his party's leaders would be out of town

and were willing to consider a meeting later.

pending before the parliament.

investigation is under way.

tion has rejected them.

named.

there could be an early adjournment.

The meeting was originally scheduled for 4

Key bills, including one for approval of an

The current session is scheduled to run

The government has refused to accept

The ruling Congress party has come up

until Dec 13. But if the logiam continues,

opposition demands, saying a separate

with a few proposals to overcome the

impasse, including an investigation moni-

tored by the Supreme Court, but the opposi-

On Sunday, senior Congress leader and

"Our stand is very clear. We have said that

Finance Minister Pranab Mukherjee spoke

to leaders in the main opposition in another

there is no question of a JPC. But it is for the

government to take a decision," said a

Congress leader who did not want to be

effort to find a compromise, to no avail.

the main opposition Bharatiya Janata Party.

tigation into the alleged telecoms scam.

But any breakthrough in the meeting was

"We are willing (to have a) discussion and

The speaker of the powerful lower house

The opposition has halted parliament

legislation, an official said on Sunday.

resignation of the telecoms minister.

new meeting

identify measures to strengthen their economic partnerships, including in the areas of trade, investment and infrastructure development.

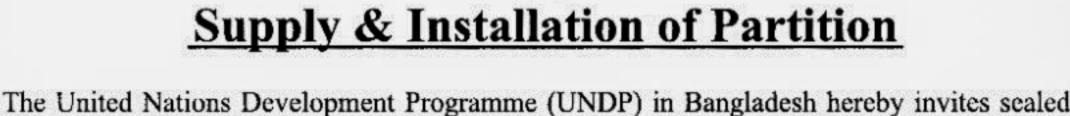
The two premiers recognised

The two premiers underscored

mortality, and congratulated PM Hasina on receiving the MDGs

award for Bangladesh.

Request for Quotation



quotation from interested Suppliers for supply and installation of partitions to 75 Upazillas.. Submission of Bid: The envelopes should state "Quotation for Partitions" and marked as

'Confidential'. The selection of Bids will be done based on the UNDP procurement rules and regulations. All interested firms may collect the bidding Documents (RFQs) at the below web address: http://www.undp.org.bd/proc_more.php. Bid must be dropped to the Procurement Cluster of UNDP,

IDB Bhaban (12th Floor), Sher-e-Bangla Nagar, Dhaka before 12.30 hrs on 07 December 2010.

Administration Coordinator

The ADB-Bangladesh Resident Mission (BRM) was established to assist its Headquarters in the implementation of projects and programs, in project processing, country programming, and economic and sector work. It also coordinates ADB's activities with other resident diplomatic and donor missions, NGOs, academic institutions, local think tanks, private sector and other members of the civil society

Description of Responsibilities To supervise diverse activities, coordinate and implement specialized administrative requirements in order to achieve specific functional results.

Reporting Arrangement extra \$9.8 billion in spending to ensure functioning of government machinery, are The position reports to the designated Professional Staff and/or National Officer.

Specific criteria include

Selection Criteria

www.adb.org/brm

For more details about the position, visit

www.adb.org/Employment/Local/default.asp

suitability to undertake the responsibilities mentioned at the required level bachelor's degree or equivalent professional and/or academic qualification; advanced degree will be an advantage 5 years of relevant experience in general office management, including

personnel management preferably in a private/commercial enterprise in an international setting proven supervisory, coordination and interpersonal skills

proficiency in operating microcomputers and using standard ADB software packages for performing work processing, spreadsheets, graphics and database application

specialized functional expertise of such subjects as personnel, budgeting and financial control, general office management, management reporting, financial

proven track record of managing travel services, customs clearances, insurance coverage, procurement of goods, maintenance of equipment and good analytical thinking with ability to make simple causal links (A causes B),

pro-and-con lists and analyses to reach a decision; and sets priorities for tasks in order of importance good writing and speaking skills in English language are essential ability to establish and maintain productive contacts with appropriate officials

of host government, donor agencies and executing agencies; pleasant

personality and communication skills are desirable. Ability to work with individuals from different cultural/national backgrounds The Asian Development Bank's vision is a region free of poverty. Established in 1966 and headquartered in Manila, Philippines, ADB's multicultural staff

come from over 50 member countries. The advertised position is a local staff position

with a local remuneration package. It is open only to persons who are nationals and

residents of Bangladesh. The position is for a 3-year fixed term appointment. ADB

offers a competitive salary and benefits package applicable to local staff. While the

position advertised is for the Bangladesh Resident Mission. ADB staff may be required

to serve in any location outside the Resident Mission at the discretion of Management. To apply, visit http://www.adb.org/Employment/Local/default.asp. Deadline for applications is on 14 December 2010.

Vacancy Reference Number: ADB-HR-10-1026

Asian Development Bank ADB FIGHTING POVERTY IN ASIA AND THE PACIFIC