

REVIEWING THE VIEWS

RAMPAL POWER PLANT

Right to Environment v. Development



EMDADUL HAQUE

THE age old unending controversy between right to environment and development continues more or less in all countries. To be frank Bangladesh is not an exception to this contradiction rather right to development is valued here with heightened priority than that of environment which is treated as a mere secondary issue.

of the country in Dr. Mohiuddin Farooque vs. Bangladesh, (1997) 49 DLR (AD) 1 was able to convince the Apex Court to widen the concept of right to live extending protection and preservation of ecology and right to pollution free environment maintaining holistic and harmonious construction of the Constitution.

The country is not lacking environmental legislation because at present there are about 200 laws directly or indirectly involved with environmental issues. Even there are special laws such as Bangladesh Environment Conservation Act 1995, Bangladesh Environment Conservation Rules 1997, and Environment Court Act 2000 for the conservation and protection of environment with supremacy clauses.

Pertinent to mention as per experts opinion that to produce 500 megawatt of electricity from a coal-fired power plant the waste produced is an astounding medley of 37 lac tonnes of carbon dioxide, 10,200 tonnes of nitrogen oxide, 220 tonnes hydro carbon, 720 tonnes carbon monoxide, 170 pound mercury, 225 pound arsenic, and 114 pound lead.

The UN Declaration on the Right to Development 1986 identifies the responsibilities and duties of states with regard to right to development. However, the striking balance between right to environment and development rephrased as sustainable development is a concept of the UN Brundtland Commission's report titled as 'Our Common Future' published in 1987.

The preamble, fundamental principles of the state policies and fundamental rights of Bangladesh Constitution do not expressly mention neither any right to sustainable development nor any right to safe and healthy environment but a leading public interest environmental litigation group

Tigers, two national heritage components we are so proud of. Undoubtedly, once implemented it will meet a large portion of the demand for electricity by the consumers but not without considering the balance of convenience and inconvenience we reckon. No cause can be greater than the very existence of the mangrove forest and Bengal Tigers, two national heritage components we are so proud of.

Under section 8(3) of the Right to Information Act 2009, green bodies have sought the EIA report which was approved by the DoE on August 5 and the DoE also issued Environment Clearance Certificate to construct the power plant after eight revisions in three years and imposing a number of conditions to protect the world heritage site and river Pashur which is a sweet-watered dolphin sanctuary.

Bangladesh and India in 2009 signed a deal to set up two power plants and in 2010 it was finalized after Indo-Bangla joint communiqué. A total of 1,834 acres of land has already been acquired to set up the 1320 megawatt power plants with 50:50 shares and the project is expected to be inaugurated next month at Rampal in Bagerhat district near the Sundarbans.

The Indian state-owned national thermal power corporation (NTPC) is not allowed to set up any thermal power plant within 25 kilometres of any of India's forest reserves, wildlife sanctuaries, agricultural plots and others but Bangladesh government has allowed PDB to set up a coal-fired plant at Rampal in Bagerhat, just 12 to 15 kilometres off the ecologically critical area of the Sundarbans.

The Sundarbans, the world's largest mangrove forest and UNESCO declared heritage site is a unique place of biodiversity and safe home to a few extremely endangered species of Bengal Tigers and also a natural shield against natural disaster. If the coal-fired plant is set up so close to the forest then the ecosystem, ecology of flora and fauna of the forest, biodiversity and wildlife will eventually be perished.

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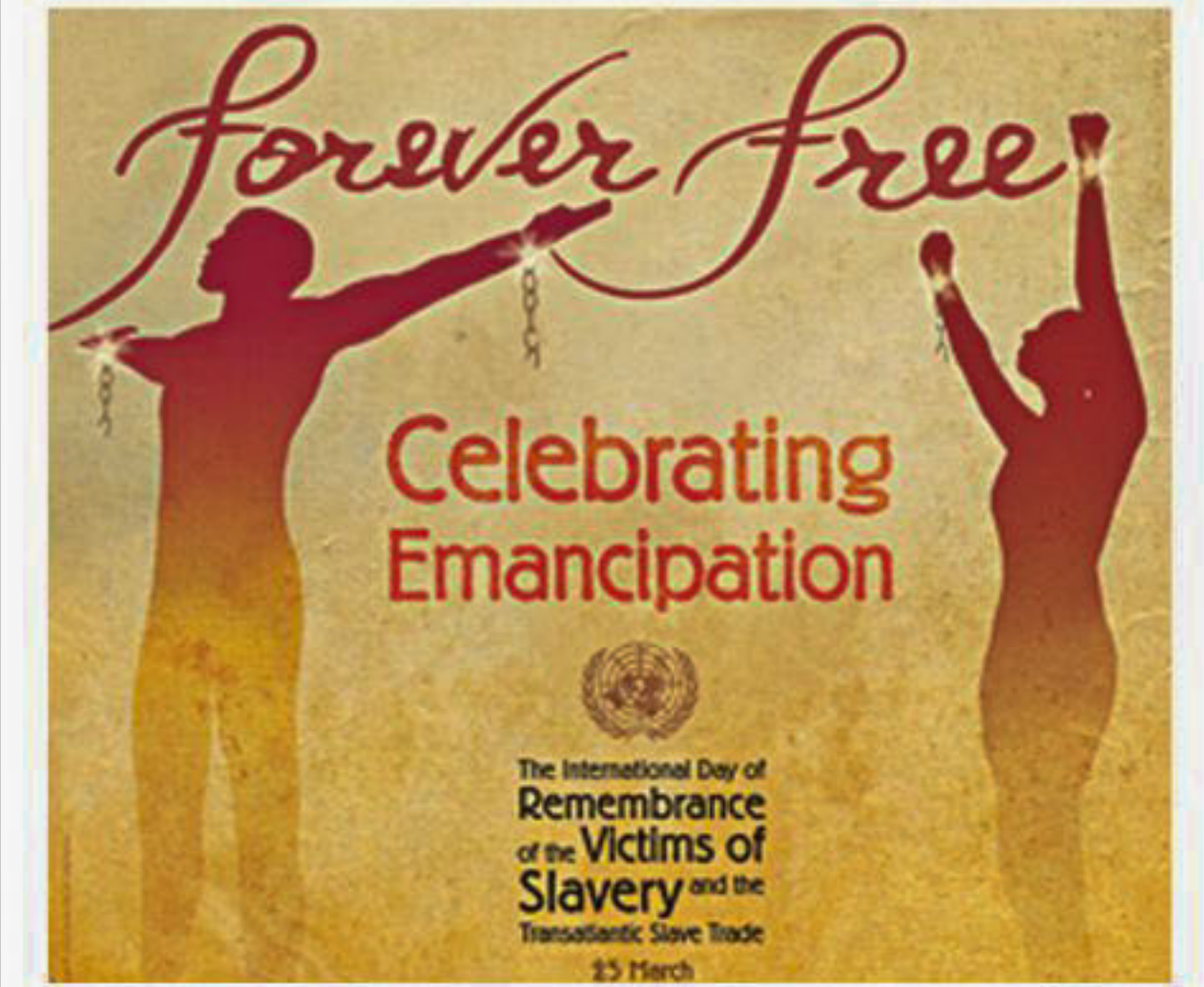
LAW NEWS

Urge to raise awareness about history of slave trade

MARKING the anniversary of the first successful slave uprising in the Western hemisphere, the head of the United Nations Educational, Scientific and Cultural Organization (UNESCO) said on August 23 that telling the story of the slave trade was a crucial way to pay tribute to the freedom fighters and "honour their contributions to the affirmation of human rights."

The significance and implications of this history should be known to all and taught in and outside schools, through the media and in the public arena, Ms. Bokova said. "May it be a source of respect and a universal call for freedom for future generations."

UNESCO has played a leading role in fostering under-



standing and recognition of the slave trade. Since the establishment of the Slave Route Project in 1994, the agency has worked to reveal the extent and consequences of the trade and portray the wealth of the cultural traditions - in art, music, dance and culture in its broader area - that African people forded in the face of adversity.

Earlier this year, the UN honoured the memory of an estimated 15 million innocent victims who suffered over four centuries as a result of the transatlantic slave trade; highlighting the plight of millions more who still endure the brutality of modern slavery.

SOURCE: UN NEWS SERVICE.



HUMAN RIGHTS ADVOCACY

Viability of CSR to break the gridlock of development

MUHAMMAD REZAUR RAHMAN

CORPORATE Social Responsibility (CSR) has advent from the realisation of the business entities, which had visualised the people, separating from the source of business. From the genesis of the modern CSR, the term has encompassed numerous aspects in its peripheries and evolved into a comprehensive welfare mechanism.

The linkage can be found from the very factor that has created societies and countries; that is 'people'. People form a society and make everything for their convenience. That include corporate as well, therefore, it is not only responsibility of corporate to fulfill the business needs but to do something which will ensure the sustainability of the society vis-à-vis people.

government rather what we are proposing that corporate can ensure these rights by adopting in their CSR policy and try to develop a sustainable business policy as an ultimate plan. But it cannot be sporadic and has to initiate with wider vision under definite regulation. For example, a corporate may be committed to ensure child rights but that would not be enough by donating some books in schools.

regulation with lack of transparency and accountability from both quarters but that can be blotted away with negotiation, willingness and pro-people mindset of the corporate and government.



Potentialities of corporate social responsibility as a mechanism of development In Bangladesh, CSR is always considered outside the corporate overall policy. However, Corporate around the world started or rather force to relinquish this attitude due to constant pressure from the stakeholder, international bodies and other Actors.

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way of sustainable business. Therefore, even issues like human rights development are been entangled with corporate responsibility together with government to ensure overall development of the people. This will definitely ensure the development of the corporate because healthy, wealthy and develop community creates more business. It may be argued that in order to realise such a massive development as drawn above require exquisite investment, which is practically or theoretically impossible for the corporate. But, one thing needs to be remembered that we are not imposing individual obligations to the corporate rather as a partner in action with Governments.

CSR and dream of developed Bangladesh

In our country, we have numerous political, social and economical problems due to lack of resource, corruption, abuse of power etc. It is argued by some quarters that if we can subdue these problems, our country will flourish. But this contention is partially true. This is because without economical solvency we may able to make some progress but that will not change our overall backward pose tends to create deadlock of overall development. To break this deadlock, we may consider a solution in the name of Corporate Social Responsibility.

FROM LAW DESK



LAW EVENT

Accreditation course on mediation



Two trainers from the internationally-renowned Centre for Effective Dispute Resolution (CEDR), UK began their accreditation course on Mediation on Monday, 26th August at Sonargaon Hotel. Twelve trainees selected from the group of twenty-four who had received the foundation training in May 2013, are to undergo an intensive three-day programme.

To reduce the burden on our courts, where the backlog of cases is over 2.5 million, and to allow for quick settlement of appropriate cases, some of our laws have made mediation mandatory. In the absence of certified mediators, the mediation scheme has not been effective. Now, for the first time in Bangladesh, we hope to have a group of trained mediators who can handle suitable disputes.

Speaking at the Opening of the training programme, Chief Executive of the Bangladesh International Arbitration Centre (BIAC), Dr. Toufiq Ali, stated that the plan is to provide alternates for the quick settlement of certain categories of civil and financial cases. In most developed countries, and in many developing countries, mediation is the preferred method of settlement of disputes.

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