

Calming down in Dhaka East



THE World Bank recently organised a symposium on Dhaka's urban future and planned expansion into the east. The urban policy advocacy at the symposium was driven by what Martin Rama, the WB chief economist for South Asia, encapsulated in this

statement: "Whatever happens to Dhaka, happens to Bangladesh." In other words, if Dhaka fails, Bangladesh fails. Therefore, Dhaka must be properly planned and expanded to shoulder this national burden.

This policy position probably makes sense but it is dangerous.

The broader planning question here is: should we let Dhaka expand more or de-escalate its growth frenzy? Should we save Dhaka from over-development by investing in other cities of Bangladesh, thus encouraging decentralisation?

It is no news that Dhaka as a megalopolis is creaking at all its urban seams. Traffic congestion is infernal. Even after moderate rains, waterlogging frequently paralyzes city life. According to the website Demographia, Dhaka's urban population density is highest in the world at 114,300 people per square mile. On average, 70 people from rural Bangladesh pour into Dhaka every hour in search of jobs and better lives. Over 200 registered motor vehicles enter the city streets every day. Things couldn't be more intense and crowded.

How long can Dhaka keep on growing? Has the city reached its limit? It is time we seriously considered the environmental and social cost of urban expansion *ad infinitum*.

The World Bank's vision for Dhaka 2035 is understandable. Between 1995 and 2005, there has been a widening gap between demand and supply. Road surface in Dhaka increased by only 5 percent, while population surged by 50 percent and traffic by 134 percent. Qimiao Fan, World Bank Country Director, stated: "Based on current trends, Dhaka will have more than 35 million people by 2035. A productive and liveable city of this scale can make enormous contributions to its citizens and the economy."

What is implied here is that the capital city's existing land area is insufficient to meet its projected urban demand. Thus, Dhaka's "empty"



ILLUSTRATION: AMY CASEY

eastern territory could be the answer. Build the eastern embankment, and "there would be an enormous tract of land which is now flooded."

These "grow more" and "go east" solutions for Dhaka give rise to disconcerting questions.

That there is an "enormous tract of land" on the eastern side of Dhaka is a myth. If it were a land in the first place, it has already been occupied by powerful corporations and developers who see profit as the only way forward.

Just keep going through Khilkhet toward the Balu River and then Shitalakhya River. It feels like a haunted journey through a postmodern wasteland of silvery sand, occasionally interrupted by anaemic rivulets and the sand-carrying barges that navigate through them. In the midst of the area's unsettling quiet, if you try, you can hear the cry of the people who were coerced to sell their

ancestral aqua-lands that once defined Dhaka's eastern frontier.

Why is this area now a vast land of sand? That's because most of Dhaka east has never been a land in the first place. It used to be a floodplain, a sprawling low-lying hydrography that acted like an ecological sponge, absorbing flood water, water from the city's natural drain networks, and rainwater runoffs. And, the locals lived off this land-water geography.

Alas, like other low-lying regions of the city, land-grabbers have filled up the east with impunity. City developer agencies like Rajuk not only watched the "ecocide" from the sidelines, but also participated in it. For example, the Rajuk-developed housing project Purbachal, a 6,000-plus acre floodplain between Balu and Shitalakhya, is now, say, a 10-foot-thick mass of

neo-Coleridgian "sand, sand, everywhere." Where would the massive quantity of water that used to drain into the eastern floodplains go now? Why are we surprised about waterlogging in the city?

The World Bank's Dhaka 2035 is curious. Seeing the city's eastern frontier as an "enormous empty land" ready to be transformed into a mega-shop for economic productivity is to ignore some of the basic tenets of liveable cities that are being championed today around the world. At the centre of the debate is: Should economic growth take precedence over ecological well-being?

Economy and ecology should not be mutually exclusive. An ecologically balanced city is good for the economy in the long run. Seoul recently replaced a massive, hovering expressway that pierced the city's central district with a water stream, rejuvenating down town social life. New York is transforming vehicular streets into pedestrian community spaces. And, business is growing.

Development ignoring the city's geographic DNA is bad business. There are no universal Pudong urban templates. Cities like Seoul, Melbourne, Portland (Oregon), and Medellin (Colombia), among others, teach us how existing cities could be reimagined and reorganised to serve the social and economic needs of their people.

Instead of drumming up Dhaka's mega-expansion, the World Bank should invest in developing other mid-sized Bangladeshi cities sustainably, while partnering with the government in recuperating Dhaka's eastern floodplains as land-water-green national parks. Invest in Dhaka's low-cost public transportation as community building tools, not in Pudongs as blueprints for Dhaka east.

Help reduce demand for cars rather than lamenting the loss of car speed on city streets. Invest in robust social campaigns to motivate the youth to ride bicycles to work rather than glorifying 300-foot-wide roads and flyovers as symbols of urban future. Invest in safe footpaths that would create a culture of pedestrianism. Help deglamourise car ownership. Invest in people-centric, humane cities. Economy will follow, sustainably.

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16th amendment verdict and the judiciary-executive dissonance



STRAIGHT LINE
THE provision of a Supreme Judicial Council for the removal of judges for misconduct or incapacity has been reinstated in the Constitution following a verdict on the 16th Amendment by the apex court. To recap, the 16th

Amendment passed in September 2014 had abolished the Chief Justice-led Supreme Judicial Council and restored parliament's power to remove judges. The amendment was challenged in the High Court, which declared the amendment unconstitutional. In response, the government filed an appeal against the High Court verdict, but the Supreme Court rejected the appeal and upheld the High Court verdict.

The verdict has already generated a lot of heat, as the finance minister commented that parliament would pass the 16th Amendment again. Two former law ministers, belonging to the ruling party, have however said that the Supreme Court's verdict on the amendment was binding on the government under Article 112 of the Constitution. They are of the opinion that the government can only seek a review of the verdict, and that if there is no error in the judgment, the government would have no other option but to implement it.

At the crux of the debate is the concept of separation of powers and specifically the independence of the judicial organ of the state. It also brings to the fore the aspect of



immutability of some features of the Constitution and, in particular, as to whether the existence of the Supreme Judicial Council should be treated as an unalterable feature of our Constitution.

Coming to the features of our Constitution it can be said that "the Constitution declares the supremacy of the Constitution and seeks to establish a limited government in the sense that every authority in the Republic had power prescribed and limited by the

Constitution." (*Constitutional Law of Bangladesh, Mahmudul Islam*) It also provides for separation of powers between the three organs of the state—the executive, legislature and judiciary.

In fact, what our Constitution has done, "can be said to be an assignment or distribution of different powers of the Republic to the three organs and it provides for separation of powers in the sense that no one organ could transgress the limits set by

the Constitution." (*Constitutional Law of Bangladesh*)

On the issue of the independence of judiciary, another feature of the Constitution that the appellate division has stated is: "In the matter of appointment of judges under Article 98 and 95 of the Constitution, the convention of consultation having been recognised and acted upon has matured into Constitutional convention and is now Constitutional imperative." (*Constitutional Law of Bangladesh*)

Judicial review, another feature of our Constitution, gives the guardianship of the Constitution to the Supreme Court. Under its power of judicial review, the Supreme Court can review State actions and can strike down any law for inconsistency with any provision of the Constitution.

It needs to be impressed that since supremacy of the Constitution is a basic feature of our Constitution, "any amendment of the Constitution ... in derogation of the supremacy of the Constitution cannot be declared to have been validly taken." (*Constitutional Law of Bangladesh, Mahmudul Islam*)

In neighbouring India, it has been held that while parliament has the power to amend any part of the Constitution, the power cannot be so exercised as to alter or destroy the basic structure or framework of the Constitution. It has been observed that parliament is only a creature of the Constitution and while the same body periodically stands dissolved and Parliament members retire, the Constitution continues to

reign supreme. The Constitution, it is argued, has an identity and integrity of its own and perhaps cannot be made to lose its identity in the process of amendment.

Some jurists hold the view that the Constitution, being a highly evolved organism, cannot be amended without the consent of the people determined by a referendum, or by the summoning of a convention or otherwise. There are countries where the people's will is ascertained on a referendum held upon parliament's proposal to alter the Constitution.

Perhaps it would be appropriate to presume that the supremacy of the Constitution and the unaltered survival of its basic structure are themselves fundamental features of our Constitution. To this writer, it appears that our apex court is of the view that the parliament has no competence to alter the fundamental features of the Constitution and that doing so would amount to an act of Constitutional impertinence. The retention of the Supreme Judicial Council, through striking the 16th Amendment, has to be seen in that light.

A reasoned view would perhaps be that there must not be any effort to destroy the balance of power between the legislature and the judiciary. It is the function of the Supreme Court to remove legal inconsistencies and that function cannot be taken away from this institution which is the final interpreter of the fundamental law.

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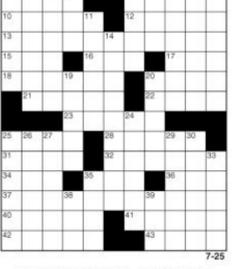
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- ACROSS**
- 1 Computer fixer
 - 5 Drop in on
 - 10 Masseur's targets
 - 12 Papas of "Z"
 - 13 T part
 - 15 Ring wins, for short
 - 16 Cry of insight
 - 17 Sleuth Spade
 - 18 Takes care of
 - 20 Fill with cargo
 - 21 Snide look
 - 22 Was in debt
 - 23 Houston player
 - 25 Ring out
 - 28 Walks unevenly
 - 31 Sprints
 - 32 Fly or flea
- DOWN**
- 1 Chores
 - 2 Canyon sounds
 - 3 Selected
 - 4 That girl
 - 5 Handyman Bob
 - 6 Hot blood
 - 7 Playground fixture
 - 8 Overrun
 - 9 Was abundant
 - 11 Declares
 - 14 Roster of candidates
 - 19 Elite Navy group
 - 20 Weaving machines
 - 24 Frees of suds
 - 25 Uses a lever on
 - 26 Trick-taking card game
 - 27 Whoever
 - 29 Folks
 - 30 TV Part
 - 33 Contract makeup
 - 35 Salt Lake City team
 - 38 Free (of)
 - 39 Atlas page



YESTERDAY'S ANSWER

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BEETLE BAILEY BY MORT WALKER



BABY BLUES BY KIRKMAN & SCOTT

