

Eid-ul-Azha on September 2

UNB, Dhaka

Holy Eid-ul-Azha, the second largest religious festival of the Muslims, will be celebrated across the country on September 2 as the new moon of the month of Zilhaj was sighted in Bangladesh sky yesterday.

The National Moon Sighting Committee took the decision at a meeting after reviewing reports received from different parts of the country. Religious Affairs Minister Motiur Rahman said at a press briefing at the Islamic Foundation in the evening.

Shamim Mohammad Afzal, director general of Islamic Foundation, and other committee members attended the meeting at the foundation's conference room at Baitul Mukaram.

The Muslims celebrate Eid-ul-Azha on the 10th of Zilhaj to commemorate the true spirit of the sacrifice made by Hazrat Ibrahim (AS). On this day some 4,000 years ago, Hazrat Ibrahim (AS) had offered to sacrifice his beloved son Hazrat Ismail (AS) who willingly submitted to the will of his father to please Allah.

But the Almighty in His benign mercy spared Hazrat Ismail (AS) and instead sent a ram to be sacrificed.

BNP out to bring about another 1/11

Alleges Quader; Rizvi says 'govt plotting ouster' of chief justice

STAFF CORRESPONDENT

Ruling Awami League General Secretary Obaidul Quader yesterday alleged BNP wants to create another 1/11 through provocative statements over the verdict on the 16th Amendment to the Constitution.

"They want to create 1/11 again in the country. But it won't happen on the soil of Bangladesh," he said while addressing a discussion at the Jatia Krishna Parishad auditorium in the capital.

The BNP has, meanwhile, alleged that the government is hatching a conspiracy to oust Chief Justice S Sinha. "This sort of apprehension has been created in the public mind," said BNP Senior Joint Secretary General Ruhul Kabir Rizvi.

Addressing a discussion organised by the Bangladesh Awami League Parishad (SRSPK) marking the 42nd death anniversary of Father of the Nation Bangabandhu Sheikh Mujibur Rahman, Quader alleged BNP is playing with venomous snakes but should lay to rest tragic consequences after being bitten.

"The BNP wants to create an issue over the Supreme Court verdict in the 16th amendment case. The party thinks power is waiting for them. But that job will be done soon," said Quader, also minister for road transport and bridges, said.

SEE PAGE 10 COL 6

Rotodents force

and it is not uncommon for Nigerian presidents to also work from the presidential villa. He has used the residential office for many years.

"What is important is that the job gets done. Whether it does it from his bedroom or his sitting room or his anteroom—it does not matter. Let the job be done and that job will be done," Shetu told the Arise News broadcaster.

Shetu was unable to confirm what type of rotodent was responsible for the damage, which occurred during the presidential visit to an undisclosed medical condition.

"I do not have that level of detail," he said, adding that it was unclear how long the refurbishment would last.

During his time at the residence surfaced back home, where calls grew for him to either return or resign.

The Nigerian leader met with his security chiefs at his official residence on Tuesday, ordering them to do away with threats to the unity of the country.

In the weeks before Buhari left for London on May 7, he also left work from his presidential residence—missing cabinet meetings and having official duties transferred to his deputy.

Rumours about his health have dogged Buhari even before he came to power in May 2015. He rejected claims during the election that he was critically ill from prostate cancer.

Buhari did not address his absence or medical situation when he addressed the nation on his first anniversary in office, instead talking about terrorism, crime, terror, security and the economy in his first speech since returning.

In an official letter to parliament on Monday, selecting Vice President Veni Osinbajo of Buhari's duties as acting head of state. Buhari described his trips as a "medical follow-up."

Clashes between protesters calling on Buhari to resign from his current lengthy absence and the president's defenders erupted in Abuja last week.



A man surveys the embankment on the eastern bank of the Jamuna for erosion in Gorilabari of Tangail's Kalihati upazila yesterday. The river devoured about 40 metres of the embankment close to the Bangabandhu Bridge creating panic among locals.

Jamuna erodes part of Tangail embankment

OUR CORRESPONDENT, Tangail

With water level going down in the Jamuna, erosion has damaged a portion of the village protection embankment on the eastern side of Bangabandhu Multipurpose Bridge at Gorilabari in Tangail's Kalihati upazila.

Locals now fear that river water may invade their localities. Erosion hit the embankment, located around 1.5km south of the bridge, on Tuesday afternoon, devouring about 30 metres of the embankment, said sources at Bangladesh Bridge Authority (BBA) yesterday.

On August 20, around 10 metres of the embankment also eroded into the river, they said.

The BBA constructed the 200-metre village protection embankment, which was not in the main construction plan of the bridge, with geotextiles, stone and concrete blocks during the bridge maintenance in 2003. It was built near the confluence of the Jamuna and Dhaleswari rivers to protect BBA's land and nearby localities from river erosion, they said.

SEE PAGE 10 COL 3

Justice Khairul's dubious distinction

FROM PAGE 1

republic and the parliament represents the sovereign people. "When everyone is accountable to the parliament, there is no reason why judges should be an exception to this."

Some of his predecessors including Justice Mustafa Kamal, Justice Mohammad Fazul Karim and Justice Tafazzul Islam had supported the SC to remove SC judges on grounds of misbehaviour or incapacity.

Participating at a meeting of the parliamentary body for constitutional amendment on April 24, 2011,

Justice Mustafa Kamal and Justice Fazul Karim strongly opposed restoration of the parliament's power to remove SC judges by scrapping the SC.

In defence of continuing with the SC, Justice Kamal said the principle of jurisprudence is that no one should be judged other than one's own peers.

"For this, if an individual in the civil service commits any misconduct, we hold his trial by his senior officers. Similarly, if a district judge commits any offence, he is investigated by a senior district judge from another place and then he is punished," he continued.

Justice Karim, who was first a member and then chairman of the SC, said, "I have noticed that there is no problem in the way we can investigate [into allegations] properly through evidence and witnesses. Therefore, it is better to leave the court's matter to the court."

Justice Tafazzul, who also joined the meeting, did not give his opinion on the issue.

But in the constitutional Fifth Amendment case verdict in 2010 then chief justice Tafazzul Islam said the provision for SC was more transparent

than that of earlier ones and safeguarding independence of judiciary.

Justice Tafazzul-led six member Appellate Division bench that delivered the verdict condoned introduction of the SC by amending the constitution through martial law proclamation in 1977.

The chief justice-led SC was introduced by scrapping the president's power to remove SC judges.

The fourth amendment in 1975 cancelled the parliament's power to remove SC judges and gave it to the president.

In the 15th constitutional amendment in 2011, the government retained the provision for SC.

But things changed in 2014.

Justice Haque, who was appointed as chairman of the Law Commission in July 2013 for three years, in June 2014 recommended to the parliamentary standing committee on the law ministry for restoring the parliament's powers to remove SC judges by scrapping the SC.

Justice Haque, who was appointed as chairman of the Law Commission in July 2013 for three years, in June 2014 recommended to the parliamentary standing committee on the law ministry for restoring the parliament's powers to remove SC judges by scrapping the SC.

"There is no reason for Supreme Court judges to panic if parliament gets the authority," Justice Haque said.

Justice Haque, who was appointed for second term in June 2016, keeps criticising the apex court's verdict scrapping the constitutional 16th amendment that had restored parliament's power to remove SC judges.

His criticism triggered widespread controversy. Pro-AL lawyers have supported him while pro-BNP lawyers have demanded that the apex court take contempt proceedings against him on charge of contemptuous remarks.

Former chief justice Khairul also spoke in favour of current article 116 of the constitution which gives the government power to have control over the lower judiciary.

The original article 116 of 1972 constitution empowered the SC to have control over the affairs of lower judiciary, including the posting, promotion, grant of leave and discipline of the judges and judicial magistrates.

But the parliament, through the fourth amendment to the constitution during the AL rule in 1975, scrapped that authority of the SC and gave it to the president.

Later in 1978, during the martial law regime, the parliament amended further through the martial law proclamation and a provision was introduced saying the president would exercise the authority in consultation with the SC.

The 15th amendment in 2011 retained the provision introduced by the martial law regime.

While speaking at a program on Saturday, Justice Haque termed the present provision as "best system" as he said the powers to control the lower judiciary should not be confined to one hand.

His views, however, do not match with the observations made in a number of SC verdicts.

In the Fifth Amendment case verdict, the Appellate Division expected that the parliament would

restore as soon as possible the original article 116 of the constitution for an effective separation of the judiciary.

In the verdict the six-member Appellate Division led by Justice Tafazzul Islam also referred to observation made in an earlier case.

In an earlier verdict, the apex court said, "...until and unless the unamended Articles 115 and 116 of the Constitution are restored vesting the control of the subordinate judiciary in the Supreme Court, the separation of judiciary will remain a distant cry and a music of the distant drum."

Other five judges of the bench agreed with Justice Tafazzul who penned the verdict. Of them Justice Mohammad Fazul Karim and Justice Md. Muzammel Hossain have later become the chief justices and retired. And one of the judges, Justice Surendra Kumar Sinha is the current chief justice.

In the landmark verdict on the separation of judiciary the four member-Appellate Division bench led by Justice Mustafa Kamal in 1999 also spoke unanimously in amendment of the Constitution for an effective separation of judiciary.

Of the three other members—Justice Latifur Rahman and Justice Mahmud Amin Chowdhury have become chief justice later retired.

In the verdict, the apex court said parliament will in its wisdom take necessary steps regarding to amendment of the constitution to restore the original articles 115 and 116 of the constitution.

Article 116 says, "The control (including the power of posting, promotion and grant of leave) and discipline of persons employed in the judicial service and magistrates exercising judicial functions shall vest

in the President and shall be exercised by him in consultation with the Supreme Court."

At first sight, it may seem that the provision had been empowered by the amendment to article 116. But in reality, he himself cannot exercise the power. The prime minister exercises the power as the president performs all his functions on advice of the prime minister, except for the appointment of the PM and the chief justice.

Article 116 however runs counter to Article 109, which has been in the constitution since 1972. Article 109 reads: "The High Court Division shall have superintendence and control over all courts and tribunals subordinate to it."

But none of the successive government paid heed to the apex court or move to restore the original article 116 as the government want to retain the power to have control over the lower judiciary.

"This in fact creates dual rule in the judiciary which Justice Khairul himself acknowledged, but he claim this is the "best system".

If Justice Khairul is right in his opinion on the Parliament's power to remove SC judges and the government's power to have control over lower judiciary, views of other former chief justices and observations made in some verdicts do not stand.

His scathing remarks may strengthen the government's stance against the 16th amendment case verdict, but those are in no way healthy for the judiciary.

Irregularities rule climate projects

FROM PAGE 1

The TIB did not disclose the surveyed areas but said the six projects were on drought, flood, cyclone and salinity.

The projects involving over Tk 74.14 crore were undertaken between 2011 and 2016 to build and rebuild river embankments, infrastructure, polders, protecting river banks and dredging rivers to reduce climate risks.

Locals blamed the contractors for poor work in two of the six projects and the issue even resulted in clashes between farmers and the contractors, men, said the report titled "Climate Finance and Governance in Project

Implementation: The Case of Bangladesh Water Development Board".

The Water Resources Ministry Task Force assessed quality and quantity of infrastructure materials of all the six projects. However, infrastructures in two projects were damaged within the project period, which put a question mark on the effectiveness of their assessment, it added.

Speaking at a press conference at its Dhamondip office, TIB Executive Director Fikharuzzaman said the WDB was provided with 40 percent of the total Climate Change Trust Fund money. That is why the TIB did the

study on its work.

The TIB expects to see that the government ensures accountability and transparency in using people's money while implementing such projects, he said, adding that how that money was being used needed to be ascertained.

In case of one project, the contractor sold some 10-15 roadless trees at an average price of Tk 28,000 and then embezzled the money. No one dared to protest as the contractor was a powerful individual.

None of the six projects were evaluated by the Implementation, Monitoring and Evaluation Division

nor audited by the Comptroller and Auditor General's office, as required by the project guidelines.

Survey findings show about 93 percent people had no clue as to where and how they could submit complaints regarding the projects.

One of the six projects, which implemented a climate project, had no designated information providing officer, which is mandatory under the Right to Information Act.

About 92 percent of the local support staff and inputs were not informed about the project activities, budget and other relevant information. Neither the WDB nor the contrac-

tors disclosed to the locals the timeline of the infrastructure work.

The report says no monitoring and evaluation were conducted by the WDB central monitoring and evaluation team in the six projects covered for the study.

Also, no community level problem identification meetings were held and no social evaluation took place in any of the project areas, the TIB said.

"Provisions for establishing grievance redress mechanism and independence of the party monitoring and evaluation should be included in the existing legal framework," the report said.

Farm growth slows down

FROM PAGE 1

further expansion of farm output, any rise in the production would have to come from high yields.

While explaining the matter, Akhter said rice cultivation had to be intensified for agricultural technology adoption. Research must be increased to promote rice production.

At a time when climate change is prominently impacting the sector, new technologies and innovations also had to be developed through research for addressing various agriculture-related problems, including flood, drought, and salinity-induced "stress" conditions.

However, there is a silver lining of this challenging situation.

Being one of the most 'favourable terrain' for agricultural technology adoption, Bangladesh has the potential to enhance crop productivity – if not through increased acreage, dif-

ferently through adoption of new yield-augmenting technologies.

An IFPRI-IFAD (International Fund for Agricultural Development) study shows that with its vast irrigated farmlands and greater commodity market access, Bangladesh is the most 'favoured' country in the South and East Asia for agricultural technology adoption.

But then again, Akhter said a twisted land tenure system poses an impediment to quick adoption of new technologies.

A third of all farm households in Bangladesh are "pure tenants", meaning they do not own the land they use. Therefore, they have insecure and unstable access to land through sharecropping or long-term arrangements, which act as a deterrent to technology adoption, he said.

The IFPRI country head thinks, "Policies should take into account the

implications of this important question."

Talking to this correspondent, FM Moinsuddin, head of Rice Farming System Division of the Bangladesh Rice Research Institute, said they had succeeded in achieving much better yields of crops over the past few years.

He said they did it by growing diversified crops from the same land in the same cropping season with adoption of new technologies.

"But," he added, "We need to protect our soils from agricultural lands from industrialisation, urbanisation and home-buildings."

Moinsuddin said hundreds of brick kilns sprang up all over the country and each of them was set up cutting fertile top soils from agricultural lands.

Also, most productive farmlands were being taken away for building industries and housing, he said.

In March this year, the High Court

also asked the government to formulate a specific law to protect the country's agricultural land.

AHM Humayun Kabir, managing director of Supreme Seed Company Limited, a pioneer in introducing hybrid rice in Bangladesh, said seed growers and agro-companies could contribute to growing more food with limited land and water resources as the government's relevant policy was supporting the private sector.

In 1971, Bangladesh had a population of 75 million and its food production was a little over 10 million metric tonnes. But today, farmers grow over 35 million metric tonnes of cereal crops, thanks to their adoption of modern farm technologies, policy support, better breeds and inputs and above all, a hard working farm community.

Over the past four decades, Bangladesh succeeded in outpacing the

population growth rate with its growth in rice output. The country has more than tripled the production of its staple.

But the question has arisen whether the country has reached a plateau, where any further growth in farm outputs would be too hard to achieve.

A yearly increase of over three million population means more than half a million tonnes of extra crops have to be grown.

Agronomists fear that the rise in sea level would induce salinity into the mainlands as salinity-affected arable lands rose from 0.83 million hectares in 1990 to 1.2 million hectares in recent years.