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FOUNDER EDITOR  
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# ACC’s prudent move to save our rivers

Directing the DCs to go tough on grabbing

We are heartened by the Anti-Corruption Commission’s (ACC) request to the cabinet secretary to give directives to district deputy commissioners (DCCs) to save rivers from encroachers by taking legal action against them. The move demonstrates how serious the ACC considers this issue, echoing the sentiments of the public and the High Court which has defined rivers as “living beings” and killing them through river grabbing and waste dumping as “collective suicide”. This paper, as part of its commitment to saving our rivers, has published innumerable reports on how different rivers have been virtually killed due to illegal grabbing or indiscriminate dumping of untreated industrial effluents and solid waste. On February 07, our supplement titled “Save Rivers, Save Sonar Bangla” highlighted the grim condition of our country’s rivers and the immediate need to take action to reverse the killing of our rivers as part of the commemoration of “Mujib Barsha”, the birth centenary of Bangabandhu. The supplement has cited the recent report of the National River Conservation Commission (NRCC), which gives a clear picture of the precarious condition the lifelines of our country are in. The NRCC has found that the number of rivers has come down from 700 (in pre-independence times) to 405 at present, with many of them under threat due to illegal encroachment. The statistics the report cites are in fact, quite staggering: 139 rivers in 64 districts are encroached upon, 29 rivers are severely polluted, with all four surrounding Dhaka declared biologically dead. It is frustrating that, despite continuous reports in the media, innumerable directives given by the courts and most importantly, despite the Prime Minister’s asking her government to take action against river grabbers as well as many government projects worth several hundred crores of taka to revive the rivers, we are still witnessing regular grabbing of rivers and their painful demise. It is obvious that the collusion between river grabbers and corrupt officials is a major obstacle that must be removed forever if we are to save our rivers. We are hopeful that the ACC’s request to the cabinet secretary will be taken positively and will result in a vigorous initiative by our district deputy commissioners in each district to evict the illegal encroachers of rivers and take legal action against them. Here, we appeal again to our Prime Minister to directly intervene to save our rivers.

# Justice continues to elude road crash victims

Culture of impunity is behind the increase in road accidents

It is most unfortunate that despite the enactment of the Road Transport Act 2018, the 17-point directive given by the Prime Minister’s Office, and the several “traffic weeks” observed by the police, the government could neither bring discipline on our roads nor could they ensure that road crash victims get justice. In a recently held press conference, organised by road safety campaigners, some of the victims’ family members expressed their frustration at the indifference of the authorities concerned in ensuring justice for their loved ones. According to one victim’s father, all his efforts to seek justice for his son’s death—he wrote to the inspector general of police and the commissioner of Dhaka Metropolitan Police, and even wrote to the prime minister as well as several other ministers seeking justice—have failed to get the desired response from the authorities. His son Tashin was killed by a speeding bus last year while he was crossing a street using a zebra crossing. What was most disturbing in this case was the fact that the police didn’t even help the victim’s father to file a case against the killer bus driver, although now they (the police) are saying that they themselves have filed a case against the driver. In another instance, when a case had been filed against the accused driver, his associates threatened the victim’s family to stop the legal battle. Moreover, in many other cases, although the accused drivers had been arrested, they were released in no time. Needless to say, the culture of impunity enjoyed by the guilty drivers as well as the transport workers only emboldens others to disobey traffic rules, and is one of the major reasons behind the increase in road accidents. According to a report by Bangladesh Jatri Kalyan Samity, in January alone, at least 547 people, including 146 students, were killed and 1,141 others injured in 531 road accidents across the country. Such a high number of deaths in a single month is appalling and calls for immediate attention of the authorities. Under the circumstances, we expect proactive measures from the government in ensuring justice and compensation for the road crash victims as well as implementing the recently enacted Road Transport Act 2018.

## LETTERS TO THE EDITOR

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### Ban use of guidebooks

In March 2008, a High Court bench delivered a verdict prohibiting the printing, sale and marketing of notebooks and guidebooks. Sadly enough, the verdict has not materialised yet. Students in most of our schools are now fully dependent on notebooks and guidebooks. It is very sad that even most teachers follow these and don’t encourage students to think creatively. Notebooks and guidebooks are totally contrary to the objectives of the creative method of education, since they focus only on exams rather than student development. If the objectives of education are to be achieved, notebooks and guidebooks have to be banned immediately. Failing this, our students will continue to memorise information from these notebooks and fail to get the best of what education has to offer them.

Pushpan Chowdhury, Chattogram

# A timely decision on higher education



SHAMSAD MORTUZA

FINALLY, a breath of fresh air—winds blowing through the higher stratosphere are causing some thought clouds to loosen up and shower good news on higher education. Public universities have been asked to introduce uniform admission tests and to stop weekend courses. They have also been asked to accommodate international students. This is a clarion call for universities to wake up to lived realities and shape up to be at par with international standards. At a convocation ceremony in December, the chancellor of a university launched a scathing attack on certain university teachers for abusing the existing system to mint money by offering evening or weekend courses. Soon afterwards, the University Grants Commission (UGC) sent a 13-point directive to all public universities asking them to stop weekend courses, as well as to maintain financial transparency. The Prime Minister too has expressed her dissatisfaction over the monetary obsession of some university teachers. She, however, upheld the autonomy of the universities by mentioning that the UGC and universities should deal with the issue and there was no need for the parliament to intervene. Her soft signal was a hint for those reviewing the UGC decision. University of Dhaka (DU) has already suspended its weekend programmes; others are likely to follow.

This may not come as good news for many of my colleagues who have some legitimate arguments in favour of the weekend or evening courses. After all, this system has given them some financial flexibility to do things that were previously unheard of. An attempt by the English Department at DU to introduce such courses, however, was foiled by agitating students. The students felt that there would be discrimination as teachers might prefer higher paying students. Education would become a commodity, and the meritocracy would be compromised. I joined the department in 2011. By then, the storm was over, but an uneasy calm still persisted, affecting the teacher-student relationship. My previous department at Jahangirnagar by then had started weekend programmes, and I started hearing stories of some of my colleagues teaching as many as nine courses over the weekends. The department that I chaired reportedly became like private universities, both in outlook and orientation. Even at DU, the departments that opted for parallel programmes started showing signs of material growth—air-conditioned class rooms, well-furnished office rooms, conference rooms, well equipped libraries or workstations. Many of the departments could finally afford to procure some decent furniture, acquire bare minimum facilities or buy basic logistical equipment such as a photo-copier machine, thanks largely to the extra revenue made through this parallel system. At the same time, it stopped many teachers from “moonlighting”, as they could be generously compensated for their weekend engagements in their own departments. This turned out to be a win-win situation for those teachers who did not want to teach outside and those students who did not previously get a chance to study at prestigious public universities. Currently, there are 7,000 regular Master’s students across DU, and the number is matched across the 12 degrees offering evening MA programmes. The tuition fee for regular students per semester is BDT 500, while during the weekend, it is almost ten-fold. As a concept, especially in a country where opportunities are scarce, weekend courses sound logical. The problem arises when greed sets in and makes education a product to profit from. It creates disparity among teachers and departments, and discourages them from engaging in research or publications. University admission tests are the other instance where teachers have been accused of abusing the system for their own financial gain. A decision to implement an

integrated university admission test has been stalled for over a decade. The UGC annual report 2016, for instance, termed the existing admission system as questionable and expensive. A study done by the UGC in 2013 found that an admission-seeker on average was spending BDT 43,100 on coaching and other related expenditures, including travel. One can only assume that by now, the cost has doubled. University teachers earned bad press for their supposed involvement in resisting the uniform test. For their invigilation during the admission season, teachers in certain universities receive more than BDT one lakh. And the prolonged exam schedule often makes candidates miss out on tests at other universities. The 45 functional public universities that currently exist can offer a total of 4,65,675 seats (2018 estimate). Using last year’s number of 13.5 lakh HSC candidates as our benchmark, it can be ascertained that almost half the successful candidates will not find a place in the state subsidised education system. Their options will be to either get admitted in the private universities or to go abroad. Not all public universities have come of age or have the same prestige factors. Students are more likely to consider better institutions or disciplines, or proximity to their hometowns in prioritising their choices. A unified test will at least give everyone a fair chance.



PHOTO: PRABIR DAS

Vice chancellors of almost all universities met last week and decided on the standardised test. Some big players however, mentioned that their formal bodies would take the ultimate decision. In all probability, we are going to have a uniform test from this year. The challenge for the proposed admission process is to maintain fairness, diversity and professionalism in selecting candidates who have the necessary skills and knowledge for higher education. Given the novelty of the system, sample test papers should be made available in advance so that the time spent by test-takers in preparing for the tests help them develop skills directly beneficial for their future academic studies. Meanwhile, engineering universities can follow the unified model of the medical colleges. For general subjects that rely on critical and analytical abilities and creative expressions, admission tests must provide a snapshot of a student’s ability at the time of their application to university study. The knowledge and skills that are being tested must be familiar to applicants. Often, questions are made more difficult, considering elimination as the only criteria. The difficulty level of questions should be at par with what students have studied at the HSC level. And there should be

enough statistical analyses to monitor the performance of different test-taking groups (e.g. gender, school background) to protect them against any possible bias. More importantly, a reward system for the performances in public examinations need to be taken into account. A note of caution though; not all public universities are equal. Students need to be given enough information on the ranking of the participating universities in the uniform admission test so that they can make an informed decision. A university with a specialised degree programme such as speech therapy or theatre may require additional admission orientation or criteria (e.g. viva or practical). Can the admission system isolate departments with special needs? How does one address the student bias towards metropolitan cities? How about separating the technical universities from the general ones? One solution can be to have a cluster of tests instead of one uniform test. All “general” universities can have one test, with the engineering ones having a test of their own. The other worry is, given the HSC exams start in April, there is not enough response time. Ideally, the proposed admission test should be piloted before implementation. Experimenting with the future of hundreds of thousands of students is not a good idea. Then there is this nagging

fear of question leakage, which may suck the air out of any bubble of success. The good thing is, the government and UGC are taking higher education seriously. They do not want its quality to be compromised. The renewed focus on regular academic activities, while suspending the diversion of energies from the weekend programmes, is a commendable initiative. The attempt to stop inhumane shuttling of admission-seekers from one corner of the country to another in search of a seat that benefitted mostly a section of teachers is equally laudable. With the proposed changes, the universities will be pitted against each other and there will be healthy competition to excel and attract better candidates. The other move to encourage international students will further challenge the universities to improve their infrastructure, update their curricula, increase their faculty portfolios, and yield research with recognisable impacts. Our universities played a crucial role in the birth of the country. With the right impetus and strategies, universities can once again help us leap into the future, shaking off whatever mid-life crisis that we are having at fifty!

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# Using the right to information to improve the country

## The American example

SHAMSUL BARI and RUHI NAZ

HOW has the global use of Right to Information (RTI) laws brought about important new developments and catalysed change? The Freedom of Information Act (FOIA) regime in the US is the perfect example to illustrate this story. The US—the “leader of the free world”—did not enact the FOIA until 1966, a full two centuries after the first such law was enacted in Sweden in 1766. This lag speaks volumes about the general fear of authorities of the law’s inherent power to expose government misdeeds and abuse of power. After the Second World War, when the US and the Soviet Union emerged as superpowers, one outcome was increased government secrecy. So in the early 1950s, when President Eisenhower fired several thousand federal employees suspected of being communists, demands for records associated with the dismissals arose. In response, the administration claimed official secrecy. Proponents of transparency argued that such a “trend toward government secrecy could end in a dictatorship”. The public debate that followed for over a decade led to the adoption of the FOIA in 1966 by a reluctant President Johnson. However, unlike the broader reach of the law in countries like Bangladesh, only the records of federal executive branch agencies and departments were subjected to FOIA. The law did not apply to the Congress, the Federal Courts, the President and his immediate staff and the Vice President. This was changed subsequently under the Presidential Records Act of 1978, whereby the public can now access most presidential records through the FOIA, five to twelve years after a President exits the White House. The FOIA also does not apply to state governments; each state has its own transparency laws. The FOIA makes only nine exemptions

that enable federal agencies to withhold records—in cases where doing so would be harmful to national security or foreign policy, personal privacy, confidential business information, law enforcement records, and a few other interests. Comparatively, the Bangladesh RTI law lists twenty exemptions. Since 1966, the American law has had its ups and down through different administrations and a series of amendments, starting in 1974 in the aftermath of the Watergate scandal involving President Richard

before it, previously exempted, should now become open. The Bangladesh law prohibits disclosure of such information permanently. Another important improvement is that the new law enshrines the presumption of openness. In other words, the default position of government should be to disclose, not withhold. Information may be withheld only if it is “reasonably foreseen” that disclosure would harm an interest protected by a FOIA exemption. This is far from the law and practice in Bangladesh.

water supply caused lead poisoning in children; and government audits showed widespread billing mistakes, primarily overcharging, in the Medicare Advantage programme. Recent FOIA requests have sought records concerning the Customs and Border Protection Department’s use of facial recognition to implement a biometric entry/exit program at airports and other ports of entry. Requests have also included records related to the Department of Homeland Security’s assessment and expansion of a system for monitoring media representatives. The current president’s tax records and those of his business entities have also been sought. Requests have pertained to records related to investigations of Russian interference in the 2016 presidential elections, to the Inspector General’s report concerning surveillance of Muslims and persons of Arab descent by the New York police department in collaboration with the CIA, and about the monitoring of news organisations and social media services by the Department of Homeland Security. We hope these examples will spur civil society in Bangladesh to consider putting the RTI Act 2009 to similar use. Of course, the differences in the circumstances between the two countries and the provisions of the two laws may not permit seeking the same kind of information, but even apparently deniable requests can be made submissible by careful crafting. The ostensive purpose of the law is to advance interaction between citizens and public bodies to promote democracy and good governance. Requested information may or may not always be disclosed, but by asking for them, citizens play an important role in making their concerns known. Over the past 50 years, the FOIA has been put to use in the US across a range of issues related to government misconduct, waste and mismanagement, privacy rights of citizens, questionable decisions on national security, threats to food safety, public health and the environment. A few examples of these cases are—a product labelled “parmesan cheese” had no parmesan at all; the FBI carried out surveillance on dozens of well-known African-American writers for five decades; the Environmental Protection Agency knew paper mills were discharging a toxic substance, dioxin, into rivers; recovery efforts after Hurricane Katrina in 2005 were marred by wasteful government spending; the cost-driven decisions by administrators in Michigan not to add corrosion controls to the

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M. Nixon. In 1996, the passing of the Electronic Freedom of Information Act Amendments (E-FOIA) brought important improvements. Further improvements were made during the fiftieth anniversary of the adoption of the law, when President Obama signed the FOIA Improvement Act of 2016. The most notable change has been an exemption for information about the “deliberative process” of government agencies, such as memorandums, drafts and letters. It was one of the most frequently abused provisions over the decades and was often invoked indefinitely. The new law says that it can be used to withhold information for only 25 years, which means, for example, that the “deliberative process” of President Ronald Reagan’s administration and those

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