

More authority for ACC

There must be guarantee against arbitrary action

THE clear public sentiment is that the Anti-Corruption Commission ought to be doing its job, and doing it well. That it has so far failed to do that is not only depressing but also deeply disconcerting. We now understand that a raft of measures to re-energise the ACC is being contemplated, much of it aimed at empowering the body to seize the property of people alleged to be corrupt and to place the accused in detention. Rather intriguingly, the ACC itself is pondering the question of tagging the existing anti-corruption law to the infamous Special Powers Act.

Our position on the issue of arming the ACC with new powers is clear. We believe firmly in the principle that the commission should be able to assert its authority, in these politically changed circumstances. Any grant of extraordinary powers, such as those being aired, can result in an arbitrary use of such authority. And once arbitrariness comes into the working of as important a body as the ACC, there is no knowing how far matters will go. More precisely, what guarantees will there be for the country that a grant of additional or plainly juridical authority to the ACC will not be applied wrongly against individuals perceived to be corrupt? Let us have a clearer picture of what might happen if the ACC is actually given the powers it wants to possess. The organization may detain a person and seize his property. But what happens if the matter is taken to court, the individual concerned is found not guilty and is then let off? The resultant disrepute the ACC might then come into cannot but be a gross instance of justice being made a travesty of.

There are thus the pitfalls associated with any talk of granting extraordinary powers to the ACC. One of these would be to link the ACC Act, vis-à-vis detention of individuals, with the 1974 Special Powers Act. The SPA, by the way, has been a mechanism of arbitrary authority the nation has never been comfortable with. In the circumstances, we can refer to the best practice situations as they operate in Hong Kong. In India, the CBI has been doing effective work in investigating graft in high places and guaranteeing punishment of the guilty. These are precedents the ACC should work on rather than crave an enhancement of powers. For a so far under-performing ACC, the thought of additional authority coming to it is pretty disturbing.

Massive seizure of spurious products

Punish the guilty but reassure good traders

OVER the past few days the combined forces of the army, RAB and police have been carrying out raids against spurious fertiliser and cement including such items as foodgrains and pulses and seized huge quantities from bulk store houses and fake factories. The law enforcers also seized sizeable quantities of engine oil and things used in making adulterated fertiliser products. Add to these, the recent discovery of a huge quantity of foodgrains in a store house that was found patently unfit for human consumption. All these are criminal acts calling for legal action.

People of the country have generally welcomed the move and the media too has highlighted the raids. Hoarding which creates artificial scarcity of commodities and push the prices up must be deterred by all means.

But production, import and stocking of these commodities are essential and interrelated economic activities. Therefore, as much as we are appreciative of these much needed raids we believe that authorities should also keep in mind the necessity for avoiding any undue panic in the market place which may affect the supply side of the economy. Genuine importers and dealers should not get wrong signals that may result in slowing down imports in particular.

The present government should, therefore, take some pragmatic steps that will serve as incentives for genuine importers to keep flow of imports uninterrupted. Our farmers have been worst hit particularly since last year, due to non-availability and shortage in the supply of fertilisers. Besides piling of goods is also caused due to failure of the networking of transporters of respective regions in reaching the commodity at the farmers' doorsteps. We should bear in mind that mere hit and run operations may not succeed in clearing the mess that exists in the production, import and distribution of fertilisers in the country.

Roadmap to good governance



DR ABDULLAH A DEWAN

AFTER the concomitant emergence of the Fakhruddin Ahmed-led caretaker government and the state of emergency, the unemployment rate among politicians, much to the benefit of the country, reached the desired rate of 100%. Meanwhile, all business activities have been rejuvenated as evidenced by the exuberant performance of the stock market. More importantly, however, for the first time in a long time our corrupt politicians, public servants, and other elements running various crime syndicates are finally deterred from their usual criminal mischief.

Not surprisingly, BNP politicians are befuddled over the on-going round up of troublemakers. The party high command recently advised party activists to take refuge and ward off arrest in the countrywide anti-crime drive by the law enforcers, notwithstanding that such counseling is tantamount to aiding and abetting criminals' attempts to evade the law.

Publicly, both AL and BNP are acquiescing with the rounding up of criminals so long as it's not

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their men being caught. Privately, however, their worries are translating into increasing pressures on the CTG for holding free and fair election (FAFE) as soon as possible.

Holding early elections may help both AL and BNP to let "law-breaking" party ruffians go Scot free, regardless of which party captures the PMO, because protecting one's own hoodlums would require letting other party's hoodlums wander about unscathed.

When the politicians clamour that the "people" want the CTG to hold a FAFE and transfer power immediately, which people are they referring to: people in the political party or people of the country?

Some obvious questions are: Who is the CTG serving? Aren't they serving the people and at the same time configuring a model of good governance for the politicians to follow?

Isn't the CTG working tirelessly to dismantle mischief and machinations of all forms, and to conduct a FAFE desired by the people and the politicians?

Weren't the goals of the CTG clearly articulated by the chief

adviser on January 21? Aren't some of the goals being realized at a speed improbable under any political government?

What is the verdict of the people about the performance of the CTG? Aren't they applauding what has so far been achieved? Can the modus operandi of the CTG form the precursors to good governance for the next political government?

Abdul Jalil (AL) hailed the CA's address to the nation and extolled the menu of reforms proposed in the address as being consistent with the AL's long standing demands.

On the other hand, politically debased but rhetorically unbowed Mannan Bhuiyan (BNP) scoffed at Jai's hailing of the CA's address to the nation: "Those who were rejected by the people in the previous election, whose brutality and repressive attitude stripped the people of their voting rights, have nothing to be happy about the chief adviser's speech. They can, of course, be happy for the delay in holding the election, as it has deferred their defeat."

The CTG advisers are enjoying the overwhelming country-wide

support of the people. They also need the unblemished co-operations of the politicians to create the much desired level playing field for a FAFE. Unfortunately, Bhuiyan's unctuous statements and bellicose attitude serve only to bedevil the atmosphere needed for a political reconciliation between the two political rivals while sparing the country from the vicious vitriol of politics.

The CTG indicated that they would stay in power until a FAFE was held. They considered the CA's address to the nation a "roadmap" for the future of the country and the CTG would function in the spirit of that roadmap.

The roadmap to good governance may be one of the primary reasons why politicians are ill at ease. They may be afraid that such roadmap and their implementations by the CTG would put them in a quandary because the politicians won't be able to live up to these lofty expectations once elected to power.

Good governance (GGOV) has the following eight major characteristics: it is accountable, transparent, responsive, equitable and inclusive, effective and efficient,

follows the rule of law, participatory, and consensus oriented.

Achieving GGOV assures that corruption is minimized, minorities' concerns are taken into account and that the voices of the most vulnerable are reflected in decision-making. GGOV requires that institutions and processes try to serve all stakeholders within a reasonable timeframe.

It should be noted that GGOV is an ideal which is almost impossible to realize in its totality. Not too many countries have come close to achieving GGOV in its entirety. However, to ensure sustainable human development, efforts must at least be made to try and achieve this ideal.

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While these curiosities are legitimate constitutional issues, they will be rendered irrelevant if the CTG realizes the aspirations of the people who are desperate for a FAFE and a reprieve from both corrupt and politicized administrations.

One can construe that the CTG advisers are mutually accountable to each other and that eleven enlightened individuals

cannot all be doing undesirable things at the same time. They may as group be considered "benevolent dictators" committed to serve only people's interest. Their dedicated efforts will establish their legitimacy.

The CTG's modus operandi and the speed with which many long awaited reforms and bureaucratic overhauls are being accomplished may become problematic for future political government since the speed and scope of these changes cannot possibly be matched by the elected government.

One hurdle, aside from the entrenched conflict between party interest and public interest, is that elected government will have to channel things through the parliament and the bureaucracy. The difference between the modus operandi of the CTG and the elected government is that the former operates like a "benevolent dictator" with little or no accountability while the later must operate within the framework of parliamentary democracy.

Some experts are already thinking that once the EC, the judiciary, and the ACC become truly operational as constitutionally independent bodies (CIB) and a "National Security Council" as a think tank watchdog body is formed, there won't be any need for a CTG. But these thoughts at this time are a little premature let us not count our chickens before they hatch.

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Unbridgeable gap?



KAZI ANWARUL MASUD

THE Western judicial system has devastatingly missed the "Grotian Moment" that could have been achieved by a fairer and internationally acceptable trial of Saddam Hussein and his cohorts and has touched the parameters of the "Paradox of Inversion" by staging the prosecution in Shia dominated Iraqi court and later through sanctifying the trial and execution that followed.

Monstrous as the crimes of Saddam Hussein were, the verdict, one can reasonably assume, had already been decided upon long before its pronouncement by the court trying Saddam Hussein.

The danger facing the world today, which should have been peaceful after the end of the cold war, is whether we have entered a phase of distrust among cultures, particularly those molded largely by religion.

Though late Edward Said of Columbia University trashed Samuel Huntington's Clash of Civilizations as a "vastly overrated article," yet Said admitted in

his book Orientalism that European attempts to deal with Islam, "a rebellious and somewhat resistant culture," was a threat to Christian Europe and "had to be fixed ideologically, the way Dante fixes Mohammed (pbuh) in one of the lower circles of hell."

Historian Bernard Lewis, the bete noire of Edward Said, carried the candle of Islam's so-called millennial war with Judeo-Christian civilization and has been potent in infusing in the common Western national genetics a deep mistrust leading to Islamophobia to the extent that Western, particularly US judicial system has been implanted with a sort of doctrine of preemption.

Amly Wadman (The Atlantic Monthly, Oct 2006) has detailed a few recent cases of terrorism tried in the US on the principle of preemptive prosecution because "the September 11 attacks prompted a fundamental shift in the American government's approach to Islamic

terrorism."

As in the case of the doctrine of preemption justifications have been given by citing examples of overriding the Charter of the UN by the super powers during the cold war days and even before; indictment of Al Capone on tax fraud because the US government could not get him for more serious crimes and lengthy incarcerations of habitual offenders to prevent future crimes are being cited in defense of preemptive prosecution.

"This preemptive strategy," writes Wadham "represents a moral and legal change in the American approach to justice. Its premise is that terrorism Islamic terrorism represents a singular and unprecedented threat to American safety and society."

Unfortunately the Muslim community in the US has been targeted and hundreds of cases against the Muslims have been instituted in American courts. In post-9/11 period Bush administration has expanded legislation

allowing terrorism related charges even when no terrorism has taken place.

Effectively Islam and the Holy Quran, in many cases, have been put on trial and scholars on Islam (mostly non-Muslims to gain greater credibility with the jurors) are invited to give their views on Islamic texts and speeches delivered by so-called Islamic radicals that are found in possession of the accused.

Unbelievably such debasement of society, now engaged in disquisition of Islam, is taking place in a country which in the very first amendment of its constitution had guaranteed complete freedom of religion and whose Supreme Court had in 1969 unequivocally declared that a speech to be impermissible had to be "directed at inciting or producing imminent lawless action."

It is, therefore, not surprising that 60% of inhabitants in Muslim countries now believe that America's major aim is to weaken the Islamic world while most Americans now believe that Islam

condones killing in the name of Allah.

The alienation of the Muslim diaspora in the West is progressing to an alarming level and now the second generation Muslims who had earlier shown little interest in religion is now finding more solace in mosques or Islamic centers because of discriminations meted out to them in every day life by the majority community regardless of the fact that the first generation Muslims were invited into the European countries to shore up the sagging economies following the Second World War.

One must, however, admit that Salafi quietism and the political thoughts of Muslim Brotherhood have merged into the hybrid philosophy identified with Osama bin Laden.

The adherents of this school of thought are extremist Muslims who have caused the 9/11, London and Madrid bombings costing loss of innocent lives and perhaps for generations condemned the Muslim communities in non-Muslim majority areas to navigating the parameters of minority citizenship in their countries of birth or adoption.

Despite President Bush's repeated assurances of assistance to be advanced to countries moving towards democracy, particularly in the broader Middle East, because, he said in his 2007 State of the Union address: "Free people are not drawn to violent and malignant ideolo-

gies," it is doubtful if the "surge" policy in Iraq translated through more troops sent there and dragging foot on of a solution of the Palestinian problem (American sincerity in finding a solution of this issue has always been in doubt) would have the desired result.

Peter Singer of the Brookings Institution thinks that Muslim societies have widely differing interest and demographic groups -- regime retainers, secular reformers, gradualist mainstream, Islamist social conservatives, radical Islamists, and militant activists and terrorist themselves.

Singer feels that the US to succeed she must interact with all shades of public opinion including the radicals.

If the Marshall Plan could sway the left leaning parties towards democracy in post-war Europe and Nixon's visit to Beijing could result in widening the gulf between the USSR and China then use of Joseph Nye Jr's "soft power" could yield better result than what the hard military power has produced until now.

In the ultimate analysis one man-one vote-one time Islamists have to be engaged politically and defeated at the polls where lies their Achilles' heel.

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Quagmire of higher education



ANM NURUL HAQUE

THE conscious citizens of the country must have noted, of course with deep frustration, some contents of the annual report of the University Grants Commission (UGC), as reported by the press. According to the report, the public universities spent 86 percent of their budgetary allocation on salaries, pension, electricity and transport, and only 14 percent on education.

The UGC that works as watchdog of the universities, has revealed this startling information in its 2005 annual report, published recently. While drawing some damning conclusions on the state of higher education

BY THE NUMBERS

Dhaka University which came to get fame as the Oxford of the East, was a significant player in the field of research and other academic pursuits. Satyen Bose did his "Bose-Einstein" statistics as a young teacher of this university amazing the world. That glory of this illustrious university is now a tale belonging to the past. It now attracts world's attention only for pitched battles between rival student groups.

at 24 public universities in the country, the UGC said, spending more of the budget allocation on other heads than in education, the public universities have made it impossible to maintain and improve the quality of education.

The UGC allocated Tk 508.55 crore for 24 public universities in the 2005-06 fiscal years and the net budget deficit of the public universities was Tk 9.02 crore in the same fiscal year. The public universities have been spending a huge amount of money for transport, electricity and for running schools and colleges in the campuses. The UGC has termed all such expenditures as "misuse" that are not related to university education.

Eventually the UGC has recommended that the government should take appropriate steps for curbing the misuse of autonomy by most of the public universities as those are introducing new departments, recruiting redundant and unfit teachers and officials and also promoting and providing them with extra-financial facilities, which essentially means that spending on education would shrink further.

Both the numbers of students and university have marked a sharp rise over last few years. But the quality of higher education has eroded instead of being improved. A growing number of malpractices including weak teaching, scarcity of contact

hours between students and teachers, lack of teacher's morality and dependence of students on photocopy notes, have long since been eating into the vitals of our education in its highest tier.

Now let us come to where a much more serious problem persists. The university teachers, who used to enjoy a very high social profile, have now chosen to make fortune through political maneuver. Consequently, the students have lost seriousness in academic pursuits and have become interested to procure a certificate by hook or by crook. This situation has led the higher education towards an extremely unfortunate direction.

Such a crisis in the public universities has created justifica-

tion of setting private universities and as many as 54 of them have sprung up in the recent years. But these private universities remain off-limits for many deserving students from non-affluent back ground because of their inordinate costs.

UGC, the apex body for controlling higher education in the country, has neither executive authority nor any legal mechanism for taking action against universities for aberrant practices. According to Section 5(1) of the President's Order (1973), the functions of the UGC include, to assess the needs of the universities for their academic pursuits and to formulate plans for its development, to receive funds from the government and disburse such funds to the universities.

UGC suggested for formation of the Accreditation Council having representatives from all stakeholders, for ensuring quality of higher education and for bringing in accountability and transparency in the management of the universities. It also suggested a standardized recruit-

ment policy of teachers for all public universities to provide openings for qualified faculty members through a transparent process.

UGC sent the recommendations to the education ministry, proposing to introduce a uniform grading system in all universities to ensure standardization of the degrees that they offer. But the Ministry of Education is yet to finalize these proposals which need serious consideration. Not only that, the country does not have any full-fledged education policy even 35 years after independence, despite six education commissions were constituted.

It is really painful to find that not a single university of Bangladesh has been included in the list of 500 top universities, though it contained the names of 93 universities of the Asia and Pacific region, including three from India.

The Institute of Higher Education of the Shanghai Zean Tau University recently carried a world-wide survey on more than 2,000 universities, ranking 500

universities in terms of their excellence in research and other academic pursuits. None of our universities has also been included in the list of 100 top universities of Asia and Pacific region, and not a single university of Bangladesh has been included in the list of 500 top universities, though it contained the names of 93 universities of the Asia and Pacific region, including three from India.

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Education is the area, which has been kept above all political rivalry in most of the countries in the world. Sadly, the politicians of Bangladesh are conspicuously devoid of such sense. Naked politicization in every field of

national life has not spared the education sector and political nepotism in recruiting unfit teachers has also contributed to the decline quality in higher education.

Compared to five universities in 1971, the country has now 24 public and 54 private universities. But the quality of education has declined instead of being improved. To be more frank, the quality of our higher education has hit the bottom ruining the future intellectual health of the nation.

As reported by the UGC, the public universities enjoying full autonomy under 1973 Ordinance have indulged in all sorts of improprieties. The Ministry of Education should not be so careless about its regulatory functions of the universities. The caretaker government with its moral leadership and fearless administrative behaviour should come forward to safeguard the most precious of all our assets -- the students, for being educated properly.

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