

PM's advice to the DCs

Bureaucracy needs protection from political influence

THE prime minister has asked the deputy commissioners to take a stand against corruption. We welcome this instruction being timely and appropriate. However, we are constrained to point out that there is usually a gap between such directives and its implementation due to various reasons. We notice with some concern the gradual erosion of the institution of bureaucracy. Over the past few years, its efficiency has deteriorated, which is not entirely the fault of civil servants alone. Rather, the politicisation of the service has taken precedence over merit and efficiency, and we are having to face the consequences of that.

While corruption is definitely an important aspect, for the civil servants to work freely there is need for them to rise above political interference and pressure from different quarters. They have to be guaranteed that they do not suffer for their impartiality when carrying out their duties and responsibilities. Unfortunately, the multipronged pressure that the bureaucrats are subjected to, and the undue political interference they have to contend with from all affiliates of the ruling party, mar the capability of the public servants to deliver. The problems faced at the local level of administration was starkly demonstrated in the recent case of the UNO of Barguna, Sadar Tariq Salman. We wonder what would have happened to this civil servant had the prime minister not intervened personally.

While we appreciate the prime minister urging members of the bureaucracy to deliver, we feel it is equally important to equip them adequately and give them the protection from political power groups so that they may discharge their duties without fear or favour.

No uniform admission process as yet

Universities cannot be driven by profit motives

IT has been seven years since a decision was taken to introduce a uniform admission test system for public universities. During this time, the number of students has increased manifold, and with that the competition for the scarce university seats that are available. These students, in trying to ensure admission to these institutions, are forced to sit for exams held across the country in a span of a few days. This is an almost inhumane task for the students and parents who have to go from say Dhaka to Chittagong to sit for the examinations on consecutive days. The costs in terms of time and money are significant and a burden for many families.

Yet, in all these years the introduction of the centralised exam has not come to fruition, despite apparent goodwill from the University Grants Commission (UGC). The issue, as highlighted by a recent report, seems to be the opposition of the university authorities to the "cluster system" admission exams which would entail one centralised exam for the science and technology universities and another for the agriculture universities. And the reason for this opposition is too base to be believable: if UGC officials are to be believed, the resistance is due to the fact that the system would take away from the income of universities and teachers which now come from the admission form sales, invigilation and checking of answer scripts!

The number of students seeking higher education in the country is increasing every year and the need for a better admission process is not lost on anyone. But, if public universities are driven by money-making motives, at the expense of student's interest, then our hopes of a better higher education system will remain a distant dream.

LETTERS TO THE EDITOR

letters@thedailystar.net

High pass rates don't mean improvement in education

In 2001, the SSC pass rate was 35 percent and HSC pass rate was 27 percent. The rates increased to 91 percent and 76 percent, respectively, in 2014. This year, the SSC pass rate was 80 percent and HSC pass rate is 68 percent. The percentage may be rising, but the standard of education in Bangladesh hasn't improved much. Students can easily pass examinations, but they don't seem to be acquiring proper knowledge or values. The current education system relies heavily on coaching and private tuitions. Most schools and colleges have next to no lessons being taught in the classrooms. Because the students know that they can pass exams easily, they are inattentive to their studies. Most teachers are incompetent. They are unable to make the learning process interesting for students. Some dishonest teachers are more interested in private tuitions than teaching in the classrooms. Institutions, as a result, are failing. We hope that our government will be more careful about designing our education system and take proper steps.

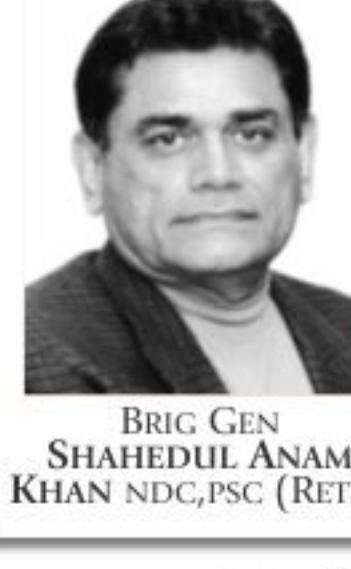
Biplob, Faridpur

Incorrect information on NID cards

It is a matter of grave concern that the information we provide for our National ID cards is not accurately presented on the card. The name of a person's village is written incorrectly; the village name is written in place of the Post Office name. This creates problems when we fill up the BCS form with the information on our NID cards. The authorities must look into this matter immediately.

Sumon Kumar Paul
Patuakhali Science & Technology University

STRATEGICALLY SPEAKING

BRIG GEN
SHAHEDUL ANAM
KHAN NDC, PSC (RETD)

THE usual flurry of activities of the political parties that precedes general elections is very evident, and so is the busyness of the election commission, who has devised a roadmap for the next general election as if it is their burden to work out a road map.

However, it is not only in Bangladesh that the election issue has generated a typical atmosphere of its own. Our friends abroad have also evinced keen interest in the forthcoming election, particularly in the state of democracy in Bangladesh. Noteworthy in this regard was an aborted "seminar" hosted by a Member of the British House of Lords, which among other things had "the worrying culture of impunity and democracy, rule of law" in its agenda. And it is the worrying culture of impunity, state of democracy, and rule of law as issues that we cannot disregard.

The ruling party has already started seeking vote, flaunting its indispensability for the continuity of the

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country's development. And the opposition is busy putting out the usual pre-condition, which is being summarily dismissed by the ruling party, both predictably so. The AL wants to be at the helm of the country's affairs when Bangladesh celebrates its 50th Anniversary in 2021; a wish it has made no secret of. For BNP ten years is too long to be out of power.

But first we must decide whether we want to have a ritual of an election, like for the 10th Parliament or one that



PHOTO: STAR

Chief Election Commissioner KM Nurul Huda unveiled a new roadmap for the next parliamentary elections on July 16, 2017.

would not be the cause of discomfort for the ruling party, like the 2014, and continues to be, an embarrassing subject, for both the major parties.

The ruling party would much rather not talk about it because of the way the election was conducted, and the arm twisting that the leader of the party, now donning the mantle of the so-called opposition in the current parliament, the Jatiyo Party, was subjected to, to make them participate in the election, and that included some "neighbourly" persuasion too.

And the BNP would like to forget it too; it is still suffering the consequence of, and ruining the miscalculation for, taking the most ill-advised steps—to boycott the election, and most appallingly, outsourcing violence to Jamaat. However, what is surprising is that not much is talked about the disposal of the cases related to the violence.

Unfortunately, both parties have made a virtue of violent agitation. BNP replicated the old tactics in 2014 but with more ferocity. One wonders what has happened to the hundreds of cases and thousands of people arrested in this connection. It so happens that among those arrested for creating anarchy and causing damage to private and public property in 2014 do not belong to only the BNP-JI cadres.

And the EC for its part has announced a "Road Map". One wonders what is

meant by that particular phrase. One is not sure what is unique in the recently announced roadmap either. In fact, going through the seven or eight points narrated therein, it is a restatement of the EC's charter of duties like updating the voters' list or delimiting the constituencies. And one is always fearful about new "roadmaps". That suggests we are traversing a path we haven't been before. Is that so?

Having a parliament is no indicator of a thriving democracy and much has been written about it. And democracy means much more than quinquennial elections to the parliament. For a country whose raison d'être has been democracy, the decay of democratic culture is alarming. The ruling party's allergy to anything political or having the potential to threaten its return to power in 2019 is not being tolerated. That police would spoil a tea party in a politician's house to talk politics is unthinkable. The litigations against most of the BNP-supported city mayors are also an indication of democratic deficit. Need anything more be said to describe the current state of democracy in this country?

The roadmap is already there—the contending points had been addressed once and for all, one had hoped, in 1995, but regrettably revived after the 15th Amendment. The conduct of elections, a matter that regains salience every few years, particularly before

elections, was a resolved matter. The 13th Amendment in 1996 was the outcome, albeit coerced from the BNP through the agitation of the AL. The CTG (caretaker government) was conveniently done away with by the AL by amending the Constitution in 2011, very hastily one might add, even before the full verdict of the Honourable Supreme Court was made available. The BNP tried the same mode of coercion, this time it had gone too far by targeting the people.

Both parties during their respective regimes, had tried to tinker with the CTG, BNP more blatantly perhaps, and AL more subtly have done away with the system. But while AL is cocksure that the BNP will have to come to the election it is equally aware that their moral grounds after the 2014 elections have become wobbly. That prick of conscience, one hopes, would move the AL enough to go beyond their much-stated position of "Nothing beyond the Constitution." After all a constitution is not a scripture that precludes going beyond it.

Whatever "roadmap" is devised, its success depends entirely on the political will to see it through. As for the EC it needs to apply the rules, regulation and provisions and not be seen as a handmaiden of the ruling party.

Brig Gen Shahedul Anam Khan, ndc, psc (Retd) is Associate Editor, *The Daily Star*.

How far can the rights of the aggrieved extend?

MEER
AHSEN HABIB

PRIME Minister Sheikh Hasina did a commendable job when she asked the administration and her party leaders to inquire into the curious case of Gazi Tariq

Salman, the now-famed Upazila Nirbahi Officer (UNO) of Barguna. Soon after her reaction was made public, both the administration and Awami League leaders acted promptly, which ultimately led to the withdrawal of the defamation case (filed under section 501 of the Penal Code, 1860) and temporary suspension of the plaintiff, Obaidullah Saju, from the party. Had there been no media reports on this, Tariq Salman would have landed behind bars and his promising career would have met an unfortunate end.

Even after being the highest-ranking officer in the Upazila, Tariq Salman became the victim of a vicious plot. Nowadays, the practice of accusing someone of defaming Bangabandhu or his next of kin or a leader of the ruling party has become quite popular among a section of people. The only difference is that this time defamation charges were brought against a promising and dedicated public official.

Tariq Salman was lucky to have the case against him withdrawn. What would happen if a similar case was filed against an ordinary citizen? Would things move this fast—starting from the withdrawal of the case to the formation of a high-powered investigation committee? One is reminded of the case against Shyamal Kanti Bhakta. Although this was not a defamation case, it showed how an ordinary citizen can be harassed using legal channels and to what extent he can be humiliated.

In the recent past, we have seen a sharp rise in such cases seeking punishment for alleged defamation of Bangabandhu or his family members or

leaders of the ruling party. This bizarre trend can hardly be found in any other country in the world. Section 198 of the Code of Criminal Procedure, 1898 prevents defamation cases from being filed by a third person to which he or she is not a party or is not affected directly. It reads: "No Court shall take cognizance of an offence falling under Chapter XIX or Chapter XXI (defamation) of the Penal Code or under sections 493 to 496 (both inclusive) of the same Code, except upon a complaint made by some person aggrieved by such offence."



Tariq Salman is fortunate to have drawn the sincere attention of the prime minister. But are we all lucky like him?

posting a Facebook status. In all these cases, the plaintiffs were neither direct party nor had they suffered any loss.

Now let us take a look at the Constitution to find out what level of authority it has granted to the aggrieved. According to Article 102 of Part VI (Judiciary), "The High Court Division on the application of any person aggrieved, may give such directions or orders to any person or authority, including any person performing any function in connection with the affairs of the Republic, as may be appropriate for the enforcement of any of the fundamental

conscience, and of speech.

I do not know of any defamation or compensation cases that have been proved to be true, or any verdict that has been awarded in favour of the plaintiff. Proceedings of a number of cases have been stayed by the High Court Division. What was done with a public officer in Barguna was a crime in the guise of the law. A politician played foul, a faulty verdict was given, and police acted outside the law, as the senior secretary of the ministry of public administration was so right to say. The Administrative Service Association requested taking appropriate measures against the people involved in this heinous act. Surprisingly, the cabinet division was all along aware of the entire episode as the answer to the show-cause notice was forwarded to the division for necessary actions.

It was only after the prime minister's reaction that things started to change. He was first served a show cause, and then came the case. Was there any co-relation between the two? Only an impartial and neutral investigation will reveal the truth. This bizarre case has different aspects. First, it exposed how party leaders try to influence the local administration. Second, how unethically Bangabandhu's name is being used for personal and political gains. Third, the divisional and district-level high-ups in local administrations care little to stand by the truth when it involves a political leader from the ruling party. And finally, it proved that only an intervention by the prime minister or someone close to her could really bring about a desired change.

Tariq Salman was lucky to have drawn the attention of the prime minister. Are we all as lucky? Certainly, we are not. It is not humanly possible for her to give directions on all matters like this. All we can hope for is that things will work properly and our fundamental rights will not be affected by someone's personal vendetta. The law ministry, to this end, can draw a line on the rights of the aggrieved.

Meer Ahsan Habib is a development professional. E-mail: meer.riyad@gmail.com

However, this provision seems to have no impact on the third parties who are bent on using legal channels to harass their opponents or individuals with a different opinion, and to contain the spirit of the freedom of press in Bangladesh. There are ample examples of filing defamation and compensation cases against journalists by the ruling party activists on behalf of their leaders for publishing investigative reports or for making a comment or simply for

rights conferred by Part III of this Constitution." The constitution has listed 23 fundamental rights none of which matches with the merit of these cases including the much-talked-about case against Tariq Salman. Rather, these cases are in clear violation of some fundamental rights including Articles 27 (Equality before law), 31 (Right to protection of law) and 32 (Protection of life and personal liberty). Above all, this trend is against the spirit of Article 39 that guarantees freedom of thought and