

## A knee-jerk reaction

### Another new exam system!

THE logic of the education ministry taking one hasty decision after another in a spate of few weeks to stop the leakage of SSC question papers beats us. Not very long ago in these columns we had counselled against taking any hasty decision to address a problem that has taken an epidemic proportion. The latest version of the leakage has been value-added by adding the answers to the questions. That the question papers come with answers only shows that all those hurried measures, including turning off of all internet services 20 minutes before exams, were not only ill-advised but also ineffective.

It seems that we have been completely helpless in pinpointing the real culprits even if the stages of the leaks have been identified. If such a matter of a few taking advantage of technology cannot be identified, how do we expect more serious matters related to our direct security to be combatted effectively?

The education ministry cannot afford to be reactive to this problem, and must go deep into the matter. All education systems are exam-based and every country has its own system of taking exams. The system should evolve, of course, to suit our psyche keeping in mind the negative proclivities of a few and should be able to realistically assess the quality of the education system and the level of knowledge of the examinees. Apparently, the current education system introduced over the last decade is flawed. The latest decision to do away with MCQ from next year is proof of that.

We would urge the government to shun knee-jerk reactions. We submit that the exact system of exam is not for bureaucrats but be left to educationists and experts to determine. The sooner that is done the better.

## Protect CHT ethnic minorities

### Get hold of the syndicates

FACED with extortion from criminals who demanded protection money from Chak families to continue to live in their ancestral homes in Naikkhyangchhari upazila of Bandarban is an alarming development. The question is how these gangs are operating with impunity in grabbing, looting and basically terrorising the Chak families into leaving their homes. There are some 109 Chak families in the locality who are now in fear of being evicted from their farmlands, and this apparently is not an isolated incident. We find it perplexing to see that the local officials have not even bothered to visit the villages where these gangs are operating.

There will always be certain groups in the locality which will take advantage of the vulnerability of the indigenous people in the CHT, but it is for the state to provide them security and help them enjoy the same rights as all others. What has happened with the Chak community shows a level of apathy of the local administration, especially in light of the fact that tensions have existed in the Naikkhyangchhari area ever since the signing of the CHT Peace Accord in 1997.

The local police refused to take any action as no complaint had been filed. It is precisely because of such apathy that sets the stage for unscrupulous business quarters to hire goons to go after vulnerable communities. We demand action against these gangs of looters and land grabbers because no one wants unrest to ferment in the hills.

## LETTERS TO THE EDITOR

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### Save Sundarbans from humans

Bangladesh celebrated “Sundarbans Day” on February 14. The largest mangrove forest in the world, the Sundarbans provides sanctuary for a large number of animals. The forest also shields millions of people living in coastal districts from cyclones and other natural disasters. A UNESCO World Heritage Site, the Sundarbans also attracts tourists from both home and abroad.

However, poor management by the authorities and insensitive human activities have put the forest in danger. It has become a haven for traffickers and poachers who steal trees and animals from the forest. To protect Sundarbans, we must save its ecology. Its natural purity must be preserved in order to prevent its destruction. To do so, we need, first of all, to protect it from ourselves—the humans.

Amdadul H Sarker, By e-mail

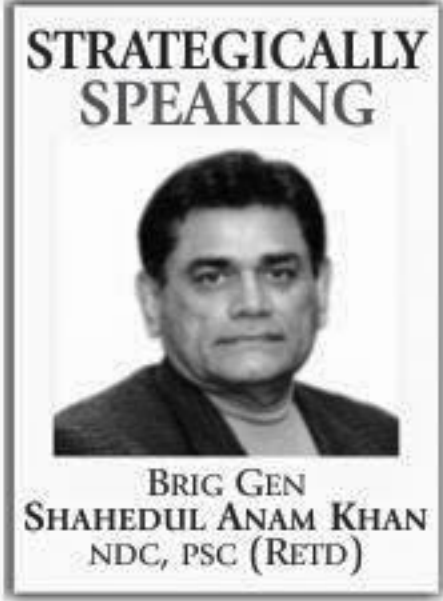
### Irrational quota system

The Daily Star on February 15 published a very timely news report titled “Civil Bureaucracy: Quotas pushing it downhill.” This is a subject that the media has been hesitant to report on until recently. A vast majority of job seekers belong to none of the quotas that are available, and hence they have to struggle, vying for the few positions left unoccupied.

Some of us have tried to organise under social media platforms and raised our voice against this discriminatory practice. We wanted to hold a peaceful human chain to demand a just, merit-based screening system but backed off from the plan fearing assaults from Chhatra League, or being labelled as “anti-liberation forces.” In past protests, we also faced similar issues. It's really pathetic that not only is there no solution in sight to this critical problem, there seems to be no opportunity in the country to express a legitimate grievance either.

Uzzal Miah, Dhaka University

# Rule of law must be manifest



**STRATEGICALLY SPEAKING**

THE common refrain chorused by the AL leaders after the verdict of February 8 was “Nobody is above the law,” and affirming that rule of law would always prevail. We would like to take heart from it, because our experience, not only in recent times but also during the period soon after our independence, bears out what the infamous Beria, the head of Joseph Stalin's secret police, had said: “Show me the man, and I'll show you the crime” (*law*).

Thus the focus of this piece is not on the case itself or on the various ramifications of that, but the comments of the AL leaders and their implication on the rule of law, particularly on how corruption is being dealt with and will be dealt with in the future.

True, after long years has a well-known person, let alone a very senior politician and major political party leader, been convicted and jailed for corruption. And of course, a few ruling party MPs had to face trial on alleged corruption and murder too. But a ruling party MP who has had his conviction for corruption of six years in jail for defalcating Tk 130 million confirmed continues to don the Bangladesh flag on his car. Another AL MP accused of killing a freedom fighter, and under trial without bail, “languishes” in the hospital cabin of a public hospital from time to time when he gets tired of the prison cell he is in.

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Some of the AL leaders say that there is no room for corruption in this country, and that the corrupt should be banned from politics. No one can take issue with that. We believe that evils, particularly committed by those in position of power, not only live after them but should also haunt them during



their lifetime. And that is so even when one manages to escape the law.

Can one thus presume that a new era will be ushered in, in the country's governance and in the functioning of the administration, and our democratic institutions would show zero tolerance for all culpable crimes committed, irrespective of their political affiliation? And that henceforth, we will see our parliament esteemed by members who will pass the test of probity, with no blot, proven or alleged, on their character?

The ultimate test of rule of law is when it is applied equitably to all, without fear or favour, without considering one's political colour, belief or power, equally to the rich as well as to the poor. It is a matter that should manifestly exist in the behaviour and acts of the government and its agencies that are entrusted with ensuring the rule of law. It exists when an accused is not considered guilty till proven so. There cannot be rule of law when the security agencies become judge, jury and executioner. When people go missing, allegedly picked up by plainclothesmen, the state must take cognisance of the allegation of the family; otherwise our claim to the strictest regime of rule of law in the country will sound hollow. It seems that the writ of habeas corpus has vanished from the legal book.

For the sake of rule of law one would

like to see all the cases of planned robberies of the state-owned banks through loans given to cronies, the MLM companies which conned gullible people of their money, of companies like Destiny and Hallmark, and of the stock exchange scamsters who robbed thousands of people of modest means of their life's savings, and of a former chairman of a public bank who is alleged to have been involved in siphoning off thousands of crores of public money and was not even in the initial charge sheet, be dealt with speedily.

We are sure, given the five-year sentence that Khaleda Zia was handed down for misusing Tk 25 million, those accused of misappropriating thousands of times more that amount will get their due, of course after due process of law. But the “due process” should move “duly”. And we would hope that a huge sum of Tk 4,500 million will not be dismissed as mere “peanuts”.

An example of how the rule of law is applied selectively or not applied at all is the burning down of the historical students' hostel of Sylhet MC College on July 12, 2012. Interestingly, the trial court had to order reinvestigation of the matter thrice, because each time the report was put up to the court, it had rejected the report. The first by the local police, the second by the CID, and third by

Police Bureau of Investigation that was submitted only in May 2017, five years after the incident. And those were rejected because none of the reports found involvement of the BCL, whereas evidence showed otherwise. This is a classic case of how the state agencies pander to the ruling party, running the principle of rule of law to the ground, to the detriment of good governance.

It seems that all the corrupt and bad belong to the opposition, whosoever may be in power. It was during the last caretaker government that a number of cases were lodged against members of both the parties. Most of the cases against the AL, which came to power after the election, have been quashed or dismissed by the court, with some exceptions, whereas against the opposition most of them are in the court. One wonders what the case would have been had the election result been different and BNP come to power. The picture, quite likely, would have been reversed.

Our submission to the ruling party, of now and of the future, is to prove that nobody is above the law, and nobody is below it either. Only then can one claim to be governed by the rule of law and not of men.

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

## A counterproductive step

### Why the 'false claims' provision in Child Marriage Restraint Act is problematic

NAFIZ AHMED

WHILE surfing through the sea of content on the Internet the other day, I found a series of documentaries about the poor conditions of women around the world which included an episode about the practice of child marriage in Bangladesh. This is not a new story as Bangladesh was

grabbed my attention in particular was Section 6 which provides that punishment for lodging a false complaint is up to six months' imprisonment or maximum Tk 30,000 fine.

In a country where most civilians do not adhere to this Act and a very insignificant number of complaints are filed, what would be the effect of such a

marriage is mostly practised share similar views. So, the likelihood of an individual going out of his/her way to actually file a complaint is very slim. And having knowledge of the existence of a law which may result in the complainant being imprisoned if the complaint turns out to be untrue further reduces any chance of people voluntarily filing complaints under the Child Marriage

Take for example the UK's law against false rape allegations which can lead to a maximum life imprisonment sentence. According to the British activist group Women Against Rape (WAR), because of this law rapes tend to remain unreported in the UK more often than in the US where there is no such law against false rape allegations.

So it can be deduced that punishment for false allegations discourages citizens to come forward with complaints. It also, as previously mentioned, runs the risk of making the concerning statute less effective. But why is effectiveness needed?

Natural law theorists all agree on the fact that in law there must be morality and effectiveness. Without effectiveness, the law does not have proper validity. Even the legal positivist Hans Kelsen corrupts his “Pure Theory of Law” by admitting that a little efficiency is a prerequisite for the validity of a law. To put it in simpler context, there is little point of creating a piece of legislation if it remains ineffective.

The government may argue that Section 6 was added to prevent an innocent person from getting harassed by judicial proceedings. But that argument carries little value since it is the duty of the government to ensure justice and transparency in judicial proceedings. The government must protect the citizens from judicial abuse by making the process more feasible. If the government cannot keep faith in its own judicial wing, then how can the civilians believe in the system? What the enactment of this kind of law highlights is the inability and shortcomings of our legislative body.



The provision in the Child Marriage Restraint Act, 2017 that provides punishment for lodging a false complaint will only serve to discourage people from coming forward and reporting child marriage.

PHOTO: PLAN INTERNATIONAL

ranked fourth in the world in a survey (conducted by Unicef) on child marriage. The survey provides jaw-dropping numbers—it stated that the rate of child marriage in Bangladesh is 57 percent.

In 2017, the Jatiya Sangsad enacted the controversial Child Marriage Restraint Act, 2017. While most arguments against this Act are concerning the “special clause,” the provision which

provision in an “almost ineffective” statute?

Reporting child marriages is very rare since a large number of people in Bangladesh consider it to be exclusively a family matter. Even the thought of guardians making decisions which are not favourable for their child is alien to many in our society. A majority of the people in the countryside where child

Restraint Act, 2017.

Who would want to risk their liberty and money in order to stop a father from marrying off his underage daughter? Instead of encouraging people to come forward and report child marriage, the government has instead included a punishment for false accusation. What this serves to do is put the effectiveness of the whole Act at risk.

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