

A rights body that remains paralysed

Govt should let NHRC investigate law enforcers

The long-standing issues plaguing the National Human Rights Commission (NHRC) have re-surfaced yet again, as its annual report has revealed that since 2012, almost two-thirds of its enquiry requests to the home ministry over cases of human rights violation by law enforcers have been ignored. Out of 122 requests for reports, only 44 have been adequately responded to. This illustrates how little leverage and authority the commission has to address such violations, giving rise to the age-old question: what's even the point of having this commission if it can't fulfil its duty?

Aside from the obvious political pressure that suppresses the commission—due to which it cannot thoroughly investigate the many allegations of surveillance, enforced disappearances, and extrajudicial killings—the NHRC is heavily constrained by its very founding law. The National Human Rights Commission Act, 2009 restricts the commission from investigating any disciplined forces, including police and Rab. It only allows the NHRC to request reports and information from the home ministry, or recommend that the ministry conduct investigations. Not only does the NHRC's role largely remain on paper, ironically, it's the paper (legislation) that stops the commission from doing its job.

Due to this legal shortcoming among other reasons, the NHRC is not considered fully compliant with the Paris Principles, the international benchmark for national human rights institutions around the world. Let's not forget that the NHRC, whose recruitment process is heavily influenced by the government, was ranked second-to-last in South Asia last year, as per an evaluation by the Asian NGO Network on National Human Rights Institutions. All these point to one conclusion: the narrative that the commission is an independent, statutory body authorised to monitor and investigate rights violations, no matter who the perpetrators may be, is far from the truth.

While law enforcement agencies have mechanisms for internal investigations, time and again we have seen just how flawed and motivated they can be. Officers rarely get convicted for an offence, with transfers and temporary suspensions often being the end of it. Right now, what is essential is amending the NHRC law, so that the commission has the power to investigate officers itself. According to the NHRC chairman, who is all for the amendment, this will not harm anyone in the forces, but rather help identify wrongdoers.

Currently, the commission's proposal to amend the NHRC Act, submitted to the government, has been "stuck," said its chairman. Countless times, government high-ups have made the claim that the state does not shelter any perpetrator, regardless of their status and position. If that is indeed the case, the administration has the perfect chance to prove it, by doing away with the section that bars the NHRC from investigating law enforcers directly.

Chattogram needs all its drains covered

It must address the danger of unprotected drains before monsoon

It will not be long before monsoon arrives in Chattogram, and depending on how prepared the city authorities are, one of two things will happen: it will either see its clogged canals and drains overflow and suck in unsuspecting pedestrians, or with proper safeguards in place, such incidents can hopefully be averted. Over the years, the port city has earned quite a bit of notoriety for its poor drainage system—leading to not just waterlogging on the streets, but also drain-related tragedies. As per an estimate, since 2017, at least eight lives have been claimed by uncovered drains. Many have remained missing after falling into open drains, never to be found again.

The question is: how prepared are the authorities this time? According to a report by this daily, many drains and canals are still to be made safe despite the monsoon season being just two months or so away. Our correspondent visited some of the sites of past accidents and casualties and found them to be unprotected. The Chattogram City Corporation (CCC) claims to have covered almost 80 percent of the unsafe spots near drains with slabs, and built 70 percent of the necessary retaining walls along risky canals. But why not all? The Chattogram Development Authority (CDA) has a long-running megaproject to mitigate waterlogging, but its progress—especially with regard to recovering and dredging canals—too has been most unsatisfactory.

How many pedestrians must die, disappear or risk injuries before these organisations start doing their job properly? The city has about 57 canals stretching across 161km alongside 765km of drains. A 2021 survey identified 5,527 dangerous spots connected to these canals and drains. Securing them all with proper fencing and covering, and ensuring that the canals and drains are not clogged or overflowing, shouldn't have been difficult given the massive investment made so far. That it has not happened yet shows how lacklustre the authorities' approach has been in this regard. We, therefore, urge the CCC and the CDA to ensure better coordination among themselves and properly secure all drains in the city, so that no one falls into them.

New Message

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TAXING PRIVATE UNIVERSITIES

A decision that makes govt financial distress obvious

BLOWIN' IN THE WIND

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The mounting pressure on the government by international lenders to broaden the purview of revenue collection is no secret. An unpopular decision to freeze the accounts of at least 12 private universities makes the financial distress obvious. The National Board of Revenue (NBR) did not lose a moment to claim all previous dues soon after it heard that the Appellate Division had ruled in its favour. In 2007, the NBR imposed a 15 percent income tax on private universities, leading to 46 petitions and a 2016 ruling by the High Court declaring it illegal and scrapping three previous tax orders. The long legal battles finally saw these decisions overturned in February this year, clearing the NBR for claiming income tax from private universities accrued ever since their inception.

One could interpret this action as a punishment for non-profit educational ventures that aim to enhance Bangladesh's higher education landscape. Instead of having a constructive and empathetic approach towards private universities, the decision displays a penalising attitude. The timing of freezing these accounts—just ahead of Eid-ul-Fitr—amplifies the manifold distress as it directly affects the livelihoods of countless university staff, as the APUB chairman rightly points out. Imagine the plight of the university staffers, who may now struggle to make ends meet during a time of joy and celebration due to delayed salaries and festival allowances. Picture the students, already grappling with post-pandemic challenges, now uncertain about the cost of their education. Conversely, the frozen bank accounts will mean that the universities will be unable to pay some of the utility services, VAT, AIT and other related taxes, making the government lose out on some of its income. The decision came rather abruptly, as the universities were waiting for the full verdict to be made available before they could legally respond. The decision is myopic as it



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fails to recognise the big picture in which private universities operate.

The University Grants Commission (UGC), the supervisory body of both public and private universities in the country, offers a rationale for the 1992 law through which private universities were established. "The number of public universities is meagre in proportion to the population and the demand for higher education in the country. Higher education is hampered by limited seats and a deficit in the national education budget," says the UGC Annual Report 2020.

While public universities are fully subsidised to cater education to our nationals, private universities run solely through the tuition fees of their students. The boards of trustees are required to provide the initial land and financial endowments, but the operational and development costs are realised from the revenues earned from tuition fees alone. The additional tax will likely force the university management to increase fees, affecting the students and their guardians. The sector, which has shown remarkable

promise over the last three decades, might even start seeing a downslide in its enrolment. The decisions made in boardrooms and courtrooms have, therefore, failed to recognise not only education as a public good with societal benefits, but also the human toll of imposing tax on it.

A comparative analysis of our university system, available in the

becoming a developed nation by 2041 would require educated citizens and competent human capital. All the developed nations have prioritised high quality education for sustainable development through adequate budgetary provisions. Severe resource restrictions force us to fall short of the six percent GDP threshold earmarked by Unesco. Most of the allocated two percent share goes to the public sector. In the private system, where students do not receive any public funds or space, the young people who are expected to join their cohorts from the public system to become future leaders and developers of the country deserve minimum government support for their educational opportunities. Only when the public and private sectors collaborate can we achieve the country's human capital development goals.

Taxing the delivery of education is, therefore, a poor public policy. Should the government discover that the members of the boards of trustees are significantly benefiting from private universities, it should ensure adherence to personal income tax laws. The audit should mandate greater transparency. There should be monitoring cells to ensure that no commercial profiteering organisation operates under the name of education and engages in certificate business. There are indeed some bad actors who have given the sector bad names by syphoning money for personal benefits like seating allowances, luxury cars or business deals. But one should not penalise the students and teachers who have made this sector a viable option by halting brain drain, encouraging promising faculty members with advanced research degrees to return home and work in a congenial atmosphere, and maintaining an academic calendar without any political disruptions.

An empathetic and constructive solution would entail creating an educational financing system for students who want to benefit from the private system. What we have is a system in which, while some students have access to nearly free or inexpensive education, others, who make up an equally important portion of the country's human resource pool, must pay a discriminatory education tax on top of the private expense of their education. It's time to invest in education equitably, not tax the pathway to progress.

The government's objective of

Six judges' defiant act in Pakistan



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Following the huge rigging against Imran Khan's party (PTI) in recent elections, Pakistan now faces another big controversy. Six judges of the Islamabad High Court say they have been facing pressure for months from army intelligence agencies to give verdicts against PTI.

Pakistan has a history of dubious verdicts against politicians given by its judiciary under the pressure of unelected forces. In the 1950s, in united Pakistan, then Governor General Ghulam Muhammad fired the Bangalee Prime Minister Nazimuddin and later dissolved the Constituent Assembly. Maulvi Tamizuddin, the assembly's Bangalee president, challenged this illegal step, but the Supreme Court, under pressure, validated it. In 1968, courts under dictator Ayub Khan's pressure dubiously convicted Sheikh Mujibur Rahman and other Awami Leaguers for alleged links with India, but later reversed it under public pressure. These verdicts crippled Pakistan's democracy and led to the 1971 war. Even later, the army often used the judiciary as a tool for political engineering to remove dissident politicians. In 1977, courts under General Zia wrongly sent former Prime Minister Bhutto to death.

The most recent cycle goes back to 2017 after two fair elections. The army rigged the 2018 elections to defeat Nawaz Sharif by disqualifying him via dubious court verdicts and help Imran Khan win. These verdicts were

reversed when Nawaz Sharif regained the army's nod and Imran Khan fell out of favour. Imran himself was disqualified through dubious verdicts just before the 2024 elections. The letter by the six judges to the Supreme

In the backdrop of a situation where most major political parties and media groups have surrendered to the army's role in politics, it has come as the strongest act of defiance by the judiciary against the army after the historic refusal by nine Supreme Court judges to validate General Musharraf's suspension of the constitution in 2007.

Judicial Council, the body responsible for managing the codes of conduct for Pakistani judges, requests the council to provide more guidance to judges on how to deal with and report pressures from agencies, which they have been facing since May 2023 in cases against PTI.

Some judges received anonymous WhatsApp messages purportedly from

intelligence agents asking them to pursue a case against Imran Khan for having a daughter out of wedlock with an American billionaire. Another judge discovered a recording camera in his house. The relative of one judge was kidnapped to put pressure on him. The six judges had reported these matters last year to their own chief justice and also to the chief justice and senior judge of the Supreme Court. But none of them took any concrete steps and the meddling continued.

The letter has caused a huge storm in Pakistani politics. In the backdrop of a situation where most major political parties and media groups have surrendered to the army's role in politics, it has come as the strongest act of defiance by the judiciary against the army after the historic refusal by nine Supreme Court judges to validate General Musharraf's suspension of the constitution in 2007. The junior judges, with the senior most being less than 10 years in service and the other five confirmed as judges in the last two years, represent a new generation of judges unwilling to toe the army's diktat.

When the letter leaked to the media, the chief justice of Supreme Court reportedly severely reprimanded the judges for writing the letter even though it was a legitimate plea sent privately to the council. He then asked the government to establish a commission to investigate the claims. But this caused a public furore, and 300 leading lawyers published a public letter asking the Supreme Court to handle the matter itself. Bowing to these pressures, the court is now handling the matter itself. Seventeen senior judges across Pakistan have received threatening letters laced with arsenic in the last few days. Yet, it's unclear whether this judicial revolt can loosen the army's grip.

Since investigation will still be done by state agencies, it will be hard for the

court to find strong proof to convict specific people given how covertly intelligence agencies work. Yet, there is sufficient evidence from this case and earlier ones for the court to strongly ask the government to reform the agencies and itself strengthen its judicial codes of conduct to reduce interference. Demand-side steps to reduce the ability of intelligence agencies to interfere include the formulation of clear laws on their functions; transparency about their budgets and structures; regular reporting by the executive to a bipartisan parliamentary panel, the Supreme Court and media on steps taken to curb such meddling; and the establishment of a long-term mechanism by courts to monitor such steps.

Supply-side steps to reduce judges' acquiescence include having a section in judges' code of conduct making it mandatory for all judges to report meddling, with failure to do so attracting prosecution; regular awareness raising for judges on this issue; clear mechanisms in courts to transparently record complaints by judges, take immediate action and report it to parliament and media; institution of multiple senior judge benches for high-profile political cases; reminders to such benches to immediately report any meddling and closely monitor any deviations from set procedures in such cases; and interrogation of all judges who gave wrong verdicts against Nawaz and Imran in recent years.

It is also critical that other judges, journalists, bureaucrats, etc facing such pressures from intelligence agencies step forward immediately to help build further pressure on the government and courts to take these steps. Only through such concerted and sustained efforts by society can such army meddling be ended permanently.