

Mandate wealth disclosure for judges

Transparency is key to ensuring judicial integrity

It is high time the practice of submitting wealth statements by Supreme Court judges—which has been stalled for the past 13 years—was revived and made mandatory by the government. The last time Supreme Court judges submitted their wealth statements was in 2011, when then-Chief Justice ABM Khairul Haque initiated the practice by submitting his own wealth statement to then-President Zillur Rahman. However, in the absence of a specific law or rule, this initiative has not continued.

Rights activists and legal experts have often called for a legal framework requiring judges to disclose their income and assets. This demand has become more relevant now as advisers to the interim government are themselves expected to disclose their wealth, with an ordinance to this effect reportedly in the works. Therefore, public disclosure of Supreme Court judges' wealth statements would not only enhance public trust but also reinforce the judiciary's prestige and integrity. Such a measure would help ensure that those entrusted with delivering justice and upholding the law are beyond reproach and free from corruption—qualities essential for maintaining the credibility of the judicial system.

Last September, in a significant step towards accountability, the interim government amended the Government Servants (Conduct) Rules, 1979, making it mandatory for public servants to submit annual wealth statements for themselves, their spouses, and dependents. Public servants who fail to comply with this requirement risk facing disciplinary action. Over the years, in the absence of such transparency measures, corruption has become widespread across the public service sector. Implementing wealth disclosure for judges should be seen as critical to addressing the potential risks of such corruption in the judicial system.

One may recall that Chief Adviser Prof Yunus had previously underscored the need for government employees to regularly submit wealth statements, highlighting the current government's clear stance against corruption. Extending this requirement to all Supreme Court judges—as well as judges in lower courts—seems only to be the right thing to do to ensure the integrity of all public institutions.

The interim government's stated goal is to create a governance system that is accountable to the people. To that end, it should promptly issue an ordinance mandating both the submission and public disclosure of judges' wealth statements, which could be formalised into law by a future elected government. Additionally, a robust mechanism should be established to thoroughly scrutinise these statements, so that anyone found involved in corruption can be held accountable.

Stop illegal extraction of natural resources

Combined public-private initiatives can prevent such practices

We are concerned about the rampant illegal sand extraction reported at the Barachhara canal in Sharsharshee village of Sreemangal, Moulvibazar. According to a report by this daily, the extraction has continued unabated despite a High Court order banning sand mining in the area, causing parts of a sluice gate to sink. Built to provide irrigation water to local farmers, the gate's functionality is now compromised, jeopardising agricultural activities and the livelihoods of around 25,000 farmers in surrounding villages. Furthermore, several sinkholes have appeared in the nearby Dinarpur Tea Garden, while roads have been severely damaged by heavy vehicles transporting the sand.

Locals allege that an influential group, led until recently by a Jibon League leader who is now on the run, is behind this operation. Even though his two-year lease for sand extraction has expired, there has been no let-up in sand extraction. Who, then, is doing it in his absence? The local administration is apparently in the dark about this. We have seen a similar trend in Sylhet's Companyganj where two hillocks have been stripped bare since August 5 through illegal stone quarrying. There, too, the local administration's role has left a lot to be desired.

In Bangladesh, we have no shortage of laws, regulations, and court orders prohibiting illegal and destructive resource extraction. Yet, enforcement has remained woefully inadequate. Even with a non-political government in place, the entrenched political-administration-business nexus continues to wreak havoc on our precious environment and ecology. This needs to change.

We expect the environment adviser, herself a prominent environmental activist, and her ministry to use their authority and experience to stop all illegal operations in extracting natural resources. Given the scale of the problem, it may not be possible for the government to guard every canal, hill, or natural resource on its own. However, community-based initiatives can play a crucial supportive role. Locals can be educated, empowered, and included in the protection and maintenance of these resources. The idea of community policing, supported by local administration and environmental groups, should also be pursued to curb these activities. Only collective efforts can help protect our natural resources on which the livelihoods and well-being of countless citizens depend.

THIS DAY IN HISTORY

El Chapo captured

On this day in 2016, Mexican criminal Joaquín Guzmán ("El Chapo"), head of the Sinaloa drug cartel, was captured in Los Mochis after escaping prison some six months earlier; he was later extradited to the United States, where he was convicted of various crimes.



VISUAL: SALMAN SAKIB SHAHRYAR

On reforming our imported institutions and governance



THE ICONOCLAST FILES

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TARIQ KARIM

The July uprising of 2024 has yielded for Bangladesh's long beleaguered people a "second liberation" from continuous oppression and tyrannical rule. Just as 54 years ago, people decided to take to the streets to wrest liberation from an oppressively neo-colonial rule, this time round, in the "36 days of July," people heeded the call by valiant students to challenge a government that they looked upon as tyrannical and fascist and overthrew it, demanding a complete revamping of our state institutions to ensure that no abuse of authority could ever revisit their future. Notably, and not surprisingly, one of the full-throated slogans of the students this time, "Ae baarer shongram, mukti shongram," was a reprise from the Liberation War in 1971.

However, having wrested our liberation in 1971, we were unable to rid the state of usurpation by power-hungry rulers driven by greed and self-aggrandisement in increasingly efficient ways to the detriment of the people. No matter how much people struggled to change this, they found their state circling back to the same place at regular intervals, regardless of which dispensation of rulers controlled the state. What national hubris embedded within our institutions firewalled itself against efforts at change?

Our institutions are essentially derived from the institutional concepts that were imported and transplanted by the British colonial rulers. However, the actual way they operationalised these imported institutions was not the same as the original British ones. The institutions in Britain were designed to govern and deliver services for the welfare of the Crown's subjects, while their replicas on colonised soil were designed to rule over conquered people. They were also designed to extract everything from colonised subjects to fill the coffers at home, and project their imperial power overseas.

I have long argued that, in order to secure our future, we need to bolster a sense of overriding confidence among the public that our core institutions are indeed secure against any political tampering. The separation of judiciary, making it completely independent of the executive branch, is a *sine qua non* for ensuring that the rule of law prevails in the state and that "Justice" truly acts blindfolded, without partiality towards anyone. We must also uphold and safeguard the independence and integrity of the Election Commission and the Anti-Corruption Commission (ACC), and resolutely address the malaise that plagues the bureaucracy and prevents it from acting professionally and neutrally, diminishing its capacity to deliver effectively. Civil servants must rediscover the lost creed that should define any bureaucracy: "To take decisions, justly and honestly, without

fear or favour." Coupled with this, the freedom and independence of the print and electronic media must be guaranteed. Above all, leadership across the political divide needs to take constructive criticism in their stride.

Currently, there is a "chicken and egg" debate going on in our social spaces on whether we should have elections immediately, or first set in place critically long-overdue reforms demanded by the student leaders and talked at length above. At the heart of this conundrum perhaps lies the question: who will bell the cat of reforms?

An analysis of our history of the last 80 years, firstly of our fractured subcontinent itself at the macro level and secondly of our schizoid polity in the micro space of Bangladesh, one conclusion that one cannot fail to ignore is: if the process of selection of leaders and system of government is not inclusive, and if significant segments of society are excluded from the process of exercising their right to franchise, then the result inevitably leads to a state of explosive societal disequilibrium and institutional destabilisation, sooner or later.

Perhaps the imported institutions we acquired had embedded within them inbuilt flaws triggered awake by their transplantation from the mother soil to distantly located colonial-nurtured soils. Perhaps the method of choosing our leaders, when we were allowed to practise self rule by our British colonial masters, itself was not suitable for us.

Let's not forget that the British system of parliamentary democracy had a great deal of stability since the 19th and early 20th centuries, there being only two principal political parties, the Conservative Party and the Liberal Party, with no significant minor or even lesser party around to challenge this diarchy. Since the Magna Carta of 1215, schisms within British society had been whittled down exponentially through an organic process following a series of struggles over the next several centuries. By the 1900s, the time when the concept of "self rule" was imbued in us by a reluctant British Imperium, there had evolved a large space of political consensus between these two who were expected to, and did, play strictly by a variation of the Marquess of Queensberry Rules, applied to their sparring in political fistfights, with the monarch serving as the neutral referee. The British parliamentary elections were contested by all these parties on the basis of "first past the post" and "winner takes all" system largely accepted by all sections of society, with no fractious minority upsetting the apple cart!

However, when the denizens of the undivided subcontinent adopted this British system of Westminster-style parliamentary institutions and

the extant method of electing leaders to govern them, they were already plagued by multiple societal divisions within them. Not only was there the major schism between Hindus and Muslims (with numerous other smaller faiths jostling for a place in the sun), there were sub-divisions within each religion as well, not to mention the regional differences based on language and cultural ethos separating north from south, east from west.

In 1947, India was partitioned principally in its two largest states, Bengal and Punjab. But the genie of marginalised politics in each neo-Westphalian state that emerged in August 1947 inexorably, and relentlessly, triggered within each new state smaller fragmentations, smaller partitions. What triggered these subsequent fulminations and multiple sub-partitions? I would argue in response that the feelings of disenfranchisement took possession of the souls of the smaller factions/groups who felt increasingly excluded by that insidious "first past the post/winner takes all" system, which could, it was discovered progressively, be skillfully manipulated by the winner to capture all state powers and then largely abuse the same for control and allocation of all resources of the state for themselves and chosen coterie.

In fact, the British "first past the

The burden of initiating reforms now falls on the interim government. If there are questions on the constitutionality of this task, I would argue that there exists today a historical necessity for the interim government to pursue its own policies if it deems such actions necessary for the well-being of the state and the larger welfare of people.

post/winner takes all" electoral system has now come home to roost in British politics as well. Take the UK general election held on July 4, 2024, for example. With under 60 percent turnout of voters, the Labour Party won 33.7 percent of votes (both these figures reportedly lowest in over half a century). There were eight parties in the fray, including the Reform UK Party (a relatively recent, Brexit-championing fringe breakaway from the Conservative Party led by Nigel Farage). Reaping the benefit of the time-honoured "first past the post" system, Labour won 411 seats in parliament (out of 650) despite its record low voter turnout; meanwhile, Farage's Reform UK, despite having garnered 14.3 percent votes (almost half the votes of Labour) managed to get a paltry five seats. Among the other contestants, Conservatives managed to retain 121 seats with 23.7 percent of the votes, Lib-Dems got 72 seats, Scottish Nationalists Party got nine seats, the Sinn Fein seven seats, Independents got six seats, and the Green Party four seats. Today, perhaps the British too would be forced to

consider reforms to their ancient system, while we stubbornly cling to what failed us to bridge our many rifts and schisms.

South Asia was fragmented in 1947 at the macro (regional) level, but even more egregiously so at the micro (nation-state) level. This is what prevents us at the national level from arriving at much needed consensus. The lack of such consensus at the regional level prevented SAARC from successful operationalisation; the same failing prevents Bangladesh from successful consolidation of its nation state. It is essentially the same hubris at both levels, derailing both processes.

And what if a section of society does not like a party? Should that party be banned? Once again, we should glean a lesson from history. Vinayak Damodar Veer Savarkar, founder-member of the Hindu Mahasabha, asserted in a treatise in 1923 that India on gaining independence from British rule should be governed by Hindutva, being a Hindu-majoritarian state; neither the liberal British nor any Muslim could accept the assertion. His follower Nathuram Godse, a member of both the Hindu Mahasabha and the Rashtriya Swayamsevak Sangh (RSS), a right-wing Hindu paramilitary volunteer organisation, assassinated Gandhi in 1948. The RSS was banned consequently, but resuscitated after a year and reorganised and gave birth to its political arm, the Jan Sangh. Jamaat-e-Islami was banned twice—both in Pakistan and in Bangladesh. In both instances, it lived to revive with greater vigour. There are numerous other examples around the globe, in recent and not so recent times as well. Quite a few of these banned parties or entities, after being comatose or in the cold for varying periods of time, sprang back to life, quite reinvigorated! As greater powers than us have discovered to their chagrin, banning a party, destroying its infrastructure or decapitating its leadership does not kill or make that entity simply fade into the sunset.

With hindsight, we all would have been wiser to have adopted a proportional representation system that would, at the very minimum, have given smaller entities in the political landscape a feeling of participation in matters of governance and resource allocations, as well as inclusion within the state. At the very least, the street mayhem generated by those left-out "minor" or "fringe" parties would have felt part of an inclusionary process of negotiating with other major stakeholders, to try and forge an acceptable modicum of consensus through an organic, melding process.

The burden of initiating reforms now falls on the interim government. If there are questions on the constitutionality of this task, I would argue that there exists today a historical necessity for the interim government to pursue its own policies if it deems such actions necessary for the well-being of the state and the larger welfare of people. It could do worse than considering the above and absorbing in the various lessons of history, while going forward with its onerous task of reforming the state institutions towards the next national election.