

Achieving Good Governance in Bangladesh: A Contemporary Review

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Abstract

'Good Governance', a splendid notion, is being debated around the world, particularly in developing nations, to combat corruption and poverty, and gain economic development. But how it can be achieved? Researchers, policy planners and executing agencies have undertaken different measures to way out achieving good governance. The present study is an attempt to investigate actual path to overcome major constraints and making governance good in Bangladesh. In doing so, Islamic concept of governance and viability of its different parameters are reviewed to search a theory-build-up approach along side with the general perspective of governance. To have a more clear insight on governance, firstly, attempts are made to draw attention to some theoretical aspects of the concepts of government, and the related concept, which have close relation to governance, then the role of good governance as a base for government well being is pointed out discussing the variables of good governance and Islamic concept of governance. In the second part, some aspects of governance in Bangladesh are put forth where scenario of poor governance is highly depicted. Sharf'atic approaches to governance including evidences of governance at Islamic era has been discussed in section three. Concluding part is devoted to fund out possible aspects of making governance good in Bangladesh.

Keywords: Bangladesh, Government, Good governance, and Sharf'ah,

Introduction

The concept of governance has over the years gained momentum and a wider meaning. Apart from being an instrument of public affairs management, or a gauge of political development, governance has become a useful mechanism to enhance the legitimacy of the public realm.

Good governance depends on having in place mechanisms that hold the government accountable to the public in a way that ensures the equitable treatment of all its citizens. This requires respect for the rule of

law, based on an honest and fair judicial system and effective law enforcement. Effective accountability depends on systems and processes respected by everyone concerned, with effective and consistent sanctions applied when transgressions occur (Temple, 2002).

Governance though is increasingly widely used it is not a new term. It was first used in the fourteenth century. At that time it was used in two senses. In first case it meant action, method of governing; and in the second sense it included action and manner of governing (Khan, 2006:19).

In the World Bank's report 1989, entitled "From Crisis to Sustainable Growth", the Bank expressed this notion as follows:

"Efforts to create an enabling environment and to build capacities will be wasted if the political context is not favorable. Ultimately, better governance requires political renewal. This means a concerted attack on corruption from the highest to lowest level. This can be done by setting a good example, by strengthening accountability, by encouraging public debate, and by nurturing a free press".

Anyway, Good governance has become the buzzword of international financial institutions as a key factor for sustained economic growth. This has also been picked up as a slogan by almost every government, particularly in developing countries. Good governance is nothing but a set of principles or ethics to conduct public affairs of government. So institutionalizing this concept nationally or internationally huge resources are expended to conduct research and other related activities. Even good governance and ethics are incorporated in the course work at the university levels. Ethics can hardly be taught by a set of classroom courses. Rather, it needs to be imbued through training and real-life examples and experience. Moreover, religious codes offer a core set of enduring, universal values that can and must be taught. Islamic philosophy in all its dimensions ultimately goes back to the principle of Monotheism (Tawf'ed). Allah is the source of all knowledge, all guidance, all existence and all morality. And there is no doubt that good governance is merely a by-product of an Islamic system. Islamic teachings have divinely prescribed eternal principles to establish and maintain ethics and good governance. After elaborating contemporary views which includes Sharf'ah and Non-Sharf'ah concepts regarding governance and good governance, an effort is invested in the present article to fund out a theory-build-up approach for ensuring good governance in Bangladesh.

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Objective of the Study

1. To review the underlying concepts and variables of governance and good governance both from Islamic and general perspectives.
2. To diagnose present status of governance along with major constraints to make governance good in Bangladesh.
3. To examine the viability of Islamic concept of governance for searching a theory-build-up approach enabling government to overcome the problems in achieving and sustaining good governance.

Methodology of the Study

The present study is based on the secondary data particularly the literatures embodied Shariatic rules and non-Shariatic approaches, policies and their analytical premises regarding government, governance and how enriching governance for shaking mass's interests. The secondary data are derived from both Islamic and conventional literatures in this regard. The declarations of Divine Sharf'ah in the context of governance and policy documents in respect of good governance announced by various agencies and scholars have been of great help to conduct this research. It is worth mentioning here that the Qur'an and Hadiths are used in this study as original and primary source of data for the respective theme and concept. Other relevant literatures are also studied and examined carefully to fulfill the defined objectives taken in the present study.

Section one: Focus on Key Concepts

Governance

"Governance" means what a "government" does. It might be a geo-political government (nation-state), a corporate government (business entity), a socio-political government (tribe, family, etc.), or different kinds of government(<http://www.answers.com/governance>).

Governance is a broader notion than government, state, and regime, and is the interaction between formal institutions and civil society. It is seen as a process whereby elements in society wield power, authority, and influence and enact policies and decisions concerning public life, and economic and social development (<http://www.gdrc.org/u-gov/work-def.html>). In this context governance is defined as "a system" of government concentrating on effective and accountable institutions, democratic principles and electoral process, representation and

responsible structures of government, in order to ensure an open and legitimate relationship between the civil society and the State (Halfani et al. 1994:4).

American Heritage Dictionary (2000) defines governance as "the act, process, or power of governing." Put simply, 'governance' means the process of decision-making and the process through which decisions are implemented. The concept of 'good governance' conveys the qualitative dimension of governance. Attempts to define what constitutes good or bad governance have failed in the past because concepts and processes of 'governance' vary from country to country. For instance, what is considered corrupt practice in one country (for example, insider trading, tax evasion, money laundering, etc.) may be considered as normal business practice in another. Due to lack of precise definition, the debate over the use of term 'governance' instead of government remains inconclusive.¹ (Singh, 2003)

Governance is a multifaceted concept with wide ramifications. This is so because of the fast-changing and interdependent global environment. No country can afford to continue with a governance system that is outdated, slow, ineffective, expensive and corrupt in this age of globalization (Khan, 2003). In general terms, it can also denote "how people are ruled, how the affairs of the state are administered and regulated as well as a nation's system of politics and how this functions in relation to public administration and law" (Landell-Mills and Serageldin, 1991:304).

Governance is assessed by researchers from a three dimensional perspective (Kaufmann; Kraay and Zoido-Lobotón, 1999):

- a. the process by which governments are selected, held accountable, monitored, and replaced;
- b. the capacity of governments to manage resources efficiently and formulate, implement, and enforce sound policies and regulations; and,
- c. the extent of participation of the citizens in the affairs of the state.

¹ Some analysts have offered plausible economic and political reasons for the use of term 'governance' instead of government. According to Sophal Ear, a former World Bank official, "the phenomenal rise of governance as opposed to government, in a normative context, may also have a great deal to do with its more palatable sound—to say "bad government" to a Prime Minister is akin to telling him he is a "bad" person. While to say that his government suffers from bad governance sounds more diplomatic—and international financial institutions (IFIs) like the World Bank and the IMF are, if nothing else, diplomatic organizations."

A UK based professional body for people in public finance, The Chartered Institute for Public Finance and Accountability (CIPFA) in its publication "Accountability: a framework for public services" includes the following elements which form the basis of a governance framework:

- Openness: access to information, communication with stakeholders and appointments to posts
- Financial and performance management: annual reports and corporate planning
- External review: audit arrangements and regulation
- Due process: compliance with the law, standards of behaviour and conflicts of interest
- Redress: complaints mechanisms and independent review

Good Governance

Good governance is now-a-days a widely used term in developed as well as developing countries. Bangladesh is no exception to this global trend. Politicians both in power and in opposition talk of their quest to achieve good governance. To ensure sustainable human development, actions must be taken to work towards this ideal. Major donors and international financial institutions, like the IMF or World Bank, are increasingly basing their aid and loans on the condition that reform ensuring good governance is undertaken.

Good governance is a term used in development literature, which implies that public institutions conduct public affairs, manage public resources, and guarantee the realization of human rights. Good governance accomplishes this in a manner essentially free of abuse and corruption, and with due regard for the rule of law (UNESCAP, 2009).

Good governance is characterized by an accountable government at the top, an independent judicial system, freedom of thought and expression, and above all, freedom of choice for its citizens. Good governance also implies a democratic structure, human rights and freedom of media. Governance can be viewed as the sum of three major components: process, content and deliverables. The process of governance includes factors such as transparency and accountability. Content includes values such as justice and equity. Deliverables includes democratic government, regular and transparent election and establishment of rule of law. It is only when all these three conditions are fulfilled, then governance becomes 'good governance'. Within this broad conceptualization of good governance there are two distinct positions. The first, articulated by the World Bank, conceptualizes good governance as management of a

country's resources and affairs in a manner that is open, transparent, accountable, equitable and responsive to people's needs. Others argue that governance is 'good' when it serves not just any public interest but that of the most poor and marginalized people in society. (Aminuzzaman, 2006).

Good governance is, among other things, participatory, transparent and accountable. It is also effective and equitable, and promotes the rule of law fairly. Good governance ensures that the voices of the poorest and the most vulnerable are heard in decision-making over the allocation of development resources, and that political, social and economic priorities are based on broad consensus among the three stakeholders the state, private sector and civil society. All three stakeholders are critical for sustaining human development, the state creates a conducive political and legal environment; the private sector generates jobs and income; and civil society facilitates political and social interaction. With the advent of globalization and the integration of economies, the state's task is also to find a balance between taking advantage of emerging market opportunities and providing a secure and stable social and economic environment domestically. (http://www1.aucegypt.edu/src/engendering/good_governance.html accessed on 4 August, 2009)

Variables of Good Governance

UNDP identified nine core characteristics covering eight key urban issues which measure good governance (Mehta, 2000).

1. Participation: All men and women should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their interests. Such broad participation is built on freedom of association and speech, as well as capacities to participate constructively
2. Rule of law: Legal frameworks should be fair and enforced impartially, particularly the laws on human rights.
3. Transparency: Transparency is built on the free flow of information. Processes, institutions and information are directly accessible to those concerned with them, and enough information is provided to understand and monitor them
4. Responsiveness: Institutions and processes try to serve all stakeholders.
5. Consensus Orientation: Good governance mediates differing interests to reach a broad consensus on what is in the best interest of the group and, where possible, on policies and procedures

6. Equity : All men and women have opportunities to improve or maintain their well-being
7. Effectiveness and Efficiency: Processes and institutions produce results that meet needs while making the best use of resources
8. Accountability: Decision- makers in government, the private sector and civil society organizations are accountable to the public, as well as to institutional stakeholders. This accountability differs depending on the organization and whether the decision is internal or external to an organization
9. Strategic Vision : Leaders and the public have a broad and long-term perspective on good governance and human development, along with a sense of what is needed for such development

Islamic Concept of Governance

Governance is certainly the most abstract and controversial aspect of the social life of a nation, due to two completely different aspects which governance focuses on. On the one extreme, governance depicts values and aspiration of a population, on the other one it reflects on how decisions and policies are being made, implemented, and enforced. These two together can be described as a strategy which compromises goals and the way to achieve them.

In this section, a simple and clear definition is put forward to what the phrase "Islamic governance" can appropriately mean. Islamically good governance is that which;

- i) strives to achieve justice in society;
- ii) aspires to maintain the dignity of individuals (both male and female) and protect group freedom, regardless of religious or national affiliation;
- iii) steers individuals towards achieving a means of sustainable livelihood before aspiring for other luxuries;
- iv) encourages virtue, limits vice, and rejects compulsion in matters of religion; and,
- v) achieves its aims through consultation, participation, representation, accountability mechanisms, and through legal conventional regulations in all social formations, low or high (Hashem).

Islam has lived with these principles and concepts since its early days, because they are firmly rooted in the fundamentals of the Islamic Shariah.

Islam introduced the institution of Shura (consultation). This is the rule of people by themselves through collective consensus, very much similar to the system of direct democracy. Islam is the first religious and political system in the world to advocate for the principle of human equality. It encouraged equality and regarded it as one of the essential pillars of social and political justice. It also waged a war against discrimination, racism and marginalization in all its manifestations, proceeding from the concept of unity of the human kind that descended from a single soul. This means complete equality among men irrespective of their races, genders, and their social and political status, thereby establishing human brotherhood in its clearest manifestations.

Section Two: State of Governance in Bangladesh

Bangladesh shows all the symptoms of an underdeveloped polity. Politics is still dominated by big money goons and people with little background and training in formal politics. Power and authority are concentrated at the top echelon of the government based in the capital, leaving very little authority and resources at the disposal of elected bodies at the local level.

The Human Development Report has defined the goals of good governance as respect for fundamental rights and freedom, accountability of the rulers, fair rules, institutions and practices governing social interactions, non-discrimination based on race, ethnicity, class, gender, most importantly responsiveness of economic and social policies conforming to people's needs and aspirations. Even countries with long and uninterrupted democratic records like India and Sri Lanka in the region have not fared well according to the Report. In the 2002 Index, Bangladesh ranked 145 out of 173 nations, the Maldives 84, Sri Lanka 89, India 124, Pakistan 138, Bhutan 140 and Nepal 142. The scenario is not at all encouraging. True, there may not be any panacea to resolve manifold problems peculiar to this area, but certainly things can be improved much given the will, sincerity and endeavors accompanied by realistic and pragmatic measures (Chowdhury, 2002).

Corruption in political arena is nothing uncommon in democracies and even in advanced nations, but in South Asia it is a malaise in many ways. This hinders the growth and development of democracy and economy. In Bangladesh, corruption has become so endemic that it has engulfed both public and private sectors and touched and affected, in one way or another, many individuals. The Chief Minister of West Bengal state of India lives a modest life in an 800sq. feet apartment with his

mother, wife and daughter, where many politicians of Bangladesh with no known source of income maintain a luxurious life (Chowdhury, 2002). So, it is little wonder that the country enjoys the dubious distinction of being perhaps the most corrupt country in the whole world. No one seems to be too worried about this. This may be because the policy makers of Bangladesh have accepted the reality and feel that nothing needs to be done about it.

The following table depicts the strong undercurrents linking corruption to development indices.

Table-1: Corruption & Development: A Vicious Circle

Country	CPI 2002 Score	Overall rank based on HDI 2002	HDI value
Bangladesh	1.2	145	0.478
India	2.7	124	0.577
Pakistan	2.6	138	0.499
Sri Lanka	3.7	89	0.741

The very fact that the three big countries in the region - India, Pakistan and Bangladesh- figure among the poor performers in both the CPI (Country Performance Indicator) 2002 (published by Transparency International) and the HDR (Human Development Report)- 2002 (published by the United Nations Development Programme) has to be viewed against this stark backdrop. Interestingly enough, the table also reveals that the less corrupt a country is, the better it fares in human development indicators. These surveys also tell us quite clearly and loudly the fact that there is a lack of accountability, which is considered to be the core of failure of governance in Bangladesh (Hasan, 2003).

A country's political system plays a pivotal role in shaping its destiny for good or bad. Political parties, the structure of government and international donors all in varying degrees influence or attempt to influence the nature of the political system of Bangladesh.

Political parties, whether big or small, become most visible during election time. All parties profess to adhere to democratic principles. But the reality is different. The two major political parties of Bangladesh are Awami League (AL) and Bangladesh Nationalist Party (BNP). Both the supreme leaders of the AL and the BNP were given leadership positions with very little or no previous political experience. Heredity and kinship were the key determinants of their accession to power. The country's two

major political parties thus survive on family tradition. This permanent nature of the supreme leadership has a number of adverse consequences for the healthy development of politics and political parties in the country (Khan, 2003).

The effective functioning of each and every organ of government is an essential prerequisite of good governance. In Bangladesh, the dominant position of the executive within the political system is widely known. The parliamentary system that has been in existence without interruption for a little over a decade can best be termed a Prime Ministerial system. The Prime Minister enjoys and exercises an enormous array of power to the detriment of the legislature. The legislature in genuinely parliamentary systems plays a critical role in overseeing the activities of the executive. Instead, in Bangladesh the legislature is confined to playing second fiddle to the executive.

The present size of the civil service is large compared with the tasks it performs. But reform-resistant public sector officials and employees are mostly poorly paid, ill disciplined and improperly trained. All and these facts are linked with the overall work culture of this country and the way they are recruited. Avoiding responsibility for decisions and the non-merit-based selection of personnel combined together has created a situation where competence is lacking. This lack of competence has created an environment of uncertainty, uneasiness and paranoia in the civil service. The greatest casualty of this situation is the ordinary citizen, who has to be content with poor service delivery, corruption and the bad behavior of street-level bureaucrats.

Judicial independence is a fundamental prerequisites for a society premised on the rule of law. Although the Constitution speaks volumes about the separation of the Judiciary, but this has not taken place in the truest sense after 40 years of independence. A number of amendments to the Constitution leave the Judiciary dependent on the Executive in several critical areas, including appointment of judges to the Supreme Court, financial grant and logistical support. The lower judiciary's ability to function properly, it is alleged, has been considerably eroded by constant government interference in its domain.

Judiciary is expensive particularly for the poor. The expenses involved in the delivery of justice and the time consumed in the process may at times appear to be appalling. In 2002, we saw a report in newspapers that some people were sentenced to death in Bogra for committing murders but it took six years for the court to hand down the judgment. Then there are higher courts. At the same time, one notes with

satisfaction the speedy trial of cases involving “Trisha” and “Shihab”. The Law Minister spoke about more measures for quick disposal of cases of certain offences and these decisions are definitely welcome. There have been a lot of talks by different quarters on the legal system, particularly at the lower tiers. This needs to be streamlined, because a large number of rural people are involved with this apart from the issue of governance (Chowdhury, 2002).

One of the pressing problems in governance today concerns the politicization of the public bureaucracy and its effect on administrative performance. On the other hand, lack of accountability and transparency in the affairs of the state is considered to be a major impediment to effective governance. The governance system in Bangladesh is premised on a lack of accountability and secrecy. These two factors combined together have made governance in this country inefficient, ineffective and expensive.

The role of the donor community in a country like Bangladesh is significant, as the country continues to depend heavily on the former’s aids and grants. International multilateral organizations and major donors have openly expressed their dissatisfaction with how the governance system works in Bangladesh. They have openly voiced concern about the deteriorating law and order situation, continuing political turmoil, massive corruption and inefficiency in the public sector, burgeoning size of the civil service and failure to leave business activities to the private sector. There is a strong unanimity of opinion among members of the donor community that governance has weakened significantly in recent years mostly because of a lack of collective improvement efforts (Khan, 2003).

The above discussion on the state of governance in Bangladesh depicts the scenario of poor governance. Due to lack of value premises along with other reasons, rulers fail to perform their duties and responsibilities to the people properly. As a result, after passing 40 years of independence, the people of Bangladesh are deprived to enjoy the taste of effective governance.

Section Three: Sharf’atic Approach to Governance

The concepts of governance and good governance seem to be homogenous both in Islamic & modern literatures and philosophy. No discernable gap is found in the discussions of both type of governance theory. Key concepts, characteristics, variables of good governance delineated in both trends that in Sharf’ah and non sharf’ah literatures

found same as review from the related literatures. In fact, governance should be practiced with intermingling the concepts state, government and civil society. While any state apparatus emerges with past legacy of dependency and slavery, while its government represents as corrupt culture and poor socialization and unconscious civil society then how quality in governance is desired? Any way, theoretical connotations in both concepts do not differ to a large extent but differences in its application, goal, and plan along with the personal virtues of catalysts in both trends can be identified easily. To effectualize Governance theory for peoples’ betterment is certainly nice but major problem towards its application is hidden firstly in individuals’ appreciation. The individuals’ who are involved to executing the theory of governance, if their personality is not endowed with moral qualities, having no fear of answerability to supreme authority, and also inactive status of controlling mechanisms against corrupt personality, why and how governance parameters are to be implemented for making governance good? In sharf’atic approach, agenda to involve of quality personalities as well as upbringing quality personalities in achieving mission of good governance is given first and foremost importance. In the discussion of sharf’atic approach of good governance, for this reason, quality personality approach is highly emphasized in achieving good governance. In this relation, before elaborating the Islamic approaches of making governance good, some remarkable evidences practiced at the glorious period of Islamic era have been mentioned here.

3.1 Some Evidences

To see the practical demonstration of good governance, we need to go through the shining examples set by the Islamic leaders at glorious Islamic era. They ruled over continents with all the complexities of public administration in far more demanding situations than today.

Evidence-1: Equity

This is the principle which forms a constant current in Islamic governance. GovernanSce history in Islam reveals that the Prophet (p.b.u.h), the religious and political leader of the early Muslim community, not only paid his own share of taxes as any other ordinary member, but also allowed several cases of tort against his own persons and thus gave a death blow to the theory of Divine Right of Kings (Siddiqi, 1965). When Ha’rat ‘Umar (r.t.a.) would appoint a governor, he would invariably advise the incumbent, “Not to make reception halls so that you are accessible to every one, not to eat refined flour as it is not

available to all citizens of the Ummah, not to wear thin cloth because this would make you easy going and not to ride a Turkish horse because this would make you haughty". There is absolutely no doubt that the variables of governance in Islam are by far the most scientific and comprehensive for effective and efficient administration. Instructions and real life practices of Prophet (p.b.u.h.), pious Caliphs and governors noted earlier provide a complete frame for Islamic governance.

Evidence-2: Consultative (Shuratic) and Participative

Different regimes of early age of Islam have abounded evidences regarding people's participation. The Prophet (p.b.u.h.) including Caliphs and other governors themselves consulted with their companions in matters of even the greatest importance. For example, in one of Muslims' battles (UhĒd) against their enemies, the Prophet (p.b.u.h.) suggested staying in the city (Madinah) and defending it, while his companions suggested going out and fighting the invaders. He listened to the majority decision that emerged from consultation and went out to face the invaders. The result was disastrous, for the Muslims lost the battle (Buraey, 1985). A few days later, Allah addressed His Prophet saying: "So pardon them and ask forgiveness for them and consult with them upon conduct of affairs (Qur'an, 3:159). The lessons from this incident and the intent of Qur'anic ordinance are clear. Essentially Allah said to His prophet, "Do not worry about the result of that particular consultation, but keep on consulting your people in all daily affairs of the state" (Bureay, 1985).

Evidence-3: Independent Judiciary & Rule of Law

Justice is one of the cardinal parameters of Islamic governance. The judiciary under Islamic governance enjoys complete freedom in carrying out judicial services. The story of Omar's selection of judge Shuraih as reported by Muslim scholar (Kurad Ali, 1941), illustrates his objectivity and reliability. One day the Caliph decided to buy a horse. He made an offer and asked the owner to let him ride it as a test. When the Caliph returned with the horse, its leg was hurt. The owner refused to accept the horse in that condition and the Caliph refused to buy it. The Caliph asked the owner to choose a judge to arbitrate the dispute. The owner suggested a man named Shuraih of Madinah. When the Caliph and the owner went to him, the judge said, "O Commander of the faithful (the Caliph's title), take what you have bought or return what you have taken." In other words, he told the Caliph either to take the horse as it was and pay the

owner the agreed upon price or return the horse in the same condition as it was when he took it. Because, Shuriah was just and honest in his decision, the Caliph immediately said, "This is what justice is all about." The Caliph then sent Shuriah to Kufah, the province of Iraq, where history tells us, he remained a judge for sixty years. In another event happened in Abbasiah dynasty at the reign of Al- Munsur which strongly advocates the concepts of freedom of expression and the sense of uncompromising approach in establishing rule of law. Once Munsur asked Imam Abu Hanifa to accept the charge of Chief Justice so that speedy and equity justice is possible to dispense competently. But Imam Abu Hanifa refused to take the charge and explained the reasons of his refusal sincerely. He said:

"If any judgment issued by me goes against your vested interests and because of this reason I am forced by you to alter or modify that judgment or I would be threatened by you to die being thrown into forat (river), then I would be ready to die, but I will not change my judgment." (Mili, 2002).

Evidence-4: Openness and transparency

The use of an 'open door' policy is one of the most important aspects of Islamic governance. Caliph Omar (R) could not tolerate any governor or high official who closed his doors to the people. On one occasion, he even sent his messenger to a city in Iraq with orders to set afire the door of the governor's palace, because the governor kept aloof and hid from his subjects. This classic event involving freedom of expression and openness in the early days of Islam reflects Umar's genius in the field of governance. Omar, the second Caliph of Islam, addressing the Muslims in his inauguration speech, admonished, 'Put me right if you discover any crookedness in me.' One of the audiences immediately retorted, 'By Allah Almighty, if we had found any crookedness in thee we should have put you right with our swords. The same Caliph advising his people in their religious affairs was interrupted by a Muslim lady who corrected him on a specific issue. A few seconds later, he admitted his mistake and declared his audience, 'The lady was right and the Amir of the Muslim (himself) was wrong' (Bureay, 1985).

Evidence- 5: Administrative Control and Accountability

Historical accounts narrate so many events which are exposing the high moral and sense of accountability of the chief executives of Islamic

government. Omar once said while he was addressing his companions that he was afraid that a mule might fall off the mountainous roads in Iraq and break its legs, and that Allah might ask him why he had not paved the roads in that area. In another occurrence, Omar's expressions expedite his excellence on feelings of accountability. One day he was looking into a camel which had been lost from government charity house. To see it, 'Alī (r.t.a.) asked him, "Amġr al-Mu'minġn! It is not decent to you that you engage yourself in looking into the camel, rather you should discharge these duties to another one." 'Umar (r.t.a.) replied, "I am assigned the responsibility to preserve public assets. I myself must be asked at the Day of Judgment for that reason. If somebody would be asked by the Almighty, I would refer him to do this duty. (Mili, 2008). Historical evidence shows more that once in a Jum'ah Prayer Conference, Omar himself was accused by the people for dressing up with extra cloths and he was compelled to interpret the reason behind such dressing up in that open conference of Jum'ah prayer (Noor, 1999). However, the sense of responsibility of the head of the state made them very conscious to explore the real status and position of people.

Evidence-6: Responsiveness and Effectiveness

Good governance requires that institutions and its processes try to serve all stakeholders within a reasonable timeframe. Good governance means that processes and institutions produce results that meet the needs of society, whilst making the best use of resources at their disposal. The concept of efficiency in the context of good governance also covers the sustainable use of natural resources and the protection of the environment.

One night while 'Umar (r.t.a.) was roaming to investigate and collect actual status of mass people, he heard suddenly "How much sufferings are enveloped me at the reign of Omar due to his indifferent and injustice attitude, I think Allah, Almighty will accuse him for this at the day of judgment". A poverty stricken old woman uttered such grievances from her hut. Hearing this 'Umar (r.t.a.) felt severe pain and repentant. He did not spend any single moment and sent a big luggage of food with himself as soon as possible. Seeing such benevolent behaviour and actions the old woman announced happily, "Oh stranger, you are almost qualifying person than 'Umar (r.t.a.) in terms of governing state and government (Siddiqui, 1980).

3.2 Shariatic Approach

Shariatic approach for developing theory of good governance is directed towards tri-dimensional facets. The strengths and capacities of these three are reviewed below:

3.2.1 Value-Laden Approach

Islamic governance theory highly emphasizes on values such as social equity and justice, responsiveness, to client needs, and human dignity. Such governance strikes a balance between the material and the psychological or spiritual well-being of man. Strong emphasis on material values to the exclusion of humanism is not tolerated in Islamic governance. Likewise, total emphasis on the spirit and the psychology of man to the exclusion of his material well-beings is not accepted either. That is why Muslim governors who strictly follow Islam as a Divine Religion are characterized by Allah in the Holy Qur'ġn as 'a middle nation' which is neither to the extreme right, nor to the extreme left (Bureay, 1985).

Allah says, "Thus we have appointed you a middle nation, that ye may witness against mankind, and that the messenger may be a witness against you." (Sġrah Hġd: 11:143).

The question of ethics in public policy is a fundamental philosophical question, which is relevant to all states and societies. Islamic philosophy in all its dimensions ultimately goes back to the principle of Tawġġd [Monotheism]. Allah is the source of all knowledge, all guidance, all existence and all morality. A truly Islamic epistemology, ethics, ideology or science must therefore find its locus within the Divine Reality, and fit into the essential unity of Allah, the One. Good governance is merely a by-product of an Islamic system. Islamic teachings are Divinely prescribed eternal principles to establish and maintain ethics and good governance. In the Qur'ġn, religious codes had identified this issue long ago. In fact, religions prior to Islam promoted ethical conduct, too. Prophet Jesus said, "All things whatsoever you would expect that men should do to you, do ye even so to them, for this is the law and the way of the prophets?" Talmud puts it, "That which you hold as detestable, do not do to your neighbor." (Buraey, 2002).

3.2.2 Quality Personality Approach

A Muslim who believes in Allah the All-seeing (Al-Baġġr) does not lock himself in a room and turn out the light believing he can sin and escape. The same with one who believes in Al-Samġ' (All-Hearing). He does not

speak things in private, which are prohibited by Allah. In exactly the same way, a Muslim who believes in Allah, the Just, can not stand injustice. And this is the spiritual and psychological way to produce quality personality conducive to good governance.

Corruption, nepotism and abuse of office are manifestations of injustice. In public sector governance, all the key public functionaries ought to be people of high caliber, just and energetic and must possess qualities of head and heart. In the words of the fourth Caliph 'Alī ibn Abī Ūlib (r.t.a.) "they should have the qualities of refinement, experience, alertness, power of comprehending problems, secrecy, freedom from greed and lust." Injustices may be arrested having and practicing these high calibers by public officials prescribed in the divine Sharf'ah. A careful analysis on principles of good governance and qualities of government functionaries from Islamic point of view would show that man's personal character is the key to good governance. The Qur'an' says, "Truly the best of men for thee to employ is the (man) who is strong and trustworthy" (SĒrah al-AĪzĒb: 33:6). The Prophet has warned; "When trusts are wasted, then wait thou for the Day of Judgment." It was asked, 'And how will trusts be wasted?' He (p.b.u.h.) said, 'When affairs are assigned to those who are not worthy.' (ŪāĪĒĪ al-BukhĒri).

If studied carefully the letter of HaĪrat 'Alī (r.t.a.) (text available in Nahjul BalĒgha), it will appear to a reader as a blueprint for good governance. It mainly emphasizes on the qualities of personalities involved in the governance. Some guiding principles that are relevant to construct government functionaries are mentioned below: An administrator should be an ideal for his staff and fellow citizens and choose the most qualified yet pious, honest, truthful and God-fearing men for his administrative structure. He should be impartial and dispense justice with equity and should be very careful about the back biters, sycophants, corrupt and scandal mongers. He should constantly remain in contact with his staff, consult them and should not issue authoritative and arbitrary orders. He should strike against corruption, injustice and evil usages of authority against citizens and take responsibility for any defect in his subordinates and staff. He should not reserve for himself or his relatives any common property in which others have share and stake. He will urge to strive for virtue and good qualities in a manner so exemplary that no king or commander can do without.

3.2.3 Administrative Parameter & Strategic Approach

The vital ingredients of good governance in Islamic System focus on merit, rule of law and discipline of authority, collective decision-making,

tolerance, compassion, basic rights, transparency, and enforceability of the contracts, integrity, community welfare, fairness and justice, and accountability. Moreover, they must be sought with perfection (ĪfĪsĒn). Islamically good governance follows the following strategic approaches in administrative arenas for sustainable betterment of the society:

i) Participative & Consultative

Islam implants collective decision-making, tolerance, civil and political liberty, and resolve. For many centuries, Islam has brought a concept that is parallel to democracy, aimed at good governance on the basis of the principles of consultation (ShĒrĒ), respect for general freedoms, checks and balances, justice, human dignity and separation of powers. No one in Islam has the absolute authority over the affairs of the Muslim community. ShĒrĒ is fundamental; and consultation is a duty of the ruler rather than an opinion. All of these are the pillars of modern democracy. Indeed they are the pillars of the highest human values known to modern man in the age of modernity and enlightenment.

Albeit, with compassion, narrates Qur'Ēn: "And by the Mercy of Allah, you dealt with them gently. And had you been severe and harsh-hearted, they would have broken away from you; so pass over (their faults), and ask (Allah's) Forgiveness for them; and consult them in the affairs. Then when you have taken a decision, put your trust in Allah. Certainly, Allah loves those who put their trust (in Him)" (SrĒah ŪĪ 'ImrĒn: 3:159). Allah says in the Holy Qur'Ēn, "Those who hearken to their Lord, and establish regular prayers; and who conduct their affairs by mutual consultation". Caliph 'Umar (r.t.a.) said in this respect, "One man's ideas are like a string, and two men's ideas are like two strings joined together, and three ideas are like three men's strings put together – they can never be easily broken" (Sarfuddin, 1995).

Islam laid down the concept of checking the leader, holding him accountable and putting him aright if he falters, or even deposing him. It made this checking a form of JihĒd, a holy war. (The greatest form of JihĒd is bravery to tell the truth to a despotic ruler).

According to Ibn KhaldĒn, a successful and viable administrative set up is that in which people's participation is ensured. If the governed feel that they share the administrative process, the society would be stable. What Ibn KhaldĒn observed is reflected in modern theory of New Public Administration (NPA) that administration should be such as making people feel that they are equal partners in the process of planning, administration and implementation. Thus public participation is an essential part of Islamic model of governance.

ii) Openness & Transparency

Islam also made its door wide open to general freedom, in particular freedom of opinion. It introduced an elaborate concept of human rights – based on the principle of right of respect for human dignity, whose significance is wider than a principle of human rights that is too much tilted towards the political notion at the expense of the moral notion. Islam made justice in its widest sense a key factor for regulating every aspect of the society.

Islam categorically calls for transparency, and abhors conflict of interests. The Qur'anic admonition is, "And do not devour your wealth among yourselves through falsehood, and offer it not as bribe to the authorities that you may knowingly devour a part of the wealth of other people with injustice." (2:189).

iii) Rule of Law & Justice

Most of the philosophical discourse around Adl roots it squarely in the principle of Tawfīd. Allah is a Just Lord, Who loves Truth and Honesty. It is, therefore, inconceivable that anyone who believes in Allah can not perpetrate or tolerate injustice. Islam is uncompromising about independent justice, "Verily, Allah commands you to make over the trusts to those entitled to them. And that when you judge between them, you judge with justice." (S'erah al-NisÉ': 4:58). Management powers are prudently disciplined, checked, and rule of law are ensured through supremacy of Allah's directives, "And whosoever does not govern by that which Allah has revealed, such are the wrongdoers" (S'erah al-MÉ'idah: 5:45).

iv) Integrity

Islamic system urges integrity and honesty in the management. Prophet (p.b.u.h.) said, "There is no governor who rules Muslim subjects and dies, having played foul with them, but Allah will forbid him Paradise". (ØaÍÉÍ BukhÉrÉ).

v) Equity & Welfare

Providing welfare, protection, and needs to every being under one's jurisdiction are a basic requisite of good governance. The Prophet (p.b.u.h.) said, "If he does not strive diligently to promote their welfare, he will not enter Paradise with them." (ØaÍÉÍ BukhÉrÉ). Since Islamic system is democratic in nature and is based on SharÉ'ah and the Sunnah, there is no place in this system for dictatorial leadership, authoritarian attitude and one man decision-making.

Islamic system of justice includes social justice, which means that the Government must manage to meet and fulfill the needs and requirements of all citizens, because they have rightful share in state resources and are bonafide citizens of the country.

This includes provision of job, means of subsistence and economic justice. This further implies that it is the responsibility of the state to provide food, shelter and clothing to all the citizens of the state. Economic justice is aimed at equitable distribution of means of living and check concentration of wealth in a few hands. That is why the rightly guided second Caliph HaÍrat 'Umar (r.t.a.) refused to allot lands to the Muslim soldiers and commanders in areas conquered by Muslims in Iran, Iraq and Syria. Only justice can create discipline in life of the people. Also essential is administrative justice, which means that all state functionaries are also subject to accountability and do not consider and treat people as "slaves" or "personal servants".

They should not insult the people in any manner. They should be honest and efficiently administer public affairs. It should be ensured that the concentration of wealth in one class or in a few hands does not occur.

Caliph 'Umar's (r.t.a.) declarations in this regard might be a guiding principle- that "if a mule falls on a rocky mountain as a result of unpaved road, at the bank of Tigris, he is answerable to Allah."

vi) Accountability

The Islamic system ensures airtight accountability! One in this world and the other in the Hereafter and both are inter-related. The latter, though very close and thorough, is very personal and not visible to others whereas the former sets an example in this very world. Both good and evil never go un-accounted for. But while we are interested in ethical conduct and good governance, there is a serious concern about whether we are doing anything about it. The existence of corruption and inefficiency has been facilitated by the severance of the organic link between our moral philosophy and its Metaphysical roots in the Monotheism. A proper apprehension of Allah, His Beautiful Names (al-AsmÉ' al-usnÉ) and His Exalted Attributes (Al-ØifÉt) must necessarily transform our ethics so that we not only search for the path to moral good, but also we are actually moved and compelled to follow it in all aspects of life, and in all situations, public and private - externally and internally. What we call in management "intrinsic and extrinsic motivation."

vii) Combating Corruption

During the time of the Prophet (p.b.u.h.) the government was not a major economic force. The role of the Prophet was largely that of a guide, a judge and a military commander. The government treasury received zakāt and fayy' for distribution, but the major revenue flows and expenditures on social welfare, defense and the bureaucracy that later came to typify the state were virtually non-existent. It is natural that the public sector corruption should not be a major feature of such a society, not just because of the limited finance of the state, but because of the quality of persons managing these funds and the presence of the Prophet of Allah among them. Thus although the Qur'an did come up with verses which showed the prohibition of corruption, its occurrence was rare and its punishment /deterrence was, therefore, not the pre-occupation of the sharf'ah at that stage. We find a greater focus on offences like theft, adultery, intoxication and slander-crimes of largely personal nature, which was a reflection of the limited nature of public sector crimes.

With the passage of time and the conquest of the early empire, the coffers of the state were filled with treasures managed by human beings whose fear of Allah was decreasing by the day corruption became a cancer in public life. Throughout the reign of different dynasties i.e., Umayyads, Abbasids, Fatimids etc, the Muslim world was governed by the aharf'ah, but all of these and many more were directed against exploitation, arbitrary power, class distinction and other features of a system without accountability and probity. The striking thing about all of these is that the fight against corruption was always waged by those outside the establishment and by the system of civil and criminal law recognized as distinctive of Muslim societies. Zakāt was collected, the hands of thieves were cut off, and the courts continued to administer capital punishment for murder, apostasy and rebellion.

The Qur'an prohibits many things without specifying the punishment for the offenders. For example, bribery is an offence. Nepotism, in the sense of appointing an incompetent person to office, is an offence, consuming wealth of orphans is an offence, spreading fasad [evil] and fa'isha [obscenity] among the Ummah are offences etc. As we live in an environment in which these offences bother all of us, [corruption, religious intolerance, destruction of places of worship, mediocrity in the name of quota system, tribalism and ethnic genocide etc.] we must remember that sharf'ah explicitly prohibits each of them and also allows the state to punish with a range of punishments including jailing and death. The choice however reflects our own values, not of the

sharf'ah. That corruption has far so long remained unpunished is a reflection of the underlying moral philosophy, which has come to permeate our collective consciousness, deadening the sense of outrage and revulsion against this heinous and cancerous crime.

Section Four: A Summing Up

It is clear from above elaboration that good governance is an ideal, which is difficult to achieve in its totality. Very few countries and societies have come close to achieving good governance in its totality. It is perhaps fair to say that the rudimentary nature of political structures in the Muslim world, the absence of effective checks and balances and the low political consciousness of civil society have contributed to the present state of governance.

However, to ensure sustainable development, actions must be taken to work aiming at making governance good in reality. A lot of measures can be taken for ensuring good governance. And already such measures are taken and implemented from time to time by the authority at different levels. Scholars, academicians and intellectuals express opinions to strengthen our parliament through pushing honest leadership, building institutional capacity and strengthening judiciary oversight. They hope, if sincere efforts are taken for implementing the above-mentioned steps, good governance can be ensured. On the other extreme, the oppositions, civil society, social groups and organizations also have the moral obligations to help and cooperate with the government in this juncture. In a workshop entitled "Good Governance and Accountability in Bangladesh", organized by News Network, Former World Bank Country Director for Bangladesh Frederick T. Temple strongly and confidently said that governance would improve in Bangladesh if loan defaulters, corrupt politicians, bureaucrats, businessmen, and terrorists are prosecuted successfully and incarcerated (Temple, 2002). So, many recommendations can be set forth as narrated above. But it can not be assured that good governance might be achieved through implementing these sets of suggestions. Actually, the perfect way to achieve good governance is instinct in divine sharf'ah. Sharf'ah is yet to be explored and studied by the contemporary Muslim scholars and administrative personalities for deriving and implementing the ideal of governance keeping similarities with the indigenous streams in respect of politics, cultures, economy etc. Creating adaptability of governance theory in Bangladesh with its different indigenous streams for achieving sustainability, a national project now needs to be taken for seeking approval of the majority of the society's factions in this regard.

Institutional reform of public sector for good governance may come through such approach of getting mass consensus. But what will be the achievement regarding behavioral reform of government functionaries as key to good governance? Islamic governance has got the momentum from Divine Sharf'ah which is plenty with ethics, values and moral qualities. Achieving good governance depends upon individual's enriched moral character along with drastic reform in institution. Sharf'ah provides inputs for behavioral reform of administrative personalities as it is a value laden theory along with material entity for overall development.

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