

The marginalisation of public servants



MUHAMMAD NURUL HUDA

personal interests.

Post-liberation scenario and conditions of service

The constitution, under article 136, provides for the reorganisation of services of the Republic by an act of parliament. Under the relevant law of reorganisation, any condition of service of a person employed in the service of the Republic may be varied or revoked. The law, the Services Reorganisation Act, 1975, contains provisions empowering the government to vary the terms and

bureaucracy itself was partially responsible for resisting reforms.

Schism, servility and marginalisation

Political expediencies have dominated the decision-making process in respect of recruitment to the civil service and subordinate ranks of police organisation. The quota system in recruitment to various services and posts has adversely affected the competitive ability of many well qualified candidates. Successive political

Awami League while the lateral appointees were considered faithful for the BNP

The 'Janatar Mancha' of 1996 and the general election of 2001 brought into sharp focus the ugly fangs of polarisation in the service. Scores of officers were retired on alleged political allegiance to a particular political party while the faithful or partisans were given prize postings and accelerated promotions. The divisiveness became all too prominent and manifest.

The pernicious cronyism

Under circumstances as above, cronyism has assumed new heights. Cronyism says that cronyism has now become an accepted practice that at a higher level, only the cronies get the plum jobs. In the recent past, ruling party functionaries including influential ministers have ensured large recruitments in police, education, election commission in utter disregard of all rules or regulations. Members of Parliament and other ruling party influencers were allegedly allocated their own quotas for jobs.

The above-mentioned cronyism brings with it the problems of delinquency, incompetence and, of course, pliability. In addition, a clique of corrupt courtiers always surround those who wield power in a medieval ruling culture. They become the link between the rulers and the ruled.

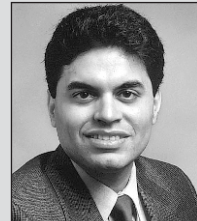
The above practices give rise to arbitrariness and irrationality. As against institutional development, we have now developed a patron-client relationship. A whole network of patronage has been built around quotas for jobs, admissions, urban plots, connections for electricity, gas or telephone and dispensation of development funds. The distinction between public property and private gain is totally blurred. Another ominous development is the contempt for rule of law. There is establishment happiness with people who are pliable and corrupt but claim to produce 'results'.

The desired course

We seem to have forgotten that the foundation of a state rests upon the impartiality and resilience of some institutions, prominent among which is the public service or civil service, whatever name you call it. Bureaucracy is a necessary organisation for carrying out public functions while bureaucratic values are commendable, one has to appreciate that. The partisan behaviour and attitude of the government and the perilous polarisation of our society are marginalising the public services. Let us not forget that the public sector still remains a major actor in the nation-building process and this highlights the necessity of politically neutral merit-based public service. We have to realise that it is not conducive for a strong and mature political government to have a bureaucracy about whose quality the recruitment agency and the society at large entertain grave doubts. The premonition is that our present conditions, if not amended, may lead to a stateless society. In a stateless society the constitutional government will be dislodged by political brats and their godfathers.

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The things that have not changed



FAREED ZAKARIA writes from Washington

THE graveyards are filled with indispensable men, Charles de Gaulle once remarked. Ariel Sharon would seem to be the exception, one who truly became irreplaceable in his final years. Everyone seems to agree that his passing from the political scene would change everything, opening up a political void and jeopardizing the prospects for progress between the Palestinians and Israelis. But perhaps de Gaulle was right, even in the Middle East.

Sharon came to hold the view that he is now firmly associated with -- unilateral disengagement with the Palestinian -- extremely reluctantly. Withdrawal from Gaza was always a left-wing idea. In fact, the Labour Party leader, Amram Mitzna, campaigned on it in the 2002 election. Sharon rejected any such thinking, believing firmly in a "Greater Israel," one that he had risked his life conquering and building.

What changed his mind were demographic realities -- namely the prospect that as the Palestinians multiplied, Jews

would become a minority in their own country. Add to this a political reality: Israelis had soured on the dream of a Greater Israel -- because they saw that it came with Palestinians in it. The Israelis wanted out. Sharon, a shrewd politician, recognized these trends and followed them.

These realities persist with or without Sharon. That is surely why his new party, Kadima, continues to poll as well as it did

approach." That means some kind of unilateral disengagement.

To be sure, Sharon's role was vital. He was the one leader who could break the taboo on returning land and evacuating settlers. Israelis trusted him to implement a difficult policy. He had credibility on the right, with the security forces and with key segments of the electorate. His probable successor, Ehud Olmert, actually advo-

to admit yet is that the Palestinian Authority has collapsed, Gaza has turned into a failed state and there is no single Palestinian political organization that could create order in the territories and negotiate with Israel. Palestinian dysfunction is now the main limiting factor on any progress in the peace process.

There were many hopes that Gaza could become a model of what the Palestinians would do once liberated from occupation. Last week The Christian Science Monitor reported on the new scene: "As the first year devoid of an Israeli presence since 1967 dawns," it wrote, "armed militias roam the streets freely, foreigners are kidnapped with regularity, and the measure of a man in this coastal territory is not his political title, or even the size of his house, but the number of AK-47-wielding bodyguards he employs."

Some of these problems are not all of the Palestinians' making. Israel has ruled them harshly and disrupted their political and economic life, and some of these disruptions continue even in Gaza. Goods have to be loaded and unloaded at checkpoints, people checked and rechecked, all of which imposes huge costs on normal activities. But whatever the past and whatever the constraints, the fact remains that Gaza lacks a single authority, a functioning government, and as a result is in a "state of anarchy," in the words of The Christian Science Monitor. This is not the model that people had hoped for.

If the United States and the international community are looking to push along the peace process, the urgent need is to build Palestinian governing capability. Without that, Israeli intentions do not matter. If the Palestinians can get their act together, the spotlight will inevitably shift to the Israelis. And then the United States should urge Israel to continue in the direction that Ariel Sharon has pointed toward, separating itself from the Palestinian population in a process that inevitably will result in a Palestinian state on more than 90 percent of the territories captured in the 1967 war. A sense that this is what Sharon would have done eventually will be essential in moving to that settlement. In that sense, he might still prove to be utterly indispensable.

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STRAIGHT LINE

The partisan behaviour and attitude of the government and the perilous polarisation of our society are marginalising the public services. Let us not forget that the public sector still remains a major actor in the nation-building process and this highlights the necessity of politically neutral merit-based public service.

conditions of service of a public servant even to his disadvantage. This was without doubt, a significant departure from the government of India Act, 1935, which laid down that the terms and conditions of the service of a civil servant could not be varied to his disadvantage.

The above act of 1935 contained a fair and salutary principle that aimed at protecting the interest of the members of the civil service so that they could act impartially without having to depend on the whims of the political executive. However, it is interesting to note that in respect of the offices held by the higher judiciary, the office of Comptroller and Auditor General, Election Commissioners and members of Public Service Commission, such variation to the disadvantage of the holder of the post does not exist. In fact article 147 of the constitution states that the remuneration, privileges and terms and conditions of service of a person holding or acting in any office mentioned under the same article shall not be varied to the disadvantage of any person during his term of office. So it follows that the aforementioned two different sets of dispensations is discriminatory and the discrimination remains till date.

In the formative years of independent Bangladesh, the prominent political leaders had displayed high degree of distrust for the bureaucracy. That distrust influenced the new leaders to vitiate standing convention of political non-interference in recruitment and routine civil service management. The intention was to achieve dominance over bureaucracy in a changed socio-political environment. The government, however, constituted the Administrative and Services Reorganisation Committee. This committee showed the way for the reform but their recommendation for reorganisation remained in cold storage. This, therefore, indicated that the political leadership was not interested in a well organised administrative system. The

governments have refrained from effective changes in the quota system for fear of losing popularity. The priority of merit over so-called equitable principles does not merit discussion in the policy parlance.

In 1972 separate examinations were held for freedom fighters and non-freedom fighters. Candidates in the freedom fighter category were recruited only through interview and the special dispensation to the freedom fighters was based solely on political rather than administrative considerations. In the process, the civil service lost its homogeneous character which is considered necessary for morale of the service and the *esprit de corps*. This had its undesirable impact on a politically neutral civil service.

In 1976 and 1978 deliberately motivated lateral appointments were made in police and some other services. The appointees were ex-armed forces personnel. These appointees who were termed as beneficiaries of post August 1975 change over, caused lot of heartburn in the regular appointees and the services experienced a great degree of imbalance and uneasiness. As a result, several interest groups developed within the services, each with their own agenda. There were the regular appointees from former All-Pakistan Services, central services of Pakistan, East Pakistan civil service, freedom fighter appointees of 1973, the ex-defence services lateral appointees and post 1979 regular appointees.

The politicians exploited the above different interest groups who were ready to be abused and misused and had amongst their ranks some of the most shamefully pliable officials. These officials in the civil and non-civil bureaucracy had the dubious distinction of being the forerunner of media coup and election engineering. Quite a few of our academically brilliant bureaucrats became the henchmen of the vilest dictator. The political polarisation of the services started in the eighties. The 1973 appointees were suspected to be aligned to the

IN many countries, such as the United States of America, the civil service is a semi-permanent body, the most senior posts of which change hands with a change in government. A variation on this model, which is employed in Germany and France, involves incoming ministers bringing into the department with them a small body of hand-picked professional advisers. Under the constitution of the United Kingdom, civil servants hold permanent posts, in law holding office at the pleasure of the crown. Article 134 of Bangladesh constitution says "Except as otherwise provided by this constitution every person in the service of the Republic shall hold office during the pleasure of the President."

Job security, political neutrality and anonymity

The significance of job security or permanency lies in the development of expertise and the natural growth of civil service ethos. Most importantly, security ensures the availability of such expertise to governments of differing political persuasions. The services owe their loyalty to the government of the day, irrespective of the political party and it is imperative that the services avoid creating the impression of political bias. The anonymity and political neutrality of public servants are usually reinforced by rules restricting political activity. This is so because if the public service is to serve governments of all political persuasions, it is essential that public servants or civil servants, whatever their private political views, must not be seen to be politically active in a manner which would inevitably compromise their neutrality under one political party or another.

If civil servants by their activities turn into public figures thereby subjecting them to scrutiny in media and parliament, their capacity for maintaining the appearance of political impartiality get badly damaged. The public servants are duty bound to give honest and impartial advice to ministers and to endeavour to deal with the affairs of the public sympathetically, effectively, promptly and without bias or maladministration of public money. They are also required to conduct themselves in such a manner as to deserve and retain the confidence of ministers and to be able to establish the same relationship with those whom they may be required to serve in some future administration. They must not misuse their official position to further their own or another's

Monstrous parasites!

ISAAC ROBINSON WRITES FROM SRI LANKA

WHEN she first approached us for a job, we did not have a vacancy for our office. After I looked at her CV with a not so unusual negligence of an uninterested employer, my eye balls started to grow bigger and bigger. Top of her class in law school, grade A in almost all the papers she wrote. Even if it was not her academic feat, the quality in her was so evident in the very first meeting that I eventually felt the pressure to pursue my HQ to create a new position for her. Her name is "AA", a Tamil, Muslim by religion, lawyer by profession. Today attorney AA married fellow attorney "SK", the General Secretary of the Municipal Bar Association. The dowry for the marriage is seven and half lakh Rupees cash, and of course a brand new two storied house in town. Not surprisingly, the dower (Mahr) was fixed at one thousand and one Rupees. What a great sacrifice of a generous bride-groom!

My way back home from the wedding place is an hour and half drive alongside the coastal lines of the Indian Ocean. Today I do not notice the beauty of the ocean or the devastation of Tsunami, I only see parasites on both sides of the road. It's astounding to see Palmyra trees gotten entirely swallowed up by parasites. Some of the parasites grow so big and strong that you will not even notice the existence of the Palmyra itself. Palmyra trees divulged by parasites often do not produce fruits. After all the years of hard work and achievements, top notch attorney AA is nothing more than a Palmyra

divulged by a monstrous parasite.

A parasite lives off the rich of its host without contributing anything to the survival of its host. Women in our society are surrounded by parasites. In every aspect of a family life, including and not limiting to, inheritance, raising children, maintaining home and family, handling dissolution of marriage, male dominated society wants advantage against women. Dowry is only an economic element of the whole. Dowry money is more likely to come from another man, the father of the bride. It's probably a compensation for equating woman with man. Clearly recognition of woman as human being is at the centre of the equation. However, there are indications that recognition is not the only thing in play. The determination of men to live at the cost of women, irrespective of whether they recognise women's rights or not, is also an important factor.

The Sri Lankan situation exemplifies this a bit. Women there are literate, they have access to employment, the town where I live has almost as many female bicycle and motorcycle riders as male riders, and to surprise many of you, in the eastern and northern parts of the country more women hold property than men. In Jaffna, 80 percent of land properties are owned by women. Empowerment means a little when society continues to seek unjust advantages from women. In the case of AA, very few male lawyers of her district can match her qualities. As a human rights lawyer, she protects rights of other people. But when it comes to protecting her own rights, she is just another woman suscepti-

Where law prohibits dowry, as in LTTE controlled areas and in Bangladesh, the practice goes on in the disguise of gifts. Social problems should be cured by the society. Law will provide the support. Social reform requires education and awareness for the widest possible section of the people, and in this context a dialogue between men and women. Did we start that process in Bangladesh?



Victim of parasites!

ble to repressive and degrading social practices. Two more examples are due here.

LTTE has a long established practice of using child soldiers. Before the ceasefire agreement was signed in 2003, LTTE used to abduct Tamil teenagers from government controlled areas and use them as child soldiers.

Only exception was that LTTE would not abduct anybody who was married. To avoid LTTE abduction, thousands of teen-aged boys and adults got married. After the ceasefire agreement LTTE continues to use child soldiers, but they no longer abduct them from government controlled areas. At that point



Ariel Sharon and Bibi Netanyahu standing on the word Gaza.

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