

FOCUS

Case for Uniform and Welfare Oriented Bureaucracy

by Syed Mansur-ul Haq

The institution of Ombudsman for which necessary enactment has already been made may be translated into reality along with the re-structuring of the Administrative Tribunals (in the light of last few years' experience) to make sure that the bureaucracy functions objectively, neutrally and incorruptibly.

In a democratic set up, the role of bureaucracy is to serve the people and the country within the policy horizon laid down by the government in accordance with the people's wishes as reflected in parliamentary deliberations. A democratic government is said to be a government by the people, for the people and of the people and is formed with the support of the majority population of a country. It naturally follows that the cardinal objective of such a government is to promote community welfare consistency with the people's mandate expressed through national elections held on the basis of universal suffrage. Bureaucracy provides the forum — may a mechanism, through which decisions taken by the government are implemented in a way as to maximise people's welfare or reduce their inconveniences.

In our country, because of historical reasons, we have inherited bureaucratic system initially founded on colonial/imperial considerations to uphold the interest of the rulers. The impact of government decision on the general populace was only a matter of secondary importance. But after independence the entire perspective of governance has changed. The basic purpose of all government actions now is to remove people's woes and to increase people's welfare whenever and wherever possible. There are no two opinions about this objective, but in the real life situation, we are still far from having a welfare oriented culture in the context of government functioning. Why is it? It is not intended to get into an explanatory elaboration into that here. Instead, it will be desirable in this regard to discuss what participatory role our bureaucracy can play and how effectively it can do so. Once this role is agreed upon it will logically ensue that the constitution and function of the existing bureaucracy will call for a major review. In a way, the need for such review has been always felt and that is why Service Re-organisation Commissions were set up during Pakistan days and again immediately after the emergence of Bangladesh. The recommendations of these commissions were at best partially implemented. Meanwhile new issues cropped up to irk the reform efforts and government functions increased by leaps and bounds. The accumulated result is that service efficiency is generally on the wane leading to delay and inertia in the decision-making as well as the implementation process.

In this background it will perhaps be desirable to look into the deficiencies of the existing bureaucratic pattern and its functioning, before any remedial strategy is suggested. Of course, in my view, no piece-

meal effort is likely to be of any avail, and a comprehensive study of the subject should be attempted instead. The issue of having a uniform and welfare oriented bureaucracy will have to be viewed in its entirety. In this context, the following deficiencies may perhaps be identified in the government's present functioning:

Lack of cohesion: It is generally observed that the desired coordination among the various ministries is not there. Even the departments/organisations under the same ministry suffer from such shortcomings. Then, there is always a gap between what is said and what is done. Such state of affairs naturally lead to confusion in the public mind, besides creating obstacles/difficulties in the implementation process.

Lengthy process of decision making: This is a phenomenon everybody is well aware of. Unfortunately, it continues all the same. At times, required action cannot also be taken due to the presence of vested interests.

May be, there is no appropriate delegation at various levels/stages to secure and uphold the effective pattern of governance — rather, according to many observers, there has been over-centralisation of power.

Hence, it needs to be seriously looked into to find out why is it so and whether such lengthy process can be avoided by granting maximum decentralisation of power without compromising the quality and transparency of administration.

Overlapping of functional powers and relationship between the ministry and the organisation: Although organisations are to function as per enabling enactments, very often, this position becomes a nullity by the overriding clause giving powers to the ministry to issue executive directives. Organisations are also required to have their annual revenue as well as development budgets approved by the ministry concerned which, in turn, usually has to obtain the Finance Ministry's clearance before communicating approval. These requirements obviously put a brake on the organisation's ability to manage its own affairs as has been enjoined by the legislature. Moreover, even in the matter of budgeting and issue of directives, no clear cut norms have yet been established and spelled out. Even if budgetary approval is considered to be a sine qua non for government control over a public organisation/company, it should be left free to manage and operate its affairs within the framework of the budget, once approval is accorded to the same. But presently, the existing nature of relationship which remains largely unspecified has not

done any good either to the organisation or to the ministry and government and has only lengthened the process of decision making causing delay in the solution of various issues/problems.

As such, the relationship between the ministry and the organisation needs to be placed on a more pronounced and transparent basis clearly spelling out the respective jurisdictions. Normally, ministry's role should be one of policy formulator and facilitator and not one of arbiter. Instances are not infrequent when ministry's intervention has, instead of facilitating, confounded the matter.

Vague relationship between bureaucracy and minister: The respective role of the secretary of the ministry/division and that of the minister concerned is yet to be documented in a clearly laid policy paper. Such issues like a secretary's responsibility and accountability vis-a-vis a minister's responsibility do deserve to be placed on a more sound footing and also calls for elaboration not only to avoid the trait of passing out the buck, but also to avoid creating any scope for malfeasance.

Lack of Training: Although some training facilities exist, the training itself is not conducted in a properly integrated fashion. These can neither be called comprehensive nor ideal, let alone systematic in anyway. Examples are galore when an official is trained in one area, but utilized in another. Also there are instances, where an official may have been sent out on training even as a prelude to his shifting from the present position. Then again, whatever training is given to or received by an official is almost never evaluated to determine the net benefit out of it nor are the public service aspects with a trait of fellow feeling and sympathetic understanding in the conduct and manners of young bureaucrats focused adequately in the training courses. On the other hand, the number of training academies/institutes are by no means sufficient nor are they well equipped technically and academically.

Generalists vs professionals/specialists: Professionals/specialists resent that their talent is not being given due recognition as against the generalists'. This is in a way true, because the present structure of government machinery is such that usually the generalists are

at the top inasmuch as most of the generalists come from the generalists' cadre. This syndrome has attracted government's attention and, in fact, has been agitating the government's thinking for quite some time. Efforts have been made sporadically to dispel the impression that the top strata of the government machinery is being dominated by generalists by opening opportunities for the professionals/specialists to don the secretary's post. But nothing has yet been worked out on a durable/regular basis and even the concept of 'Senior Service Pool' after giving a trial for some time has now been pushed into limbo. Incidental to this are the questions of equal opportunities for the different service cadres and the case of non-cadre officials for consideration against higher vacancies. Under the existing promotion rules, members of all cadres and non-cadre officials are not or rather cannot be considered for the seniormost posts.

Recruitment, promotion and deputation policy: Presently, all superior recruitments are not done by the Public Service Commission. Particularly some of those falling in the category of non-cadre superior posts can be cited as a case, for example. Again, on occasions, even vacancies against cadre posts are filled up on ad hoc basis by inducting surplus or otherwise pampered groups. Various irregularities are also noticed in the recruitment of subordinate positions. Then there is the question of various quotas and at times, on the plea of quota observations, very inferior candidate is given preference over others. Coming to promotion policies, it is observed that there are instances where these are not always based on well documented principles. How marking for seniority, merit, experience and for any other avowedly desirable criterion should be done has not been elaborated for the guidance of the promotion/selection committees. For reasons of exigency, an officer has to be deputed to work in particular positions at times. It will not be correct to say that such deputations are always decided in accordance with only well-set formulae.

As a result of these, rivalry abounds to jealousy at times between these groups of officials continue to corrode the stability and efficiency of the government machinery.

Manning of secretariat positions: According to prevailing system, only members of one cadre are by and large considered eligible for secretariat positions which creates a sense of deprivation amongst the members of other cadres and non-cadre senior officials. Although, at times, some members of other cadres do get berths against secretariat posts, there does not seem to be any conscious and well laid policy therefor. It cannot be held that a member of a particular cadre which virtually holds monopoly in respect of secretariat posts may necessarily be superior in knowledge and experience to the members of other cadres. All government officials of more or less same length of service and having aptitude and similar educational background should have equal opportunity.

Weak monitoring device: In effect, there hardly exists any regular monitoring device. Only a cursory effort is made from time to time and that too when there is a public outcry about the role of any official or about the shady performance of an organisation even though such rhetorics may, at times, be said to have been introduced which was, however, subsequently abolished.

Politicalisation of some senior appointments: It appears that slowly, but steadily, the trend is being set towards giving political weightage for manning some of the senior positions. It calls for a dispassionate study to assess the suitability or otherwise of politicisation of the top echelon of bureaucratic hierarchy, particularly in a parliamentary form of democratic set-up. Even if it is considered necessary for the success of the majority party government, the dictates of transparency will call for adoption of well laid principles identifying the specific posts and qualification thereto which should take the nominee of every new government that comes in.

Recommendations

Now having identified briefly and reviewed from the point of view of a conscious citizen of the country, the existing provisions and rules being

found inadequate and not exercising a very healthy influence towards proper functioning of bureaucracy, the following line of actions may perhaps be explored and aimed at creating a more coherent and welfare oriented bureaucracy.

Government functioning at all levels should be decentralised while insisting on transparency and accountability.

Strengthening and more empowerment of the local bodies may also be given due consideration in this regard. All recruitment, promotion and deputation should be based on clear-cut rules designed to establish complete transparency and nothing should be done on ad hoc basis. All superior appointments must be done on basis of recommendations communicated by a properly constituted service commission and no exception should be made in that. As a matter of fact, there should be two service commissions: one for class-I and senior establishments and the other for class-II officials and initial entry against non-cadre posts. As regards subordinate positions, there may be another full-fledged commission leaving the case of class-IV officials for which selection committees constituted as per rules of each organisation may finalise appointments by majority decision invariably after a written test. The question papers in all these cases will be set by a question setter selected by the competent commission and selection committees as per prescribed rules. In the same way, answer scripts will be marked by the examiner or examiners duly appointed by the respective commission/selection committees. As regards deputation, this should be done whenever required by a properly constituted apex committee headed by the Establishment Minister with Establishment Secretary.

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Bangladesh Secretariat which formulates the policies of governance is mainly manned by the members of one cadre present, thereby creating inter-cadre rivalry and mistrust. In the backdrop of such secretariat functioning, it will be in the fitness of things if all secretariat posts of and above the rank of Deputy Secretary are termed as deputation posts. But since secretariat functioning must guarantee a system which will ensure continuity, at one stage, it was considered imperative to have a set of officials who would be available for secretariat functioning all through. Accordingly the section officer's scheme has been introduced which was, however, subsequently abolished.

As regards exposure of permanent members of the Civil Service to particular political ideology/programme of any elected government suffice it to say that the cardinal principle of bureaucracy's functioning should be to implement the decisions taken by the government irrespective of its political ideology. However, if any government at any stage wishes to have the services of experts in the field of finance, commerce and foreign affairs, to name a few, it can temporarily appoint special secretaries or advisers for those affairs or other affairs as may be specified in accordance with the policy laid down by the legislature which has to be made public by the reigning government for the period of its own regime. Lastly, the institution of Ombudsman for which necessary enactment has already been made may be translated into reality along with the re-structuring of the Administrative Tribunals (in the light of last few years' experience) to make sure that the bureaucracy functions objectively, neutrally and incorruptibly.

Role of Civil Society in Good Governance: An NGO Experience

by Sohel Ibn Ali

Creating the situation for poverty eradication depends not only on a good government and an efficient private sector, but also on a vigorous civil society in which people can effectively participate in the social, economic, political and cultural activities of their communities.

Underdevelopment and unemployment appear to be main problems of Bangladesh and they are not due mainly to lack of education or opportunity obtaining in poverty situation. They are due rather to structural or institutional inequalities militating against the poor and the powerless who have little decision making power and little recourse to or protection against violation of their rights. For example, organised landless groups are supposed to receive government khas lands (khas land distribution programme, however, is often termed as a political stunt) by right, but the large zamindars (landlords) who exercised traditional control over these lands (although the system long ceased), still continue to enjoy their 'rights' with tacit collaboration of police, and forcibly restrain the landless groups from developing themselves through cultivation of their own land by right. As a result the vast majority suffer for a pittance and their quality of life perceptibly deteriorates. Poverty, exploitation of women and children and toiling masses, suppression of their democratic rights, have been perpetuated through structural injustices and traditional beliefs. But this prevailing situation must be changed for this raises genuine concern about the future of the country.

At present we badly need accountability and transparency in all our works and sphere of life. This entails that we have to build up good governance from grassroots to top executive level. As we know, good governance is basically a wide agreement that when compiled with ensures rule of law for all citizens, people's participation and accountability and transparency on the part of those having administrative responsibilities at all levels of society. If it is established properly, it would deter corruption and improve behaviour of the people involved in the process in accordance with the rules as well as dictates of ethics and morality. When the purposes of good governance include the traditional responsibilities of national and individual security

election he was found working against their interest. Then they decided themselves to be candidates in the election and with assistance and guidance from Samata a large number of landless candidates have been elected in the last Union Parishad election who are now playing a significant role in eradicating poverty and building good governance at local government level.

The NGO also believes that poverty would not be eradicated without civil society's support and assistance. Because a diverse and vibrant civil society is a pre-requisite for promoting sustainable development. Civil society here describes the broad range of organisations in society which fall outside government and which are not primarily motivated by profit.

They include voluntary associations, women's groups, trade unions, community groups, chamber of commerce, farming and housing co-operatives, religious or tribal groups, cultural groups, sports associations, academic and research institutions, consumer groups and so on.

Creating the situation for poverty eradication depends not only on a good government and an efficient private sector, but also on a vigorous civil society in which people can effectively participate in the social, economic, political and cultural activities of their communities. Strong civil societies are less prone to conflict and provide a more stable condition in which people, particularly the poor, can voice and meet their needs.

Many civil society organisations have huge mobilisations.

They can be an important means for citizens to come together for community based action. They can operate at all levels within a society, from the local to national and also globally across societies through formal coalitions and informal networks. They can provide opportunities for poor people to improve their standard of living, at the same time providing a voice for them in political and government decision making. They can contribute to continued economic development, by helping to mitigate the potential adverse effects of economic instability through more equitable distribution of the benefits of growth. They can provide for some main aspects of the social safety net required to protect the most vulnerable and marginalised. They can make particular contributions when people are affected by sudden shocks. They can also help monitor cases of human rights violation, social injustice and environmental degradation.

Samata seems committed to promoting the rights of landless poor people, to have their voices heard and to engage with government and other authorities which make decisions affecting their lives. Last year it held 14 meetings with civil society, eight meetings with political leaders, 14 meetings with local elected bodies; organised eight group leaders' training, five local leaders' training, five local elected UP members' training, three trainings on development activities for elected bodies, eight workshops for civil society, eight cultural functions, eight film/video shows and eight mass gatherings in its working areas. With a view to promoting meaningful participation in the local government of members and beneficiaries, it organised voter education programmes at Pabna and Sirajganj districts.

As a result of such activities

relations between the civil society and the landless poor has been growing and gaining strength. With their assistance and co-operation, landless group members are becoming more aware of their social, economic, legal and political rights and able to raise their voices against injustice and exploitation. Presently the NGO is working with this issue in the northern districts of the country through capable network namely LAND (Land Network for Development). The organisation hopes that this way good governance will be built at all levels of national government where the civil society and the grassroots landless people will be able to play a constructive role in eradicating poverty.

New Battles Begin Soon in the WTO

Even as the financial crisis places a heavy burden on the affected developing countries, a new challenge is emerging at the World Trade Organisation. The developed nations are piling on the pressure to launch a new Round of trade negotiations during the WTO's Ministerial Meeting this December. They are now planning their strategy to get developing countries to agree to putting more issues, such as investment, competition, government procurement, environment and labour standards, onto the WTO system. This will put developing countries into deeper trouble. It is thus time for these countries to pay attention to the developments in WTO and resist the attempt to start a new Round.

by Martin Khor

THE Asian financial crisis, which has now spread to Russia and Brazil, should have at least taught the world the lesson that there are great risks for developing countries when they are asked to liberalise their economies too fast, or to take part in "globalisation" in an indiscriminate way. Opening the economy when a country is not yet prepared to withstand the shocks generated by the world economy, or when its local firms and farms are not ready to compete with international giant corporations, can cause disruption.

Yet before we can even digest the full lessons of how to manage the interface between the domestic and external economies, pressures are once again mounting to get developing countries to open up even more to the big companies of the industrial countries. The extra pressures are coming in the World Trade Organisation, which will be holding its third Ministerial Meeting at the end of November in the United States.

The European Union, backed by Japan, Canada and other developed nations, have announced they want to launch a new "Round" of trade negotiations at this meeting. In such a Round, several issues will be made the subject of negotiations for new multilateral Agreements that will be legally binding on WTO members. For example, the Uruguay Round (1984-90) concluded with many new Agreements covering services, agriculture, intellectual property rights, investment measures and other issues. It also created the WTO to replace the old GATT (General Agreement on Tariffs and Trade).

The developing countries were generally against these

new issues entering the trade system, as the Agreements legally oblige them to change their national policies and laws so as to open up their economies further to foreign goods, services and companies. Since the farmers and local firms are generally small and firms lack the technology or marketing skills, they are unable to fairly compete with the big companies of the West or Japan.

There is a deep fear that

when these Agreements are implemented (after a grace period of five years or so), the developing countries will face a lot of problems. Cheaper goods or services may swamp the market, replacing what is locally made. Bigger foreign firms with the latest technology or with marketing outreach will increasingly take more market share away from the local sector. This may well cause retrenchment and dislocation, especially in the less developed of the Third World countries. The least developed countries are understandably most worried. Even before these problems arising from the Uruguay Round, have been understood (let alone dealt with), the big companies are once again pushing their governments to open up yet more areas in the developing countries for them to enter.

The European Union therefore proposed launching a new round of negotiations, which it even conferred the glamorous term "the Millennium Round".

Although the US originally seemed cool to the idea (preferring to push issues it liked on a sector by sector basis), President Bill Clinton endorsed having a new Round in the WTO when he made his State of the Union address in

March. The developed countries seem united in pushing the WTO into this "new Round."

Developing countries should be very wary of what this means because a range of issues that will be to their disadvantage will be thrown into the preparations of this new Round.

The EU has already made it clear that it wants to pursue "new issues" such as international investment rules, competition policy and government procurement through this Round. These three issues were put on the agenda of the first WTO Ministerial Conference in Singapore in 1996. Most developing countries were against having any negotiations on these issues, but the pressure from the developed countries was so strong that they compromised and agreed to take part in "working groups" to discuss the issues.

The developing countries made it clear that the working groups had the mandate only to discuss the topics in a sort of academic way, in what was called an "educative process". They had no mandate to start negotiations for Agreements. The three working groups have now gone through two years of discussion, during which the developed countries made it clear they intend to "upgrade" the talks into negotiations.

The developing countries

want to placate the environmental groups and labour unions who have been protesting about the negative effects of free trade. If the environment and labour standards are also thrown into the pot of the New Round, the influential civic groups may then be won over, or at least they may not campaign so hard against the proposed Round. Or so the establishment thinking goes.

The US meanwhile is very keen that the Uruguay Round issues of services, agriculture and intellectual property rights be revisited and revised so that its corporations will have yet more market openings or advantages. New negotiations on these existing topics, which are already on the agenda in any case, will also likely be put on the agenda of the New Round. However, it is far from certain that there will be a new Round. Many developing countries are against it. Their position is that the WTO should allow developing countries (who after all are the majority) the time and space to tackle the problems of implementation of the existing Agreements.

That is cause for enough