

En-masse contractual appointments

Is it a stop-gap arrangement or precursor of spoils system?

AHMAD MAHMUDUR RAZA CHOWDHURY

RECENT surge in contractual appointments have been resented by juniors, criticised by service associations and its demoralising effects on civil servants have been highlighted in the media. The proponents argue that it is purely a stop-gap arrangement to meet a sudden vacuum created at the top echelon of administration. But a deeper look leaves little room to be contented with this apparently innocuous thesis; rather a pattern is discerned that suggests that not only the façade but also the core composition of country's civil service is undergoing a quiet transformation.

The Act XII of 1974 provides scope for contractual appointments. The framers of this piece of law had visualised its use only for persons having proven efficiency, integrity and professional capability in exceptional and compelling circumstances of indispensability and in the public interest. Contractual appointments were made by all previous governments. But what alarms people is the recent rise in the number of appointments on contract that has surpassed all previous records. An upper limit imposed earlier restricting contractual appointments at ten percent of the duty posts has been scrapped by the present government that paved the way for unfettered appointments on contract. Skepticism abounds as to, barring a few exceptions, how many of the horde of present day contractual appointees at various tiers of administration are indispensable and had displayed extra ordinary performance in their service career. Failure on the part of the government to follow a transparent policy for wholesale contractual appointments has thus led people to believe that these are done on purely partisan or some 'other' considerations. The beneficiaries are well aware of this reality and the message has well permeated through down the ladder to the upcoming retirees many of whom are no less eager to get a share of the patronage. The race for largesse at times is so vividly exposed that it breeds ill feelings, disrespect and often generates distrust for the seniors.

Had the contract services were only a temporary phenomenon to meet the sudden vacuum at the top

tiers, then there should have been definite back-up policies of the government to overcome this impasse within a short span of time. For that, there are two essential prerequisites which should have been unfailingly in operation. First, as an immediate measure, qualified officers at the next below levels should have been promoted on merit-cum-experience basis to fill in the vacuum. The promotion system should have been so designed that would let officers with exceptional qualities, professional capabilities and adequate experience to be promoted to occupy the top positions. But the Superior Selection Board (SSB) could not work freely, least to speak of administering a credible promotion policy that could ensure grooming of a group of officers capable of shouldering higher responsibility based on

and career planning for civil servants. Often we were amazed at the high professionalism, articulate presentation and depth of home work done by counterparts from neighbouring countries in international/bilateral encounters vis-a-vis poor performance of our civil servants. No tangible and rigorous training programmes (local and foreign) exist at the national level and if this situation persists, the dearth of capable civil servants for top postings will continue unabated which will, all the more, be a very convenient excuse for perpetuating contractual appointments. And obviously not on merit but on some other considerations.

At a seminar held in Dhaka a top bureaucrat reportedly lamented (D.S Nov. 09, 2004) that a plan to train up 5000 young and talented civil bureaucrats abroad could not

scrapped, many trained civil servants would have been at work by now. If that top civil servant could have declared in the said seminar that the abandoned training programme for civil servants has been revived in the greater interest of the country he would have been remembered for this piece of contribution. Thus, the conspicuous absence of any short- or long-term supportive plans of the government fails to justify the thesis that unfettered contractual appointments are only a stop-gap arrangement to meet an exigency.

It is said that for each contractual appointment at the level of secretary promotion of five officers down the line are blocked. In case of the head of a department the number of affected persons down the line are more. Officers at mid-level completing about 20 years of service are shattered at the bleak prospect of promo-

number of posts hitherto been earmarked for the cadre service be brought out of the cadre composition and declared to be filled in through open bidding. This will, at least give a semblance of fair play and rule of law.

But such a vital change in the pattern of country's statutory civil service cannot be brought about by a stroke of pen. There has to be a national debate for any change of bureaucracy in that direction. Let the citizens apply their wisdom to decide whether they should opt for an uncharted Spoils System and allow the civil service to be a part of national politics or they should stand for a non-partisan permanent civil service that will be regulated by fixed inviolable rules, work without fear or favour, and maintain continuity of governments. The ramifications of a politicised civil service has been discussed in a separate write-up (DS, January 13, 2005).

It may be noted that the Spoils System thrives on a strong mechanism of accountability, checks and balances and above all, a guarantee of rule of law. But given the socio-political background, complicated legal system and the level of education prevalent in the country any shift towards the Spoils System is fraught with enormous danger. In such a situation of loose accountability the incumbent beneficiary may be tempted to take the job/assignment as an one-shot affair and get away with his wrong-doings once the term of the government is over. The purpose of mentioning this controversial system as an alternative is not to promote the system but only to point out the direction at which the country's civil administration is sliding quietly.

A civil servant is a product of law who cannot be turned into a commodity to be traded. Resorting to unrestricted contractual appointments in a non-transparent manner has transgressed bounds of justice, fair play and good governance. This culture must be dismantled to contain growing discontent, suspicion and mistrust in the ranks and files of the bureaucracy. The onus of restoring the civil service to its desirable character rests squarely with the politicians, the civil society and the top-brasses of bureaucracy.

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A TRIBUTE

Shah AMS Kibria: As I knew him

HARUN UR RASHID

I learnt the news of assassination of SAMS Kibria with disbelief as I read in the morning newspaper in the Internet edition. How a person who had given so much for Bangladesh could die in such tragic circumstances? How could a coward take his precious life?

I had the privilege of knowing him since 1953 in the S.M.Hall. He was doing his Masters in Economics at a time when I just entered the Hall and was a student of first year Honours. He had a single room (probably 122) upstairs, reserved for students who would secure First Class in Honours. He did and retained the single room. He was a person with simple life and there was no artificiality in him. You get what you see as a person. He appeared at the Central Superior Service examination and stood first again in all Pakistan. And so also he earned a First Class Masters degree. He joined the Foreign Service in 1954.

The next time I met him was in Islamabad in Foreign Office in 1968. We used to live in the suburb (Sector F-6/3, now called Ramna), near Margalla Hills. The suburb had rows of newly built spacious houses with front and backyard. The suburb was designated as "Deputy Para" because a large number of Deputy Secretaries lived there.

Often my wife and I used to meet him and Asma Bhabhi in different official and unofficial functions. We, all Bengali-speaking officers, were very close and used to visit socially each other's houses. Kibrias were always decent and hospitable. There were not more than a dozen Bengali officers at the Foreign Office at the time.

Some time in 1969 or early 70, there was a painting exhibition by Asma Bhabhi in Islamabad and we were proud that she was able to show paintings with Bangladesh's life and culture. It was a great achievement for Asma Bhabhi because West Pakistanians saw how a housewife was so talented. Besides, they were surprised at the liberal attitude of Kibria to encourage and allow his wife to draw and paint. To some of them, painting is a "non-Islamic" thing.

He was transferred from Islamabad to Washington Embassy as a Counsellor in 1970. I recall the day when we saw him and Asma Bhabhi off at the Islamabad airport. By the time he had left, Islamabad became an unfriendly place for Bengalis as most of the Pakistanians, in particular the Punjabis, were not well disposed towards us. They felt that one day we would be independent and we would man the future government of Bangladesh.

Then in 1971, Kibria, a Counsellor, did not want to serve Pakistan and owed allegiance to Bangladesh provisional government on 4th August 1971. It was a painfully difficult decision to leave such a secure job with his wife and two children. He did not know how his family would live in a foreign land under such circumstances. But that did deter him to leave the job for Bangladesh.

Later in 1978 I worked with him as a Director General of South Asia while he was Foreign Secretary. He was a good administrator as well as his analytical views on issues were insightful. He was able to distinguish wood from the trees in administration. We spent many hours in Bangabhaban in presenting our views on foreign policy issues to the President.

In my dealings with him, I found Kibria always constructive and helpful. There was no doubt about his fine intellect; it was obvious after even the shortest discussion on any subject. He did not suffer fools in the workplace and as a result many fetters were ruffled. In many respects he was ahead of times. He had his own style and did not always run according to "standard gauge".

In 1983, I met him in Canberra while he was visiting as a UN Undersecretary General / Executive Secretary of ESCAP



while I was the High Commissioner of Bangladesh in Australia. I invited him to a dinner with other distinguished Australian guests. His talks over the table with the guests reflected his wide-ranging views on many subjects (He had by the way also served as the High Commissioner of Bangladesh in Canberra from 1972-76).

In 1986, I again met him in Bangkok while I was returning to Dhaka Foreign Office as Additional Foreign Secretary from Manila. He was courteous enough to invite me to a lunch at his ESCAP headquarters and we talked about different things including Bangladesh's future. In late 90s I used to meet him every year in Geneva when he used to present ESCAP report to the UN. The contents of the Report were to the point and analytical.

He served the UN with distinction, advancing the debate of the role and future of ESCAP. He reshaped the ESCAP to cope with the exciting but at the same time troubling, set of post-Cold War international realities.

He served his country as a Finance Minister for five years. As a Minister, he was good to conceptualise and implement many programmes including pension for poor old age people. His constituency elected him as MP in 2001.

I met him in Dhaka on 30 December at a seminar on Women Rights at the Bangladesh Institute of Law and International Affairs, of which he was an Alternate Chairperson. We again discussed informally many things about life and country before the seminar started. He presided over the seminar with efficiency and did not allow any speaker to stray from the subject.

SAMS Kibria was out and out a Bangladeshi. He never pretended to be any other being except his Bengali identity. He loved Jagore songs very much and his social, private functions had always the richness and ambience of Bengali characteristics. Wherever he was posted he made an impact through immersing himself and his family in life, culture and language of Bangladesh.

Kibria's specialness goes beyond the respect that his achievements demanded and won. It lay, too, in the very special affection that so many people had for him.

We all mourn his loss and share deep grief with Asma Bhabhi and with adult children. May Allah keep his soul rest and peace.

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merit, efficiency and seniority. The notion of unfairness in promotion has further been accentuated by the recent promotions of significant number of officials under the President's quota (bypassing SSB) who were otherwise not found fit for promotion by the SSB as per required norms. And this happened at a time when officers possessing required qualifications and enough seniority were denied promotion without assigning any plausible reasons for their supersession. The promotion criterion is frequently changed to benefit individuals or groups/batches that have the ears of the decision makers in the power corridor. SSB's failure to ensure promotion on merit-cum-seniority at various tiers will thus contribute to generate an artificial demand for capable officers that will be used to justify contractual appointments in many more years to come.

Secondly, as a long term measure, training should have been given the top most priority to infuse professionalism in civil service. In fact, we are miles behind in respect of HRD

be pushed through the Planning Commission despite his best efforts as donors showed no interest to fund it. Overseas training and exposures for country's civil servants is a sine-qua-non for our existence in the fiercely competitive world of today. But for a vital core sector like HRD it is unlikely to get foreign direct assistance. It may be recalled that recognising this reality a programme was initiated in late nineties under the Planning Ministry to train officers and other professionals abroad with our own resources without waiting for foreign assistance to come. But in November 2001, the scheme was abruptly scrapped, scholarships cancelled and the trainee officers were recalled. This capricious decision of the government threw these officers into an utterly difficult situation, caused wastage of country's resources and surprised foreign institutions in which they were undergoing training. Reputations of the commitment of one government by its successor could not shore up the image of the country. Had this foreign training programme not been

caused by an en-masse contractual appointments. For administrative expediency, perhaps there may be genuine justification for a limited number contractual appointments for a few selective posts like that of cabinet secretary, principal secretary, finance secretary, one or two more alike and some technical and specialised positions. Likewise, a few diplomatic assignments may be justified. But the bonanza of contractual appointments that have been unleashed recently added collateral price tags in terms of acute frustration, loss of initiative and demoralising of administration. Hence contracts should be awarded sparingly to minimise its disguised colossal cost.

The emerging scenario resulting from en-masse contractual appointment has prompted many to believe that we are close to a corrupt version of the Spoils System of bureaucracy. In the USA, as a new president enters the White House, over 4000 officials change positions in the government. That is the constitutional practice in that country. If that is in mind then

Nothing new about Page 3



M.J. AKBAR

EXACTLY 225 years ago this week, the first Indian newspaper, a weekly, was published from the capital of the rising (although still far from pre-eminent) power of the subcontinent, the British Raj. It was in the language that would soon become the lingua franca of power, English. Its owner was egotistic enough to name the paper after himself, which made him suitable for media. The owner was also its editor, which makes him a contemporary spirit. And it might be of some comfort to present-day newspaper owners to

realise that Hickey's Bengal Gazette had a second name, the Calcutta General Advertiser.

It appeared on January 29, 1780, the year in which Writer's Building was completed in Calcutta to serve as the office of the junior civil servants of the East India Company. Gwalior became a feudatory state of the British; Haider Ali an ally of the French when he declared war on Britain; and governor general Warren Hastings fought a duel in Calcutta with the aspirant for his job, Sir Philip Francis (neither died, though Hastings had the better of the encounter).

No line has better summed up the nature of the media business than the Gazette's motto: "A Weekly Political and Commercial Paper, Open to all Parties, but influenced by None." News must be political and commercial. A newspaper must be open to all interests but subject to none. It must offer due respect to advertising. When you consider that there was a spelling mistake in the title, and lots of Calcutta gossip on its pages, then all the components of a modern newspaper may be found in the path breaker. After all, what is a newspaper without a typo?

The Gazette was launched by James Augustus Hickey (I presume you've noticed the typo), one of the most exotic stars of a multicoloured era. We think of the British as staid Victorian gentlemen with stiff necks and stiffer upper lips. But they stiffened after the uprising of 1857, when India was incorporated formally into the British Empire. As long as the buccaneers of the East India Company, who created British rule, were in charge, life was not only more flexible but also more interactive with Indians. The officials of John Company were a different breed whose favourite toast after victory at Plassey (Palashi) was to hope for "a lass and a lakh a day". After the excesses of Robert Clive and the corruption charges against Hastings, a lakh a day became more difficult, but the former option flourished. Many of the Sahibs were delighted to turn "native" as they discovered the pleasures of not merely living in India, but living in India like Indians.

Job Charnock, who founded Calcutta, married Leela, a beautiful Brahmin girl he rescued from suttee. Francis Day chose the site of the Madras fort only because it was near

his Indian mistress' home. The first British resident after the capture of Delhi in 1803, David Ochterlony, popularly known as "Loony Akhtar", deserves all the legends attached to his name; he was accompanied by all 13 of his wives when he went out to "take the air" every evening in Delhi, each wife on a separate elephant. Reginald Heber, Bishop of Calcutta between 1823 and 1826, could not

simper at the footstep of Hooka Turban's carriage; as it is supposed to be in her possession, she is desired to return it immediately, or to deliver up her own as a proper acknowledgment.

There is nothing new about Page 3. As one commentator noted, Hickey "admitted contributions which, while hypocritically affecting to teach and uphold public and

familiar? The owner-editor, of course, never descended from his high pedestal, pompously noting, in one instance, "Lothario's letter and poetry is received, but is not fit for insertion, nor will anything ever be inserted in the Bengal Gazette that can possibly give offence to the ladies".

He was always happy, though, to give offence to the men.

Success, but naturally, encouraged competition. Success was not necessarily financial success, but Hickey's power became phenomenal. And so a salt agent called Peter Reed, in partnership with a theatre person named B. Messink (I could not have made up name like Messink for a fictional newspaper proprietor even if I had tried), started the India Gazette in 1781. Hastings, who hated Hickey's guts, helped the new paper. It was "well-printed," with four pages of 16 inches long, divided into three columns. Hickey joyfully nicknamed his rivals "Peter Nimmuck" (as in salt, of course) and "Barnaby Grizzle" (for reasons I have not been able to discover, but perhaps Messink was fat and bearish). Hickey was in rapture when the India Gazette closed down

because Grizzle cheated Nimmuck.

Hickey's own publication did not survive much longer, but it was not "scurrilous" journalism that brought him down. He lost the battle of power with Hastings. On 14 November 1780 a diktat was issued from Fort William: "Public notice is hereby given that as a weekly newspaper called the Bengal Gazette or Calcutta General Advertiser, printed by J.A. Hickey, has lately been found to contain several improper paragraphs tending to vilify private characters and to disturb the peace of the Settlement, it is no longer permitted to be circulated through the channel of the General Post Office." In a private letter to a friend in England, Hastings explained why he had been emboldened to act against Hickey. Hastings wrote that since his formidable enemy, Philip Francis, announced he would leave India, "I shall have no competitor to oppose my designs, to encourage disobedience to my authority, to excite and foment popular odium against me. In a word, I shall have power, and I will employ it."

I shall have power, and I will

employ it. How many rulers of India have thought the same since!

And how many journalists have responded in the manner Hickey did? Enough to ensure the honour of the profession. His paper was more noble in death than it had been in life.

Talking in the third person, Hickey responded: "Before he will bow, cringe, or fawn to any of his oppressors... he would compose ballads and sell them through the streets of Calcutta as Homer did. He has now but three things lose: his honour in the support of his paper, his liberty, and his life; the two latter he will hazard in defence of the former, for he is determined to make it a scourge of all schemers and leading tyrants; should these illegally deprive him of his liberty and confine him in a jail, he is determined to print there with every becoming spirit suited to his care and the deserts of his oppressors... Shall I tamely submit to the yoke of slavery and wanton oppression? No!"

Enough said.

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BYLINE

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take his eyes off Bengali beauties bathing in the river at five in the morning and confessed that "the deep bronze tint was more naturally agreeable to the human eyes than the fair skins of Europe".

Hickey, a good journalist, wrote a splendid account of his Indian Bibi, the superbly named Jemdanee who "lived with me, respected and admired by all friends for her extraordinary sprightliness and great humour. Unlike the women in Asia she never secluded herself from the sight of strangers; on the contrary she delighted in joining my male parties, cordially joining in the mirth which prevailed though never touching wine or spirits of any kind".

So it was an exercise in double standards (typical, did I hear?) when Hickey sent the circulation of his paper up by sensational reporting on the first adultery case to reach the Calcutta High Court. The principal accused were Madame Grand, a young Dutch-English woman of exceptional beauty, who was born near Pondicherry and blossomed in Chandernagore, and, astonishingly, went on to marry Napoleon's brilliant foreign minister Prince Talleyrand; and Philip Francis, Hastings' quarrelsome deputy, who was caught by unobliging servants while clambering over the wall of her compound while her husband was away at dinner. (The servants refused to accept a bribe for letting their prisoner get away.) The first sittings of the trial commenced on 8 February 1779, just in time for circulation growth. There is something to be said for the theory that Francis left India not because of his duel with Hastings, but because of the scandal.

If the laws of libel made it difficult to publish a story, Hickey happily switched to transparent pseudonyms like "Pompos" or "Turban Conquest" or "Hooka Turban" or "Chinsurah Belle". Here is an example of journalist double entendre: "March, 1781. Public Notice: Lost on the Course, last Monday evening, Buxey Clumsy's heart, whilst he stood

private morality, in reality pandered to the impulses of the prurient and the vicious". Anyone recognise anything

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Request for Expressions of Interest (EOI)

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(Package # S 2.2)

- This request for Expressions of Interest (EOI) follows the General Procurement Notice (GPN) for the Social Investment Program Project (SIPP) that appeared in Development Business issue no. 588 of August 16, 2002.
- The People's Republic of Bangladesh has received a credit from the International Development Association (IDA) towards eligible payments under the contract for preparation of Documentary Film.
- The services of the organization mainly would include: (a) Script writing on the Social Assistance Program (SAP) of SIPP (b) To perform the shooting task at the location selected by SDF at any convenient place(s) under Jamalpur and/or Gaibandha District. (c) To do the whole task of shooting & editing. The film must be produced in BETA format.
- Social Development Foundation (SDF) now invites eligible national organization to indicate their interest in providing the services. Interested organization must provide information indicating that they are qualified to perform the services (experience in similar field, description of similar assignments, availability of appropriate skill among staff, required support/equipment etc.) The information also includes: (a) evidence of legal establishment for at least six years, (b) copy of recent Brochure/Annual reports, (c) a copy of its registration document, and (d) evidence of the organization's bank account.
- Organization will be selected in accordance with the procedures set out in the World Bank Guidelines: Selection and Employment of Consultants by the World Bank Borrowers (January 1997, revised September 1997, January 1999 and May 2002).
- Interested Organization may obtain TOR and further information from the Managing Director of SDF, at the address stated below between 9:00 am to 4:00 pm on all working day.
- Expression of Interest must be delivered to the address below by 2:00 pm on 03-03-2005.

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