

## Dismal state of the PSC

Take the 'diagnostic' report seriously

WHAT had been a matter of public fear, concern and mistrust about the Public Service Commission (PSC) has been proven correct by a report on the commission by the TIB. What has emerged from the report is a very miserable picture about the only recruiting agency of the government, the largest employer in the country.

The PSC has been in the media for several years because of the many acts of omissions and commissions, and its lack of honesty, that did not fit the bill for an institution like the PSC. Its lack of probity and transparency were matters of serious debate in the media as well as amongst the public, which could not have escaped the attention of any administration, even a deaf and dumb one. Yet it had continued to go on flouting all rules and procedures over the years particularly the last five years. The total politicisation of the commission coupled with morally decrepit and dishonest employees at the lower levels, who exploited the situation and benefited monetarily, have combined to destroy an institution that was entrusted with the sacred task of selecting the best and the most meritorious candidates for the service of the republic.

The litany of wrongdoings in the process of selections as revealed borders on criminality that merits cognizance of the government. One shudders to think of the fate in store for us because of the method of selecting public servants by the PSC through very dubious, fraudulent and dishonest manners, throwing all the norms of candidate-selection out of the window. It is difficult to imagine, but there is a good possibility, that some of those that have been selected now, not on the basis of merit, will one day be holding important posts in the administration. They would be required to give decision of national importance that they will neither have the merit nor the acumen to offer.

We feel that the government ought to take the TIB report seriously. If need be it should carry out its own investigation. What needs to be done is the complete overhaul of the PSC to cleanse it of the corrupt that are now in charge of the commission. Not only that, the situation calls for identifying the culprits involved in the wrongdoing. The guilty must be identified and meted out the severest punishment that would act as deterrence for the future.

## Probe Chalesh's death

Punish those found responsible

THE other day Chalesh Risil, a leader of the indigenous community of Madhupur district allegedly died in the custody of the joint forces. Following the death a press conference was organised on last Wednesday in Dhaka by a number of prominent non-government organisations that included Ain-O-Shalish Kendra (ASK), Action Aid and Bangladesh Environmental Lawyers' Association (BELA). At the conference the family and various leaders of the community raised some pertinent questions surrounding the death of Chalesh.

In his deliberations, the President of the Madhupur Tribal Association said that Chalesh was one of the main organisers of the movement for restoration of rights for the local community of the Adivasis wherein he pointed out the repression of the community by some local officers of the Department of Forests. He was also the one under whose leadership the Adivasis opposed the implementation of the Eco Park project.

At the conference it was also revealed that soon after coming of the emergency the construction of the boundary wall as envisaged in the project that was earlier suspended, resumed again, only to be suspended for the second time. Interestingly enough no less than the Executive Director of ASK, a former Advisor of the Caretaker Government, also went on to say that the government should dig deep into the circumstances that led to the death of Chalesh, identify the people who are guilty and punish them. The leaders of the concerned NGOs who had earlier visited Chalesh's house at Madhupur confirmed having observed marks of torture on his body.

As much as we are concerned about the circumstances that allegedly led to the fate of Chalesh we wish to voice our concern about the deteriorating state of the indigenous people. There is no denying the fact that real test of quality governance lies in the treatment of Adivasis anywhere in the world.

We therefore wish to urge the present government to look into the matter of Chalesh's death in real earnest and take action for the sake of the Adivasis who are an asset to our society.

## Seeking the lost grail of good governance



MUHAMMAD ZAMIR

been no other alternative.

There is a wind of change that is sweeping the corridors of our governance today. It is cleansing the institutions that are vitally related to the process of accountability. Democracy and the dynamics of holding a free, fair and acceptable election are being re-calibrated. An enormous task has been undertaken to bring back on track the engine of the State.

We earned our independence through the sacrifice of millions. The

ness. The Machiavellian concept of providing indemnity fatally wounded the principles of accountability and justice. Over the years, the slide continued. State institutions were politicised, corruption made part of life and the process of governance transformed to suit and uphold party interests. The merry-go-round that characterised politics saw some corrupt 'leaders' change political parties without any hint of regret. Their sole idea was not to serve the people but to further their own narrow

indeed sad and deplorable to see how the political leadership of the day refused to acknowledge their failings and instead attributed criticism to 'conspiracy'. Restraint, thanks to a compliant police force, was unacceptable, rampant corruption and partisanship, encouraged and brazen behaviour towards the opposition were lauded as a symbol of misguided strength. Lobbyists were also appointed at great cost to the exchequer, to put a spin on the deteriorating image factor. The ostrich

Corruption Commission, the Judiciary and the law enforcement agencies.

We are having a proper spring-cleaning where respect for State Institutions are being restored through radical efforts and half way measures. I welcome this.

The current efforts and the detention of important political ball-players, bureaucrats and others associated with trade and commerce have in their own way, sent a clear message that no one is above the law. These

meaningful participation during the next elections. Appropriate reform of electoral laws pertaining to the use of black money and muscle power will also energize the election of better and clean candidates.

All the above are steps that could be described as seeking the Holy Grail in our national life.

There is however also the question of not losing credibility in the current Administration's efforts. The only way to ensure this would be the transparent declaration of a road map that will lead up to the next election. That should set out dates and time frames for the completion of associated tasks. Being vague will only create controversy and debate and this could eventually result in a cross-tide. That must be avoided at all costs. Discussions with representatives from different political parties should start immediately with earnest. They must be taken into confidence.

Just forming a National Security Council or amending powers related to detention will not safeguard our security. It has to be tempered with a responsible elected leadership as soon as possible. I am referring here to an elected Administration that is aware of retribution stalking graft, and dishonesty being punished through accountability. We all have a dream that was unveiled, in this, the glorious month of March, more than three decades ago. We hope, this time round, our expectations will be fulfilled.

## POST BREAKFAST

Just forming a National Security Council or amending powers related to detention will not safeguard our security. It has to be tempered with a responsible elected leadership as soon as possible. I am referring here to an elected Administration that is aware of retribution stalking graft, and dishonesty being punished through accountability. We all have a dream that was unveiled, in this, the glorious month of March, more than three decades ago. We hope, this time round, our expectations will be fulfilled.

inspiration unleashed by Bangabandhu on that historic day of 7 March 1971, opened for all of us a window. It encouraged all of us to share a dream to believe in ourselves and to collectively seek our sovereignty. It helped us to wage our war of liberation and provided us the courage that eventually led to our independence.

In January 1972, Bangabandhu and his Administration were faced with many difficult tasks – repatriation and rehabilitation of more than ten million refugees and providing succour and relief to 75 million traumatised citizens of a war-ravaged country. Despite meager resources, we were able to move forward gradually. He sought and received the cooperation of the people. His efforts overcame the intransigence of several countries and a free Bangladesh slowly defined its place in the comity of nations.

This came to an abrupt halt on 15 August 1975. Greed, impatience and ambition rode roughshod and plunged the country into restlessness.

interests. This unfortunate matrix was never more apparent than what transpired during the last Alliance Administration. The partisan principle of 'winner takes all' was put into effect at all levels with impunity.

On more than one occasion, since December 2002, I have used this column to highlight the failings in governance. This was done in the spirit of constructive engagement.

Having worked as a senior government official and also as an Ambassador of our impoverished country, I felt ashamed every time embarrassing indicators were published about our failings as a State. It was most awkward trying to explain to foreign friends and to children how we could continue to be the most corrupt country in the Transparency International perception index. Some friends living abroad, who had played an important role during 1971, also asked if this is what Bangabandhu dreamt of when he gave us the dream of freedom and independence on 7 March.

Against this backdrop, it was

syndrome flourished. We watched with horror how principles of fairness, equity, rule of law, honesty, accountability and bipartisanship were discarded and buried under the camouflage of 'election-engineering'. Ordinary citizens noticed how near relatives and friends of the ruling politicians misused their socio-metric overlay and gorged themselves on state wealth. We observed how principles enshrined in the Constitution were selectively manipulated and quoted to justify doubtful interpretations and debatable areas of governance.

We are standing today, at the crossroads. As we enter our 37th year of freedom, we are being given another chance to rise as the phoenix from the ashes of exploitation and the morass of corruption.

This Interim Administration is trying to breathe life once again into our seriously weakened institutions of governance. It is trying to revive the important role of neutrality and legitimacy that has been missing in the Election Commission, the Anti

steps have also clarified the importance of moral values, benchmarks and acceptable behaviour. This has also underlined that public confidence and acceptability have worn thin.

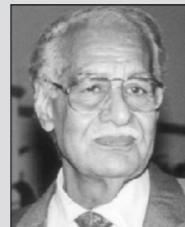
It is also reiterating that contrary to assertion of certain politicians, the Constitution and the legal process are not just for holding elections. These are also for safeguarding the rights of the people, assuring their welfare and strengthening State institutions for the purpose of better democratic governance.

The coming weeks and months will be historic in nature because of the reforms that are being contemplated within the electoral process. It will hopefully strengthen democracy and consolidate the process of a free, fair and equitable engagement befitting an independent country as dreamt of by Bangabandhu and the millions of martyrs who sacrificed themselves for posterity.

Correction of the voters' list, deletion of duplication and spurious entries, along with a working voter ID Card will ensure a wider and more

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## How dare you?



KULDIP NAYAR

writes from New Delhi

Justice Chaudhary, the use of brutal force by their counterparts at Lahore looked as if the police had been told to go after the lawyers. Some media hands were also thrashed. I think that the word 'mishandling' does not convey what really happened. It was not maltreatment or something done unwillingly. It seemed deliberate, meant to be excessive, and designed to teach a lesson. In both cases, the message was loud and clear: How dare you?

President General Pervez

Chaudhary heading the Supreme Court when the military took over the country for the first time on October 7, 1958. General Mohammed Ayub, chief of the army staff, staged a coup to oust the civil government. The then chief justice Mohammed Munir, otherwise brilliant, lacked courage stand up. He invented the "doctrine of necessity" to give legitimacy to the military takeover.

Chief Justice Anwar-ul-Haq followed Munir's example to invoke the same "doctrine of necessity" to

have been happy over Chaudhary's answer. That the chief justice refused to use an official car is commendably repeated in Pakistan. After a brief encounter at the Army House he walked to the Supreme Court. This was when the police roughed him up. Correctly, the acting chief justice took notice of the police behaviour. Yet it was difficult to believe that the police could have done so without the government's connivance.

Eyes are now fixed on the

ment I witnessed at Lahore makes me believe that General Musharraf has committed the same type of mistake. The emergency united the opposition. Justice Chaudhary's suspension has brought the forces opposed to the military rule together. The movement has another advantage: the civil society in India had caved in during the emergency while the intelligentsia, led by lawyers, has dug in against President Musharraf's rule. Lawyers even at the tehsil level are up in arms.

the end of this year. People would applaud this. But free and fair elections are not possible so long as the military is at the helm of affairs. The polls may have credibility if they are held under the direct supervision of the Supreme Court. It is argued by some in Pakistan that lawyers cannot agitate for long since they have to return to practice to earn their livelihood. This is probably true. But the stir is beginning to take a different shape. Political parties are already associating themselves with the lawyers. Despite Musharraf's warning, the agitation is acquiring a political edge. It is rumoured that Benazir Bhutto, chairperson of the Pakistan People's Party, may return to her country any day. Her presence in Pakistan, even in prison, will stoke the fires already burning. Nawaz Sharif would also like to return. But the government, as announced earlier, is determined to put him on a special plane and send him out.

It is difficult to say what the turn of events in Pakistan will take. Even if Benazir Bhutto does not return or the lawyers' agitation peters out, one thing that can be said with certainty is that Pakistan will not go back to the same old days of "managed democracy." I could see a change in the body language of lawyers, political leaders and members of the intelligentsia. Even religious parties are veering round to the viewpoint that a democratic setup is a better alternative to a theocratic state, especially when it is elusive and impossible to establish.

Musharraf did well to clarify that Justice Chaudhary was not summoned as was the general impression. He was there because he wanted to meet President Musharraf. Yet the fact that the latter met the chief justice at the Army House and that too in uniform was obviously for flaunting authority. The chief justice was reportedly made to wait for five hours and then told about his suspension. It is another matter that Justice Chaudhary stood his ground and refused to step down.

His troubles appear to have begun when he is said to have observed in reply to a question that combining offices of the President and the chief of the army staff was a controversial point. General Musharraf wanting another term to sustain the status quo could not

legalise General Zia-ul-Haq's coup to replace Zulfikar Ali Bhutto. Arshad Husain was the chief justice when General Musharraf threw out the then elected Prime Minister Nawaz Sharif. The two-time precedent was followed once again. Justice Chaudhary looked tall when he did not relent. Whatever his limitations, he has become a focal point.

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Supreme Court's decision on the filing of the presidential reference against Justice Chaudhary. Something similar had sparked defiance against Prime Minister Indira Gandhi when she superseded three judges in 1973 to elevate A.N. Ray, her own choice, to the office of chief justice. This was the beginning of her downfall. She tried to shore up her image and silence the critics by imposing the emergency in 1975. Two years later when she held elections, she, her son Sanjay Gandhi, who exercised extra-constitutional authority, and her Congress party were wiped out from northern India. The resent-

The suppressed societies require only a prick for the pent up feelings to ventilate. It looks as if the chief justice's suspension has given that outlet. By sending him on forced leave the government may have overcome some technicalities. But the basic fact remains unchanged, the attack on the judiciary. President Musharraf has admitted that Justice Chaudhary was maltreated. Mrs Indira Gandhi also admitted that she made the mistake of imposing the emergency. Yet the voters defeated her at the polls. President Musharraf assures that he would not impose the emergency or postpone elections due towards

the end of this year. People would applaud this. But free and fair elections are not possible so long as the military is at the helm of affairs. The polls may have credibility if they are held under the direct supervision of the Supreme Court. It is argued by some in Pakistan that lawyers cannot agitate for long since they have to return to practice to earn their livelihood. This is probably true. But the stir is beginning to take a different shape. Political parties are already associating themselves with the lawyers. Despite Musharraf's warning, the agitation is acquiring a political edge. It is rumoured that Benazir Bhutto, chairperson of the Pakistan People's Party, may return to her country any day. Her presence in Pakistan, even in prison, will stoke the fires already burning. Nawaz Sharif would also like to return. But the government, as announced earlier, is determined to put him on a special plane and send him out.

The revised voter list using the collected data contains everybody's photograph with this. Now the EC can declare election schedule ahead of one month. So the time required from the first meeting of EC to the election date is about six months. On the election day, election officials have voter list with every voter's photograph and every voter is approaching the polling booth with his/her IC (having the photo). So where is the false voter, if I find one!

I am sure about 80 percent people can be photographed and the forms can be filled up in a single visit. The digital photos will be printed, preferably in passport size. During the second visit in the same or the next week, the team will bring the printed photos so that everyone can write his/her name on its back. For the persons who cannot write, the team members will write that in front of the adult citizen (may verify by a person of the family or neighbourhood who at least can read). The remaining people can be photographed and the forms filled up by them as well. A third visit is required only for those of whose data were collected during the second visit.

In about only one month, all filled

## OPINION

## National identity cards in six months

MAS MOLLA

THE people of Bangladesh aspire for a true democracy and that can be reached through a fool-proof genuine electoral process. Although we have some type of democracy for the last 16 years, the people are not at all happy with such democratic governments that can at best be termed 'quasi-democratic' (actually pseudo-democratic). We didn't have a true and good democracy because of several reasons, one of them being the lack of a sound electoral process. To have that, one very prominent factor is voting by only the genuine electorate. The voter Identity Cards (ICs, cannot logically be abbreviated as IDst) can go a long way to ensure that.

We don't have voter ICs; an attempt was made in 1993, subsequently dropped and never tried again. Who were in 'power' for two successive terms (5 years each) tried to perpetuate power and felt the need of some false voters to help their ill design fulfilled. We are not

convinced that the future 'democratic' governments will refrain from doing this. Now we have a chance, we must have something worthy.

The incumbent interim government of the caretaker model is said to be considering three options- 1) national ICs, 2) voter ICs and 3) voter list with photos. I think the third option is inadequate and we must have one of the first two. So far information goes the format for collecting data from voters is yet to be finalized. If so why not try the first one? Only a bit more containing format of the data collecting tool can transform the voter IC into a national IC. Let me explain.

**Meaning of national IC** Should national IC mean an IC for every citizen (including zero-aged children)? Making such ICs may require several years and such a burdensome duty cannot be asked from the Election Commission (EC). The EC works with 18+ adults only. So I am compromising on the definition of national IC and narrowing that to be applicable only to the adults of 18 years and above. How would the ICs only for adults be termed 'na-

tional'? An IC having the voter number of the specific constituency, photograph, name, address, date of birth, parents' names, and if possible a thumb print can be enough to be a voter IC. If the IC contains some important info like the academic and professional/occupational qualification, the specific profession/occupation (e.g. designation in office, name of specific business, particulars of students etc.), bank account number, height and weight of persons etc., we can term the IC a national one (if we felt it this way). Even blood group can be included if this.

Thus the functional portion of the population can use these ICs as identities in the banks, in the offices, in places other than their own region (may be during in-country migration for works, for tourism etc.). This multi-purpose usability of the cards can justify these to be 'national' (though not covering the entire population).

**Two proposals** Prof. Jamilur Reza Chowdhury, the chief of the 9-member committee on voter/national identity card prepara-

tions told BBC Bangla Service on March 5 that preparation of the voter ICs would need a full year. The estimated cost to be incurred would be taka 430 crore.

The plan of the committee seems to be rather ambitious because it spoke of taking computer to every residence so that data can be entered on the spot and mismatch of word data with the photos can be avoided.

But Prof. Chowdhury did not disclose what type of computer his committee thought of -- laptop or pocket/tablet notebooks. It is obvious that desktop computers cannot serve the purpose in villages where vehicles carrying such large machines cannot reach. Even in towns and cities, it seems not feasible because of lack of access to power source (it is obvious).

Assume that we have compromised on cost and capacity and decided to use laptops. Now suppose that a laptop