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Merit preference in governance

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ALL the three organs of the state, the executive government, the legislature and the judiciary are involved in the governance of the country. Recruitment of suitable persons is essential to make these organisations effective. The following methods of recruitment are available for running the organs of the state:

(i) Elections, inheritance, constitutional provision for filling the vacuum or application of sheer force

(ii) Open competitive examinations

(iii) Regular promotion system

(iv) Selection through a search committee

(v) Arbitrary selection by the appointing authority

Methods to be followed for particular types of recruitment are provided in the legal instruments of a country: the constitution, the royal decree, the acts, rules or executive orders issued by the appropriate authorities. Discussions in this paper centre around parliamentary democratic form of governance though occasional reference will be made to other forms as well.

Parliamentary democracy starts with the parliament which consists of elected representatives known as MPs

(members of the parliament), speaker, deputy speaker, leader of the house, leader of the opposition and whips etc. They are all elected persons responsible for conducting the sessions of the parliament. They are supported by the clerk of the parliament and his staffs who comprise the secretariat of the parliament. MPs decide about the form and formation of the government, form of the judiciary and the rules of procedure for conducting the business of the parliament itself. The clerk and the staffs of the parliament are not elected, they are recruited through secondment, open competition or some other customary procedure.

Leader of the house who is also the prime minister is elected by the parliamentary party. The prime minister selects the members (ministers) of his/her cabinet. The Prime Minister is by and large unencumbered in selecting the ministers. His/her preference and trust or political compulsions are the key criteria for selection to these positions. Merit does not play an important role in the selection of the ministers. The ministers work during the pleasure of the prime minister and therefore their main concern is to keep themselves trustworthy of the prime minister. Though technically the president is elected by the parliament, in effect he is elected by the MPs of the ruling party because they

usually command the majority in the parliament. In the election of the president, prime minister or the MPs simple merit is of little consideration. In MP's election money, reputation and standing, organization, strategy and activism of workers are the most important determinants of the outcome. Prime minister is usually the head of the ruling party or his/her nominee. Merit may not play any significant role in this case. In the election (in effect selection) of speaker, deputy speaker, chief whip and whips merit does not necessarily play any role, it is party chief's preference that matters most in the whole process.

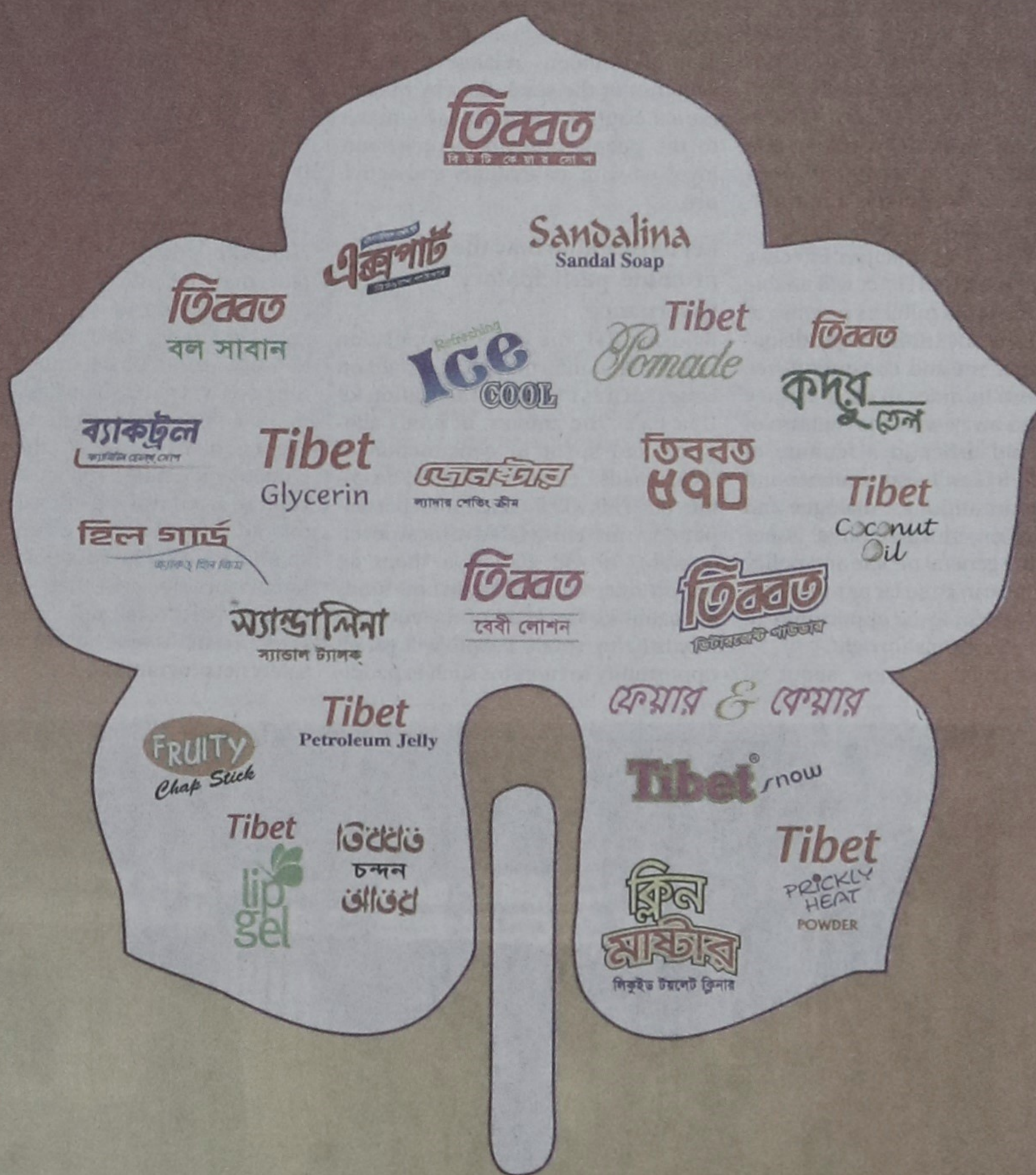
The chief justice is promoted from among the judges of the appellate Division of the supreme court. Cases of supercession notwithstanding, it is a regular promotion within the system, merit not playing the most important role. Similar is the case for appointment of the judges of the appellate division. Judges of the high court division were selected from the bar and the judicial service officers by the chief justice and the prime minister. There is no open competitive examination for selecting the high court judges; recently a selection committee has been formed for the purpose. Merit has not been made the prime criterion in this case also. Appointments to constitutional

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