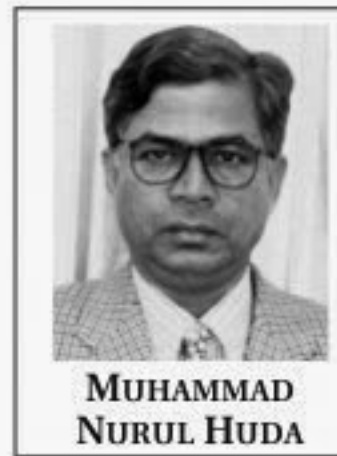


STRAIGHT LINE



MUHAMMAD
NURUL HUDA

HERE is an interesting on-going discussion over the tenure of public servants that started with the comment of the finance minister

to the effect that the tenure for public servants should be limited to 10/15 years and thereafter senior bureaucratic positions should be filled by the political government through contractual arrangements.

A very senior retired public servant says that the finance minister's prescription, if given effect to, will cause considerable demoralisation in the service and carries the risk of substantially politicising the services.

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, like in Germany and France, involves incoming ministers bringing 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."

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.

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 gets badly damaged. The public servants are duty bound to

The service tenure issue

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.

The constitution, under Article

bers 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,

The partisan behaviour and attitude of the government and the perilous polarisation of our society are marginalising the public services.



AMIRUL RAJIV

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 Reorganization Act, 1975, contains provisions empowering the government to vary the terms and 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 mem-

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.

The government, however, constituted the Administrative and Services Reorganization 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 administra-

tive system.

The bureaucracy itself was partially responsible for resisting reforms.

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 governments have refrained from effective changes in the quota system for fear of losing popularity.

The politicians exploited the different interest groups who were ready to be abused and misused and had amongst their ranks some of the most shamefully pliable officials.

Quite a few of our academically brilliant bureaucrats became the henchmen of the military dictator. The political polarisation of the services started in the eighties. The 1973

appointees were suspected to be aligned to the Awami League while the lateral appointees were considered faithful to 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 faithfuls or partisans were given prize postings and accelerated promotions.

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. 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.

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.

Muhammad Nurul Huda is a columnist for The Daily Star.

Stranded in Libya

Tangible action needed

WE are deeply distressed by the plight of the stranded Bangladeshis in Libya. It is, admittedly, a difficult situation, which is evolving by the hour and the plight of the more than 60 thousand Bangladeshis stranded and caught up in the strife is increasing with every passing day.

Understandably, relocating such a huge number of people cannot be an easy undertaking, and with a near civil war situation obtaining in the country things have been made worse for the stranded people and their home countries to reach them succor of any kind. And one understands too that the government has to work under certain limitations under the present circumstances made even more difficult with nobody other than the ambassador in our Tripoli mission right now.

But these notwithstanding, we are constrained to say that nothing of note seems to be in place to move the Bangladeshis in Libya to safer places outside the conflict areas. The contradictory statements emanating from various ministries and reports coming from eyewitnesses in Libya have increased the plight of their relatives in Bangladesh. The public cannot be faulted for feeling that so far it has been only talk and talk for the government, and with nothing concrete happening, the actions taken so far may seem to be both casual and unsatisfactory.

The situation facing the government is indeed very complex. It involves several international agencies whose help must be invoked immediately. We suggest too that the government share the complexities of the issue with the public and explicate on the actions taken so far to ensure the safety of the Bangladeshis there. It is better that people are made aware of the realities on ground and of the predicating factors that are defining the actions of the government, without giving any false hopes.

There are really only a few options open to the government, and each has its own implications. But it must decide quickly what to do, particularly on the question of evacuating the stranded Bangladeshis to Bangladesh. And its plans must translate into deeds quickly. Tangible actions have tremendous impact on human psychology, it must be remembered.

Bridge fallout

No mercy to encroachers

A perfectly well-intentioned Shahid Buddhijeebi Bridge on the Buriganga linking Keraniganj has led to frenzied encroachment on khas land and a canal. A much-needed infrastructure link when materializing, instead of paying desired dividends, turns out to be counter-productive. In the first place, tales of corruption might have been spun around the construction process itself. Then when we have it, it acts as a trigger for a whole series of unlawful activities: encroachment, unauthorized earth-filling, hyped real estate business and obliteration of wetlands and canals.

This is a pity. Can't there be an unalloyed piece of benign development work? Has it got to be an instrument of self-destruction in the hands of the greedy and the influential who are out to make money on the quick? The environmental fallouts of land and canal grabbing are extremely debilitating for all life forms, aside from choking natural drainage of waters and badly impacting ecology.

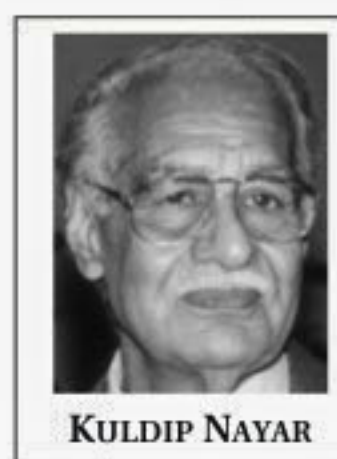
The government must go into the matter wholeheartedly as it has become a favourite pastime with people close to power to play around with immovable property like khas land. This is public land but they turn it into private holding by merely drilling a pillar or erecting structure with a signboard thinking their claim to the land is established.

There is no dearth of laws to apply against the encroachers: Wetland Protection Act, 2000 and Environment Preservation Act (amendment), 2010. The DoE and RAJUK should carry out a clean-up drive. They can invoke a High Court order to stop earth-filling and advertising and sale of plots by unauthorised private housing projects.

If need be, land development projects may be undertaken but those must have received prior approval of the government. At all costs, the khas land's character as public property will have to be firmly protected.

BETWEEN THE LINES

Need for further probe



KULDIP NAYYAR

WHAT happened in Godhara and Gujarat some nine years ago is so much mired in mistrust and manipulation

that even the facts are no more sacred. Events that some 59 pilgrims returning from Ayodhya died in the fire on a train compartment and that the killings of Muslims began the following day are correct only in sequence. What set the compartment on fire to "justify retaliation" in Ahmedabad, Varodara, Surat and other cities is still a matter shrouded in controversy.

The state special court has sentenced 31 people and acquitted the other 63 after keeping the innocent in imprisonment for nine years. Maulana Umarji, picked up from a relief camp for having "master minded" the Godhara carnage, has also been left off for lack of evidence. Maybe, his trial as a leader was wrong from the beginning. When no proof was found of his involvement, the accusation itself seemed concocted.

I am more concerned with the charge of conspiracy which is said to have been "proved." Even the chief of the Special Investigation Team (SIT), appointed by the Supreme Court, has said that "verdict is professionally satisfying." Probably, he is correct in saying so. But the conspiracy theory is going to be stretched by the BJP to justify what happened in Gujarat. Modi's words, "opposite and equal," may come to be strengthened. This is ominous for the future of Hindu-Muslim relations.

I was among the few who flew to Vadodara within days of the tragedy at Godhara and motored down to the place where the charred compartment was still standing. A habitation

of Muslims is a bit distant from the site, not within the reach of the people even if they were to start running after the departure of the train from the Godhara station.

The theory of conspiracy suggests that the Muslims were waiting around the rail track to jump into the moving train so as to reach the pilgrims' compartment and set it on fire. For this sordid act, there has to be a motive. There is nothing to show that the Muslims of that habitation, however "criminal minded," had any rivalry, new or old, against the Hindus or those living in Gujarat.

Nothing else had happened in the country during those days to suggest that tension or communal feelings elsewhere had taken a toll at Godahara. To imagine that the Muslims of the habitation near Godhara took upon themselves to burn pilgrims in the compartment requires a diabolical thinking, not legal reasoning.

When 63 are acquitted and half the number, 31, is sentenced, it raises the question about the whole inquiry. The shoddy work by police is clear because one of the accused was 99% blind and another a government employee, who was nowhere near the place.

An inquiry held within two years of Godhara happening in 2002 revealed that the fire was accidental. Former Supreme Court judge U.C. Banerjee said in a report: "The fire originated in the coach itself, without external output." However, the Justice

Nanavati Commission, appointed by the Modi government, concluded that the fire was not caused by any accident but because of the petrol thrown on it. The two judgments cross each other out. It seems the correct version is still eluding us.

The allegation is that Modi himself had the Godhara staged because he wanted to "fix up" Muslims in Gujarat. The Central Bureau of Investigation (CBI) could have been entrusted with the job but it cannot act independently since it is a department of the Indian government.

However painstaking are its reports, the general impression is that the CBI is influenced by the party in power.

Compared to the Godhara case, the SIT has done an excellent job on Gujarat killings. I am surprised over the delay of the report's publication. It has been lying with the court since May. If

there was an opportune moment to make the report public, it is now. The special court judgment on Godhara has raised more questions than it has answered.

The SIT report on Gujarat is said to have brought out the political and communal agenda weighed heavily in Modi's handling of the criminal justice system. It has also exposed Modi of making "sweeping" and "offensive" comments against Muslim community when communal tension was running high. The probe team found Modi and his government guilty on many counts, such as making inflammatory speeches, destruction of cru-

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THIS DAY IN HISTORY

February 26

1952 British Prime Minister Winston Churchill announces that his nation has an atomic bomb.

1971 U.N. Secretary General U Thant signs United Nations proclamation of the vernal equinox as Earth Day.

1980 Egypt and Israel establish full diplomatic relations

1984 US troops withdraw from Beirut. President Ronald Reagan had sent the troops as a peacekeeping force in August 1982.

1991 Iraqi troops flee Kuwait City. The Kuwaiti capital liberated by the Gulf War Allies after 208 days of Iraqi occupation.

2001 The Taliban destroys two giant statues of Buddha in Bamiyan, Afghanistan.

2004 The United States lifts a ban on travel to Libya, ending travel restrictions to the nation that had lasted for 23 years.