

Public service employment

Merit should be the prime consideration

WHILE we condemn the violence by the agitating BCS candidates, we feel the government should urgently go into the reasons for the agitation. The protest was against the quota system, particularly the way the policy has been applied in this instance.

There are two issues that we want to flag here.

Firstly, the manner in which the policy has been applied in this case is quite incomprehensible. A well-intentioned policy becomes inequitable when candidates with higher marks are discarded in favour of those with lower marks, at the very preliminary stage, just to fulfill the quota system. A certain datum level will have to be attained by all the aspirants before they can merit to be considered for employment. Otherwise quality will suffer.

Secondly, the situation calls for revisiting the quota policy, particularly the very wide ambit of its use. Under the present policy only 45 percent of the candidates are employed on merit. The rest 55 percent vacancy are reserved for various categories. Understandably, there is need to have special dispensation for backward sections of the citizens for their adequate representation in the service of the Republic, as stipulated in the constitution. But we wonder whether all those included in the quota list do really fall in the criterion of 'backward' section of the society.

We feel that merit should be the main consideration for employment in public service, even when one seeks to employ affirmative action. Otherwise the state will end up with a very mediocre class of public servants.

Critical assistance to Mahasen victims

More needs to be done

IT is certainly good to see Bangladesh government giving incentives to rehabilitate 2.35 lakh farmers in four cyclone Mahasen affected districts. The agricultural ministry has designed a special incentives programme for distributing seeds, fertilizers and cash to these farmers to bring them back to the path of economic stability which in turn may also help rice export to foreign countries.

When cyclone Mahasen hit last May, approximately 49,000 houses were completely destroyed and 45,000 houses were partially destroyed. Over 1.2 million people were affected. A very organized effort was given by the government and different organizations to minimize the impacts of this disaster and we hope the government will take extra steps for post-disaster rehabilitation, which goes beyond helping 2.3 lakh farmers.

While organizations like Red Cross and Red Crescent society have come forward helping individuals it is important to have an infrastructure by the government which helps the victims of natural disasters irrespective of international funding and other support from local organizations. And these efforts by the government need to be coordinated with all other parties working in these areas to ensure the best outcomes.

It is also important that Bangladesh government has good coordination between the local government bodies who can monitor progress of the seed distribution etc.



You said...

THIS was hujur's sermon for uneducated people considering the environment and culture of villages. His speech will be different for educated urban people."

So said Hefajat leader Harun Izhar Choudhury while trying to defend a sermon by Hefajate Islam Ameer Shah Ahmed Shafi that is making the rounds on the internet and which was extensively reported in this newspaper on Thursday.

We say...

THE sermon of Maulana Shafi has not only carried the most ludicrous comments on women, the tone of his talk, to put it mildly, was also unparalleled in its vulgarity. While the speech has been criticised by various sections of the society, our issue here is the differentiation that was sought to be made by a local Hefajat leader between 'urban educated' and 'rural uneducated' audience of the Maulana, while trying to explain away and defend the remarks of Maulana Shafi.

Here again, like the sermon itself, Harun Choudhury's explanation distorts Islam. If we are to believe him then we have to believe that there are different messages of Islam for different categories of people, depending on whether it is addressed to the educated or the uneducated, whether they live in the cities or villages. And therefore the injunctions that the Maulana wanted the rural folks to follow, like, among other things, keeping their women folks indoors, and keep them away from schools and colleges, would not be applicable to their counterparts in the towns and cities.

This is a misrepresentation of Islam. We feel that such remarks merits protests in the strongest possible terms, particularly from our religious scholars.



STRAIGHT LINE



MUHAMMAD
NURUL HUDA

The withdrawal of the criminal cases is a definite indication of good sense and pragmatism as much bad blood had been created between the authority and the civil society over the alleged highhandedness and insensitivity over an incident that deserved compassion and consideration from the state. One could say with some certainty that the interests of a democratic society would not have been served by pursuing a physically crippled boy whose culpability was in doubt.

The two criminal cases against Limon -- one for possessing firearms and another for obstructing law enforcers -- did not stand on credible evidentiary strength as the prosecution has reportedly produced a worn out revolver and a used bullet cap only. Further, in incidents like the one in instant case it would have been very difficult to produce disinterested credible witnesses who would testify to the veracity of the occurrence. The prosecution did not appear to have a strong case.

The home minister has very rightly pointed to Section 494 of the Criminal Procedure Code that contemplates action to be taken upon circumstances extraneous to the record of the case: for example, inexpediency of prosecution for reasons of state, necessity to drop the case on grounds of public policy, credible information having reached the government as to the falsity of the evidence, etc. It is refreshing to observe that the government has resorted to a very lawful course to correct the doubtful action by a state agency.

It has to be remembered that the investigation of criminal offence is the field exclusively reserved for the executive through the police department, the superintendence over which vests in the government. Therefore, the state can under no circumstances shy away from overseeing the correct investigation of such criminal offence. In fact, it would only be proper to observe that in every criminal prosecution the state is the complainant.

Coming to specifics, legal loopholes, inefficiencies and corruption have to be addressed from the principle of providing justice. This would reduce the incentive for enforcers to resort to their own interpretations of "Dirty Harry" style justice.

The enforcement situation on ground is admittedly

Good sense prevails

THE Limon incident pertaining to the shooting and subsequent amputation of a leg of a young student has ended on positive note as the authority has withdrawn the two criminal cases filed against the victim teenager by the elite law enforcement unit. To recollect, Limon was shot and maimed on March 23, 2011, and subsequently two criminal cases were filed against him. The rights bodies and the civil society have continuously pleaded the innocence of the victim boy.

complex; and both the law enforcers and the rights advocates know the difficulties that exist between establishing principles on the one hand and applying them on the other. The political will has to be established along with embarkation of long-term plan with a multifaceted approach and adequate financial resources.

The primacy of political will lies in the fact that it is at the level of government that law is established. It is thus impossible not to evaluate this aspect when one is considering the subject of human rights and law enforcers. It has to be remembered that the police are required in accordance with law, and it is the law that establishes the condition in which they operate.

The government needs to remind itself that the major contentious issue is the non-respect of basic human rights insofar as it relates to treatment of suspected persons and prisoners. There is a pressing need to effectively establish internationally applicable principles in relation to human rights. Such establishment cannot be meaningful unless there is an adequately empowered control mechanism to ensure that.

The political authority has to make sure that the right conditions are created for human rights to be as fully respected as possible. This is important for establishing the conditions in which police are to operate, bearing in mind the actions within the respect of the law.

In order to properly protect human rights the principle of immediate access to a lawyer to consult in confidence is essential. Similarly, access to information to help in preparing a defense should not be restricted. These are issues that could be resolved by simple changes in legislation, and would facilitate in creating transparency and clarity and also justify police action.

Actions by state agencies have to be within the limits placed by law and, for the public, justice must be done and seen to be done. Protecting human rights should be a core function of policing. The organisational culture has to be grounded on human rights standards as a fundamental value.

There has to be an appreciation that the police are only one aspect of a broader public security context. Therefore, there is a distinct possibility that focusing on the police and human rights may obscure the human rights discourse from wider human rights abuses that arise from a lack of security.

In the end, the law enforcers have to ask and ponder if there is a legal basis for their actions. Further, if that legal basis is in statutes or regulations, and its availability to members of public. They have to demonstrate that actions were proportionate to the threat or problem sought to be prevented. Equally important is the relevance and necessity factor with regard to action.

Human rights have now become an inevitable part of democratic way of life and there is a collective responsibility to ensure that the Universal Declaration of Human Rights is truly universal. However, the issue is essentially a question of human behaviour, which cannot be resolved by legislation alone.

The writer is a columnist of *The Daily Star*.

Indian army not for civil war

ABHIJIT BHATTACHARYA

As a civilian, one writes with considerable trepidation and reluctance on a subject -- "Maoist terror" -- which angers fear to tread or tread with fear, if at all. All the more so when Isaac Sushil Kumar, who had served as Naval chief from Dec 30, 1998 to Dec 30, 2001, has declared that "inducting the armed forces into the fray has to be viewed as an operational imperative."

The key expressions appear to be "armed forces" and "operational imperative." That is understandable because the admiral starts his thoughts with "war," the first principle of which is "selection and maintenance of the aim." The veteran top sailor makes it a case of "war against the Union of India by the Naxal-Maoist rebels ... to topple the government in power."

In juxtaposition, one would like to pose a counter-question: Does the government of India also think it to be a "war" against the "Naxal-Maoist rebels"? And secondly, is this the first-ever war the government of India (would be) fighting in the history of 66 years of independent India against an "internal foe"? If the answer is 'no,' then what should be the specific and projected "selection and maintenance of the aim" to fight this unprecedented "war"? And if the answer is "yes," this is not the first war to be fought by the nation and that in similar situations of grave threat to national security, the armed forces did come into play and gave the country victory. In that event, the retired admiral deserves compliments, and his suggestions need to be taken very seriously and implemented accordingly.

However, there appear to exist several practical difficulties in the proposed war scenario of the veteran naval chief. The menace of the "Naxal-Maoist rebels" has existed for more than four decades.

And, that has not been the "only war" of its kind to be waged "against the Union of India." The list of such internal wars in which the military was involved is rather long. But the striking feature is that those "wars" were fought essentially in the border states where the army and air force are deployed in strength and in sprawling static garrisons such as Jammu & Kashmir, Punjab, West Bengal, Assam, Manipur, Mizoram, Nagaland. These border states have been affected by relentless cross-border infiltration, with the non-state actors waging a war against the State.

According to the Admiral, "the display of sophisticated firepower even suggests cross-border support for their cause." That, indeed, is a point. However, there is a technical snag owing to distant topography and the location of Maoist operations. The turbulent areas are quite a distance from Pakistan, China, Nepal, Bhutan, Bangladesh and Myanmar.

Hence, they appear too remote an area for a possible and effective cross-border support base and too deep inside the mainland Indian territory. Hence, the "cross border support," if any, is likely to emanate more from the ideological and theoretical brass than the operational leaders of adjacent, hostile cross-border terrain.

How are these rebel groups obtaining "sophisticated fire power"? Who is organising the logistics? What are the states doing? Who is masterminding and manning the command, control, communication, intelligence, surveillance and reconnaissance to stop the logistics and provisions moving from the "cross-border" areas to several hundred kilometres deep inside the jungles and countryside of the Indian peninsula?

From all accounts, the rebel groups have sympathisers and supporters among the established non-rebel political groups which use the Naxal-Maoist bands to counter each

other to gain political space for electoral politics in the remote areas. This was quite clear during the recent Chhattisgarh massacre of several prominent political personalities.

However, one is in agreement with the former navy chief that "this is now a widespread national security problem that requires a well-conceived national strategy."

Ironically, given the political cauldron, this "national security problem" appears to be confronted with several visibly anti-national actors and factors in the countryside. And that would make the old sailor's suggestion extremely difficult and dangerous to implement in the long-term perspective -- "There is no reason why the armed forces with their superior resources and experience in counter-insurgency operations cannot be brought in to bolster the effort of our police and paramilitary units."

Let us be realistic. The armed forces are not meant to be deployed to suppress, kill and maim their own countrymen. Essentially and fundamentally they are recruited, trained and deployed to fight the "enemy," the external enemy and the forces waging war against the State. Combatants of the armed forces, referred to as "other ranks," which constitute 90% of the fighting units, hail from the countryside; the same countryside which is facing the festering problem of Maoist insurgency. The present threat is undoubtedly grave and can have serious security implications for the nation's polity. Nevertheless, the mobilisation of the armed forces in the countryside would do more damage to the troops than save or secure the nation per se.

According to Military Balance 2013 (published by the International Institute for Strategic Studies, London), India has a 65,000-strong Rashtriya Rifles, the Assam Rifles with 63,900 troops, the Border Security Force with 230,000 men, a 229,700-strong Central Reserve Police, the Indo-Tibetan Border Police with 36,300 troops, National Security Guards with 7,350 men, the Sashastra Seema Bal with 31,550 combatants, the Special Frontier Force with 10,000 soldiers and the state armed police with a strength of 450,000 constabulary. The strength of the Indian army stands at 1,129,900 personnel.

Therefore, the question arises as to why the armed forces should be engaged in a task which is not theirs? And why should the paramilitary forces not be allowed to do the job which is theirs? Why this shifting of responsibility? If the armed forces are to fill the gap because of the inability of paramilitary forces, then a decline in the standard and quality of the armed forces is inevitable.

This will weaken the country's international border. Can the paramilitary forces be deployed to face the armed forces of the enemy country invading our borders should the army fail to stop the invaders. Recently, there were three mutinies in the barracks of the Indian army, involving the 45 Armoured Regiment in Punjab, the 226 Artillery Regiment in Ladakh, and the 16 Light Cavalry in the Jammu sector owing to command failure. It bears recall that the Sikh Regiments had revolted in several cantonments in June 1984 in the aftermath of the army operation within the Golden Temple.

The army is not meant to be deployed deep inside one's own territory for a "civil war"-type combat. The armed forces are trained and nurtured to fight the external enemy on the border, which is far from the madding crowd or the countryside of the soldiers' family and friends.

The writer is a former civil servant, and an advocate in Delhi High Court and the Supreme Court of India.

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LETTERS TO THE EDITOR

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Place elected people in DCC's charge

The local political situation in the Dhaka city corporations is unbelievable. Eighteen months without elected mayors and no end to the uncertainty only entrenches a dysfunctional system. The administrators are not powerful enough to get things done or hold the corporation employees to account and there are no elected officials answerable to the voters. Right now the local government secretary is the overseer but that post should not be directly involved in municipal administration.

To avoid similar situations in the future, the incorporation process should be the following: finish preparations for establishing new city corporation, have an election for the new mayor and council; and only then, officially launch the corporations once the elected heads are in place and ready to go.

Neil Taylor
On e-mail

Situation in Egypt

I am very worried at Egypt's recent political condition. The Muslim Brotherhood came into power after the Arab spring, but it is a matter of regret that they failed to persuade the people.

Adly Mansour, the new president of Egypt, may not be able to pacify the present situation. The Muslim world ought to be watchful and come forward to control Egypt's mayhem.

Rafik Alamgir
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So-called seating service bus

Generally some bus conductors claim that they provide seating service and so charge more than the government-fixed fare. But in reality when a passen-



ger gets on a seating service bus, he finds the bus overcrowded, with many passengers standing holding the rod. Aren't they cheating the passengers who pay extra to travel by a so-called seating service bus?

Misbah Uddin Sumon
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Remove the discrimination

Many job advertisements specify that people having 3rd division in any exam are not eligible to apply. If they are allowed to apply for all jobs, definitely many of them will get jobs by proving their efficiency. We urge the authorities concerned to take immediate steps to lift the bar and allow these unfortunate ones to apply for job.

Badsha Solaiman
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Gazipur city polls

The BNP-led 18 party alliance eventually shattered the bastion of Awami League at the recent GCC poll. After the humiliating defeat of AL candidates at the June 15 elections in four city corporations, Mannan's victory is yet another blow to AL's face. But the opponent Ajmat accepted his defeat in the election. The peaceful mayoral election at Gazipur bears testimony to democracy's triumph.

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"Political parties, cops most corrupt" (July 10, 2013)

Ash C.

A government run by corrupt politicians, actively supported by the corrupt police, the corrupt judiciary, the corrupt parliamentarians and the corrupt administration; to help the ruling party cling to power.

Bangla Bright

I just hope we get decent independent people to become MPs so that we do not fall victim to AL or BNP.

"AL, BNP refuse to change stance" (July 10, 2013)

Shahin Huq

If Awami League believes that it is committed to hold a fair election, then why is it reluctant to accept the CTG demand? People will exercise their democratic right and will choose their leaders. And this has to be done under a neutral government.

Nasirullah Mridha, USA

Are we heading towards another turbulent situation after Ramadan? Come to a conclusion; otherwise, when the fire will spread, it will not distinguish between AL and BNP.