

Include temporary tea workers in welfare scheme

They are worse off than the permanent workers

We are shocked to learn that the government's special scheme to improve the lives and livelihoods of tea workers in the country has excluded those who need support the most—the temporary tea workers. According to a report by *The Daily Star*, the government has started listing the beneficiaries for this special programme without taking into consideration the needs of the temporary and seasonal workers.

Reportedly, there are around one lakh permanent workers in the 166 tea gardens of the country, while the number of temporary workers is around 36,000. However, if we consider the combined number of temporary, seasonal and unemployed workers in the tea gardens, their number would be three times higher than that of the permanent ones. Leaving this vast population of deserving beneficiaries out of the scheme will mean that they will slip further into poverty.

The temporary and seasonal workers have always been deprived by the authorities of the tea gardens, despite the fact that their work-hour is the same as that of the permanent workers. Although they get the same daily wage—a meagre amount of Tk 120—they do not get any other benefits that permanent workers usually receive. And now, under this new government scheme, they will once again get nothing, while their permanent counterparts will get medical treatment, ration, homestead and provident fund benefits. This is a clear violation of the "Cha Sramikder Jibamana Unnayan Karmasuchi Bastobayan Nitimala-2013", according to which improving the living conditions of the vulnerable workers should get priority.

While all our tea workers basically live a poverty-ridden life due to the low wage and a lack of basic facilities, it is the seasonal and temporary workers who suffer the most. Their living standards deteriorated further during this pandemic as many of them lost their jobs.

Thus, while we appreciate the government's initiative to help tea workers of the country, we urge them to include the temporary and seasonal workers in their scheme, since they are more eligible for the welfare scheme because of the precarious nature of their work. The government should also make sincere attempts to find out the real number of such individuals and give them extra financial benefits, if possible. Moreover, the tea garden owners must not also remain oblivious to their workers' needs. They should address the plight of the temporary and seasonal workers and provide jobs to those who are currently unemployed.

Toxic air, toxic governance

Legislate Clean Air Act without delay

THE fact that toxic air containing harmful particles contributes to different types of health hazards has long been taken into cognizance by the governments in every developed country of the world. They are not only aware of the importance of clean air for healthy living, but they have also taken all possible measures to plug the sources of pollution. This is one significant step towards good governance that the citizens expect from their governments. But, regrettably, in many developing countries, governments remain conspicuously insensitive to citizens' health issues arising from toxic air.

Bangladesh is one such country where air quality in most of its cities and big towns would fail to pass the "acid" test any day of the year. Dhaka has topped the list of the worst offenders in the world on multiple occasions over the past few weeks. Almost round the clock, pollutants are released into the air by small and large chemical factories, brick kilns, earth cutting and filling, ovens using wood as fuel, vehicles burning fossil fuel, diesel generators, etc.

Stamford University's Center for Atmospheric Pollution Studies (CAPS) has found that since 2015, we have not experienced fresh air for even one week of a year. Yet, the government has taken no visible steps to address the deteriorating situation. A draft of the "Clean Air Act"—prepared by Bangladesh Environmental Lawyers' Association (BELA) and Bangladesh University of Engineering and Technology (BUET), and approved by the Department of Environment (DoE)—has been gathering dust since 2019. The draft proposes that the DoE prepare a time-bound National Air Quality Management Plan to improve the status quo. It also states that the government must announce the names of critical areas which have high Air Quality Index (AQI) scores.

It is evident to anyone breathing in the poisonous air that we need a comprehensive clean air act on an urgent basis, incorporating provisions for air pollution prevention and control, and a mechanism for proper institutional management. We also need to ensure implementation of existing laws and High Court directives in this regard, which begins with holding government entities responsible for their consistent failure to monitor and bring to book the polluters.

The Search Committee Must Search Transparently



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ON January 27, after much debate, drama and blame game, the Appointment of Chief Election Commissioner and Other Election Commissioners Act, 2022 was passed in parliament. The law is nothing but past circulars wearing a legal garb. Many have serious concerns about its appropriateness, and they are in favour of its complete overhaul, which is unlikely to happen in the near future. In the meantime, a search committee under the new law has been formed. Therefore, a crucial task now is to try to influence the implementation of the law in such a way that the prospect for appointing

that if these two provisions are properly implemented, it will be possible for the committee to recommend qualified, experienced, honest and reputable persons for appointment to the Election Commission based on a genuine search carried out with transparency and neutrality.

The search must begin by inviting names of potential candidates for

Our request to the search committee will be to interview and hold a public hearing on those in the preliminary list, based on which they can prepare a short list of 10 individuals for recommendation to the President. We also request the committee to prepare a report stating the justifications for selecting those included in the short list.

appointment to the commission. Section 3(3) of the law states that the search committee may "call for names from political parties and professional organisations". This does not, however, preclude the committee from inviting

them, and whether they have any party affiliation. Therefore, making public the names of the individuals considered for appointment to the Election Commission is the only way to assess their reputation, based on which the search committee will be able to prepare a panel of appropriate candidates for recommendation and keep the unwanted ones away.

We request the search committee

to make public the names under consideration twice. After receiving the names proposed for appointment to the Election Commission from various sources, a preliminary list should be prepared—say, of 20 individuals—and



appropriate persons to the Election Commission is enhanced.

Despite being called a "search" committee, what usually happens in such committees can be understood from the words of retired Justice Abdul Matin of the Appellate Division of Bangladesh Supreme Court: "I was first a member of the search committee for the appointment of the Anti-Corruption Commission and later the chairman of the search committee for the appointment of the Human Rights Commission as well as the Information Commission. The new law has the same formula as that of the previous search committees. In this system, the chairman or members (of the committee) can do very little. The Cabinet Division hands over a few envelopes with biographies of some people of the government's choosing. There is no opportunity for scrutinising and selecting anyone from outside." (*Prothom Alo*, January 23, 2022).

It is clear that the search committees of the past basically played the role of a post office, instead of conducting a genuine search, which resulted in appointing wrong individuals to the Election Commission. Therefore, in order to find the appropriate individuals for appointment to the commission, the search committee must come out of its traditional way of working and instead conduct a thorough search.

The responsibilities of the search committee, as laid out in Section 4(l) of the Act, are: "The search committee shall act in accordance with the principles of transparency and neutrality and shall make recommendations to the President for appointment to the posts of Chief Election Commissioner and Election Commissioner, taking into consideration the qualifications, disqualifications, experience, honesty and reputation of the individuals, as described in this Act."

Section 3(2) of the Act empowers the committee to determine the modus operandi of its meetings for performing its functions and responsibilities. We feel

ILLUSTRATION:
MEGHOMALA

Popular opinions are the best barometers of people's reputation for having honesty and integrity... If the names of the individuals being considered are disclosed, the search committee will have a good idea, through public reactions, about whether their ways of life are consistent with their known income, whether there are any credible allegations of corruption against them, and whether they have any party affiliation.

others to submit names, and we request the committee to show flexibility in this regard. The risk of appointing someone to the Election Commission from the names submitted by political parties is that if those become public, which is likely to happen, the appointed person may be, sometimes unfairly, accused of party loyalty.

According to Section 5 of the Act, the persons considered for appointment must be Bangladeshi citizens of 50 years of age, with 20 years of administrative experience. According to Section 6 of the law, insolvents, persons of unsound mind, foreign citizens, convicted war criminals and holders of office of profit are ineligible for appointment. There are thousands of people in Bangladesh who meet these eligibility/ineligibility criteria, so it is possible for the committee to include any of them among the 10 individuals to be finally recommended to the President.

But a person does not necessarily become suitable for appointment in a very important and independent constitutional body like the Election Commission just by fulfilling the eligibility/ineligibility criteria of Sections 5 and 6 of the Act. The commission must carry out many sensitive responsibilities as prescribed in Article 119 of the Constitution, including holding parliamentary elections. Persons with higher or "superior" qualifications are required to perform these responsibilities. As required by Section 4(l) of the Act, they must, at the very least, have high integrity and a good reputation—reputation for honesty, neutrality, courage, and wisdom.

Popular opinions are the best barometers of people's reputation for having honesty and integrity. In fact, public opinions are the only indicators of such qualities. For example, if the names of the individuals being considered are disclosed, the search committee will have a good idea, through public reactions, about whether their ways of life are consistent with their known income, whether there are any credible allegations of corruption against

those names should be made public, subject to their consent, by the search committee.

Our request to the search committee will be to interview and hold a public hearing on those in the preliminary list, based on which they can prepare a short list of 10 individuals for recommendation to the President. We also request the committee to prepare a report stating the justifications for selecting those included in the short list. We would further request the committee to make public both the short list and the report prepared three days prior to sending them to the President, so there will be enough time for the public to react. Only with such disclosures, the search committee will be able to meet the principles of transparency and neutrality as laid out in Section 4(l) of the Act.

It may be pointed out that Professor Syed Manzoorul Islam, a member of the last search committee, also emphasised the importance of transparency in the appointment process through public hearings. A report published in *Prothom Alo* (February 12, 2017), based on an interview of Professor Islam, claimed that the controversy about the present CEC's past could have been avoided if transparency had been exercised through a public hearing.

To conclude, in the past, the government was able to appoint its loyalists to the Election Commission as the search committee acted like a post office, and those partisan individuals destroyed our electoral system and deprived the people of their voting rights. Another partisan Election Commission could lead us into a catastrophic future. Therefore, in the greater interest of the nation, the newly formed search committee must recommend appropriate people for appointment to the commission. That will be possible only if the search committee adheres to the principles of transparency and neutrality as required by Section 4(l) of the Act. The famous American justice Louis Brandeis aptly said, sunlight is the best disinfectant.