

Revenue Collection

The National Board of Revenue is keyed up for tax collection to regain the revenues lost through disruptions during the February-March period. The shortfall is estimated to be Tk 300 crore. Quite a substantial portion of that amount should be recoverable because it has to do with customs duty receipts which, in actual fact, have markedly increased following the return of normalcy.

A swift clearance of backlog at Chittagong Port has provided that much of an impetus to the collection of import duties. This, however, is likely to taper off as the bubble bursts down the road. The worry is that the estimated customs duty receipts up to June may not be actually pulled off as placement of import orders with the suppliers had itself declined in the past few months. The devaluation of Taka and the overall fiscal deficit are also a disincentive to imports.

But then our shopping list cannot be drastically curtailed either, the economy being critically dependent on import. At any rate, in the greater interest of the national economy, our hard-earned foreign currency should be spent more on procuring production inputs and intermediate and capital goods rather than on luxury-oriented consumer items.

The collection of VAT, excise duty and income tax could be stepped up substantially if we succeed in reinvigorating the productive and business sectors. We had missed out on them during the troubled times alright but the loss does not appear to have been the crippling type when viewed as part of the Tk 300 crore total deficit in the revenue collection.

Certain income-generating ministries of the government and public utility corporations need to be extra-bit more cautious and efficient to raise the level of their contributions to the coffers.

We put faith in the NBR that having gone through some reorganisation in the past, it should now feel confident to perform better administratively. On the other hand, the habitual tax evaders need to reform themselves. Let those political troubles be not a lingering excuse for anyone.

There has been a saving of inventories during the lull period which is somewhat a balancing factor to the tight-rope walking we are having to do. While the flow of fresh inputs to the productive sectors is steadied we would also like the infrastructure to work reasonably efficiently for a rapid generation of incomes.

Electing Women MPs

We endorse in principle the Sammilita Nari Samaj's view that direct election should be held to the reserved seats for women in parliament. The women's body seeks to abolish the constitutional provision for selecting 30 women MPs after the general election. Here is a case in point as to how embarrassing special status can be and it is specially commendable that the demand for doing away with the selection process has come from none other than women themselves.

Merit of the demand notwithstanding, election to those seats cannot be held right away. A constitutional amendment has to be made to that effect first of all and which again this caretaker government cannot bring about. Then there are technical difficulties — in fact a whole range of them — to be overcome. What will be the shape of the constituencies for those 30 seats? Will only women vote for them or will all be voting for those seats but only separately? All these technicalities will have to be addressed before going for direct election to the 30 seats. One solution is that the seats are declared open to contest by both male and female candidates but in that case there would not be a guarantee for the women retaining as many as 30 seats.

This surely is an anachronism, given the fact that both the contending parties will definitely give the top job to a woman, if voted to power. Right now what the political parties can do is to give nomination to more and more women candidates for the coming parliamentary elections. We know the parties have their own calculations in fielding their candidates. Yet they can take some risk in constituencies where their party position is the strongest. That way the ground will have been prepared for able women with political ambitions to be directly elected as MPs. It will also be a tactical move towards getting society ready for a greater representation of women in the parliament.

Taming Fire

It has been a bad year for slum-dwellers who have fallen victim to a number of devastating fire incidents already. With more of summer to come we may not have seen the end of them as yet.

The redeeming feature in the latest incident that took place at Babupura, Nilkhet, is that the fire service people did a highly commendable job by acting promptly to put out the fire. Although two young lives perished and 150 houses were gutted, the damage could be even greater but for the fire servicemen's timely intervention.

We would like to bring to the authorities' notice the fact that the city's expansion — particularly by way of unrestrained growth of slums — has not been matched by an extension of the fire fighting arrangement in the city. Our fire brigades certainly need to expand their fleet and acquire modern equipment and further training.

We also suggest that a water tank be kept reserved for the fire service in each ward of the city. Fire-brigades have to remain a helpless bystander sometimes because of lack of water in the vicinity of the fire incident. Then the fire fighting units cannot enter a burning slum due to its narrow approach lanes. So we urge the authorities to issue clear instructions to all concerned with slums to leave enough space for the fire fighting units to negotiate through in case of an emergency.

Civil Service, Constitutionalism and Democracy

by Mohiuddin Ahmed

The actions by the civil servants towards the end of the non-cooperation movement have raised a lot of questions: Were they right in doing what they did? Or did their actions amount to taking sides in what was essentially a tussle for power between BNP and the opposition?

The author, in trying to answer these questions, delves into various other issues and events which have gradually eroded the morale of the once-powerful bureaucracy. He writes about how arbitrary promotion, hiring people on contract and not following the rules and norms over the years, have led to the type of outburst that we saw.

He suggests that the only way to overcome the present crisis is to institutionalise management of civil service by rule of law, rather than by discretion.

THE representation made by the Secretaries to the President has generated different opinions. If not controversy. According to one opinion, their action helped expedite the decision of the Government to transfer power to the caretaker government. The other view holds that the civil servants crossed the limit of political neutrality; an extreme version of this view was the demand for punishment of the transgressing civil servants made by BNP which has subsequently relented. It is important to understand why the civil servants — including Secretaries — took this particular course of action; this may also help the caretaker government to correct some of the anomalies left by the previous government which would contribute towards performance of its mandate.

The agitation within the secretariat started with the misbehavior of some visitors who came to see the just-appointed state minister for education. Some staff were handled by these visitors who carried arms. The government officials should feel safe within the secretariat; when there is no security for them, we must accept that the government no longer discharges the function of governance. There must still be people who exercise power in the name of government, but a fundamental transformation has taken place: it is 'partisanized' — and to the extent the partisans can use arms to threaten government officials. Administration has also been 'masteianized'. If the secretaries could not protect the staff from physical violence and themselves felt threatened, admittedly the machinery of civil administration had broken down.

The Secretaries made their representation to the President only after the Parliament had passed the caretaker bill which was awaiting for authentication by the Head of the State. The point made by the secretaries was that they could no longer discharge their responsibilities unless the political conditions improved. Economic situation as well as law and order condition were fast deteriorating. The bill just passed by the Parliament had established all-party consensus on the need for election under neutral caretaker government; expeditious action would help improve the fast deteriorating condition. This was not a partisan view in the conventionally pejorative sense.

Article 21 of the Constitution defines duties of citizens and civil servants. Among the duties of the citizens are observance of the Constitution and performance of public duty. The duties of the civil servants are defined as follows: Every person in the service of the Republic has a duty to strive at all times to serve the

people. [Article 21(2)]. The action of the civil servants apparently was in conformity with this constitutionally determined obligation. It is difficult to question their action after the botched election of 15 February which failed to produce a meaningful political mandate for government.

Frustration of Civil Servants

The identification of the civil servants with the popular movement was expression of a deep sense of frustration which haunted them. The civil servants are used to function within rules and well established conventions. The conventional view is that the ministers are responsible for policies while the civil servants implement those policies and apply rules in an equitable manner. In real life the line may get blurred occasionally; but that creates little problem. It becomes problematic if the line is abolished and all decisions are taken at the level of ministers and become largely arbitrary. The civil servants feel uncomfortable when their world gets diminished and disorderly in this fashion. It requires a great deal of suppleness to adapt to and survive in this world; unfortunately, the process also destroys the virtues expected from civil servants — namely: objectivity, professionalism, sense of duty, and equity in treating all the people whose lives are affected by their decisions.

Promotion by Choice

The rules which govern the career and assignment of civil servants have been revised too often; no body should expect that they would remain unchanged for all time to come. However, the minimal expectation of civil servants is that their career should be governed by some rules; that their performance be assessed on some transparent criteria; and that their career should not depend on the personal liking or disliking of individuals. Be they senior civil servants or ministers. These norms were seriously breached. Promotion depended upon preferences of ministers and their supporters. A committee of ministers interviewed officers for promotion. When that was stopped for some legal complication, a committee of civil

servants — Superior Selection Board headed by the Cabinet Secretary — made recommendations which were subject to approval by a committee of ministers. Later on again on legal point the ministerial committee was abolished. The Prime Minister approved the recommendations of the SSB. The ministries sent cases to SSB with recommendation of the concerned minister. There are instances of ministers stalling reference of individual cases to SSB while the officer went on retirement.

Promotion but No Job

Promotion of civil servants — especially the administrative cadre officers — was one of the weakest aspects of the personnel management of the government. The rules permit the government to promote officers against sanctioned posts — e.g. if there are twenty posts at the higher level, only twenty from the lower level would be promoted. The government threw this rule into the dustbin and started promoting officers either under pressure of certain groups of civil servants or because they wanted some chosen officers to reach a higher level. The number of posts was no longer a constraint. Promotion thus became a matter of private interest of officers or their patrons and divorced from consideration of public interest as determined by rules.

Promotion in numbers larger than posts available has caused anomaly and frustration in several ways. First, there is an explosion of expectation; nobody now believes that he could not be promoted because there was no post; the government could create any number of posts to promote them if they could find a promoter-patron. Secondly, many of these officers have to remain as Officer on Special Duty after promotion — i.e. an officer all but in name and not required for any service of the state. Thirdly, the ministers on their own or on advice of their political supporters or friends started asking for specific officers; and the officers promoted had to go around finding patrons who could find places for them. It will be moral ingratitude if they do not remember the favour; it is hard for these officers to remain both neutral and grateful!

Fourthly, officers in districts were posted or transferred under political pressure. Finally, many of these officers were posted to departments which required some specialisation. These officers lacked the skills and at the same time blocked promotion of those departmental officers. A ridiculous example of this practice is that an accounts service officer with a masters degree in literature headed the Standard Testing Institute (BSTI) which certifies technical standards of products; beyond doubt it requires technical knowledge to discharge this responsibility.

The civil servants themselves have to bear some responsibility for this. The ministers might have distributed favour, but it was the responsibility of civil servants to point out that there was no post for granting promotion to this large number of officers. The government must have found out very obliging Finance Ministry and Establishment Ministry which merrily created positions for their own colleagues and thus helped the ministers distribute patronage at the cost of public money.

Contractual Appointment

The Government used extensively — or abused — its power to appoint officials on contract. Appointment to cadres is governed by cadre composition and recruitment rules. The secretariat positions above Joint Secretary are not reserved for any cadre; however, the government follows a principle of distributing these posts among all the cadres in an equitable manner — the principle of equity being understood. During President Ershad's time, a rule was made allowing the President to fill up to ten per cent of posts in any cadre or department on contract. The posts of Cabinet Secretary and Principal Secretary were filled up on contract by civil servants who retired. During the last BNP government, more posts were filled up on contract — namely: Cabinet Secretary, Principal Secretary, Finance Secretary, Home Secretary, Establishment Sec-

Rule of Law in Government Personnel Management

The care-taker government has set about the task of relocating civil servants. Justifiably the first round of change should relate to the district administration including the police which will be directly involved in management of the election. The government has also started relocating some of the secretaries. Reportedly, its approach is the 'minimalist' — i.e. do not touch a senior civil servant or secretary unless it is absolutely necessary, and even then, just do the minimalist.

Such an approach is likely to fail for several reasons. First, appointments on contract were discriminatory; it is too difficult to establish that these appointments served public interest and that the contracted secretaries had any special skills which officers below the age of superannuation lacked. Second, faced with an uncertain future with respect to election, the previous government overlooked officers in the 'ignored cohort' to place in critical positions people who they felt would continue to carry their brief. Whether they would live upto this expectation is yet to be seen; but unwittingly the present government may endorse that strategy. In this context, please note also the concern expressed by BNP about transfer of officers initiated by the government [The Daily Star, April 16, 1996]. Third, any party which wins an election in future will have a strong temptation to promote and leave in critical positions their sympathizers when they leave office before election; in fact they may try to have their bureaucratic sympathizers more deeply and extensively entrenched. The caretaker government needs to break this pattern; once the minimalist approach is established, the future caretaker governments will find it hard to depart.

Civil Service and Democratic Pluralism
The government has a chance of institutionalizing management of civil service by rule of law rather than by discretion and discrimination. More importantly, it can deliver the message that unusual favour received in terms of posting cannot be retained which will discourage civil servants from leaning in partisan fashion. Such a course of action will add to the credibility of the present government as a pace setter for neutral bureaucracy. After all, constitutionalism is all about limiting the discretion of government in exercise of power; and a professional non-partisan civil service is essential for growth of democratic pluralism.

The Ignored Cohort

When the specially chosen civil servants could no longer be retained on contract, the government went down to officers who had joined four-five years later. The important and sensitive positions went to them. It is unlikely that for these intervening four-five years none had joined the government who by training and experience were eligible to hold these positions. The presence of the 'ignored cohort' of civil servants indicates either political preference or bad personnel policy in that there was such a vacuum. It is not too difficult to identify the sensitive positions and not-so-usual choice of officers.

Opting for Rule of Law

The conduct of the civil servants can be understood in the context of the deep frustration resulting from discriminatory personnel management and the sense of uncertainty created thereby. They were with the rest of the population

in this respect, searching for certainty and stability in their specific context. They found that a civil service governed by rules and established customs is much better than discriminatory personnel management. Within their narrow world of work, the civil servants thus opted for rule of law which is the basis for a liberal democratic society.

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The author is a publisher (UPL) and newspaper columnist.

Will the Alliances Work?

The election has made strange bed-fellows. Secular George Fernandes and socialist Chandrasekhar have coalesced with the BJP, which they have denounced all their life as a fascist, fundamentalist force. The BJP has now an ally in Bansil Lal, who perpetrated the worst type of cruelties during the emergency.

LET me first congratulate the opposition parties in Bangladesh. They have passed through a long night of suffering and sacrifice to have a neutral government to supervise the polls. That the outgoing prime minister Khaleda Zia had to incorporate such a measure in her country's constitution underlines the victory of principle over petulance.

I wish India too had a caretaker government, not under the tainted Narasimha Rao but under someone else — Bangladesh has the former chief justice — who would assume the nation free fair elections. However strong the Election Commission, it cannot oversee the governance. It has its limitations. The President was able to stop two ordinances but not the one on the import policy. Some of the commodities added to the Open General Licence (OGL) list or excluded from it tend to benefit certain categories of people, who are voters. The commission has expressed its helplessness.

Ambassadors to America and China have been announced. Both are important countries. What difference would it have made if their appointments had been made after the polls? The new government will in any case review them. When I asked foreign minister Pranab Mukherjee why the government was in a hurry to announce the ambassador to the US, he said he could not wait in view of the US presidential election which, incidentally, is in November.

Apart from these indiscretions, a caretaker government of outsiders would have at least stopped ministers' indiscriminate travelling, official only in name but otherwise for election purposes. Till Jawaharlal Nehru was of the scene, there was an effort to keep the government work separate from that of election. Even the pretence was given up during the rules of Indira Gandhi and Rajiv Gandhi.

Coming to our elections, I have lost the count of alliances. It is difficult to figure out which political party, its faction or its defector has joined whom. All that I notice is that some of those who were swearing loyalty to the party till yesterday are abusing it shame facedly. Communists have turned secular overnight or the other way round.

Defenders of values have auctioned their principles to the first bidder. A Gandhian G. Moopnar from Tamil Nadu, ironically, has reminded Narasimha Rao, following his alliance with state chief minister Jayalalitha, of what once Congress stood for: 'Not just the goals but the means too are important.' This has been lost on Rao, who is only calculating the number of seats he can win or the way he can return to power.

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from Tamil Nadu looks like going awry. The Janata Dal, which is leading the third force, has been badly shaken by what has happened in UP. The entire state unit has revolted and constituted a new group. Thus, the Janata Dal has got confined itself to only two states, Bihar and Karnataka. And it may secure a few seats in Orissa and elsewhere but the number may not be large.

Such developments are bound to take place when the combinations are dictated by caste and religious considerations. In fact, caste, more than religion, has come to the fore. Candidates have been selected on the strength of caste. Even subcastes have become relevant. That explains Phoolan

Art Buchwald's COLUMN

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In the cacophony of shouts and screams in the name of caste and religion, the voice against social injustice is feeble. Separate identities are trying to drown the national ethos. Short-term gains have eclipsed vision. Campaigners are not rising above petty considerations. Speeches from platforms are cautious because of the law buttressed by the recent Supreme Court judgment that an appeal to religion or caste is illegal. But the door-to-door propaganda and the street corner meetings are sprouting poison. Both caste and religion are playing havoc.

And when the candidates are not touching caste or religion they are talking about local problems. It is the paucity of water, power and roads which gave a match to the smouldering discontent during the assembly elections. The same things are being mentioned for the Lok Sabha polls.

It was Indira Gandhi who discontinued the simultaneous election to parliament and the state assemblies. PN Haksar, then her secretary, argued at that time that the electorate was apt to confuse local and state issues with national issues and, therefore, they should be given a clear choice. But at the back of his mind was the belief that while voting for the Lok Sabha, the electorate will keep in view the concept of a strong centre and hence vote for the ruling Congress party in the absence of a viable alternative.

This did not happen. Most political parties, particularly their candidates, have never allowed issues to be debated. They have reduced elections to rhetorics. Even the election manifestos are only a ritual. Alliances have taken place even before the manifestos were released. In other words, the alliances have nothing to do with the issues. Or, more specifically, principles.

That is the reason why alliances are so flimsy that they have broken up so easily in the past. They have been a product of convenience, not conviction. The result is more and more disillusionment of voters, who are increasingly cynical and unhappy with politicians. If elections are the means, never before has there been such a large effort to vitiate them. Alliances have made the goal still more vitiated.

BETWEEN THE LINES

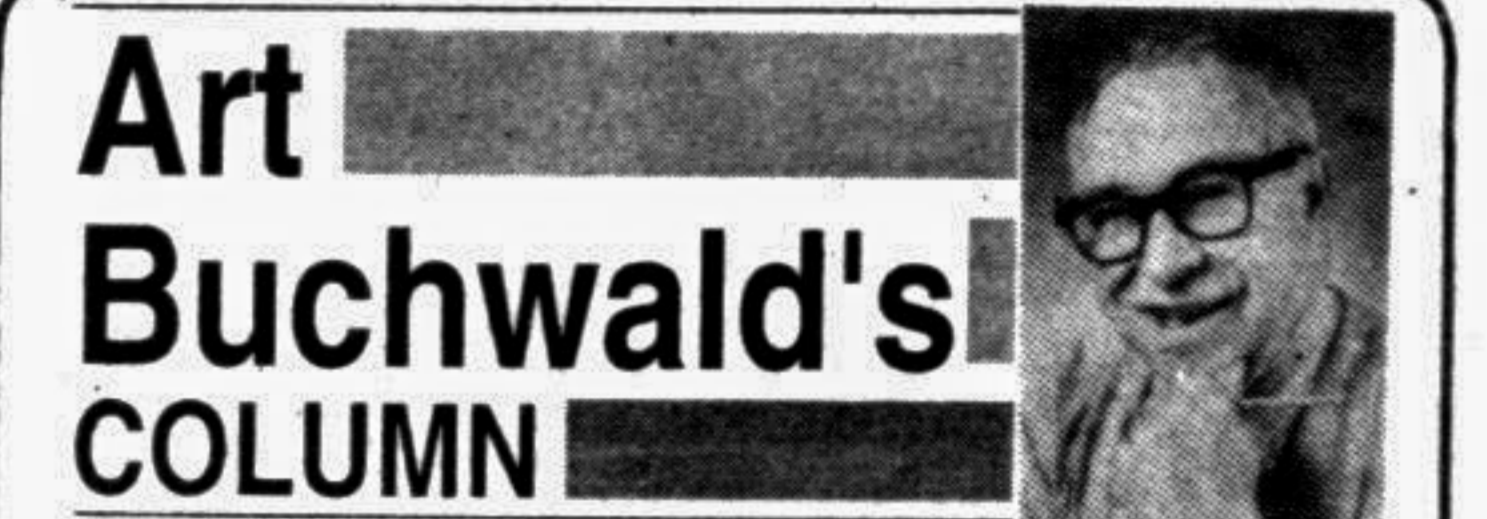
Kuldip Nayar writes from New Delhi

worst type of cruelties during the emergency. Among his victims are his new comrades, LK Advani, Murli Manohar Joshi, Rajmata of Gwalior and other leaders of the party, then called the Jan Sangh. The Janata Dal, which cannot even stand the name of Indira Gandhi, has an electoral understanding with the ND Tevanti breakaway group, which prides in calling itself as the real Indira Congress.

Of course, none can beat prime minister Rao's somersault. He has entered into alliance with Jayalalitha, who was her staunch antagonist and who called him an interim prime minister. Rao's confidante, state governor Chenna Reddy, has permitted a case against her on corruption charges (the case has the distinction of enjoying a stay order from the Supreme Court since last year). And there are many Congressmen who have not yet forgotten Rao's assassination. He has entered into alliance with Jayalalitha, who was her staunch antagonist and who called him an interim prime minister. Rao's confidante, state governor Chenna Reddy, has permitted a case against her on corruption charges (the case has the distinction of enjoying a stay order from the Supreme Court since last year). And there are many Congressmen who have not yet forgotten Rao's assassination. He has entered into alliance with Jayalalitha, who was her staunch antagonist and who called him an interim prime minister. Rao's confidante, state governor Chenna Reddy, has permitted a case against her on corruption charges (the case has the distinction of enjoying a stay order from the Supreme Court since last year). And there are many Congressmen who have not yet forgotten Rao's assassination.

Devi's selection from a UP constituency which has her subcaste in dominance. This is probably the most undesirable aspect of the current election. The society has never been so fragmented before as it is today. Politics has been trivialised. Basic instincts of voters are sought to be harnessed. But this has been the society's tragedy. There is hardly any political party which is rising above religion or caste. I know of no statewide, much less country-wide agitation for social justice — an agitation which could have diverted people's attention to something higher, something nobler, something secular.

Still more divisive is the combination of lower castes and Muslims to create a phalanx of numbers for elections. True, they have been at the receiving end but the purpose is to utilise their weight at the polls, not to give them a fair deal. Janata Dal chief Laloo Prasad Yadav has already made the combination possible in Bihar. Chief Minister Deve Gowda is busy doing so in Karnataka. Samajwadi chief Mulayam Singh Yadav is experimenting in UP with the same formula, minus the Bahujan Samaj Party (BSP), representing a substantial section of Dal-



Worthy Every Penny

I hadn't planned to write anything about downsizing for a while until I read in the papers that Robert Allen, the CEO of AT & T, received \$ 16 million in salary and stock option compensation this year. He was given this \$16 million at the time his company laid off 40,000 workers. When questioned about it, he said that he deserved every penny.

One of my friends who doesn't understand downsizing was outraged. I tried to explain to him how it works. "It takes a very talented executive to lay off 40,000 employees, and \$ 16 million is not out of the ball park if you want someone to play hard-ball."

Mac Dougal asked, "What is Allen going to do with \$ 16 million?"

I told him, "He has to buy milk and bread, and corn flakes and yogurt, just like everybody else. You have to remember that \$ 16 million isn't what it used to be. What's important about the layoffs is that Wall Street now views AT & T as a serious company. The people who were pink-slipped don't count. If Wall Street sees that the phone company is paying its chief \$ 16 million, they have confidence in the management."

"They know that you don't hand paychecks like that to the big guys unless the company has great plans for the future. Wall Street is in the tea-leaf-reading business, and they consider big salaries for big people to be a good sign, even if middle management is asked to walk the plank."

Mac Dougal was not to be persuaded. "I still don't understand what he can do with the whole \$ 16 million. How many Princess phones can Allen have in his house? How many cellular phones can he use in his Mercedes-Benz? How many golf balls does a CEO need?"

I tried to be patient and replied, "Allen has to buy shoes for his children, bus tokens for his wife, and he probably has a big heating bill. I very much doubt that any of the money will be spent on luxuries."

Mac Dougal had the poor taste to bring up the 40,000 people who had been laid off. "Don't you think they feel wounded to see the man who dumped them receiving \$ 16 million for being their executioner?"

"When you downsize you can't be sentimental about people. Allen claims that he had to fire the 40,000 to save the company. If this is true, we Americans have to bless him for saving our long-distance lines."

"Do you trust him?" Mac Dougal asked. "May be he was laying it on a bit thick, but he had to say something or the AT & T Credit Union would have refused to cash his \$ 16 million check."

Mac Dougal wasn't giving up. "Who decides how much a CEO is going to get for laying off thousands of people?"

"The board of directors."

"Who chooses the board of directors?"

"The CEO."

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