

Massive transfer of and 'strict' rules of conduct for civil servants

The very concept of impersonal, permanent civil service in jeopardy

THE indiscipline of the Janata Mancha-vintage definitely needs to be stopped forever. We do not want ever to see any recurrence of government servants walking out of their offices and making speeches from political party platform or being in anyway affiliated with politics. The subsequent AL government's recourse to massive reshuffle in public administration prior to October 1 general election was another instance of politicisation which is totally unacceptable. However, reported contents of draft amendments to the public servants' conduct rules sound so sweeping that they can surely be dubbed as reaction overkill.

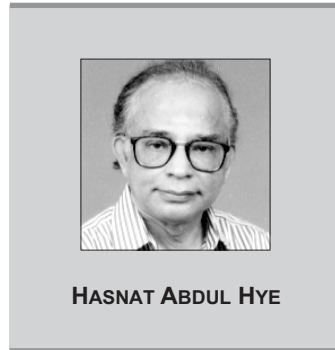
Before we come to the provisions of the draft law let's go over the step-by-step sustained 'cleansing operation' the bureaucracy has been put through. The facts sheet shows that while the erstwhile AL government left over a thousand officials re-positioned to serve its cause at the polls, the caretaker government promptly reacted by transferring 1500 officials in its three-month tenure. The matter should have rested there, if any credit were to be given to the neutrality of the caretaker government which in the eye of the BNP must have been vindicated by the elections results. But no, the caretaker government's counter-transfer of officials and the electoral outcome going in favour of the BNP, notwithstanding the presence of public officials who are now coming under the axe, were of little avail in preventing the BNP from witch-hunting and embarking on a virtual administrative purge. Since taking office, the BNP-led four-party coalition government has transferred 2000 civil, defence, police, ansar and bank officials in a massive reshuffling that has rarely been heard of even in a post-revolution situation. Sixty-seven officials have been sent on forced retirement, more of it is on the offing, and contractual appointments were made to 56 high positions, these being record figures in each category. In a parliamentary democracy of the Westminster-type government is changeable via elections but not the bureaucracy which enjoys a permanent status in the interest of the state. The danger in massive transfer lies in the sense of tentativeness and impermanence it generates in the whole of the government machinery or the institution of administration. Furthermore, in the name of 'depoliticising' the administration what eventually occurs is counter-partisanship within the portals of government, autonomous and semi-autonomous institutions. All this conjures up the vision of perpetually politicised administrative paradigm.

So, here we are, with a formidable new issue of bureaucracy 'without partisanship' being whipped up after we have had a neutral interim arrangement to conduct elections in the country.

As if that was not enough, the process is now sought to be consolidated with amendments to the public servants' conduct rules. Even though government manuals contain safeguards against public officials associating with political parties or its affiliates, the BNP administration is about to introduce some stringent provisions into the government service conduct rules. Anyone sacked by the government will not be able to appeal it in a court of law. He or she will have lost the job within eight days of receiving the marching orders. The person might even be desintitled to pension, gratuity and provided fund. Public servant will have to report his or her spouse's membership of any political party or its affiliate body to the government. 'No government servant shall make any statement in the press or in any other media or distribute leaflets or posters anonymously or pseudonymously to embarrass or malign the government.' The existing laws and rules subject to minor modifications would have sufficed in dealing with possible misconduct; but this commonsensical approach has been eschewed for something that is bound make the public officials feel discriminated against, wronged, even strangled with fetters. One wonders whether the reported draft provision that the spouse's 'involvement in a political party or any of its affiliates would require to be reported to the government is not antithetical to the rights of an individual citizen, the wife in this case, embodied in the Constitution.

We reiterate our firm view that participation in "Janata Mancha" by government servants was a gross violation of service rules and such things must never recur. But depriving government servants from their right to go to court against dismissal order or some such move amounts to depriving individuals -- be they government servant -- of fundamental right. As we said earlier, some simple modification of existing rules should suffice. There is really no need for new ones. The most important thing is political will of an elected government "not to politicise the bureaucracy." Does the new government have that will?

Border sans border



HASNAT ABDUL HYE

WHEN two countries exist side by side they are supposed to have borders defined by land or water. If borders are not demarcated then there is no *de jure* border. In sparsely populated countries with barren land and mineral-deficient underground the absence of demarcation is just an innocent lapse, almost an aberration that hardly raises eyebrows, not to speak of stoking animosity. All pervading good neighborliness makes mincemeat of such minor irritants, if they are considered as such at all.

One wishes the above was true regarding the border between Bangladesh and India. But the reality is that both Bangladesh and India are heavily populated and the border between them is long and porous. Both the countries need every inch of their territory for the sustenance of their teeming population. Prevention of illegal activities like trespass and smuggling is in the interest of both. The security of the lives and property of the citizens of the two countries living along the lengthy border depends on well demarcated and peacefully secured borders. The absence of demarcation can lead to undesirable breach of peace through clashes between border forces. The occupation of disputed territory along border can be the cause for sporadic destabilization. There may be temptations for wanton agrandizement. One way or the other, these untoward incidents can damage the friendly bilateral

relation incrementally and become permanent stumbling bloc to good neighbourliness. At the local level the daily life of people along the affected border can become fraught with uncertainty, apprehension and terror. It is a nightmare that has occurred to them from time to time. Unless the underlying causes are removed it can keep on happening.

The background to the border dispute between Bangladesh and India is well documented and widely known. It is not of recent

instances there has been no progress in the implementation of the 1974 agreement. Official meetings have been held annually or bi-annually all of which ended with no substantive results and progress in the implementation of the agreement. As a result, almost all the border disputes between the two countries remain where they stood in 1974. By implication, most of the unresolved border issues centre around the non-implementation of the Mujib-Indira agreement of 1974. In addition, new problems

Boundary Working Group (JBWG) was held in Delhi soon after the tragic border clash. The retransfer of the existing Director General, BDR just prior to the first meeting was seen as too much of a coincidence and appeared as an covert concession made by the previous Government of Bangladesh which rankled many. Even after this conciliatory (capitulatory?) move all that the first meeting of Joint Border Working Group (JBWG) succeeded in achieving was setting the terms of reference of the

this issue would have received a very high priority in the agenda. As firing by BSF has been intensified following the September clash resulting in deaths of scores of Bangladeshi civilians its omission also is puzzling and cannot but be interpreted as callous, even cynical. On the other hand, shelving discussion on maritime border demarcation can only continue to plague the good neighbourly relations between the two countries with the potential of a big flare-up should gas and oil reserves be

least some of the outstanding border issues may be lost with the one year time frame of the Joint Border Working Group expiring after April.

Not only at the policy level, at the field level also India seems to have taken a dilatory tactics in resolving the border disputes. According to a newspaper report (The Daily Star, February 12) a meeting of the Director General of BDR and Director General of Indian BSF was earlier scheduled to be held in Dhaka beginning January 7. Following a note from the Indian side the meeting has been postponed indefinitely. Quoting BDR sources the newspaper reported that there has been an increase in firing incidents since last September when on several occasions BSF men opened fire on Bangladesh civilians. Around a dozen Bangladeshi civilians have died while several others have been injured, the sources said. Such firing has now become almost a recurring event. This hardly augurs well for the promotion of good neighbourly relations between the two countries.

Piecing together the recent information and news reports the conclusion becomes irresistible that India is not serious about setting the outstanding border disputes. At least it does not appear to attach high priority to the subject. In the event, the setting up of the Joint Border Working Group cannot but be seen as more than a public relations exercise. Does India have a hidden agenda under which it wants to link border dispute with other issues? If it is the case, she should be forthright and convey the same through the diplomatic channel. Good neighbourly relations demand nothing less than this.

Hasnat Abdul Hye is a former secretary, novelist and economist.

IN MY VIEW

Piecing together the recent information and news reports the conclusion becomes irresistible that India is not serious about setting the outstanding border disputes. At least it does not appear to attach high priority to the subject. In the event, the setting up of the Joint Border Working Group cannot but be seen as more than a public relations exercise. Does India have a hidden agenda under which it wants to link border dispute with other issues?

origin nor is it intractable in nature. The contentious issues that characterize the border dispute is demarcation of 6.5 kilometer stretch of the border (out of a total of 4000 kilometer between the two countries), exchange of enclaves, adverse possessions and construction of border pillars. There are 111 Indian and 51 Bangladesh enclaves inside each other's territory. Bangladesh is in possession of 3000 acres of Indian land while 3500 acres of its land is possessed by India. The Mujib-Indira agreement of 1974 provided for exchange of enclaves, access to enclaves, settlement of adverse possessions and demarcation of the undefined border. Immediately after the agreement Bangladesh

took the initiative in handing over enclave like Berubari. No such handing over was done by India. The decision to give access to enclave like Dahagram and Angarpota took long twenty five years and even then it has been an unsatisfactory settlement so far the Bangladeshis living in the enclaves are concerned. Apart from this two

were added after unilateral occupation of islands at the estuary of Bay of Bengal by the Indian Navy. The outstanding border disputes on land have erupted into firing at civilians from time to time with varying casualties vitiating bilateral relations and destabilizing life of the people living along the border.

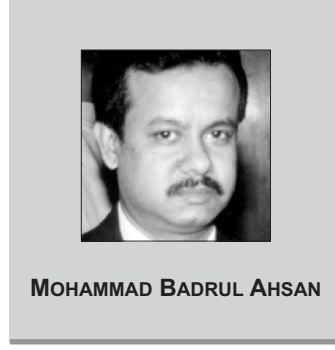
The most dangerous and severe of border clashes took place in August last year when 3 BDR and 16 BSF were killed following intrusions by the latter in Baraibari in Roumari. It was a most unfortunate clash resulting in unnecessary deaths on both sides. Since the BSF intruded into Bangladesh territory under cover of darkness the BDR retaliated in self-defense and in the line of their duty. After angry fulmination by Indian authorities and almost apologetic explanation by the former Bangladesh Government a decision was taken to set-up Joint Border Working Group (JBWG) and hold official level meeting to defuse the tension and pave the way for permanent solution of the border dispute. Accordingly, a meeting of the Joint

group. This was an uninspiring and plattitudinous beginning because it meant starting from the scratch, as if no preceding meeting or agreement was available to follow up. The three-day Dhaka meeting that followed likewise had nothing substantial to show as progress. In this meeting the two sides merely explained their positions and reiterated their agreed Terms of Reference (TOR). According to the TOR of the Joint Border Working Group border disputes like intrusion and firing by border guards will not come under the purview of the joint talks. Nor will the outstanding issues related to maritime border demarcation, trespassing and construction of barbed wire fencing by the Indian side be addressed. As the bloody clash along Baraibari border last year resulted from intrusion and trespassing its omission from the Terms of Reference is not only surprising but also indicative of the indifference in attitude shown by India towards the provocative issue. One would have thought that given the immediate background to the joint talks

struck within the disputed areas. By excluding any discussion of the maritime dispute India seems to have indirectly informed Bangladesh that her occupation of Talpaty is *fait accompli*. This attitude smacks of highhandedness and is not expected from a big and supposedly friendly neighbour.

Given the limitation imposed by the Terms of Reference, the Joint Border Working Group born last year appears to be little more than a crippled 'animal'. But even the fate of this handicapped forum has become uncertain with the lukewarm attitude shown by India in holding the meetings on time. Officials in Dhaka are looking for an early schedule for the JBWG meeting. The next meeting already due, is supposed to work out any points of difference through negotiations. The Joint Border Working Group's report is due to be completed and presented to the respective foreign secretaries for implementation within next April. If the meeting fails to take place shortly the opportunity to settle at

Fire and ice



MOHAMMAD BADRUL AHSAN

IN the past weeks our national appetite for atrocities reached new heights. Several people were burned alive on the streets of Dhaka and many more beaten to death across the country. People caught criminals, thrashed them into pulps and burned them in some cases as if their bodies were stricken by an infectious epidemic. It was all too sudden and shocking as the futility of human existence went up in fleeting smoke spewed from the pyres of broken bodies.

There was something sad about the whole thing though. It was a cataclysm compounded in the madness of mob, a neurotic explosion that erupted through a trapdoor in the dark basement of our collective psyche. What happened in the minds of those who unleashed that horror? How did the dark impulses of rage and reprisal come together in such a deadly combustion?

On the surface of it, it was not a big deal. As a nation we have grown accustomed to cruelty, our sensibilities fed on the regular diet of murder and mayhem. We smell

our morning tea with the news of death; the first thing to know when we wake up is that someone's blood has been spilled. Yet there was something horrible about the roasting human flesh in the middle of busy streets. It brought the horror of the jungle to the heart of the city; the sight of ecstatic crowd circling the burning bodies reminded us of ululating savages in the African forests who danced around their roasting victims.

Notwithstanding the fact that

for us was equally true for them. One or two of those victims were still alive when their bodies were set ablaze, twitching in pain or panic as the flames consumed their clothes, skins and layers of flesh. Nobody came forward to save them while they perished; their bodies, like fallen logs, pinned to the ground by their own dead-weight. They couldn't get up and run like the stuntmen do for movies, and they must have inhaled and choked on the smoke of their own

in the memories of people who perpetrated, and watched it, may be to a lesser degree for those who only read and heard about it. But all of these people might be haunted by its hissing flames at the strike of a matchstick, or lighting of a stove, their minds forever ready to be ignited like the wick of a lamp. There also will be a simmering fire in the conscience of those men who had turned justice into some kind of a road show. Again and again, these people are going to

that the people have the right to strike back when pushed to the wall. Yet it is a scary thought to live in a society where every man has his back against the wall and feels free to take the law in his hand. It is one thing to obey the law, but quite another to try to possess it. Nothing was wrong with the burning, with the means of punishment apportioned to those criminals except one thing. It was more a reaction than a recompense, which targeted the offenders, but not their offense.

lawyers, police, judge, jury and witness. And what is the underlying principle of justice? Ten guilty men can go free if need be, but one innocent ought not to be punished.

Therefore, the fulcrum of justice lies in the judgement where guilt is sorted from innocence to determine the level of punishment. To leave that to the mob is to weigh gold on grocer's scale. It remains one dark spot in the bosom of bonfires that lighted the streets of Dhaka at high noon, the fires of fury that were benighted by their own inordinate excess. Because it is one thing to fight the enemy but another to fight like him. No matter how we try to justify it, we have lowered ourselves to their level by embracing the same atrocities for which we killed them.

Robert Frost, the American poet, writes, "Some say the world will end in fire, /Some say in ice. /From what I have tasted of desire/ I hold with those who favor fire. /But if it had to perish twice, /I think I know enough of hate/ To say that for destruction ice/Is also great/ And would suffice."

This world is ruled by two primal passions: desire and hatred. All crimes are born in the fire of desire and all vengeance in the ice of hatred. Justice is the way civilization maintains a comfortable temperature between fire and ice. What happened in the past weeks was a climatic change. The ice ended in the fire of spite, and fire ended in the ice of death. Is it the early warning for an imminent disaster?

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CROSS TALK

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those who were burned were criminals, callous people, who themselves dealt in cruelty for money. Notwithstanding the fact that they were ruthless men, who resorted to threat and extortion of helpless people and did not hesitate to kill or maim them. They were the freaks of our moral universe, people whose evolution got disrupted between beasts and humans, their shapes changed but souls remaining intact. Let us say they were the lost generation, which never found its way out of the elusive bends of moral maze.

Yet the miracle of life that is true

burning.

They were killed by the mob in small suicidal steps. They mugged a passerby in the broad-day light, shot him, tried to escape on their motorcycle on a busy crowded street, and then turned into fuel to the fire that burned them to death. In all, those who were burned had imprecated that fate on themselves, their immolation being a conspiracy accumulated against them in small steps by their own destiny.

But the fire had the flames of an irony, which burned the dead but singed the living. It will perhaps live

uncover the charred bodies of their victims in the closet of their minds, the fire that torched their victims glowing in the embers of their regrets.

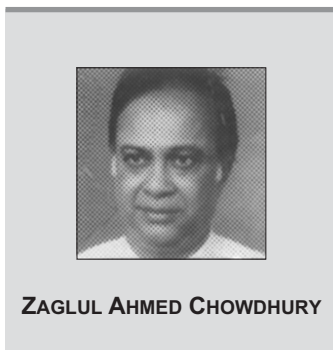
It does not matter whether that happens or not, whether these men are ever going to stew in the juice of their own horror. But what they did was wrong for the same reason they thought it was right to scorch those criminals. An eye for an eye only tells us that cruelty justifies further cruelty until the world becomes a sad place for all.

One can argue that desperate times call for desperate measures,

It was at best restitution, but by no means remedy.

In the Middle Age, people were burned at the stakes for blasphemy or adultery, the idea being that extreme punishment ought to equate with extreme prejudice. It was social justice through a procedure of inquest, which was executed in public unlike the burning on our streets that showed nothing but the malaise of madness rolling in the depth of our psyche. Justice is a delicate system of equating crime with punishment, and it does so through a complicated process participated by plaintiff, defendant,

Vajpayee's commendable stance on temple issue



ZAGLUL AHMED CHOWDHURY

INDIAN prime minister Atal Bihari Vajpayee has threatened to quit rather than succumb to the pressures of the extreme Hindu nationalist forces on the issue of construction of Ram Temple in the disputed site in Ayodhya in Uttar Pradesh. This is not the first time that the veteran politician, three times prime minister of world's largest democracy, has expressed readiness to resign out of sheer frustration and anger. Last year, the "Shiv Sena", the western state Maharashtra-based Hindu militant organisation, mounted blistering attack on the prime minister's office despite

being a constituent of the multi-party national democratic alliance (NDA) which is ruling India. Some leaders of the party accused corruption and wrong doings in the prime minister's secretariat which infuriated Vajpayee and he tendered his resignation, asking the rationale behind such criticisms in public particularly by a partner of the government. Needless to say, Vajpayee has an unassailable position in his Bharatiya Janata Party (BJP), the NDA and the government for the simple reason that his leadership is essential for all the three segments as none other than him enjoys unanimous support for the position of head of the government or is a rallying factor for divergent forces within the NDA in a monolithic platform. The Shiv Sena had to eat its own words as recalcitrant MP Sanjay Nirupam, who made the criticisms, was apologetic and later said he did not mean anything disrespectful to the prime minister or his office. Vajpayee was persuaded to stay on but the incident gave a strong signal of discipline within the NDA

MATTERS AROUND US

Certainly, Atal Bihari Vajpayee has sided himself with the principles and ethics of secular India and has not fallen into the design of the communal zealots, who, however, will continue to disturb him and the government. But they can not possibly fully jettison Vajpayee who remains the symbol of a unifying factor for various groups in the NDA government.

and also the impression that Vajpayee is required for the government since his willingness to quit created a panic that without him the NDA may not survive and the government too could be vulnerable. All leading figures of the BJP and the NDA castigated criticisms about the office of the prime minister as Vajpayee is in charge of the secretariat.

This time, another militant Hindu organisation, the Vishwa Hindu Parishad (VHP) has come out as the trouble-maker for the prime minister and the NDA. It is demanding construction of a temple in the disputed site in Ayodhya where a 16-century

mosque built by Moghul emperor Babar was demolished by the Hindu zealots in December, 1992 triggering the worst communal riot across India since the partition in 1947. The VHP was one of the main organisations behind the demolition of the mosque and is insisting that a Ram Temple be built there since they claim the temple existed there before the mosque came up. The Muslims and the secular parties of India condemned the razing of the mosque and the matter is rested with the court. But the VHP is asking the government to permit it for the construction of the temple and it came on a collision course

with the central government of India on the issue, threatening to go ahead with the building of the temple after March 15 regardless of what the government thinks. This is definitely a threat and possibly the VHP means it since it has a large following across the country unlike the Shiv Sena which has a strong base only in the Maharashtra state. The Uttar Pradesh, the largest component state of India, is a stronghold of the VHP and the state is ruled by the BJP-led coalition which means Hindu nationalism is strong here. However, it remains to be seen whether the ruling alliance can maintain its hold in

this week's state elections as its chances do not seem very bright.

The BJP and several other extreme Hindu organisations have leaders who are seen as liberals as well as hardliners. Vajpayee is a liberal person and so was its former president Bangaru Lakshman. But present president Jana Krishnamurty and senior leaders and ministers like L. K. Advani and Dr. M. M. Joshi are considered as hardliners. Evidently, the VHP and similar organisations draw sustenance from the hardliners although conservative leaders do not always see eye to eye with the VHP. At a recent meeting with the

prime minister, the VHP leaders urged Vajpayee to take steps so that they can begin the construction of the temple after March 15. The prime minister did not agree with the demand and later indicated that he would prefer to quit rather than accepting such irrational proposition.

Obviously, Vajpayee is caught in a difficult situation. He began his political career as an activist of the Hindu nationalist politics but later shed dogmatic ideas to an extent when he became foreign minister in the Janata Party government in the late seventies. His liberal approach helped him to become prime minister. True, he cannot distance himself much from the VHP and others but cannot also afford to agree on such a sensitive issue like the construction of the temple on a site which the Muslim and secular forces see as a potentially dangerous step to damage the secular fabric of India. India has a large Muslim population. Besides, several partners in the NDA like the Telegu Desam of Andhra Pradesh, DMK of Tamil Nadu and

Samata Party of Bihar are secular parties which would not like a decision on the temple issue in line with the wishes of communal VHP. Their withdrawal of support may cause the fall of the present NDA government which will create new political instability in the country. As a seasoned statesman, Vajpayee probably cannot take a highly controversial stand at the fag end of his political career. The 76-year-old prime minister is also somewhat handicapped by physical problems and dropped hints that he may not be in the centre stage for too long. Certainly, Atal Bihari Vajpayee has sided himself with the principles and ethics of secular India and has not fallen into the design of the communal zealots, who, however, will continue to disturb him and the government. But they can not possibly fully jettison Vajpayee who remains the symbol of a unifying factor for various groups in the NDA government.

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