

## Money Must not Rule

The Election Commission has said they have no mechanism to control election expenses. In fact, there is no such control mechanism anywhere. Annulling one's election on charge of excessive spending is something yet to be heard of. There is a limit on election expenses incurred by a candidate. And this was there even in the British times. But it never deterred any candidate from giving away his or her entire fortune. The only result that followed from the limit, in our case the RPO of 1972, was the post-election submission of an account of expenses — and as an unfailing rule the account had always been fictitious, always keeping within the limit. The purpose of the limit was as such never achieved.

Things have changed radically since the days of sleepy elections. After the emergence of Bangladesh democracy itself was kidnapped for long and a number of stagemanaged voterless elections were held to give legitimacy to coups and an interminable slide towards autocracy. For two long decades small arms kept pouring into private cadres of certain parties. During the selfsame period the number of *kotipati* — multimillionaires — increased from two to more than 2200. All these arms will, unless recovered in time, be brought into play in the coming elections and make mincemeat of it. This is well understood by all, and the EC and the government are both appropriately seized of the urgency of the problem.

The election nevertheless can be wrecked and rendered totally meaningless even if one single firearm is not brandished. Money will be employed to make the votes go to the highest bidder. In no way this is a better mode to trifle with the vote and hurt the present tendencies towards democracy than the armed terror. The EC has set limits not only to money expenditure but also to numerous other activities of the candidate. What could the EC do to penalise and effectively deter recalcitrance?

The possible June elections, earned at a very high price in death and national loss, must not be allowed to be reduced to a nationalized *votebazar*. To encourage candidates to keep within the limits and be honest with their accounts, the 300,000 ta l limit should be upped to some realistic level.

Both arms and money are going to be brought into play by a sizeable number of candidates. The measure of success of the EC and the Habibur Rahman government will almost wholly depend on the degree to which they can contain these. The EC should be empowered to go through the election accounts and hear related complaints and even do investigation and then, if satisfied, to set aside an election outcome.

## Still a Non-starter

A desperate cacophony of warning signals is rending the air at the moment. This is about the evidently frightful drop in the ground water level. The latest statistics put the dip at 70 feet below the surface in the 16 northern districts and it has been recalled that the vacuum at Dhaka's sub-soil level had been ironically 55 feet even during the unprecedented 1988 flooding of the city.

Director of Ground Water Circle at the Water Development Board Mizanur Rahman hit the nail in the head when he ascribed the phenomenon to over-extraction of ground water by the water supply network in the cities and the irrigation system in the rural areas. Both are dependent almost solely on the deep tubewell suction.

If, however, the extracted sub-soil water were replenished by a natural re-charge through a capillary seepage of the run-off surface water, it would have been a different story. So, the solution lies in artificially reinjecting the monsoon-fed surface water into the subterranean level to store it up there for use during the dry season. This involves the installation of a technology, with all the money it entails, which Thailand had opted for quite sometime ago with marked effectiveness. In other words, when the alarm bell is ringing loud and clear, here we are now merely thinking of it.

That funds have to be lined up and the technology put in place with a minimum gestation period allowed to it, while the ground water went further down in-between, weigh very little with us — a perennial late starter in most things as we are.

Then why must over-dependence on ground water stray into ignoring the basic rule of keeping a certain distance from one bore hole to another while installing the deep tubewells?

We ought to take up the remedial technological option to avert any exacerbated ground water crisis that could mean a total ecological disaster for us. This should not, however, preclude a regional approach aimed at combating a totally unwanted desertification process whose rumbplings are heard more clearly than before.

## Scandal Cracked Open

The authorities at Chandraganj SSC exam centre of Begumganj thana under Noakhali district are plainly embarrassed. They perhaps do not know where to hide their faces following an ignominious expose they have suffered at the hands of guardians who had allegedly lined the supervisors' pockets with Tk 42,000 for securing their 420 wards' right to cheating at the examination hall. But on Monday as the English Paper-II test was progressing a magistrate intervened by expelling five examinees together with an invigilator who purportedly lent a helping hand in their act of cheating.

The magistrate's forthright action has washed the dirty linens as the guardians demanded their money back for what they regarded as a breach of contract.

One had already grown all-too familiar with turning a blind eye to malpractices at the examination centres for fear of reprisals when came the most unexpected news of some persons in authority rather unabashedly abetting in these. Even those thresholds look crossed now as we have an improvisation by the name of 'keep quiet' fee paid in advance to sail through copying.

We condemn both the greasers and the greased with equal vehemence.

On June 5, 1973, W. H. Auden speaking on PBS Bill Moyers' Journal series created a sensation by stating — democracy begins with a free discussion of our sins.

Opening a newspaper or leafing through a journal, even a casual reader feels dismayed and somewhat betrayed with stories of alleged financial irregularities, defalcation or outright embezzlement of public funds or administrative malfeasance and sleaze.

To say that a democratic government to be unsuccessful must be accountable to the taxpayers is only begging the question. Corruption has many colours many hues. In my first service assignment, a senior colleague told me 'propriety is a relative term'. But any conscientious person with a modicum of commonsense and responsiveness, to the weal of the people he represents will certainly know what is improper and what is corruption.

Diverting the staff car for a shopping mall or bazaar to buy a pin or a basket of vegetables for private use is corruption or misuse of official position. It's a tough call indeed, but then this is the essence of transparency and accountability.

The British Prime Minister never uses his official car for moving from 10 Downing Street to the Conservative party office. On taking over as Conservative party chairman, Cecil Parkinson's experience is widely quoted: when he asked his private secretary to tell his driver to take him to the BBC studio, he replied, 'He was very sorry that he could not use his ministerial car for party business; he had to settle for a battered Citroen from the central office. Democracy is not perfect but we can make it work for the benefit of the greatest majority only if we can work in an atmosphere of relative clarity and perspicuity.'

Developing countries have always been given a bad name for lack of accountability. Very often one hears stories of billions of dollars tucked away by autocrats and dictators — a Marcos, Roh Tae U, Emperor Bokassa (who gained international notoriety for his million-dollar diamond necklace gift to President Valery Giscard D'Estaing) or the Voodoo King Papa Doc. South American dictators used to hit international headlines before democracy broke out in that beautiful Latin corner of the globe. But successful democratic experience and with that handsomely economic growth in many developing countries go largely unnoticed.

Recent stories of corruption in democratic India, Pakistan and Bangladesh — or gory tales of bureaucratic malfeasance give us reasons for a pause. Spoils system in one shape or the other has played an important role in every democracy —

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successful or not-so-successful. In America, perhaps the most successful democracy in the world, this system is known as 'pork'. You reward your political supporters through various means, transparent of course, after you get elected to the office, through pork-barrel. But this federal system in America pre-supposes the appointment of thousands of partymen on contract basis for four years. Even ambassadors have to tender resignation immediately upon the election of a new president. They may continue only if the new president is pleased not to accept their resignation. This is a system that has worked well for America but in countries of the sub-continent, including Bangladesh, inheriting as they have, the British bureaucratic system, almost lock stock and barrel, bureaucracy is playing a role which is both guaranteeing permanence and continuity. So any instance of malfeasance in such a system always points a finger to certain quarters. Most recently, according to some newspaper reports, stories of alleged malpractice by certain leaders of the former ruling party is a case in point. That is alleged corruption in terms of money. But the accused is innocent unless he/she is proven guilty in the due process of law. But malpractice can also be committed in terms of decision-making where narrow and coercive interests are given priority over national/public interest.

On April 7 in *The Daily Star* under the rubric 'Law and Our Rights' Advocate Sultana Nahar has drawn the attention of the rulers and the ruled of Bangladesh through an article on the alleged abuse of power by the former government in retiring over 400 officials under Public Servants Retirement Act, 1974 (Act II of 74). Ms Nahar has termed this Act as veritable Black Law par excellence. In a more philosophical and abstract sense the random and unconscionable application of this Act on so many high officials of the government who dedicated their entire cause towards the service of the Republic is appearing to be a clear case of misuse of power and abuse of authority to political philosopher it is reckless politicisation of the bureaucracy to favour a particular group or political caucus; and to a sociologist this alleged abuse of power in the name of national/public interest is a kind of intellectual corruption. It is important to note that

son and an officer's daughter brought the axe of retirement on the officer! In another case all top four managing directors of nationalised banks were sent home packing. A diplomat was retired because he advised the government about embezzlement of government fund by his predecessor through forged signature! Another senior foreign service officer was asked to quit because he had hung a particular photograph of national leaders in his office. In some cases false and framed-up corruption cases were filed against officers well after two years of their forced retirement. And all the officers so victimised have won the cases in the court of law. This is abuse of power and therefore corruption. Such palpable misuse of power has a touch of arbitrariness. In all countries under rule of law this is criminal offence. And sure enough with greater degree of accountability and transparency such divisions would never have taken place.

The crown can do no wrong. Thus in England prior to 1947, the crown enjoyed immunity from tortious liability as explained by Secretary-General of the *Law Review*. But even the crown is now made vicariously liable for torts committed by its agents (*The Daily Star*, April 14). In recent days judges in both India and Pakistan have made landmark

taken.

A time has come when all concerned citizens including our friends from the donor community must insist on greater openness in our efforts to Adminstrative Reforms for which a number of initiatives have been taken from time to time. I understand the British government along with UNDP and USAID undertook some programmes in this regard — but with little or no success.

The British government in particular could bring to bear on the concerned authority their moral support — since ours is a system largely inherited from theirs — in ensuring a better and cleaner administration. This will have a salutary impact on proper utilisation of their taxpayers' money — of all the donors — which they have been giving to us from 1972 onwards: from UNRDP to UNDP and through Paris consortium, World Bank and IMF could also be requested help us have a nearer and cleaner decision-making mechanism. If the civil service and foreign service cannot work without fear or favour strictly on the basis of their commitment to the country and country's interest, then true and real public interest may not be served. Donor community's responsibility gets added emphasis because of the need to take stock of the \$22 billion-plus assis-

tances programme to Bangladesh since our independence. Where has the money gone, how the aid programme been used? Who are the beneficiaries, how does the input-output ratio work out in Bangladesh, how the poverty alleviation programme fared? Together with them the business leaders also have a moral responsibility to ask — how has this aid money been utilised?

And for that the first requirement is the re-invention of the principle of natural justice as in every other civilised country's administration. *Audi Alteram Partem* — no one shall be condemned unheard — one of the cardinal principles of natural justice. Remember as of now there are numerous disciplinary rules/acts for government servants including Government Servants Conduct Rule 1979 and Government Servants (Discipline and Appeal) Rule 1985.

Ms Nahar has therefore rightly pointed out that the alleged mis-application or misuse of this law is clearly violative of the fundamental rights guaranteed under the Constitution.

The historic upsurge of the people and bureaucracy towards the end of March 1996 is a point. Some Dhaka-based ambassadors asked me the rationale of 35 permanent secretaries of the government making a call on the president of the Republic to express their inability to continue serving the government of the time for circumstances arising out of the 15th February election and the subsequent events which had overwhelmed the country. It was indeed historic development when practically the whole bureaucracy joined the movement. As I understand, something abstract, something in the noumena: the spirit of the War of Liberation — the pristine glory of the sacrifice of the millions for the creation of this dear land of ours.

For four/five days in 1952 there was no government in Dhaka. But we established ourselves as Bengalees ready to face bullets to establish our rights, our freedom. The Bengal Renaissance that started in the 19th century found its fullest expression in 1971. Dec 16, with the emergence of a sovereign independent Bangladesh. The penultimate days of March 1996, so recreated a certain sensation, a movement towards rediscovering something, quest for an identity, an identity of a soul. 'We are making together the sublimest of poems', said a poet in 1848. Revolution is for society what

a passionate love is for an individual.

Thinkers and poets of Bangladesh as in the past embodied the spirit of March 1996. There is no individual loser, no individual gainer. The gainer is the country, the polity and the civic society. So my heart bleeds when a Hassan Imam is attacked, a Shamsul Huq is chased, or a Z. H. Chunni is fatally hurt. Cabinet Secretary Ayubur Rahman's House bombed or Dr Alamgir's life is threatened.

Is diary journalism demonstrative of societal bankruptcy? No. History un-leavened by anecdotes and gossips is itself likely to be turgid and consigned to history's dustbin. Diaries became an important term in English literature in the 17th century. The Renaissance followed by the reformation led to the institution of confession. Samuel Pepys' diaries, with a mix of gossip and history, still remain the desideratum of standard diaries. It is not a gossip that Herbert Asquith was very often drunk in the House of Commons, nor is it a fiction that Churchill commenced his days with champagne and ended with brandy at the wee hours. Snides and gossips on politicians are like red meat to a wolf. *Shelly's Diary* (fiction) carried by the popular vernacular weekly, *Jai Jai Din* of April 16 is rather insensitive, a bit unkind. I had a good laugh to begin with, but soon I had a feeling of let down. Political flux and the soft underbelly of the nascent democracy encourages me to recall the now famous statement of a saint, 'Oh lord give me chastity, but not yet'.... Why kill the butterfly of the winged flight of imagination you may not control?

Syed Manzur Elahi's judicious remarks on certain bureaucratic sluggishness and hamhanded approach in arms recovery urgently need to be thought through. I think he has hit the bull's eye of the Byzantine alleys and crannies of the law and order behemoth: the police department needs to be policing. Bring back the shine and glory of the War of Liberation days so that we can again feel proud of them.

Turning to our theme I could only call the attention of our foreign friends to a historian who said, 'democracy is the most difficult of all forms of government since it requires the widest spread of intelligence, and we forgot to make ourselves intelligent when we made ourselves sovereign'.

So let us now make ourselves intelligent since this is the 'a priori' condition for achieving the goal of accountability and transparency in our dear motherland. spreadeagled, as it were, with outstretched limbs ever seeking our support and love.

## Anatomy of Corruption: Mark II

### Syndrome Bangladesh

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this law introduced in 1974 was most sparingly used till August 1975. Between August 75 and March 91 — a span of about 16 years, about half a dozen officials, according to Ms Nahar's article, had to bear the cross of bureaucratic/political malfeasance. The sheer number of high officers and officials in the service of the Republic victimised in the past five years (over 400) under this law has almost a stunning impact on a casual reader and a pulverising effect on a social thinker. And last but not the least, it has a devastatingly demoralising effect on the broad canvas of the bureaucracy.

There are cases when an officer was forced to go on retirement when he would have normally retired after THREE DAYS in another instance a row between the minister's

decisions in asserting their inherent interpretative authority of the constitution. The honourable judges in the palace of justice in Bangladesh too ought to assert their judicial authority in matters of interpretation of the constitution — in this case the protection of the fundamental rights of the public servants as provided for in articles 27 and 29 and 135 of the Constitution of Bangladesh. Article 135 (1) states, 'no person who holds any civil post in the service of the Republic shall be dismissed or removed or reduced in rank by an authority subordinate to that by which he was appointed. And sub-article 2 states, 'no such person be dismissed, or removed or reduced in rank until he has been given a reasonable opportunity of showing cause, why that action should not be

taken'.

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## ENCHIRIDION



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quality of a national leader. However, his main weakness is that he has no party at his command. His is truly the case of a prime minister-in-waiting but without a party. At the same time, his range of acceptability is fairly wide. Chandra Shekhar may stake his claim to prime ministership in some special set of circumstances. He has kept a working relation with the BJP while he has maintained a friendly relation with all sections of the Congress ranging from Scindia to Kalpanath Rai and a whole set of leaders in the Tiwari Congress. He expects at least some sections of Janata Dal supporting him. One can therefore hardly rule out his staking a claim at some stage. If there is a deadlock, Chandra Shekhar may volunteer to break it by himself offering to try his hand at ministry making. Never say die, is Chandra Shekhar's motto.

Whatever may be the composition of the next government, it is quite clear that it would be politically a weaker government than the one Narasimha Rao has presided over in the last five years since 1991. At the same time the problems that confront the country are so forbidding that a weaker government with a majority support in the Lok Sabha. If a broad consensus in the country has to be created for any policy or action by the government, it is necessary to have the much broader understanding among parties — more than just a majority support in the Lok Sabha. In this context, could there be any effort at a government of national consensus?

Right now, all parties and their leaders have to think in terms of meeting the little man with the vote. Only after the ballot box is opened could one expect of some thought being bestowed on this question before the country. — Mandira

ment will find it difficult, if not impossible, to cope with them. The experience of Parliament's functioning in the last five years rules out that a one party government in today's context in our country can command the support necessary to tackle difficult problems ranging from security to the strengthening of the economy or carrying out social reforms. Whether it is Kashmir or the north east, the problem of the multinationals or dealing with corruption, it is imperative that there has to be the active support of the majority in the country. Such majority support in the country can hardly be forthcoming by just relying on a mere majority support in the Lok Sabha. If a broad consensus in the country has to be created for any policy or action by the government, it is necessary to have the much broader understanding among parties — more than just a majority support in the Lok Sabha. In this context, could there be any effort at a government of national consensus?

History to do it. You can check the achievement of this bowler. You can watch the first of the two finals of the Benson & Hedges World