

# The Daily Star

Founder-Editor : Late S. M. Ali  
Dhaka, Friday, June 9, 2000

## For an Independent Anti-corruption Authority

PRIME Minister Sheikh Hasina has sprung a surprise by equating independent anti-corruption commission with the office of the Ombudsman. Her exact words on the floor of the House on Tuesday were, "the country may not need an independent anti-corruption commission if the Ombudsman (for which a law was enacted as early as in 1980) is appointed." Why must that be so we do not have the faintest of idea, except for the fact that the perceived overlapping nature of the two bodies is something of an expedient fiction the Prime Minister has fallen for.

The office of Ombudsman, both by definition and the terms of reference as embodied in the Constitution, is certainly no substitute for an independent anti-corruption commission one sees elsewhere, maybe under a different name. The former is an institution of the last resort for getting public petitions heard, probes made into grievances and injustice sought to be mitigated by recommending remedial actions to relevant authorities. Ombudsman's office does not work as a super-judge nor as an adjudicator as understood in legal parlance. To all intents and purposes, it is a conscience-keeper of the state, a clearing-house, as it were, of public grievances imbued with a sense of mission to ensure enjoyment of basic rights by the people in an ambience of rule of law, justice and fairplay.

So, an Ombudsman's office is on a high ethical pedestal addressing the welfare concerns of the people in their various dimensions. That's why we see in some European countries not just a single office of Ombudsman, rather there are Ombudsmen attached to various aspects of governance and civic life.

By contrast, an independent anti-corruption commission means an administrative apparatus with a writ to investigate allegations (or well-founded ill-reputation) of corruption against people in high places as well as others in an unfettered and impartial way to get at the bottom of things. The CBI in India, with the powers vested in it to conduct sweeping and tentacular investigations anywhere in India and even overseas in hot pursuit of a corruption case, has made a name for itself. For all practical purposes the CBI is not an appendage to the PMO in New Delhi. That is the crux of the matter in probing corruption as a manifestation of political criminality across the board.

Successive governments in Bangladesh have in a tell-tale fashion skirted the notion of having an independent commission against corruption. When the BNP had been at the helms it ordained that the anti-corruption bureau could not take up any case without the prior permission of the Prime Minister's secretariat. For a time the bureau was placed under the Cabinet Division. At present though, it has reverted back to the PMO.

One can expect two things to happen from such an obsessive insistence on keeping the bureau of anti-corruption under the Prime Minister's Office: first, corruption which is basically the handmaiden of ruling party functionaries — in cohorts with public officials — will be indirectly encouraged. Secondly, such an anti-corruption bureau can be used as a weapon against political opponents with alternating frequencies.

Given our political culture, an Ombudsman's office cannot stave off corruption in high places. Furthermore, corruption is institutionally too entrenched to be neutralised by an Ombudsman. In one word, the government needs to set up an independent commission as a proof of its bona fides that it really wants corruption to be contained.

## Friday Mailbox

### Clarification

Sir, Two recent news items followed respectively by two editorials in your esteemed daily have made references to my name and to my position as Chairman of Dhaka WASA Board. Unfortunately, some errors have crept into these references.

On 4th June, a small news item on the front page which was continued to the last page credited Professor Shaheed Ameen of BUET as giving a statistics on the density of population in Sutrapur Thana of Dhaka City and my name with the statistics of the annual volume of immigrants of Dhaka. But the editorial ("Trigger a Reverse Migration") on 5th June gave credit to Professor Ameen for both of the statistics.

On 6th June, a staff report on the DS front page quoted me by name (and by my position as Chairman of Dhaka WASA Board) as the source of information on recent water tariff. But I could not remember talking to Mr. Shehab Ahmed, the Reporter, on such issue at such length. On enquiry, I found that he had possibly spoken to Dr. Azharul Huq, the Managing Director of WASA. Therefore, the credit should go to him. Then again the editorial ("Utility Rates up, Again" (7 June 2000) also referred to the Chairman, because of the same news.

I however, take this opportunity of thanking and congratulating *The Daily Star* for consistently keeping its readers up-to-date with developments in the city's service sectors. The WASA Board and its Management are in full agreement with *The Daily Star* that we must reduce system loss as rapidly as possible by improving our management capability. We are working in this area with some positive result (also reported earlier in the Star Weekend Magazine February 4, 2000). For this, WASA deserves the cooperation of its consumers.

The water rates have been increased slightly recently but still keeping it lower than what these could be considering the increase in energy rate. This explanation has been given in the WASA announcement on water tariff increase in the newspapers.

Professor Nazrul Islam  
University of Dhaka  
Chairman, Dhaka WASA Board

### Tardy for good reasons

Sir, Already our people are tardy by nature (they never even think punctuality as something important), on top of that they have got nice excuses these days of being more so. But the excuses are genuine too, so you can't blame them either.

These are traffic jams and road blockades either by mastaans on highways or by official motorcades on the city roads. All excuses are very genuine and have to be accepted.

So unless the high-ups do something about this, people will be delayed more and more to their work places. Thereby meaning less work and therefore less national output.

Soon the school children will also learn to use this as an excuse and you can't blame them for that. Can you?

D. Sabrina G. Rashid  
Cantonment, Dhaka

### Political pilferage

Sir, A newspaper report (DS June 4) from Sylhet district points out that a BNP foundation stone of a new bridge was removed in a clandestine manner and replaced for a fresh exercise by the successors.

The trend is familiar: political rivalry by the ruling regimes, trying to usurp the credits, and not willing to share it as per fact. The most glaring example was during the opening of the BB Jamuna Bridge, when the preceding regime was blacked out from any contribution.

Broadmindedness is a core quality in public

Views expressed in this column are the writers' own. The Editor may or may not subscribe to those views. The Editor reserves the right to decide which letters should be published.

Two decades of self-declared security zone in South Lebanon did not provide any security to Israel at all. Indeed, this led to the loss of over one thousand Israeli lives, made a section of Lebanese people, who formed the South Lebanese Army (SLA) the permanent enemy of the people of Lebanon. Israel's military invasion in the early eighties created a hell for the Palestinians living as refugees in Lebanon — the stories of the massacres of Sabra and Shatila are still fresh in the minds of peace loving people of the world. Indeed, entire Lebanon was in turmoil, suffered tremendously because of Israeli onslaughts from time to time. Lebanese Government lost its grip on the security of the country and had to virtually depend on Syria on the one hand and Hezbollah, a surrogate of Iran, on the other.

Prime Minister Ehud Barak's election commitment to withdraw fully from Lebanon by July 2000 had to be abruptly advanced due to Hezbollah attacks on the civilians of Israel's northern areas and also on Israeli forces. Israel lost some senior army officers including a General. Both Hezbollah and Israeli army resorted to civilian attacks despite the existence of an agreement not to do so. The way the withdrawal was being completed in the darkness of nights, it seemed that the Israeli army was on the run. However, any decision to stop or delay withdrawing would have been disastrous. Prime Minister Barak did well by ordering quick withdrawal, which resulted in no further

loss of Israeli lives. While withdrawing Israeli army blew up their outposts and military materials but some say some of these military materials fell in the hands of Hezbollah fighters.

Jubilant scenes were observed when Lebanese villagers originally belonging to south Lebanon zone rushed to their old villages. Initially some skirmishes took place, but these quietened down within a couple of days. Some tensions are still reported but the villagers apparently did not like to take any chances; they tried to settle down along with the old inhabitants as quickly as possible. Indeed, Hezbollah group has been providing day to day support to the new life in the areas vacated by Israel. Even hospital support was being given by Hezbollah.

Surprisingly Lebanese government did not send any military to the area and indeed said that it would not like to provide security to the Israeli border. Strange argument! It appeared that Lebanese government did not like to immediately clash with the Hezbollah fighters as they were in control of the area. As the situation stands, relative

calm prevails in the area which was a place for open battle between two military groups and the calm situation is likely to continue unless Hezbollah decides to change its strategy and start attacking northern villages of Israel. Again, this seems unlikely as Hezbollah could take the credit of liberating south Lebanon. Why should it give chances to Israel to re-

obtain military aid, amounting to \$50 million within the overall military aid of \$1.8 billion from the US. As it seems both the US and Israel are near agreement on allowing the US military aid to be used for a new border defense line, thus sending a clear message that the US is committed to a peaceful border with Lebanon. This message will be important for Israel in dealing with Syria.

Once the Palestinians succeeded in completing the peace process with Israel which seems to be a good possibility now. But it would be difficult for Lebanon to go for a separate peace deal with Israel unless Golan withdrawal is in sight.

As it seems, Israeli withdrawal from Lebanon has set the tone for peace with its neighbours. This spirit of withdrawal from Lebanon might help prepare Israelis for withdrawal from other occupied territories. Of course, this would depend on the state of affairs in south Lebanon border now vacated by Israel. If the situation remains reasonably calm, depending on how Hezbollah behaves, the Israeli public would feel encouraged to support Israel's withdrawal from other occupied territories, subject to reasonable adjustments through mutual agreements.

Self-declared security zone in south Lebanon has conclusively proved that such an imposed security zone can never provide security to any state. It's indeed mutual respect for the international border that is vital and crucial for peace between bordering states. Israel's

## Spotlight on Middle East

### Muslehuddin Ahmad

turn to the area on some pretext? Hezbollah group knows that Israeli army was reluctant to vacate the area and any attack on Israeli civilians would attract heavy punishment from Israeli army and Hezbollah would be the worst sufferer.

However, the UN has been making some quick preparations to deploy some 4500 peacekeepers in the area. Prime Minister Barak is also trying to

Indeed, the big loser, under the present circumstances, in this game seems to be Syria. Syria lost an important leverage in the peace negotiations with Israel in respect of total withdrawal from the Golan Heights. Syria would also ultimately lose its grip on Lebanon if its security against Israel. Lebanon might as well be offered some sort of a separate peace arrangement with Israel

## To Live and Die under Treatment

A lawmaker of the country has died because a doctor acted in violation of his professional ethics. Will it be enough to punish that doctor if he is proven guilty? It is for everybody, including doctors and parliament members, to ensure that the sick will receive relief from their suffering and that patients will be adequately prepared for death.

tion. In 1998, 903,000 American children were victims of maltreatment, which was the lowest figure in 10 years. During a surgery in a Florida hospital several years ago, the surgeon had amputated the right leg of a patient instead of his left leg, which was rotting away.

But Zulfikhar Ali Bhutto is said to have died of a pathetic reason. His family complains that the doctor didn't rush to his help when he was lying in a critical condition. How does that insensitivity weigh against the moral underpinnings of the Hippocratic oath?: "I will follow that system of regimen which, according to my ability and judgment, I consider for the benefit of my patients, and abstain from whatever is deleterious and mischievous." Was the doctor of Zulfikhar Ali Bhutto deleterious or mischievous? In fact, it seems he was both. First he neglected a dying patient and then tried to save that patient when it was too late.

They could perhaps understand if the patient had died of wrong diagnosis or in the inexperienced hands of a doctor.

Even in the USA, the land of the most advanced medical science, 98,000 patients die each year from medical errors involving surgery, diagnosis or medica-

tions, such as incarceration or loss of a medical license.

Last week, the Arkansas Supreme Court separated ethics from law when it recommended that the court punishes US President Bill Clinton by taking away his license to practice law. Although law did not find him guilty in the Monica Lewinsky scandal, the state of Arkansas is now raising an ethical question whether someone who lied under oath should be allowed to pursue legal profes-

over his mobile phone on how to attend that patient while he was on his way? Did he try to call another specialist who might have been in the neighbourhood to come and look after the patient on his behalf?

May be the most important question to ask is whether he had at all felt concerned over the condition of the patient?

That is where medical ethics is a departure from rest of the world. In fact, doctors are rarely taken to court on criminal charges for decisions about patient care made in good faith.

And, that good faith is embodied in the use of diligence and ordinary skill in the treatment of a patient. For other professionals, excluding clergy, good faith is not always subsumed in the course of duty. An engineer cannot build a dam and claim that he built it in good faith after it has collapsed. Likewise, a police officer cannot claim that he shot a criminal in good faith.

Therefore, law is so much rooted in faith in medical ethics as faith is rooted in law in almost every other case. The difference between medical faith and religious faith is that the former purports human initiatives in divine intervention and the latter promotes divine intervention in human initiatives. So, when a bureaucrat or a policeman takes bribe and goes unpunished, it shat-

## Crosstalk

### Mohammad Badrul Ahsan

Shall we cut off the hands of that doctor who comes late to a critical patient between brisk business and professional sloth? The legal philosopher Lon Fuller distinguishes between "the morality of aspiration" and "the morality of duty." The former is ethics, which tells people what they should do and embodies the ideals they should strive to attain. The latter is law, which provides boundaries of actions, beyond which a person may go only by risking external sanc-

tions.

Perhaps the greatest vindication of Zulfikhar Ali Bhutto's death will be not only to punish his doctor for failing to give reasonable care but also do distinguish ethics from law. How do those in the moral conundrum when violation of the boundaries of law itself is an ideal people strive to attain?

Why did that doctor come late? Was he caught in a traffic jam on the way? Was he busy with another patient who paid him more? Did he give instructions

## A Laugh

Ardeshir Cowasjee writes from Karachi

WHEN governments in this country are dismissed, petitions are filed in the Supreme Court, thousands of words are written by lawyers, and then thousands of words are written by judges delivering judgments in line with the times.

To save labour, time and money, and to make it quicker and simpler for judges, lawyers, and laymen alike to grasp the essentials of these repetitive petitions and judgments in which it is only the names of the petitioners and respondents which change, could they not be standardised? For instance, the petitioners could simply write: "Refer to Form Krupit K1," which the respondents could answer with: "Denied — in terms of Form Krupit K2"; for telephone tapping, "Refer to Form Telpat TT 1" and "Denied — in terms of Form Telpat TT 2" would serve the purpose, and so on and so forth.

A one-page judgment could then be written by the judges simply by ordering the Registrar to "Print out Snooze 1." May I recommend that my friend Khalid Anwer, master of English and legalise prose, of petitioning and responding, compile a book of suitable forms. How effectively he attacked telephone tapping as the respondent's counsel in the matter of Benazir's petition challenging her second dismissal (CP 59/96). Worth a read in his written statement is "Sixth Ground of the Dissolution Order: Illegal and unconstitutional phone tapping and eavesdropping". To reproduce excerpts:

..... it is necessary to discuss certain constitutional dimensions of the illegal phone tapping and eavesdropping. ....

..... The Constitution is based on the trichotomy of powers. ....

..... Although the three branches are inter-linked to a certain extent, e.g., the main organ of the executive, the Cabinet, is collec-

tively responsible to the National Assembly .... Each pillar of the State must have the assurance that its correspondence and communications will not be illegally intercepted or interfered with. .... What was going on was an invisible and silent surveillance being carried out deliberately and intentionally, in full awareness of the illegality of what was being done. The intent and the act were both malafida and unlawful; the damage done had constitutional reverberations ....

..... The phone tapping and eavesdropping was being done by the Intelligence Bureau ("IB") which works directly under the control of the Prime Minister. ....

..... In the case of Judges, not only were the numbers at the Judges' rest house in Islamabad and Murree under surveillance, but the numbers of the following Judges were also being individually tapped [41 names listed].

..... That quite apart from the attack on the judiciary as an institution is the violation of individual fundamental rights by this phone tapping and eavesdropping ....

..... Nawaz Sharif came in for his second round after the second dismissal of Benazir, and Senator Khalid Anwer joined his cabinet as law minister, and assumed his part of the collective responsibility, which, considering the extent of his learning, knowledge, and capability must be calculated as being at least ten times more than that of, say, the man who was Nawaz's education minister, Ghous Ali Shah.

..... Nawaz and his government and his intelligence agencies in their turn telephone tapped and eavesdropped, also not sparing Judges and officials of the Supreme Court, as revealed by Attorney General Aziz Munshi in his arguments during the hearing of the petition filed by a

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