

Corruption ranking

Stop the blame game and work to curb it

BANGLADESH has had the dubious distinction of topping the Transparency International's Corruption Index for two successive years -- 2001 and 2002. It seems we have carved a niche -- or shall we say, an abyss there. This has not happened in a day. As for the 2001 listing it encapsulated the state of affairs in 2000 when the AL held the reins of power; but, for all practical purposes, it is the cumulative corruption standing of Bangladesh that was reflected through it. Even so, there's no denying the fact that the five-year AL rule that preceded the BNP's assumption of power in October last year saw corruption exacerbating over previous levels. It may be recalled that in 1995 Bangladesh was ranked 4th in the CPI index of TI.

As if to reinforce the cumulative incidence of corruption, the 2002 index as released to the press, covered the full year of 2001 with three governments being in power -- the AL, the caretaker and the BNP. The point we are trying to drive at is corruption has become deeply entrenched and institutionalised over the long haul and that's where it stands today. And there is no use apportioning the blame or taking a holier-than-thou refuge along party-lines.

The TI's 2002 list drawn on a survey of 102 countries puts Bangladesh above Nigeria and Paraguay among the most corrupt ten countries of the world. The ranking is based on the degree of corruption as perceived by business people and risk analysts. Leave aside the perception-based rating or the question of methodology, what's important it finds a corroboration in the World Bank's assessment that if corruption in Bangladesh were contained to moderate levels, it would have raised the GDP growth rate by 2 per cent.

Given the magnitude of the malaise facing the country, neither political bickering over it nor pointing finger to corruption being assisted by developed countries or their multinational companies will get us anywhere in addressing the problem properly. Abuse of power is the root-cause of corruption, not just in high places but across the whole system. And it takes place at the levels of political parties, administration, police, public sector corporations, airport, seaport and customs authorities, lower judiciary, local government bodies and financial institutions. Solutions to this problem lie not merely in having internal oversight mechanisms and auditing bureaus in the institutions but also checks and balances weaving through the whole system of governance.

The non-functioning parliamentary standing committees are a crucial missing link that must be put in place at the earliest. The deadlock over opposition representation and weightage in the House committees can be resolved if the government provides berths to them on some important committees and allow them to even head these. Such a move will help bolster transparency and answerability across the system. With the kind of mandate it has, the ruling party can go that extra-mile.

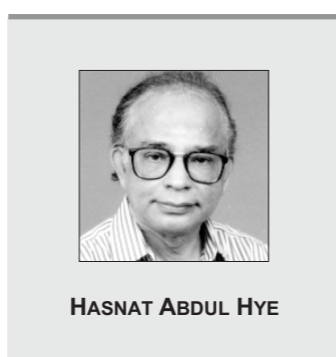
Separation of the judiciary from the executive is essential to have the former act independently and the latter function carefully so as to avoid excesses.

What's however, pivotal to curbing corruption and abuse of power is that we have an independent anti-corruption commission. It was an election pledge by the BNP but which unfortunately remains unfulfilled even to this day. The party has been in office for nearly a year. The statutory body capable of functioning professionally *sans* any executive control whatsoever, like what the USA or India has, is the need of the hour.

Simultaneously as a bulwark against abuse of power we do need to set up the ombudsman's office. Although a law enacted for this purpose dates back to 1980, pity, nothing as yet has come of it.

The law minister has promised to expedite the processes of setting up an independent anti-corruption commission and the Ombudsman's office but he has no specific time-frame for it. We urge the government to act in a time-bound fashion on both the pledges, because we are in a race against time to contain corruption for an all-round development of the country.

Of commissions and committees



HASNAT ABDUL HYE

By pure coincidence, commissions and committees at work or that have finished their reports are in the news at about the same time. Their convergence, though fortuitous, has acquired a force that may be analogous to what is known as 'critical mass'. The significance of this is the possibility of a qualitative change in the way that government functions.

Constitution of commissions and committees is a very old practice going back to the colonial days. Then, as now, commissions were constituted to enquire into the causes and circumstances of certain events of grave public importance. Formed under the Commissions of Enquiry Act, commissions were expected to not only find out causes but also to identify persons responsible for the untoward incidents. Committees have also been formed with similar terms of reference under executive orders. Committees to make recommendations to government on development matters is a post-colonial development. While the first type i.e. post-facto commission or committee of enquiry has been the more common practice and norm, the second variant i.e. ex-ante committees, has been less frequent and rather exceptional. It is the latter type of committees, which make direct contribution to government's policy making. Fact-finding commissions and committees also perform this role but only indirectly, after an undesirable event has taken place, for prevention of such incidents in future.

Constitution of commissions and committees are sometimes reacted to with varying degrees of reservations by cynics or those critical of the government. They may be sus-

pected as ploys to divert public attention or as an attempt to fade away. By the time reports are submitted public agitation over the concerned issue may either have petered out or its mind may be seized with new issues. It is also suspected by critics that commissions and committees are constituted by government with people who are pliant and sympathetic to it so that reports produced are not overly critical. By the same token, it is suggested that Committees on developmental matters may be

to help the government to take a decision on the matter. It was an unprecedented step highlighting the importance of transparency in decision making. To ensure the neutrality and independence of the committees, the chairmen of the two committees and the members were appointed from outside the government. Even then many harboured a suspicion that the constitution of the two committees was a public relations ploy to dupe the public. It was apprehended by these critics that though ostensibly "independent and neutral" these two committees

IOC for gas without much difficulty and noted that the payment for gas purchase would give incentives to the IOC's investment. The utilization committee's report has been almost unanimous with only one out of ten giving a dissenting view. The gas reserve committee, on the other hand, in its report put emphasis on the Petrobranga/USGS resource assessment and concluded that according to this the country has undiscovered reserve of 32 TCF. Its conclusion about net recoverable reserve as on May 2002 being between 12.04 TCF and 15.55 TCF

should set a precedent.

If the two committees on gas highlight transparency in policy making the Judicial Commission to probe the incident in Sham-sunnahar Hall of Dhaka University reveals the interest of the government in owning up accountability. Though not yet formally submitted, the major findings of the Commission's report have already been published in newspapers. According to these papers the Commission has concluded that both male and female police entered the Hall, beat up female

The Secretarial committee to probe into the scandal over procurement of wheat, which has been in the news recently, has submitted its report to the Prime Minister. According to newspapers (The Daily Star) the report has pointed out that in many cases government silos bought foreign wheat instead of locally grown wheat at the end of 135 days' internal wheat procurement drive. The report of the secretarial committee has mentioned four MPs of the ruling party and other frontline leaders as being involved in the wheat scam along with some food ministry officials. The committee headed by a secretary of the government was formed at the directive of the Prime Minister who was obviously not satisfied with an earlier report. The formation of this committee and its report with findings as published in newspapers (The Daily Star) again reveal the willingness of the government and its open mind to find out the truth even if it is unpleasant and reflect unfavourably on the ruling party. That the committee headed by an incumbent secretary has shown independence and courage adequately is beyond any question. This, too, goes to the credit of the government.

The constitution and functioning of the three commissions/committees mentioned above have proved that these were meant to come up with genuine findings and recommendations objectively, keeping the national interest in view. The government must have been aware that the 'truth' discovered would not be pleasant or favourable to it. In spite of this possibility the commissions/committees were formed which has greatly promoted the cause of transparency and accountability. The chairmen and the members of the commissions/co-mltees have made the nation proud by dutifully discharging their responsibilities guided by the highest standard of moral integrity and public service. Having set the example through constituting these commissions/committees the government should now move on for further improvement in governance. There is still a long way to go.

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

IN MY VIEW

The constitution and functioning of the three commissions/committees have proved that these were meant to come up with genuine findings and recommendations objectively, keeping the national interest in view. The government must have been aware that the 'truth' discovered might not be pleasant or favourable to it. In spite of this possibility the commissions/committees were formed which has greatly promoted the cause of transparency and accountability... Having set the example through constituting these commissions/committees the government should now move on for further improvement in governance. There is still a long way to go.

constituted to get favourable recommendations in respect of policies over which government may have already taken a decision. The feeling that such Commission and Committee will be less than independent and objective can be fairly widespread among public. A brief review of a few Commissions and Committees constituted recently shows that this need not be and is not always the case.

After assuming power the present government gave ample indications of its keenness and interest to export gas. No sooner had this been made public through the utterances of a few ministers than a barrage of criticism was let loose. Opposition to gas export came from various quarters, some politically motivated, others led by economic considerations. The present government having won overwhelming majority in the last election could ignore those criticisms and go ahead to take a formal decision for export of gas. But instead the government formed two committees, one on gas utilization and the other on gas reserve, to make recommendations

would ultimately make recommendations to facilitate gas export by the government.

The two committees have now submitted their reports putting an end to all speculations. The major recommendations may have left the critics of the government flabbergasted. The gas utilization committee's finding has been that given the domestic demand the present gas reserve is inadequate for export. The committee has concluded that only limited gas export could be possible after incremental discoveries that increase reserve in future.

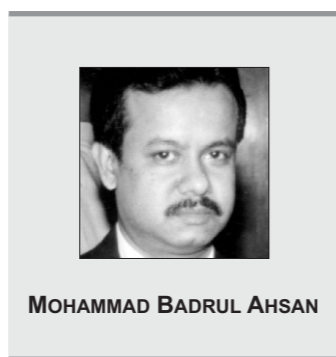
The committee has concluded that all gas discoveries by Petrobranga and International Oil Companies (IOCs) be kept aside for domestic consumption. The committee also found that the country could pay

comes nearer to the assessment made by the utilization committee. However, it is the present reserve and not the recoverable or undiscovered reserve that has guided the findings of the utilization committee.

According to newspapers, the Prime Minister, while accepting the two reports has said that there would be discussions on the reports in the parliament. The government will discuss these with political parties and civil society. The reports, particularly that by the utilization committee, leave no doubt that there was no interference by the government to influence the findings while the reaction from the government indicates that it has an open mind on the subject and will decide on the basis of national consensus. The government deserves congratulation for choosing to be so transparent in its decision making over such a vital and complicated subject. If there was any lingering doubt about its motive in forming the committees, the reports and the reactions to it should laid it to rest. It is a landmark event in government policy making and

students and arrested some of them during July 24 raid. The Commission has found police statement self-contradictory and has considered the police decision to put the arrested female students in thana hajat as illegal. The cases against the arrested students have also been found to be false. The Commission has referred to the findings in the Police Commission's Report (1988-89) for guidance of the government. It has quoted from the report: "after independence several governments ... have also been accused of using police for their political ends and this resulted in political unrest accompanied by rivalries, agitation and lawlessness to the extent of violence". It may be said that the Commission has indirectly criticized the government for its failure to control police. Like the gas utilization committee the independence and objectivity of the Commission is also beyond any shadow of doubt. In this case also the government can claim credit for its sincere desire to find out the truth even if it may be embarrassing and hurtful.

Flamboyants are for ever



MOHAMMAD BADRUL AHSAN

THE flamboyants were in full blossom when one afternoon they stood under a cloudy sky and decided to part their ways in life. She went to marry a man chosen by her parents, he to find an anchor in the ruffled sea that his life was to become without her. It had rained afterwards throughout the night, and he wept in the grief that another man had stolen the jewel of his heart.

It rained every year since then, and the flamboyants bloomed again and again, the cycle of nature turning as if nothing had changed in the world. He wept bitterly for her until he realized that a man could sink in the abyss of anguish for as long as he liked. A shade of sadness gathered in his eyes like a patch of cloud in the sky, and he was convinced that what was lost couldn't be recovered.

So he vowed to become a successful man, to retaliate on life itself if not on anything else. He couldn't forget that another man had stolen the only woman he had ever coveted because he was a student, who couldn't ask parents for their daughter's hand. A silent anger often

hissed inside him like a provoked snake that the girl he loved couldn't wait for him instead of giving her consent to the marriage with another man.

More intelligent friends advised him that time, tide and woman waited for none unless one had enough money to give them a reason. He decided to make money, and then enjoy his life, compensating for the years he had lived in sorrow for a long lost love. Soon she would subside in his memory like

One night he woke up in the middle of a dream in which he saw himself wandering in a forest covered by dense fog when a familiar face flashed between the trees. The face flashed in his mind many times after that, while a congesting pain threatened to suffocate him. He consulted friends and holy men as to what could be the meaning of his dream, and everybody said it purported some kind of a destiny for him.

He picked up the phone and

his throat to clear which he coughed a few times. He compared his life to a fully pumped tire, which couldn't stay inflated due to a tiny hole that leaked out the air. He was a successful man now, even more successful than the man who had snatched his love from him many years ago, yet his ego collapsed like a puffed balloon every time he reminded himself that the only woman he loved was living with another man. It reduced him into a pathetic soul, more deprived than

asked him the same question in response, neither asking who either was as it seemed that two voice-activated robots were engaged in a timeless inter-face.

She called him few days later and he called her after that, while the flamboyants would be in full bloom in their hearts sooner than they thought. She told him about her life since they had separated from each other, and he told her about his sufferings since she was gone. She asked him repeatedly if he had not

works in mysterious ways, he convinced himself, because the love of his life would be taken away and returned to him within the confines of an unfolding fate.

Late in the winter that year when the sky was clear and the air was cold, she asked him for help. Her husband was embroiled in a bitter dispute with an influential man, who had threatened to kill him. He hesitated, she insisted and in the end he agreed to pay off the man whom her husband owed a large sum of money. For a long time he didn't hear from her again, and the phone in her house rang without being answered.

When he returned from a trip abroad weeks later, he found a letter on his desk written with the dainty twists of an elusive hand. The letter was stamped in a foreign country and it was postmarked two weeks from the date he had settled the loan for her husband. She wrote to him that she had migrated to another country with her husband and children. She thanked him for what he did for her husband and apologized for not saying goodbye to him since they had to leave in a hurry. At the bottom, she wrote down her new address and promised to send him the phone number once it was available to them.

One has to be fortunate to be loved, he said to himself as he sank in the chair for rest of the afternoon. He looked out through the window and saw that once again the flamboyants were in full blossom. He waited for the cloud to overcast the sky, and knew in his heart that it was going to rain throughout the long night ahead of him.

Mohammad Badrul Ahsan is a banker.

CROSS TALK

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relics of an ancient civilization buried in the earth. He bounced back to life as if the foliage, which withered in winter, revived in spring.

The old adage proved true in his life. One door closed behind him, and many more doors opened up in front of him. Success worked like magic, and anything he tried would be blessed with luck. He amassed amazing fortunes, made great strides and became famous before he turned forty. It seemed that a child, deprived of his mother's company, was comforted with a bunch of toys.

called her at home after seventeen years, his heart pounding like a drilling shaft as his fingers pressed one digit after another to dial the number. He almost choked on anxiety when the phone rang and he waited for someone to pick it up on the other side. He remembered the afternoon under the cloudy sky, when his life had become devoid of all hopes in the shade of the flamboyants, when it had rained afterwards to bring down a cold, sad night.

By the time she came to the phone, a lump of sorrow had risen to the beggar on the street, more desolate than a windy valley on a summer's noon.

When she said her first hello on the other side of the connection, his thoughts were disrupted like a mystery when resolved. The voice he waited to hear for seventeen years evoked a strange sense of void as the echo of the past seared through the resounding silence of the room, and a feeling of lightness whirred inside his head. By the time he gathered himself to talk to her, she had said hello for several times. He asked her how she was, and she

married because of her, and sobbed for a while. He comforted her saying that it was his choice not to get married because he couldn't find a sweeter woman than she was.

Meanwhile, the cycle of nature went on uninterrupted. It rained, then came sunshine and it rained again, while the flamboyants bloomed and withered many a time. He thanked God for His mercy, for the cool shade of love he was offered in the scorching heat of despair, that once again he could drink the nectar of love when his throat was parched with thirst. God

BJP rebuffed on Gujarat

Don't profit from genocide!

PRAFUL BIDWAI, writes from New Delhi

THE Bharatiya Janata Party has made an art out of twisting facts and confusing issues. Instead of gracefully accepting the Election Commission's considered decision to postpone the Gujarat elections, the Vajpayee Cabinet has referred the issue to India's Supreme Court.

This needlessly introduces contention between two Constitutional authorities. More important, it substitutes the narrow interests of one party for larger Constitutional principles.

This amounts to abuse of power. The EC reached its unanimous decision, elaborated over 40 pages, after two on-the-spot assessments of Gujarat. This was based on irrefutable reasoning and the conclusion that Gujarat's law and order "is still far from normal" and the "wounds of the communal divide following the riots have not yet healed."

The EC holds that "the people have lost confidence in the... civil administration and political execu-

tion... In this environment, election campaigns ... will only shatter the fragile peace unless adequate confidence-building measures are taken ... Foremost among these would be to arrest and punish the guilty..." The EC thus rightly postponed the elections. Its verdict conforms to numerous Supreme Court judgments on the EC's authority, the clearest being the Assam Election case (1993).

The EC has a weighty argument about electoral rolls. Lakhs of people in 20 of Gujarat's 25 districts have been uprooted and displaced; many are missing from the rolls. Besides, about 20,000 have fled Gujarat altogether.

The state government recognises as many as 27 lakh families as violence-"affected". They belong to 154 of Gujarat's 182 constituencies.

These are huge numbers by any yardstick, exceeding the electorate in entire countries like Switzerland or Denmark!

Even more compelling is the EC's substantive argument that Gujarat's public cannot exercise a rational choice in today's communally polarised situation. "The slow progress in

The BJP has shamelessly announced a programme of inflammatory gaurav yatras in Gujarat, designed to raise the communal temperature. This is not legitimate politics at all. The yatras must be stopped. The BJP has devalued, degraded and defiled Indian democracy, institutionalising corruption (as in the Pump-scam), and legitimising communalism. The longer it stays in power, the greater the injury to democracy. The EC's verdict is an attempt to contain that injury. No elections should be held till the guilty of Gujarat are prosecuted and the state regains the people's confidence.

relief and rehabilitation on the one hand and non-arrest and non-punishment of the guilty ... on the other have hampered the ... restoration of normalcy..." says the EC.

The state police say additional forces alone can prevent future communal clashes. Fair elections cannot be held under such pervasive insecurity and terror, while the terror's perpetrators are in power.

The BJP's defence against this powerful reasoning is a lame plea based on a coloured interpretation of Art 174(1) of the Indian Constitution. This Article says, "six months shall not intervene" between two sessions of a state Assembly.

The BJP distorts this to mean the to-be-elected Assembly must meet by October 6 because the now-dissolved House last met on April 6. This demand is being made five months later -- clearly not out of urgency, but a political design to exploit communal prejudice.

Yet, only last October, the BJP argued the exact opposite, in Uttar Pradesh, citing affidavits by the Attorney General and Solicitor General! This is a stark instance of double standards.

The BJP's current argument about Art 174(1) is specious. The EC has given some credence to it citing its own past. But it has balanced this

with Art 324 which spells a higher duty to hold free and fair elections.

Art 174(1)'s purpose is to ensure continuity in a sitting Legislature. According to Constitutional experts, it was never meant to apply to a dissolved Assembly.

To understand 174(1)'s rationale, consider this. Suppose an Assembly came into being on September 13, 1997. Its term would expire on September 12 this year. Suppose that for various political reasons, it did not meet after March 13, 2002.

Should a new Assembly meet on September 12, even though the term of the existing one continues till then?

That would be absurd. A short period should elapse between the two Assemblies' sittings. Normally, during this period, the existing chief minister would act as caretaker. In abnormal circumstances, such as a "Constitutional breakdown", President's Rule would be imposed.

Gujarat definitely falls into the second category. The Constitutional process collapsed there on February 27. Following the Godhra outrage, Mr Modi subordinated the state machinery to the BJP-VHP designs to produce an orgy of killing and arson. The citizen's most elementary right, that to life, was systematically violated for months.

Gujarat still cries out for President's (Central) Rule, replacement of its partisan Governor, and for advisers who are administrators of impeccable integrity, chosen consensually by Parliament.

The BJP is trying to profit from the Gujarat pogrom and communal polarisation. The tide is turning against it after the appointment of OBC leader Shankersinh Vaghela as state Congress president.

The BJP is politically gambling at the expense of the Election Commission's authority. But it should know that Mr J.M. Lyngdoh is not Mr T.N. Seshan. He is an extraordinarily thoughtful, restrained, unblemished, officer, not given to sensationalism.

It is thus particularly shameful that *Hindutva* leaders have attacked Mr Lyngdoh for not doing his "job" (L.K. Advani), "disregarding" the Constitution (Arun Jaitley), acting at the Congress' "behest" (V.K. Malhotra), and a "Christian bias" (VHP's Praveen Togadia and Narendra Modi himself).

Such abhorrent hate-speech must be legally punished. But the BJP's indulgence of the likes of Messrs Modi, Togadia, Malhotra

shows its profound contempt for democratic norms.

The BJP views democracy cynically, instrumentally, as a system of power, devoid of Parliamentary institutions or norms. In such a "democracy", winning parties or coalitions can rule as they like, crushing rivals and mocking Constitutional rights.

That's why the BJP has shamelessly announced a programme of inflammatory *gaurav yatras* in Gujarat, designed to raise the communal temperature. This is not legitimate politics at all. The *yatras* must be stopped.

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The EC's verdict is an attempt to contain that injury. No elections should be held till the guilty of Gujarat are prosecuted and the state regains the people's confidence.

Praful Bidwai is an eminent Indian columnist.