

Heed public opinion for an effective ACC

Don't reduce it to the status of anti-corruption bureau

IN a Transparency International Bangladesh (TIB) survey, the latest such study to assess public mood and opinion over the government's ongoing initiative to curtail power and independence of the Anti-Corruption Commission (ACC), TIB has come out with some clear-cut findings. The central point to come out of the survey is that an overwhelming number of citizens are opposed to the cabinet-approved amendments to the existing ACC law seeking to turn it into a virtual prototype of the erstwhile anti-corruption bureau.

The very fact that it is proposed to be mandatory on the part of the ACC to seek permission of the government to file corruption or abuse of power-related cases against public servants including ministers and MPs militates against the fundamental purpose behind constituting an anti-graft body. If the ACC cannot on the basis of a schedule of offences defined in the law initiate action against public functionaries, traditionally known to be practitioners of corruption or abuse of power, how can we possibly fight the menace of graft in high places? We simply fail to appreciate the rationale for subjecting the ACC to the subservience of the executive in a very fundamental way. Is it not as good as making it into an appendage to the PMO like the now-defunct anti-corruption bureau? This is the farthest from what anti-corruption bodies in successful democracies have been like.

We, in this paper, have endorsed the view of the present ACC chief who along with his colleagues voiced their reservations over six of 23 amendments proposed to the law. Indeed, the ACC, the public in general and the media do not like to see the ACC as 'a paper tiger', to borrow the expression of the ACC chief himself.

Even the secretary to the ACC will be appointed by the government to make sure the executive holds the sway. On a more important plane, the ACC is to be accountable to the President. Of course, the body has to be accountable to a constitutional authority, a concern we believe can be adequately met if it is made answerable to parliament. This can be ensured through submission of an annual report to the parliament which then would be scrutinised by it. As for any arbitrary filing of a case against anybody a safeguard can be built into the law with a recourse to judicial remedy. Making the ACC accountable to the President means subservience to the executive inasmuch as President acts on the advice of the PM barring a few exceptions.

The image being conjured up of an ACC the government would like to see hardly approximates the electoral pledge of the AL that the party will strengthen rather than weaken the ACC in power. So, we say pay heed to public opinion on a matter that has a make-or-buy bearing on good governance as well as the image of the country we would like to see projected to the outside world.

Red rug to a local AL leader?

His alleged assault on a woman upazila vice-chairman calls for stern action

THE only 'fault' of Shamsunnahar Dolly, the vice-chairman of Dasmina upazila in Patuakhali district in the eye of the local organisation secretary of AL Iqbal Mahmud, seemed to be that the former raised a legitimate concern at a coordination committee meeting over graft suspected to have been committed behind the collapse of an under-construction local college building. She could barely finish proposing formation of a committee to probe the incident including alleged misuse of 30 tonnes of rice allotted to the development of a college playground, when an enraged AL leader swooped on her. He hurled abusive language at her, and adding insult to injury, she reportedly got manhandled, too.

It was a despicable outrage committed on three levels: first, it was an instance of taking the spilled beans on one's own body as the allegations apparently hit the bull's eye and perpetrating crudest form of maltreatment on the dignity of the person of a woman who is also an elected functionary, that too, in front of the upazila nirbahi officer and the upazila chairman. Second, it was an ugly manifestation of arrogance of power through a terrorisation of a conscientious objector who was basically carrying out an official function. Thirdly, it made a mockery of empowerment of women that was thought to have been heralded by offering women the position of upazila vice-chairmanships.

As a matter of fact, this brings to a glaring light the vulnerabilities of women in our society even though they may be occupying a high public position. Just when she made bold to demand a probe against corruption breaking out of the marginalisation shell, she falls victim to tyranny in presence of the upazila nirbahi officer and the chairman who could not resist the perpetrator. Police had to be called in -- how scandalous!

This is also a proof of how slack the central leadership's grip over the functioning of local unit office bearers. They are apt to tyrannise anybody that stand between them and fulfillment of their corrupt agenda. Allegations have been rife of plunder of rice allotted to different development projects under test relief and food for work programmes. These allegations must be gone into on a wider scale in order to safeguard and enhance public credibility over the government's diverse development activities.

By his utterly reprehensible behaviour the AL leader has evoked a reaction that can only seek legal action against him after a thorough probe as well as an action from AL hierarchy to make a deterrent example of it so that no one can take law into one's own hands, and be disdainful to a woman dignity, whatever may be his party loyalty standing.

Controlling the police

To effectively control ubiquitous police misbehaviour, there has to be a provision for an independent police complaint authority at the national level, to start with. The core problem is to insulate the police from illegitimate political, bureaucratic or other extraneous interference.

MUHAMMAD NURUL HUDA

Anear acrimonious exchange between members of the so-called administrative service and the police service has surfaced over the issue of effective maintenance of law and order. The executive magistracy has reportedly accused the police of peddling in illicit drugs and narcotics and has demanded the creation of a separate police wing under its command.

The police service has reacted sharply to such finger pointing and retorted by saying that the district police be vested with magisterial powers as in the metropolitan area. They have accused the administrative service of slackness and negligence in land administration that has reportedly been largely responsible for the increase in criminal offences.

Admittedly, the accusations and counter accusations do not speak well of our administrative ethos. The cynics say that we have retained the colonial vices without having a grip over the colonial virtues of loyalty, efficiency and accountability. Public servants of all descriptions have been unseemly garrulous before the media without being mindful of the directives of the statutory conduct rules.

The colonial concept of directing and controlling the police still engages many in the 21st century. Such minds are forgetting that the overriding objective of the police organisation in 1861 was to maintain the stability of the "British Raj." This was admirably achieved by placing the district superintendent of police under the direction and control of the district magistrate, who acted as the agent of the imperial government.

What was meant by the general control and direction by the district magistrate was not explicitly defined anywhere. Consequently, from the very beginning, an unending debate has continued on both the conceptual and the administrative/operational levels.

In the colonial dispensation the higher police hierarchy was practically excluded from effective supervision of police in the sphere of law and order. More seriously, the authority of the district superintendent was routinely interfered with even in matters of internal administration of the force. Such retrograde steps had a crippling effect on the ill-conceived police organisation and greatly exacerbated the bitter complaints of police oppression and extortion.

The Sir Andrew Fraser Commission of 1902-3 observed that "the undue interference of the district magistrate, besides being unsound in principle, has led to practical elimination of the deputy inspector general and the reduction of his position to that of an inspecting and reporting officer, which has greatly impaired his usefulness."

In fact, the interference emanating from the lateral control of the district magistrate was both unnecessary and undesirable. Interference was the cause of the incapacity and recklessness of some superintendents.

One has to remember that the police organisation was designed not to attract better talent to ensure built-in subservience of the police to the executive administration regardless of the resulting corruption, lack of professional excellence, police high-handedness and police-public estrangement.

What people saw during the four decades of the twentieth century was a hardening of the attitude of British rulers, the enactment of Draconian legislation and police responding to the national struggle with fury and unbridled violence.

Controlling police functions through another executive branch of the government is definitely not in tune with the aspirations of a democratic polity, not to speak of the demands of a forward-looking professional police service. The superintendence of police should be so affected



that it ensures police performance in an efficient and lawful manner.

For better control, it is time to replace the ruler-driven police with a community-based police through the institutional mechanism of public safety commissions at appropriate levels. Such bodies, being statutorily empowered and enjoying oversight powers, should be composed of politicians across the divide, members of civil society and women having a predetermined quota. Such a body is likely to foster credible accountability, gender-sensitive policing and operational neutrality.

To effectively control ubiquitous police misbehaviour, there has to be a provision for an independent police complaint authority at the national level, to start with.

The core problem is to insulate the police from illegitimate political, bureaucratic or other extraneous interference. The goal should be to secure professional independence to function truly and efficiently

as an impartial agent of the law and, at the same time, to enable the government to oversee the police performance to ensure its conformity to law.

Paradoxically, in our experience, calls for more accountability have been used to gain greater operational control over police, thereby debilitating the internal command and control structures, thus perpetuating the vicious cycle. The solution lies in doing away with the illogical concept of "dual control" introduced under the Police Act of 1861 and allowing necessary operational autonomy to the police command, and then holding it effectively accountable when things go wrong.

A culture of looking outside the organisation for patronage is part of a deepening crisis. It is not in public interest to promote and sustain a police practice of playing a second fiddle to their "bosses" outside the organisation.

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Left looks jaded

The administration in Kolkata appears to be at the beck and call of the communist leaders, who throw their weight around for personal ends. The Left should also try to find out why they are not selling as they did in the past. One reason, of course, is the lessening of liberal appeal in the glittering world of consumerism.



KULDIP NAYAR

ONE interpretation of the Cultural Revolution in China, some four decades ago, evokes justification for it. Mao Tse-tung wanted his party men and bureaucrats to go to the villages and stay there. His purpose was that they should imbibe the rigours of living in the countryside so that they would not be complacent when they returned to their chair.

The routing of the communists in Kolkata's recent civic election should renew Mao's thoughts. CPI leader A.B. Bharadhan has attacked the communist government at Kolkata for becoming "swollen headed" because of their distance from the ground realities and people's aspirations.

Indeed, a government which has ruled for 33 years and had all the time to experiment with the communist way of administration is either inept in governance or incapable of ruling. The growing conviction

is that a communist state does not fit into today's world of free thinking and pragmatic working.

The communists in West Bengal did not do badly and remained popular, particularly in the rural areas, as long as they were carrying out agrarian reforms, transferring power to the panchayats and making the countryside feel that it was the master of its destiny. Both the communist cadres and those in power then sat back as if they had nothing more to do. They became slaves of chairs.

People were exasperated over the status quo and expressed their resentment by defeating communist candidates in bye-elections. Still the communists did not get the message. The people became more expressive when they voted against the communists in the last Lok Sabha election and reduced the Left's strength from 60 to 16.

The party's politburo considered the defeat an aberration, and did not anticipate the mood of the people when state Chief

Minister Buddhadev Bhattacharya announced that the industrial development had to have priority if economic conditions were to improve in the state. He said that falling living standards and growing youth unemployment could not be tackled without industrialisation. This was a departure from the communist policy, which was primarily based on agrarian reforms. Most ministers, much less the cadre, did not understand or appreciate the new policy.

Even the calculation of the top Communist leaders was wrong. How could West Bengal attract industrialists when their cadre had driven them out two decades ago, after humiliating them? The communist cadres had organised hartals and committed daylight crimes which went unpunished because of an indulgent police. Big industrial houses which had their headquarters at Kolkata eventually moved out.

And when Buddhadev wanted to bring back the industry, and began with the Tata's Nano car plant at Singur through land acquisition "in public interest," he failed because he had not prepared the ground. Farmers, nourished in the climate of reforms, preferred agrarian economy to the industrial switchover.

Therefore, when the communist cadres, with the help of the police, tried to fight farmers who were not willing to give their land for industry, they became oppressors. And the cadres showed little consideration for their vote bank, the farmers. The West Bengal government committed atrocities, to the horror of liberals, and failed to make any headway. It was inevitable.

The Left did not understand -- and it does not do so even now -- that the support won through the betterment of villages could not be diverted to industry, in which farmers would have no equity. Farmers could not be expected to hand over their land for cash which would not last them for life.

At least the West Bengal government should have realised that the land acquired for an industry did not come under the purview of "public interest." How could the Left create something akin to a Special Economic Zone (SEZ) when it had vehemently opposed to the union government's decision to have such exclusive estates?

The reason why the Indian Maoists have spread to nearly 200 districts is not because they use force but because they pay special attention to the development of the countryside where the tribals and the marginalised live. They have not made industry their priority and have apparently stayed with the agrarian needs.

B.D. Sharma, an eminent activist, is right when he says in an open letter to the president of India to allow the tribals their tradi-

tional life in forests, mountains and mines, which the global economy requires for development, to check the spread of Maoists.

However, the point on which the communists excel the Maoists is the confidence in the parliamentary system. They have come to put faith in the ballot, not the bullet. The Left in West Bengal should, however, realise that the people's feeling of participation in governance, which the regime under Old Guard Jyoti Basu encouraged, has become diluted.

The administration in Kolkata appears to be at the beck and call of the communist leaders, who throw their weight around for personal ends. The Left should also try to find out why they are not selling as they did in the past. One reason, of course, is the lessening of liberal appeal in the glittering world of consumerism. But another reason is that the communist ideology has got jaded.

In fact, such questions stare at the communists throughout the world. Globalisation of economy or free markets is not something the Left has faced for the first time. Why is religious fundamentalism today attracting the youth more than the Karl Marx teachings? "Why," as eminent Urdu poet Iqbal asked 90 years ago, "are the bank buildings higher than the kalisa (church)?" These questions cannot be brushed aside.

True, idealism is lessening in the society. But, at the same time, people are more fascinated by social democracy than the system which concentrates power in a few hands. Those living in poverty -- for example, the subordinate -- are tired of the trickle theory, which globalisation promises in terms of benefits "in due course."

The 21st century has different challenges, different calls and different compulsions. What strings together the different endeavours together is the fight against bigotry on the one hand and vested interests on the other. The Left should understand that this battle cannot be won until the people's say is strengthened. Any kind of dictatorship, either of the proletariat or of others, is bound to fail. The communist ideology has to be reinterpreted.

When West Bengal is introspecting over the causes of the unpopularity of the ideology in the state, it should be considering how to build an agrarian society which can increase output, enhance farmers' income and bring about egalitarianism. This cannot be done through steps where the land is acquired in "public interest" to benefit a few industrialists. The communist ideology should be radiating with fresh thinking for retrieving idealism, which is receding into the shadows.

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