

STRAIGHT LINE

The galling deficit



PAUL GILLIGAN

The sad reality is that every time a heinous crime involving loss of lives occurs, we look for external assistance without realising how galling such a scenario is to the national honour.

and unfettered jurisdiction of the investigators. The inaction and the resultant incapacity characterising each incident of serious violence hangs heavy on the national scene, and at times is giving rise to international concern. The need, therefore, is to empower the investigators through lawful directives and ensure the growth of a healthy political climate for peaceful resolution.

The field executives related to criminal investigation have the ability and competence to withstand the pressures of sustained investigation and present a legally tenable charge-sheet. The rest is a matter for the courts to decide. After all, the booking of perpetrators is possible by working through the existing criminal

intelligence network. If, in the past, we had been able to detect clueless murder cases there is no reason to think that the same cannot be done now.

In fact, public functionaries, including the investigators, must be helped and facilitated to so conduct themselves that the difference between government/party and state interests are not diluted, thereby upholding the hallowed ethos of our public service. If this can be done at the earliest we may be able to halt the pernicious slide towards an environment of lack of trust and confidence in the ability and impartiality of our investigative apparatus.

The writer is a columnist of The Daily Star.

A welcome step

Going electronic in procurement

PRIME Minister Sheikh Hasina flagged off electronic government procurement (e-GP) system in Dhaka last Thursday. In the first phase e-tendering is to be introduced in four procuring agencies such as LGED, Roads and Highways, Bangladesh Water Development Board and Rural Electrification Board. Eventually, 308 procuring entities (PEs) would be brought under the system.

Since 75 percent funds of the annual development programme is used for public procurement, the government has the natural obligation to ensure transparency, accountability and purposefulness in the procurement processes. Its responsibility is basically three fold; first, professional and qualified bidders should have access to tendering process. Second, the procedures should be straightforward, uncluttered by bureaucracy. Three, merit and capacity to deliver quality goods and services should be the criterion for winning work orders. E-tendering could go a long way in meeting all the above conditions.

The e-GP is a single web portal from where and through which public procurement agencies and entities will be able to conduct their procurement related activities with transparency and accountability. For their part, the bidders and tender applicants will not only save time but also have a level playing field.

Previously, a lot of tension would have been created around submission of tender as people close to the powerful and the influential scrambled for monopolising it. This would now be largely obviated establishing transparency and accountability in the system. In the process, it is the government's credibility that will be enhanced with that of the agencies' concerned. Corruption, as a whole, should come down to a great extent.

There have been allegations of irregularities in the government procurement for a long time now. There is no substitute for e-tendering to curb these.

The imperative now is to implement the system successfully. Because it is on the basis of dividends of the limited e-tendering that the programme will be expanded to cover other areas of public dealings.

BRTA's new initiative

Instant licence, a white lily?

NO one wants to wait indefinitely for a public service that is one's legitimate right to receive, far less a year-long wait for a driving licence. Everyone pays certain 'fees' to expedite the process, one really may not have to know how to drive. They just need opposable thumbs to help count out the cash.

Bangladesh Road Transport Authority (BRTA) is thinking up a new initiative to help stop issuance of fake licences. BRTA teams reportedly should have been conducting tests for learners and issuing driving licences 'instantly' with effect from June 1. Those passing the tests at about 45 approved training centres would be entitled to the fast-track gift. This will be like 'instant' ticket to roads.

The decision was taken at an inter-ministerial meeting held at the communications ministry to check fraudulence and bring ease in driving licence issuance. People who used to wait anywhere from two weeks to two months can now hope to get the same thing almost instantly.

This may intensify a known problem, if instant delivery of licences turns out to be perfunctory. There are already 15 lakh registered vehicles in the country while the number of genuine licences given out is around 10 lakh. The rest are fake. Of the originals, most may well have been procured in various under the table ways. Lest 'instant licence' mean shoving in instant cash beyond the standard fees, the authorities would need to keep a tab on. Apparently, BRTA only has the capacity to deliver 3,500 licences a year, but the real demand is much higher. So perhaps BRTA just hand out licences like flyers, albeit for a price.

If this new step should make people try and learn how to drive so they pass their test that would be a step forward. May the real issue of actually educating and training the would-be drivers be not lost in the hype for issuing instant licences.

THIS DAY IN HISTORY

June 4

1878
Cyprus Convention: The Ottoman Empire cedes Cyprus to the United Kingdom but retains nominal title.

1944
World War II: Rome falls to the Allies, the first Axis capital to fall.

1957
Dr. Martin Luther King, Jr. delivered his famous Power of Nonviolence speech at the University of California, Berkeley.

1989
Ali Khamenei is elected the new Supreme Leader of Islamic republic of Iran by the Assembly of Experts after the death of Ayatollah Ruhollah Khomeini.

1989
The Tiananmen Square protests are violently ended in Beijing by the People's Liberation Army.

2001
Gyanendra, the last King of Nepal, ascends to the throne after the massacre in the Royal Palace.



MUHAMMAD NURUL HUDA

and a daughter who are still waiting for justice in connection with the murder of their illustrious father (The Daily Star, June 1). The reference is to the unbearably tragic assassination of former finance minister, Mr. Kibria in January 2005.

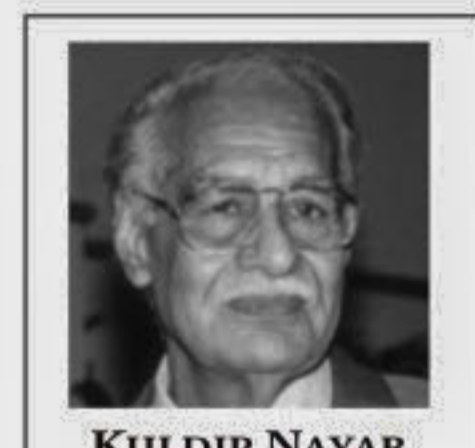
The grieving son and daughter of a brilliant public figure of Bangladesh have very poignantly pointed to the laxity and deficiencies of our criminal investigation and the shortage of political will that have allegedly stood in the way of fair and comprehensive investigation. In their apparently justified anguish they have impressed upon the necessity of appointing an international investigative team to probe into the assassination of Mr. Shah A.M.S. Kibria.

This writer does not know if an international investigative team on the line of the commission that enquired into the death of late Lebanese Premier Rafiq Hariri could be a reality. What, however, demands urgent attention of our political and executive functionaries now is the neglect in brushing-up our investigative skills over the preceding years.

The sad reality is that every time a heinous crime involving loss of lives occurs, we look for external assistance without realising how galling such a scenario is to the national honour. Delving into the legality of the role of external agencies in our criminal investigation does not serve much purpose, but what must concern us are the factors that have brought us to such a pretty pass.

Our citizens need to know why our investigating outfits have to live with the double stigma of being partisan and inefficient. One may ask why our national level political leaders openly impute motives on the part of our inves-

BETWEEN THE LINES



KULDIP NAYAR

but because their adversarial role does not allow them to concur. India is in the midst of an experiment which brings the two on the same side. This is on the Lokpal bill, which has already prefixed the word of jan (popular) to it. Both government ministers and the activists, five from each, have been sitting across the table for almost a month. They are drafting legislation to list steps to fight corruption in high places.

An ombudsman (Lokpal) institution is sought to be set up that will supervise over the entire official machinery engaged in taking action against the dishonest. Whether the prime minister, High Court and Supreme Court judges and MPs should come within the ambit of the Lokpal bill, which will initiate action against the delinquent, is the point at issue.

The bill has made substantial progress. That the Lokpal will be independent and scrutinise the complaints relating to corruption in high places goes without saying. It is a good thing that its decision is subject to judicial review.

One criticism against the bill, that the Lokpal should be answerable to the people, is faulty. This argument sounds good on paper. But the impeachment of the Lokpal should depend on the verdict of parliament will tell upon the Lokpal's independence. Political parties can join hands to "punish" the Lokpal for having taken action against a delinquent MP. Like the Central Election Commission, the Lokpal will be a creature of parliament but independent to take action against MPs and ministers.

Both sides have more or less reached a consensus except on the prime minister and judges. Government represen-

DISCERNING and caring readers must have noticed the sadness, frustration and anguish of a son

tigators and cast doubt on their integrity. Who has failed whom? Have political leaders encouraged and abetted the malfeasance of the investigators?

Viewed from another angle, are we victims of misplaced priorities because of the follies of myopic policymakers and malevolent professionals? In misplaced exuberance, have we extolled the benefits of rash actions to the detriment of cultivating a scientific culture in law enforcement? These are queries that need to be pondered in serious earnest.

Now may be the time when we must know why investigative efficiency of the police has deteriorated so sharply over the years, and whether such efficiency can be regained in isolation without setting the expected organisational goal of the police. It may also be appropriate to know the pattern of resource allocation for increasing the professional competence of investigative outfits. We may have to know if there is a lack of proper emphasis in fixing priorities and deciding the core functions of the police in a pluralist society like ours.

Experienced observers are of the view that the investigating agencies shall continue to remain inactive and incapacitated until the political authorities decide to treat criminal violence as a purely criminal phenomenon and desist from interfering in the investigative process.

Institution capacity building, insofar as it relates to modern scientific investigation, is not on anybody's priority list. There is, therefore, no wonder that after each incident there is a demand for impartial investigation by a foreign or international agency on account of alleged lack of investigative acumen, in addition to other political and psychological factors. The question is: where do we go from this impasse?

If we are not willing to forsake one of the primary public functions we cannot lose any further time in desirably modernising our investigative outfits. What we need to plug the gaps in this regard is some modest investment on capital machineries and training.

However, equipping the investigators will not serve the purpose if investigation does not become the unaffected

tatives feel that the inclusion of prime minister exposes the office to frivolous charges and political vendetta. Activists argue that the prime minister would be tried on charges of corruption, which will be first screened by a high-power committee. As for the judges, New Delhi wants to set up a judicial commission to process the allegations against them and to pronounce judgment. The argument emerging is that the judges will be out of the ambit of Lokpal once the commission comes into being.

Differences are minor and agreements major. The government has accepted the demand of activists to place under the Lokpal the Central

Now the government has shown its hand. It does not want the Lokpal to have the authority to conduct a probe against the prime minister on the matter of his probity. Nor does the government want the judiciary to be scrutinised by the Lokpal.

Bureau of Investigation (CBI), the Enforcement Directorate and other inquiry agencies. This is a welcome step because the CBI and other agencies are only at the beck and call of those in power at Delhi. The vigilance commission appointed by Prime Minister Lal Bahadur Shastri has been non-functional. It is better to abolish it. The vigilance officers can be part of the investigation force under the Lokpal.

After five meetings, which were constructive according to Human Resources Minister Kapil Sibal, one got the impression that the government was forthcoming to take steps against the corrupt. Activists were happy that their demands were being met. It was too good to be true. Now the government has shown its hand.

It does not want the Lokpal to have the authority to conduct a probe against the prime minister on the matter of his probity. Nor does the govern-

ment want the judiciary to be scrutinised by the Lokpal. And MPs, even caught with their hands in the jam jar, are not under the Lokpal purview. Justice Santosh Hegde, one of the activists in the dialogue, rightly asked at the last meeting that the government should tell what the Lokpal is supposed to do if practically everybody who counts is going to be out of its reach.

Home Minister P. Chidambaram, also on the ministerial committee of the dialogue, says that civil society is itself divided. That is a good thing, not something detestable in a democracy. The problem before the nation is not how to correct the ills of civil society, but how to eliminate corruption in high places.

Probably, this question would not have assumed the shape it took -- spontaneous demonstrations in response to Gandhian Anna Hazare's fast -- if one scam after another had not tumbled out of the government's closet.

Nobody has ever doubted the personal honesty of Prime Minister Manmohan Singh. But one was horrified to see that he knew about the corruption of at least Telecom Minister A. Raja and did not do anything till the media uncovered the scandal. Even now the media had to do the exposure job in the case of Textiles Minister Dayanidhi Maran. He made favours to a company which invested in turn in Maran's television network. The prime minister has not till today asked him to quit the cabinet. The government may need the support of the DMK, Maran's party, to survive. Must the nation suffer for what the prime minister once rationalised as a "coalition dharma?"

Today, the government faces a crisis of credibility. People are not sure whether what it says is correct and whether what is explained, when exposed by the media, is the right explanation. The constitution of Lokpal may retrieve the confidence of people in the Manmohan Singh government. When he himself has said that he, as prime minister, is willing to be scrutinised by the Lokpal, why should the ministerial team raise this question?

The Lokpal was first suggested by Santhanam Committee when Shastri was the home minister. Topics like the prime minister's office were not raised. The matter was left at that. The ruling Congress party has been discussing Lokpal off and on but never went beyond having it in its election manifesto. The government cannot now face the reality because at least two of its prime ministers have been found lacking integrity.

The judiciary is 15% corrupt, according to a statement made by a retired chief justice of India some years ago. The government has done nothing. The judicial commission to which the High Court and Supreme Court judges would be answerable is not even on the horizon. What do the people do when they see judgments palpably favouring the rich and the powerful?

In the face of government's volte face, what does the civil society do? It would be foolhardy to walk out of the talks until the government is fully exposed on its duplicity. Since the entire talks have been tape-recorded, if not video-taped, the activists should reproduce what the ministerial team said in the beginning and how it has changed from its earlier position.

Had there been a constitutional way to hold a referendum, it should have been conducted to find out how the public is reacting. Maybe, the government should go back to the people to get a verdict on its steps to dilute the Lokpal.

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