

PLEASURE IS ALL MINE

Compulsive as sleepwalking disorder?



SHAH HUSAIN IMAM

FROM her ego-lifting mammoth public meeting at the Pologround in Chittagong on Wednesday, Prime Minister Sheikh Hasina harped on the string she has been doing for

Overarching truth is elsewhere and that is this: the day-to-day immediate concerns of the public are being ignored for nothing more than hell-bent advancement of partisan political agendas. The public eye is taken away from the problem areas in governance, law and order, security, higher prices and costs of living spiralling out of control and affordability of the majority.

quite a while now: Warning the opposition against what she believes to be resisting the ongoing war crimes trial she emphatically stated that it shall be held and that war criminals and those culpable of crimes against humanity would be punished.

Those are as though auto-suggestion-driven words in feel good therapeutic sense. More to the point perhaps they reflect what Mohanagar AL General Secretary Mahbul Alam Hanif said the other day to the BBC: Awami League needed to build public opinion to counter the opposition's "propaganda" against war crimes trial. In fact, Hanif informs the AL plans a whole series of public rallies in important cities to clear up some "confusion" planted in the public mind by the BNP about the trial process.

The question is: why the warning refrains when the government had itself set up two war crimes tribunals; they are at work; indictment is taking place; witnesses are deposing and prosecution and defence are making out their cases? Of course, the Mohajote allies and active proponents of trial are complaining of the slow pace of the process. There the government is under pressure and a cool composure is all the more needed.

Clearly, however, the high pitched rhetoric over the issue is out of sync with the ongoing trial process and may dilute public confidence in it instead of bolstering public opinion which the AL apparently aims for.

There's a near-universal demand of the people (barring those who committed the heinous crimes) to see those guilty of war crimes or crimes against humanity tried and punished. So what is there to create public opinion about?

The BNP, for its part, cannot be absolved on the issue in terms of commitment. Apart from their negative approach to the question, leader of the opposition is on record to have asked for stopping the war crimes trial. Quickly on the heels she appeared to retract saying her party wants war crimes trial held but not in the

manner it is being done. Yet she fell short of clarifying or documenting exactly how she would have conducted the war crimes trial if she were in power.

Actually, the caretaker agenda the opposition is agitating over is a popular issue, whether the government admits or not; so it has to be countered by hitting out at the weakest point of the opposition which is the war crimes trial.

That is the larger part of the truth, the other part is launching an election campaign by the ruling party, matching meeting to meeting, the opposition's drawing of crowds to its rallies.

But overarching truth is elsewhere and that is this: the day-to-day immediate concerns of the public are being ignored for nothing more than hell-bent advancement of partisan political agendas. The public eye is taken away from the problem areas in governance, law and order, security, higher prices and costs of living spiralling out of control and affordability of the majority. The contentious duels

over war crimes trial and caretaker issue that do not immediately occupy the public minds are assuming larger than life proportions taking up the nation's attention being caught up in the whirlwind of precipitate political crises.

The electricity, gas, octane, petrol, diesel and kerosene prices have either been increased a few times over the last year or are being raised, severely affecting the quality of life of a vast majority of people.

The World Bank has been insisting on cutbacks on utility prices for the last few decades to get retail prices relate to procurement or production costs. That makes economic sense. But isn't it for the government to strategise for striking a balance between subsidy it can afford on long-term and containing the costs of living to the tolerance level of the vast majority of the people?

With diminishing purchasing power the debilitating effect of rising inflation is too dire not to be cushioned against. How

much subsidy is given is usually gloated over; yet has the homework been ever done to quantify subsidisation in relation to costs of inefficiency, corruption, waste and systems loss? Improvements in such areas would have helped reduce frequency and margin of cutbacks on subsidy and contributed substantially to productivity in industry and agriculture as well as ensure better utility services and overall welfare of the masses.

Common people do not understand nor do they care to understand intricacies of the economy; they are only concerned with how well or how badly they are off. They are greatly confused by the claim on the one hand that electricity generation has increased and the stark reality on the other of having to face more load-shedding and still higher prices of basic utility services.

The sad thing is the easy way out the government takes; perhaps they should take a cue from the Tory government in Britain. During the Labour rule the local government system collapsed under the weight of mismanagement. The more mismanaged it got, higher the rates charged off the hoof thereby punishing the people. The Tory government abandoned this knee-jerk approach to treating symptoms rather than the disease and plugged the holes of deficiency and waste. The local government system in Britain is so much the better for it.

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EXCLUSIVE INTERVIEW

'The people are now in a state of passive resistance and we are waiting for a revolutionary outburst against corruption'

Ghulam Rahman is an economist by training. He pursued his career in civil service and served as secretary of the Ministry of Commerce, Prime Minister's Office and Ministry of Shipping. After retirement, he had served as the Chairman, Bangladesh Energy Regulatory Commission and later he was appointed the Chairman of Anti Corruption Commission, Bangladesh on April 30, 2009. In this interview, he talks with A.B.M Shamsud Doza, Editorial Assistant of The Daily Star about the corruption scenario in Bangladesh, loopholes obstructing independent functioning of ACC and evaluation of initiatives taken by ACC to fight corruption.



Ghulam Rahman

The Daily Star (DS): What is the corruption scenario in Bangladesh?

Ghulam Rahman (GR): For five consecutive years from 2001 to 2005 in Corruption Perception Index (CPI) of Berlin based Transparency International (TI) Bangladesh was ranked as the most corrupt country in the world. In a scale of 0 to 10 Bangladesh scored 0.4 in 2001.

In the face of mounting pressure from the civil society and development partners, the government enacted law creating an independent Anti-corruption Commission to combat corruption in 2004. Bangladesh's position in CPI has been moving up from 2006. In 2011, scoring 2.7, Bangladesh's position in CPI was 120 among 182 countries. Its position in 2010, 2009, 2008 and 2007 was 134, 139, 147 and 162, respectively. In Transparency International's 2010 Global Corruption Barometer survey worldwide, 6 out of 10 persons opined that corruption was on the rise, but in Bangladesh 6 out of 10 said corruptions was decreasing. It seems that in Bangladesh corruption is on the wane. U-turn has started, but the progress is very slow, much short of people's expectations. Corruption is still pervasive. It is deterring economic progress, employment generation and poverty alleviation. The ordinary citizens are the worst sufferers.

DS: A common reflection is that ACC is not independent and is serving the masters. What do you say?

GR: The Anti-corruption Commission Act, 2004 made it an independent and neutral body. It is functioning in accordance with the law. Its accountability lies with the country's judicial system. It serves no master. ACC is performing its responsibilities independently, neutrally and fearlessly, upholding the best interest of the nation.

DS: Is there any legal or constitutional loophole that affects your independent role? What changes came after ACC Act, 2004 and United Nation's Convention against Corruption that was adopted by the General Assembly way back in October 31, 2003? Do you think the Act is ok? What are the weaknesses of the existing anticorruption law as you often stress the need for framing laws to make the commission independent for combating corruption?

GR: The ACC Act, 2004 has some legal lacunas. The caretaker government plugged them by amending certain provisions and promulgating two ordinances. The parliament convened after the December 2008 election did not ratify them, and those amendments are no longer in vogue. ACC in early 2009 proposed to the government that some of the amendments made by the CTG should be incorporated again in its law for effective discharge of

its responsibilities. While considering those proposals the cabinet felt that certain other provisions should also be incorporated in the law. Accordingly, a draft bill was prepared and placed in the National Assembly for enactment. ACC viewed that some provisions of the proposed bill, particularly the requirement to obtain permission before lodging cases against government officials and appointment of secretary of the Commission by the government, were incompatible with the spirit of ACC Act, 2004 and would compromise its independence. We stressed the need for framing the law upholding ACC's independence. Further, if we compare ACC Act, 2004 with anti-corruption statutes of countries like Indonesia, Australia, Bhutan it appears to be grossly inadequate to combat the pervasive corruption we are confronting.

Bangladesh joined UN Convention against corruption during the CTG in 2007. Since then, parliament passed certain laws to fulfill Bangladesh's obligations under the Convention. However, more has to be done to become fully compliant.

DS: What steps have you taken to strengthen ACC and make it independent?

GR: ACC is a statutory body. Law sets the limit of its independence and authority. Parliament enacts laws. A government bill is now under consideration of a parliamentary committee. ACC has submitted amendment proposals for enhancing its independence and authority to the Ministry of Law and the parliamentary committee. We participated in the committee's hearings and got assurance that a law would soon be enacted upholding independence of ACC and strengthening its authority in dealing with corruption cases.

DS: With the manpower and the expertise that it had, the Commission started formulating recommendations to curb institutional corruption in consultation with different institutions. The question may arise that if the Commission could make such strides during the period of the CTG, then why it cannot do so now with more or less the same manpower and expertise.

GR: During the CTG a high powered committee with Advisor General (Rtd.) Matin as its head and senior military commanders as members was constituted to identify cases of large scale corruption. The committee identified corruption suspects and sent lists to ACC. Several dozen "task forces" with army officers at the helm and experts drawn from different departments and organisations were also formed to investigate corruption allegations. They also looked into institutional aspects of corruption. Many high profile politicians, including the

present prime minister and the leader of the opposition, prominent businessmen and bureaucrats, were sent to jail on corruption allegations and the special courts expeditiously awarded sentences in certain cases. All these happened under the cover of emergency rules, when "fundamental rights" remained suspended. Cases lodged by ACC during the CTG came under judicial scrutiny after withdrawal of "emergency" on appeal by the accused and the courts dealt with them sympathetically and granted lawful relief. ACC is now fighting uphill legal battles in higher courts to justify those cases.

DS: We often see that you face problems in probing into corruption at institutional level. What are the difficulties?

GR: Corruption becomes rampant at institutional level when there is demand-supply gap in the delivery of public goods such as water, electricity, gas, health services, etc. Corruption creeps in when the rules and procedures are opaque and complex and officials exercise too much discretionary power, as in the City Corporation's revenue department. Opportunities for corruption are also created when a department is understaffed compared to demand for its services, as is the case in BRTA and passport offices. This list is not exhaustive, only an indicative one. Corruption thrives when top bosses in any organisation are greedy and corrupt. ACC has the authority to look into the laws, rules and procedures of governmental institutions and suggest measures to plug legal and procedural lacunas which facilitate corruption. With its limited staff and expertise ACC's investigators are probing into corruption at the institutional level at several organizations, namely Roads and Highways Department, Dhaka City Corporation, BRTA, Rajuk, NBR, etc. ACC has also proposed that provisions should be incorporated in its law for attachment of experts from various governmental bodies and departments to facilitate institutional corruption investigation, as was done during the CTG.

DS: Is there any shortcoming insofar as ACC as an institution is concerned?

GR: The Anti Corruption Act, 2004 gave ACC independence in functional matters. In administrative and financial arena its autonomy is very limited.

DS: How could the information communication tech-

nology (ICT) help reduce corruption? Have you incorporated such technologies?

GR: Use of ICT for making delivery system of public services and goods transparent and accountable could be very effective in reducing corruption. Water forms only when molecules of oxygen and hydrogen come into contact. Similarly, an official responsible for the delivery of a good or service could commit an act of corruption only on coming in contact with recipients. E-tendering in the award of contracts and licenses, e-procurement and e-governance will counter corruption. We expect that the government's programme of "Digital Bangladesh" by 2021 in every sphere of national life will possibly reduce corruption substantially at institutional level and free the nation from this curse.

DS: In the mission statement, it is said that ACC is to perform "any other duty as may be considered necessary for prevention of corruption." What are you doing to prevent corruption? What are you doing to make people conscious about corruption issues?

GR: The ACC law has a list of activities which the Commission undertakes for combating corruption. Investigation, inquiry and prosecution are its core activities. If one hundred high profile corruption suspects could be punished a year through due process of law it would have a salutary effect. Second, its institutional investigations and research identify flaws and lacunas in the laws, rules and regulations, which create scope for corruption. Lastly, ACC is intensifying efforts to make corruption prevention a social movement. ACC has formed "Corruption Prevention Committees" in the metropolises and in every district and sub-district throughout the country. These committees are undertaking various activities for public awareness building against corruption. Particularly, they are very active in forming "Satata Sanga" in educational institutions to mobilise the youth against corruption and for their character building, with the motto "Honesty is the best policy." There are by now over 12,000 "Satata Sangas" in schools, madrasas and colleges all over the country. For sensitising people against corruption ACC has published a booklet containing verses and sayings from the Holy Quran and the Hadith on corruption for discussion in the country's 250,000 mosques during Friday prayers. Since last year, ACC has been observing "Corruption prevention Week" from March 26 to April 1. ACC wishes to involve all segments of the society in its anti-corruption campaign and make it a joint effort of the entire nation. Therefore, the slogan for this anti-corruption week is "Shobai milay lorbo durniti mukto desh gorbo." (Let's all join hands to build a corruption free nation.)

DS: You have taken several steps to raise awareness. What is your evaluation of the outcomes of these programmes?

GR: Corruption is an age-old problem. It has not reached the present level in one day and it will also not go away in one day. Steps taken by the ACC have raised people's consciousness about its evil effects. The people are now in a state of passive resistance and we are waiting for a revolutionary outburst against corruption. The day of reckoning is not far away.

DS: Thank you.