

Transparency and Corruption Reduction

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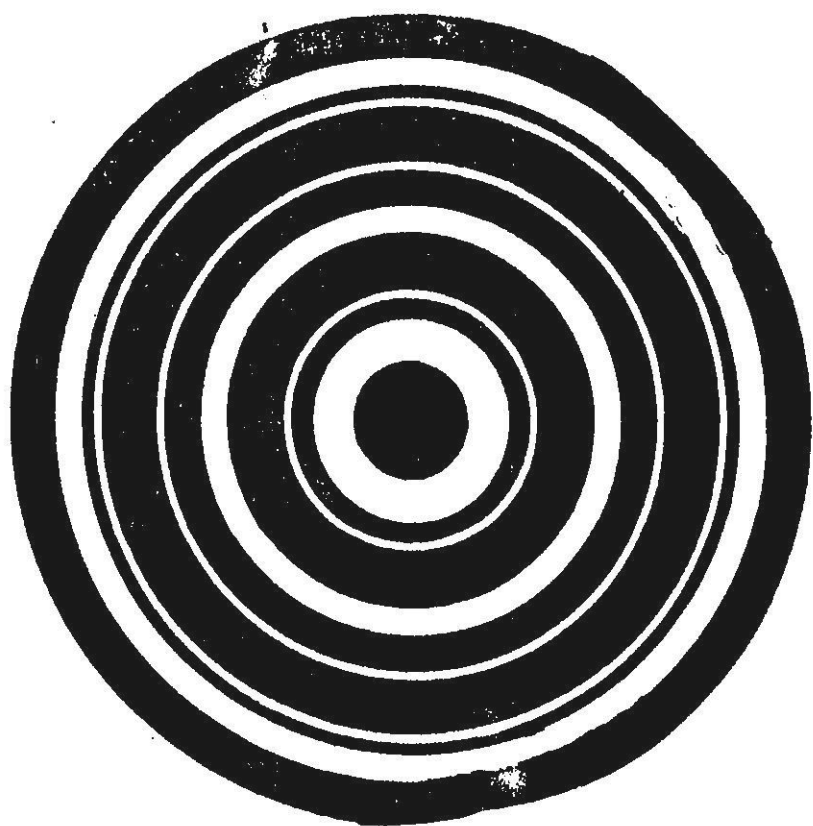
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A Syndicate Study as Part of the 14th Senior Staff Course of BPATC.

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BANGLADESH PUBLIC ADMINISTRATION TRAINING CENTRE

SYNDICATE PAPER
ON
TRANSPARENCY AND CORRUPTION REDUCTION

BY
a syndicate group

Paper prepared in partial fulfilment of the requirement for successful completion of the Fourteenth Senior Staff Course held at BPATC, Savar during December 21, 1991 to March 8, 1992.

Bangladesh Public Administration Training Centre
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Syndicate Paper
on
Transparency and Corruption Reduction

Preface

The paper presented here is a part of the Fourteenth Senior Staff Course of the Bangladesh Public Administration Training Centre held during the time between the 21st December 1991 to the 8th March, 1992.

The course was multidisciplinary in nature dealing widely with the complex problems like politics, bureaucracy, development, policy analysis, decision making, management, and accountability and transparency in administration. A major theme in the present concepts of public administration is accountability and transparency of the government to the people. The politics and administration as contrary to the traditionalism, do not stand quite separate from one another. Hence both are to be transparent and accountable to the public for policies and actions. The government policies must be clear and transparent to public. Public control over government will also help check corruption.

The topic of the syndicate paper, therefore, has quite relevance to the course. It has also a great bearing upon any government of the day.

The paper was assigned to be prepared by a group of six participants of the course, the names of whom are stated below:-

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Mr. Alamgir worked as the leader of the group and Mr. Azmal Haque as its secretary.

The paper consists of three chapters. Chapter one deals with the meaning of transparency, its needs and dimensions. Chapter two deals with the whole gamut of the subject. It defines corruption, states its nature, causes and kinds, shows linkages between transparency and accountability and relates transparency to corruption reduction. It further analyses the subject in the context of Bangladesh. Chapter three is the conclusion part of the paper. From the analysis, it would appear that while transparency is needed, it alone can hardly reduce corruption unless leadership has high moral and ethical values and accountability in the government is ensured.

Books and literature on transparency are hard to get. They are mostly available on public administration but they do not explicitly discuss transparency. However they have been helpful in writing the paper. Much reliance has also been made on the syndicate notes and lectures.

The paper relates to civil administration and not to defence because of obvious reason for maintaining secrecy there.

The group thanks the BPATC for holding the staff course and acknowledges its indebtedness for enriching the knowledge of its members on different aspects of administration and development.

March, 1992.

Members of Syndicate Group

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TRANSPARENCY: ITS MEANING AND DIMENSIONI. Introduction:

In his budget speech (budget of 1991-92) to the Parliament, dated 12th June, 1991, the Finance Minister, Mr. M. Saifur Rahman stated unequivocally that a new democratic and accountable government had been formed and that it was the goal of the government to establish a just and a self-reliant society. He on this assertion impressed upon the need to enforce accountability and transparency in all government actions and thereby reduce corruption. Corruption, he added, had taken root in our society and "we are determined to uproot it, however, difficult it is, and whatever time it takes, please".

2. The need for such transparency in public service had been recognised in many governments. The Fulton Committee Report on Home Civil Service in Britain held "we think that the administrative process is surrounded by much secrecy. The public interest could be better served if there were greater amount of openness".

3. One may just realise that even a country like Britain which is regarded as an ideal of democracy with sovereignty of Parliament established long ago, could find the bureaucracy much less open. The Fulton Committee further observed that increasingly wide range of problems handled by government and their far reaching effect upon the community as a whole demand

widest possible consultations with different interests. It continued that "there must be always an element of secrecy (not simply only on the ground of national security) in administration and policy making. Civil Servants no less than the Minister should be able to discuss and disagree among themselves about the possible course of action. Unless there are overriding considerations to the contrary, there would be a positive advantage all around if such information were made available to the public at the formative stage of policy making."¹

II. Meaning of Transparency.

4. Transparency literally means visibility. In broader sense it connotes openness. Whether in the Government or in any organisation, the policies and administrative matters must be clear to all concerned. For the former, it is to be clear to the citizenry at large and the latter, to the staff of the organisation and to the clientele it serves. As politics and bureaucracy cannot be separated and they do not stand apart in the policy making to-day, policy making of necessity is also to be clear to both the parties and the public. The bureaucrats must know what policies the political authorities are going to take and the political authorities may also have the clear views of the bureaucrats on the policies.

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1. The Civil Service, vol-1, Report of the Committee, ¹⁹⁶⁶ The committee was formed with the Chairmanship of Lord Fulton to examine the structure, recruitment and management including training of Home Civil Service.

Two forms of invisibility may be identified, one secrecy and the other opaqueness or unclear policies and decisions. In either case, administrative efficiency suffers and the public are affected so far as they are kept ignorant of governmental actions or decisions.

5. Complete transparency is neither possible, nor desirable. Each government has to have the secret acts, security acts, etc. which are needed for the interest of the state, such as in the case of defence or any installations about which information are not to be made public. Trade Secrecy is another example which has some merit in the business culture. The Official Secrets act of 1923 enlists areas which are not to be made transparent for national interest. The extent of secrecy in the public interest would vary from country to country. Barring this consideration of secrecy for national interest, information which would help the people know of the governmental policies and actions may be made public. It is in this respect the word 'transparency' would henceforth be meant in the paper.

III. Why Transparency?

6. Transparency is needed in running the Government or any other organisation, be it a large bureaucracy or a private firm. The following factors call for transparency.

a. Accountability

7. Since the origin of the state and the government, the concept of statecraft and role of government has changed. The structure, form and functions of organisations have also undergone transformation. The end of colonial era and rise of democracy has made

a modern state committed to the welfare of the people (welfare state), replacing the rule of the despots or that of any benign leader. The political authorities and the bureaucracy are held to be more accountable to the public for their deeds.

b. People's right to know

8. Along side, on the other hand, the people have the "right to know" as they voiced once in America "no taxation without representation." The people have the right to be informed of the governmental policies and how the government is being run, and what actions and decisions are being taken.

The above two forces, one, 'accountability' on the part of the government and the other, people's right to know urge upon the government to be responsive and transparent.

c. Political and administrative factors

9. The factors that hold the government accountable, responsive and transparent are:

- i. The government is elected by the people
- ii. The people have accepted their political manifesto (elected party in power)
- iii. Government to-day needs people's participation in execution of its policies and programmes, maintenance of law and order, etc.

d. Moral and ethical values

10. The politicians and the bureaucrats must have the moral and ethical values of being transparent and answerable to the people.

IV. Bureaucracy and changes in traditionalism.

11. The impersonal element in the bureaucracy gives rise to the question as to why transparency is needed. The question of transparency did not rise until recently when the Max-Weberian paradigm of organisation (where big organisations partake character of a bureaucracy and Max Weber, the German Sociologist called it an "ideal bureaucracy") began to prove to be dysfunctional.

12. Max Weber model was formal, hierarchical, job-task oriented where command would follow. In his concept of organisation and bureaucracy, he centred his attention on individual leadership which he called the charisma, and a structured bureaucracy with norms, conduct, job specification, administrative acts, rules etc. His model gave us a structure and administration but the problem was that of getting a charismatic leader. In his model, further, politics, professionalism and administration all stood quite separate from one another.

13. The bureaucratic structure as conceived by Max Weber and the scientific management by others like Frederick. Wilson Taylor, Luther Gulick had to accommodate changes when the question of several sociometric and functional overlays came to interface with one another. The question arose who would determine the organisation goals,

whether dichotomy of policies and administration was possible, how decisions would be taken, what 'staff' functions, compared to the 'line' would be, how communication and coordination could be effected and participatory role of the staff ensured. The job-task hierarchy and the unity of command were not clear to answer these questions. The earlier concept of organisation had also been accused of not considering the human element in the organisation. The desire and will of the people manning the organisation came to the fore in place of anonymity. Super imposed on the formal structure, the inter play of these forces has made the organisation an entity of several sub-systems. Such a system has reduced the anonymity of bureaucracy and provides an element of responsiveness.

Trends in organisation theory

FROM	TO
1. Traditionalism	Social dynamics
2. Job task hierarchy	Social process
3. Efficiency as mechanical means	Efficiency as human process
4. Control through command	Control through communication
5. Authority from top-down	Authority from group
6. Leadership by authority	Leadership by consent
7. Decisions as an individual, highly centralised act.	Decisions as collegial, situational.
8. Regimented work environment	Democratic work environment.
9. Technological change by fiat	Technological change by consultation.
10. Job as substance	Job as satisfying experience
11. Policy and administration dichotomy	Policy and administration continuum.

Source: Pfiffner and Sherwood, Administrative Organisation, 1960. Page 108.

14. The above transformation calls for more of participatory process in bureaucracy which, of necessity, requires flow of information within the organisation or among organisations. The organisational functions have multiplied and there is a tremendous pressure on staff work. This has given rise^{to} what is called cybernetics and the feed back mechanism for decisions, embracing different strata in the organisation and involving people, rank and file.

V. Factors hindering transparency

15. The following factors hinder transparency.

- a. lack of committment, either political or bureaucratic, to work for the betterment of the organisation or the people,
- b. lack of accountability and responsiveness which may result from the above and enforced by lack of limited operation of means or meechanism either political or administrative, to make the Government accountable to the people.
- c. lack of harmonious relationship between the political authorities and bureaucracy, each trying to be secret in each domain giving rise to lack of openness.
- d. or, politicisation of bureaucracy by political authorities to achieve their ends, or a rapport between the two, devoid of moral obligation to be responsive to the people.
- e. cumbersome administrative processes and rules restricting flow of information.
- f. centralisation of authorities, aversion to decentralisation which obstructs openness;

- g. proliferation of Ministries, agencies, organisations, uneconomic^{as} they are, also makes inter and intra organizational functions difficult and unclear to staff who would discharge those.
- h. lack of participation of officials at different levels in decision making where hierarchical command only follows.
- i. lack of effective forum, including the Parliament, for public opinion and control over mass media hinder transparency.
- j. mistrust, discontent among various services in the Government, between the bureaucrats and the political authorities, bureaucrats and the technocrats hinder openness in administration.

16. Though not exhaustive, the above factors indicate that there could be all possible ways of inefficiencies and corruption. In an organisation where complexities exist in place of clear and efficient management, and the rules, procedures and red tapism obstruct quick disposal of work, and too much power and authority is vested upon the civil servants, fortified in "steel frame" as is called, it is easier to be corrupt rather than remain incorruptible. Moral and ethical values will wane as opportunities to be corrupt are more alluring.

CHAPTER - 2

TRANSPARENCY AND CORRUPTION REDUCTIONVI. Corruption: definition and its nature.

17. It is difficult to give a precise definition of corruption which would cover all the elements it connotes. It usually refers to malpractices or illegal gains. Corruption of a public official (elective or appointive) may be stated to be an intentional use of his official position or influence or allowing it to be used with the object of obtaining for himself or for others he is interested in some benefits, economic or otherwise, illegally which constitutes a breach of law and any standard of moral conduct. The forms which corruption takes are bribery, illegal gratification, embezzlement, nepotism, extortion of money or benefit, tampering with official records and violation of official rules for personal interests, involvement in smuggling or even unwillingness to perform the official duties properly when the motive is to attain some illegal gains.

18. The practices which we call corruption today even existed long before. It existed during time of monarchs or feudal lords. The governments in these societies were run by a handful of people. Malpractices were hardly resented till the rise of democracy when the question like taxation, public representation in government and treating the Government exchequer as public fund come to the fore and people's rights were established.

19. In India itself corruption continued under the East India Company and the British Rule thereafter. The World War II specially increased its intensity manifold when the public officials, political authorities and the business community took the advantage of the situation to indulge in corruption. Corruption during the Pakistan regime was also conspicuous with the public servants, the political leaders and the business class. In Bangladesh it is no less and there is a great discontent now against corruption. We may here refer back to Finance Minister's budget speech to the Parliament. (see, para 1)

20. Rise of democracy or establishment of peoples' right could not also eliminate corruption, rather it has increased all over. The Government itself is supposed to be the watch dog, investigators and prosecutor of the corrupt. But the political authorities and the public servants equally indulge themselves in corruption. The problem is not of economic under development alone but also of ethical and moral turpitude. As the great Psychologist McDougall says, possessiveness is the human instinct. This possessiveness ultimately drives one to acquire for himself more than what he needs.

VII. Causes of Corruption

21. Multifarious forces give rise to corruption, which are social, when the moral values degrade in general, Economic in which factors like low income, poverty, increased cost of living, scarcities in the basic amenities of life stand out prominently, Political when political institutions are weak, the leaders have

unstable tenure of power and people have little control over the political leaders, Administrative, when the public officials wielding much power have the opportunities and intentions to be corrupt. Withholding of information from the public breeds corruption. Further it is accentuated when bureaucracy becomes too powerful in the absence of accountability. 'Speed money' as it is called to-day, is definitely a sort of bribe whatever small the amount may be, though it is tried to be justified by some quarters that it ensures quick disposal of official work.

22. A great administrative deficiency responsible for corruption is that the process of disciplinary actions particularly against high officials is elaborate, complex and formal. And, in the power structure, the high officials may escape action against them whereas small ones are caught.

23. In the above social political and administrative milieu the business community gets the opportunities to indulge in corruption.

The politics and bureaucracy: These two forces interface with other in the Governmental machinery and in a highly bureaucratic government, the bureaucrats wield much power. The interactions may be seen as below.

1. When the political authorities and bureaucrats are in conflict, there is much secrecy in the government, and in such case the anti-social elements have the opportunities to raise their heads.

ii. But when the bureaucracy itself is politicised and do not keep neutral¹, accountability wanes. In analysing such a situation in post-colonial period, Prof. Lucian. W. Pye, holds that as the nationalist movement settles down, the easy alternative of preserving the power is by 'crowding' in on administrative structure rather than striving to building up a permanent and autonomous base of power. The leaders of such nationalist movement have tried to achieve their destiny by politicising and hence corrupting the upper reaches of the administrative structures while allowing the mass base of their movements to wither and decline.² In such a situation all government rules of conduct fail to be effective.

VIII. Transparency and corruption

24. Transparency and openness may serve as a tool for checking corruption, contrarary to it, is secrecy which breeds corruption. In an open government, the people have access to information. Added to this, vigilance of the people ^a in/democratic government^{would} cause the government to be accountable and consequently, puts a check on corruption. The access of the press to information and its freedom expose the politicians and the bureaucrats alike to the people. It helps the people to ventilate their grievances against corruption. Publication of 'white papers' on any administrative matters or illegal acts or corruption, or on any matter as of relief, aid, etc. would act as an instrument of transparency to the people on the alleged corrupt practices and the corrupt persons. But transparency alone without accountability will have

2. Lucian W. Pye, The political context of national development in Irving Swerdlow (ed.) Development Administration, Concepts and Problems. Syracuse University Press, Syracuse, New York 1967

little or no control over reduction of corruption. Some of the areas of linkage between transparency and accountability are shown below. They would provide transparency but must be acted upon through accountability.

- a. High morale and ethics
- b. Examples, specially of the leaders, politicians and bureaucrats.
- c. Wider participation and deconcentration of power.
- d. decentralisation, delegation and autonomy of functions.
- e. information flow
- f. financial audit
- g. reward and punishment
- i. making rules and regulations clear and understandable

IX. Accountability and transparency: Bangladesh context

25. Bangladesh has inherited a system of bureaucratic administration from Pakistan which was a product of colonial rule of the British India. The system had its emphasis on "Administration" rather than on 'public'.³ Bureacracy was strong and political authority weak and parliamentary supervision unstable.

The war of independence of 1971 liberated the country from the rule of Pakistan but there was practically no headway towards accountability of the political authority and bureaucracy to the public. The country was virtually ruled under Presidential system of government with little or no people's control over those powers.

3. M. Anisuzzaman, Bangladesh Public Administration and Society, Bangladesh Books International, Dhaka, 1979.

26. A senior civil servant of Bangladesh⁴ holds that since the bureaucracy is not an elected representation, there is no scope of its being accountable to the public in any direct way. But it operates within a structure with some norms and rules and is accountable in that way. Further, the bureaucrats are liable to enquiry, investigations and even penal actions for misconduct, corruption, and abuse of power. But this system of accountability becomes ineffective when the bureaucrats violate the rules and norms, and in order to realise their ends, one begins to support the other 'blindly'. Though there is an institutional means (the structure, rules, etc.), of accountability, the bureaucrats can get out of it, ^{He} holds that the bureaucracy would have to share the responsibility when accountability fails in administration. / Further when corruption becomes rampant at the level of the politicians, many bureaucrats become self seeking and supporter of it because of insecurity and also sometimes for getting promotions in illegal ways. Whatever the role of political authorities have, there is also a need for bureaucrats' accountability, outside the administrative structure. He cites the ~~are~~ means of such accountability as the press and the Parliament. There is a need for improvement of the system of accountability, and reforms may be thought of but existing rules and norms must also be made functional.

৪ ঢাকা বিশ্ববিদ্যালয় লোক প্রশাসন গবেষণা কেন্দ্র কর্তৃক এপ্রিল, ১৯৯১ এ প্রকাশিত "বাংলাদেশের আমলাতন্ত্র গ্রন্থে জনাব হাসনাত আবদুল হাই কর্তৃক লিখিত বিবরণ: "আমলাদের জবাব দিহি।"

27. Added to the deficiency in the structure; hierarchy, norms and rules to make the ^ubureacrats accountable, is the general tendency in the bureaucracy. ^{to keep secrecy.} It does not like to discuss the failures. Only the success stories are published as attitudes towards failures are always equated with incompetence. The obvious result is buck-passing and camouflaging of facts.

28. Despite proliferation of laws and rules or amendments thereof, the colonial essence of laws remain. Men fear to take recourse to laws because of entanglements. Common men are not aware of laws. ⁵

29. Under the above circumstances one may ask what transparency can do? Transparency, however, can do much. It makes the people aware of the governmental policies, programmes and actions. But transparency and accountability should go together. If we fight shy of accountability we are less prone to openness. To the contrary, in a restricted society, accountability is less effective. Unless accountability is ensured, it would be difficult to fight corruption.

১ মোহাম্মদ সফিউর রহমান, আইন ও প্রশাসন, প্রশাসন সমীক্ষা, ৪র্থ বর্ষ, ১ম সংখ্যা
১৩৯৭, বাংলাদেশ লোক প্রশাসন কেন্দ্র কর্তৃক প্রকাশিত।

X Constitutional Provisions

30. The constitution of Bangladesh recognises people's right and makes provision for government's accountability to the people. It recognises that all powers of the Republic belong to the people and their exercise, on behalf of the people, shall be effected only under, and by the authority of, the constitution, (Article 7 (i)). It also upholds that the constitution is, as the solemn expression of the will of the people, the supreme law of the Republic, (Article 7 (ii)). The article 26 of the constitution spells out the fundamental rights of the citizen and protects them as all laws inconsistent with those shall be void to the extent of their inconsistencies. The constitution provides for establishment of an office of 'Ombudsman' under article 77 having the power to investigate any action taken by the Ministry, a public officer or a ^{statutory} ~~statutory~~ public authority and report to the Parliament through its annual report. Standing Parliamentary Committees exist under the constitution which may investigate or enquire into the activities, as referred to them by Parliament, of a Ministry, get information and cause the Ministry to answer questions. The role of The Public Accounts Committee has a check on the financial matters of Ministries, organisations. The public accounts of the Government are audited by the Comptroller and Auditor General. For such purpose all information ^{are} to be made available to them. The reports of the Auditor General, ^{are} as per constitutional provision, to be placed before the Parliament. The constitution thus makes provision for accountability of the Government in some spheres. Proper enforcement of it ~~corruption~~ would also, to a large ^{extent} ~~help~~ reduce corruption.

Chapter - 3

Conclusions

31. The present Government, as a parliamentary democracy, may make the administration accountable and transparent and also take all necessary steps to fight corruption. Total elimination of corruption is not possible and has not been seen in any country, But its reduction is possible and should be aimed at with all commitment.

32. Transparency at various tiers of administration is necessary for this purpose. The Public must know of the Governmental policies and actions and what happens within the government. Freedom of press can play a vital role in exposing the corrupt practices. The press must have an access to such information which the public ought to know. The Daily Star in its editorial dated Dhaka, February 9, 1992 referred to an announcement of the Home Minister to the representatives of different Chambers of Commerce to the effect that government would provide all sorts of facilities to those who would invest what Minister himself termed as 'black money' in setting up industries. The daily named such an announcement as "legitimising corruption?" and held that proper forum for such policy statement should have been the Jatiyo Sangshad. It further commented that such a statement would have demoralising effect on some sections of the business class which have toiled

hard to earn ^{an} honest income. The paper cutting is attached at the end of the paper.

33. Transprency would definitely be a check on the conduct of the public officials. But it alone cannot serve its purpose unless the Government can be made accountable to the public. Transprency without accountability would be rather meaning less. These two should go together.

34. A committed political leadership and bureaucracy is required for discharging public duties honestly. Norms and rules of conduct of the Government officials as they exist should be ~~strictly~~ enforced; some of them relate to financial powers, acceptance of gifts or rewards, etc. The government officials are required to furnish statements on their assests and liabilities and this should not be a treated ^{as a} matter of routine function or duty as is presently the case. These should be throughly checked and examined and where necessary actions should be taken if income or properties are found to be beyonda their lawful means. Along with these, bureaucratic reforms, wherever necessary, may be undertaken to make administration transparent to the society, and bureaucracy accountable to the Government and free of corrupt practices. There should be speedy disposal of cases of irregularities and corruption. Corruption cases and punishment there of ~~should~~ be made public so as to create an impact upon the officials who indulge in corruption. The Public Account Committee should function regularly. The office of Ombuds man should be operationalised.

All financial audits should be done regularly and with due honesty.

35. Above all, the moral values and ethics of administration would have to be of high standard if corruption is to be reduced. Re-orientation of training for the civil service will be required to instill the values of public service in it. Lastly, an immaculate political leadership and honest bureaucracy is needed. Otherwise, rules and regulations, whatever force they bear, would hardly serve the purpose of reduction of corruption as a political leader or a bureaucrat can always get out of entanglements of laws.

Dhaka, Sunday, February 9, 1992

Legitimising Corruption!

It is surprising that it is the Home Minister Abdul Matin Chowdhury, rather than the Finance Minister Salfur Rahman, who should announce that the government would provide "all sorts of facilities" to those who would invest what the Minister himself termed as black money in setting up industries. Again, this policy statement was made during an open dialogue with representatives of different chambers of commerce and industries, instead of at the Jatiya Sangsad. We are, indeed, all for increased consultation between the authorities and the private sector — we have said so in these columns many times — but when it comes to a minister making a major policy statement, the place to do so is undoubtedly the parliament.

There is little doubt that a section in the business community would welcome Mr Chowdhury's announcement, some for personal reasons, without assessing its broad national implications. True, we are badly in need of massive funds from domestic as well as external sources, for the establishment of new industries as well as for salvaging the sick ones. However, both the government and the private sector should ask themselves whether all the legitimate avenues have been explored to put the country's industrial sector on its feet again, say, by liberalising the credit facilities, eliminating bureaucratic bottlenecks and streamlining investment procedures. Unless these steps have been taken, the infusion of large funds, regardless of their origin and colour, into the industrial sector can hardly lead to a great leap forward into a new era.

Again, what is, after all, black money? To put it bluntly, it is money earned through illegal means, including smuggling which was specifically mentioned by the Home Minister. There are also various categories of black money which has been earned or accumulated through means ranging from tax evasion to malpractices in trade, from kickbacks to blackmarketing. Judged by press reports, it is hardly clear if the Home Minister would close his eyes to the source of black money provided it is invested in industries. In fact, Mr Chowdhury has gone to the extent of asking for proposals from holders of black money as to how they would like their ill-gotten funds to be invested.

The announcement raises other questions of ethical considerations. How will the move be viewed by that respected section of business community which has toiled and worked hard, often incurring huge losses, but without resorting to any irregular means? At this stage, won't this section regard itself as foolish losers compared to the so-called holders of black money? Secondly, what will be the impact of the announcement, if implemented, on the much publicised drive against corruption? Will it not be interpreted as a case of legitimising corruption, past, present and future?

Maybe the matter should not be closed that quickly, one way or the other. The authorities should look at the situation carefully and introduce some innovative measures to generate funds, especially from Bangladeshis living abroad, for our industrialisation programme. But such measures should be open and above board, involving no compromise with corruption.

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