

To Improve Administration in Government*

By Masood Hasan

All persons of average intelligence have been acutely aware of the increasing incidence of corruption for the past several years. Just as the increasing use of hard detergents in developed countries suddenly generated huge or qualitatively new environmental problems which forced a qualitative change in the nature of detergents: the biodegradable was born. What has happened in corruption is that it has attained a scale that has led to severely damaging our "economic environment" which means the degree of corruption that was sustainable has overflowed its retaining walls and has well and truly inundated us. We are told 20% of our GDP thus went up in smoke. It is clear that curative or penal measures cannot rectify what has happened in the past since it is not preventive, it will do exactly as much in the future. It is like asking for a fired bullet to be reused. We must not forget that we have developed immunity to martial laws, like some malaria parasites have to quinine or its synthetic derivatives. This means a qualitative shift is required in our approach to containing corruption. Recently there was a report that 300 more judges are required – even 3000 more cannot solve the problem as it will use the "tried and tested" methodology and produce the "tried and tested" punitive results! Recognition that the nature of the problem has changed, if only on account size and size alone is needed. In any case the penal approach through immediately necessary, like life saving surgery, cannot in itself bring about the changes required to ensure our economic health remains protected. The required economic physiotherapy is a long drawn out process which requires continual upkeep or maintenance.

Recent articles point out, the need for a better process to implement policy, also made known through innumerable news reports and letters to the editor. They all make for trenchantly excellent diagnoses. However, brilliant a description of a problem or phenomena it does not define the detailed means of taking corrective action. We have and are suffering from a plethora of crises of micro implementation, never on the macro side. Through macro-approaches we arrive at a wish list, lying down that the micro-parts be made more predictable in outcomes for a given set of inputs, that transparency should descend, that there should be all pervading and immediate accountability of those concerned, that the Officials Secrets Act should be scrapped. What is more important is to introduce flexibility in our administrative approaches. Yet through our own actions we condemn ourselves to fragmented water tightnesses. We have been told that the poll for the politicians is the ultimate accountability. Is it? We might as well accept the same pack of cards being reshuffled and dealt. Whoever holds trumps (authority) makes most tricks, sometimes a joker creates an unpredictable situation!

It is also clear that enunciation of the "doctrine of necessity" was an extreme in judicial activism (flexibility). The lesson to be learnt is: do not saddle law courts with what they should not do, results speak for themselves when they are pushed into qualitatively new approaches. Such courts must change course very slowly like a mammoth ocean going tanker, for if the inertia of past precedent is changed too quickly it will cause the ship of

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state to leak badly. It was not designed to make quick left, right or about turn but to trace a slowly generated esthetic curve.

We pay lip service to the need of transparency. The best reflection is the picture with the least distortion which without doubt is obtained at the level where the physical transactions actually take place, this is the operating level where movement of data needs to be captured as and when generated, then be disseminated for action, for record, for information or for a data base immediately. This corpus forms the ineluctable base for ensuring, over a period of time, that authority delegated is not equivalent to abdication. Such abdication of authority has happened for years because we are afraid of any revelation by the disturbing light of openness through properly designed feed back systems. It appears no one wants such systems including corrupt civil servants and corrupt politicians who have held sway. The honest are either blinkered, ineffective or both.

The need is for a qualitatively different approach to contain corruption. The first requirement is to accept unreservedly that our existing approaches have failed (after all are our current laws are broad shouldered enough to take care of corruption) and second, no outside agency can get the better of insiders who know the ins and outs, the trapdoors, the nooks and crannies of procedural flows ie all the "recorded" micros. Is it not easier to deal with a micro (say a few cases of a disease) rather than a macro (an epidemic)? The measures, the approach, the infrastructure, the movement of information: laterally for coordinating and vertically for decision making need creative thought ie administrative (procedural) flexibility not judicial (legal) activism. Of course those who insist that the past 50 years of Pakistan is not long enough a period to justify basic changes, it is best to let sleeping dogs lie and pray for them, that better sense prevails.

Administratively, if accountability is to be timely it can only be so if action is taken by the executive there and then, in small digestible doses when it is yet in the micro stage. No high falutin policy can help. If the executive cannot take care of itself no outside agency can. If we cannot look after our internal economy, no outside financing institution can do so. If a country does not make itself internally economically sound its foreign policy is mere sound. The need is to look inwards and not to hide the wood from the trees through diversionary stratagems looking outwards for the villain. If this means giving the Ombudsman a budget and the power to take action let it be done, but then the Ombudsman must be made part of the executive because he must have a very good understanding of the flexibilities (in the good sense) or discretionary powers, which cannot be fully eliminated from any administrative process, unless we want the machinery of state to seize. Play or tolerances are essential. If it means setting up independent Administrative Courts let it be done, as part of the executive. If this means continuance of the old system with incrementation here and there we will surely end up with a cento-ed approach. More of the same... have we not had a surfeit of it already? The support given by Napoleon to France's Administrative Courts could very well have been conditioned by the translation he ordered of Islamic fiqh when he was trapped in Egypt.

Discussions on corruption always end up with blank looks when the bottom line is exposed, that is of the nearness of Pakistan to financial bankruptcy. That nothing can be done about it without hard evidence is akin to being able to get rid of a few squatters but if they are a large number not only is the law of the land altered but possession is also confirmed. The conclusion is a stitch in time saves nine no darning will do, for we then need a weaving machine. It is necessary to accept the approximately correct administrative decision at the right time is far far better than the absolutely correct at the wrong. This is also a sign of a living and dynamic organization. This approach cannot be of much use to those who only look for sins of commission ie an audit or legalistic approach. It is however, acceptable to those who are interested in taking care of the sins of omission ie prevention, which in the final analysis moves in the direction of containing corruption and then reducing it. We must accept that corruption can never be eliminated altogether because there are no ideal man-made laws or systems. Conceptual acceptance of such a compromise is the only way to move forward.

Of course, all this needs visionary leadership. Leadership means change. No change means there is no leadership. Complex problems have to be attacked in parallel, the priority is for qualitative administrative changes in the nature of holding the executive accountable. To date our methodology has failed. We need a new approach ie visionary administrative leadership.

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