

**Let's Cage (not finish), Corruption\***  
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Many years ago in a conversation with the Swedish ambassador on corruption and the use or misuse of administrative discretion he said that the fact that there was much more corruption in southern Europe did not mean the Swedes were more honest. What it meant was that they had a system which made it more difficult for them to get away with it. Judicially speaking the greater the number of laws, the greater the number of loopholes. Further, where corruption is widespread, strict laws only multiply the opportunities to wrong. It appears we have moved over from corruption in our society to having become a corrupt society. No wonder, some time ago, we were "awarded" the silver medal with a chance of achieving the gold!

The reason for the increasing incidence of corruption, has been rigid administrative over centralization. It can be said, considering economic development, through harnessing technology (ie change), that the only thing worse than a rigid over-centralized system of dishonest bureaucrats at the top is a rigid over-centralized system of honest bureaucrats at the top, on account of tacit acceptance of the sins of delay, non-decision making or omission. This translates into not doing anything wrong but permitting the disintegration of our administrative methods whilst the basis for embezzlement or its equivalent is well and truly laid. This is like someone thinking of how to embezzle large sum one year hence. However, because the embezzlement has not taken place, no court (as an external agency) can take action. The only futurity that concerns law is bail before arrest. Judicial activism needs care in its exercise for, are we not living with the fruits of the "doctrine of necessity" introduced in the 1950s?

Presently once a crime is committed external agencies of the police and the court are involved. However, the involvement is not concerned with putting the system right or at least improving it. It is to punish the individual wrongdoer. We need to punish wrongdoers, but more importantly we need to reform our system. Merely punishing an individual---once the evidence is found (which may not be the case always)---does nothing of the sort.

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Repeated penal or curative action is ultimately self-defeating. Have we not generated immunity to martial laws? Just recollect over the years the 37, 303, the 1300 and now 87. If the system could have been improved, through such break down maintenance, it should have happened long, long ago. It has not and never will happen the way we are getting about it. Breakdown action is always forced upon us and by definition can never be planned.

It is clear that preventive maintenance is required. If there are five squatters, it is possible to remove them. However, if there are 5,000 not only is the law of the land changed but possession is also confirmed! Corrective methods that are built into any system work best. Preventive maintenance when linked to non-invasive predictive maintenance is the approach which can work. The reason is that corrective action is taken incrementally ie at a rate that the system can digest (when there are five squatters) ie without upsetting the administrative applecart.

This implies executive or administrative accountability must be internal, that is, it must reside within the executive. Is not discipline in our armed forces relatively better than on the civil side? This is because the respective chief does not wait for a breakdown but takes action well in advance when the nonconformity is small.

A quality controller never reports to the production manager but to the chief executive's office through a staff (support or service) function. The chief does not wait for the quality to go to pot and lose his market share and get a bad name, ultimately leading to a red balance sheet.

Corrective action is taken if the trend indicates that a non conformity will occur after 3 days, well before the three days are over and such action can only be taken within the system itself. A stitch in time saves nine, when it is ninety nine you have to change the fabric itself.

Ways and means must therefore, be found to have internal accountability ie accountability of the executive residing within it. Just as the quality controller is not an outside agency, he can always give constructive suggestions with his detailed extensive internal knowledge of the various processes. It is said Napoleon had Imam Malek's fiqh translated into French and that 85% of French law is derived therefrom (of course 15% personal law is totally different).

The concept of internal accountability through administrative courts which are part and parcel of the executive in France means it's jurisdiction is independent of their judicial courts. This system was also adopted in Scandinavia. The supreme body is that of the Council of State which is part of the chief executive's responsibilities.

This concept is highly Islamic because when a citizen makes a complaint, the state is defendant and Administrative Courts can award damages against the state. Justice, rather equity, is cheap for the complainant. And that is how it should be because the government is there to serve the people to ensure the well-being of society, not the other way around.

Fortunately our provisional constitution of 1972, Article 216 provides for internal accountability through administrative courts whose jurisdiction is independent of judicial courts. It is a thousand pities it never law the light of day. It is yet not too late to rectify this grievous omission. This helps towards greater transparency in the business of government.

Only a feudal approach can oppose any attempt to move in the direction of predictable processes (nurtured through transparency). ISO 9000 pushes organizations in that direction. To that end, prime minister Mahathir of Malaysia has ordered his state government to be ISO 9000 certified by 2000.

Corruption always thrives on disorganization ie high levels of entropy, so we need to introduce negative entropy to adapt better to change both externally and internally imposed. Information is energy and the more we exchange it with the surrounding environment is equivalent to introducing negative entropy leading to better internally organized systems.

Such an approach is self regulatory in nature. It is wrong to publicize iniquities without doing anything about them for it most surely encourage more iniquities. Whilst all the above may sound or read highly theoretical, it is not. The write has successfully used this approach---obviously not in its entirety---to run mandate systems and deliver the goods at the highest levels both in the private and public (government) sectors!

/Cage