

## **Some day-to-day irregularities- what officials deny but people face**

(source: *Firing Corruption*)

Some of the ways practiced in various offices directly and indirectly nourish the culture of corruption. A brief discussion on them could be relevant at this point. Officials concerned deny outright the existence of corruption in their individual offices in strong words. However, people in general feel the impact of corruption as and when they visit the offices. They have learnt from practice that the officials have developed the trend of saying "the offices pay us for the post, the public should pay us for the job."

They believe the malpractices have created a situation in which decision-makers cannot take decisions for the public benefit and are compelled to back those who bribe them. This has led to flooding of high-cost, irrelevant, unnecessary and unsustainable development projects in various parts of the country, besides rendering the official procedure highly complicated and irritating to the general public.

The malpractices have also resulted in abuse of human rights and diversion of valuable resources leaving ordinary people to suffer more from poverty and government suppression, and making government more defensive, secretive and suppressive.

The following lines present a sample of list of unhealthy practices or clue to such ways much talked in contemporary times in Nepali society and pointed out clearly in focus group discussion held in connection with a recent study on curbing corruption. While they are not sufficient and objective enough to prove specific corruption cases, they serve significantly in pointing out the intensity and spread of malpractices in offices with which public stakeholders have to act and react on daily basis for varying reasons.

People find a number of irregularities in the **Land revenue offices**. Some of them are:

- having personal gain by rebating the price of land in paper to pay less revenue in selling and procuring land,
- making money through registration of land, specially the one not registered earlier,
- troubling citizens who seek to change ownership's name in land property, verifying ownership in the main document, dismissing ownership,
- transferring one's land to other's name through artificial land-ownership certificate,
- taking bribe for updating the actual area of land at present as compared to the regular area,
- intervening in the main official record of document,
- troubling citizens over simple difference in name or caste of land-owners or tenants,
- getting the government or public land registered in the name of individuals,
- making official transactions complicated and troublesome by interpreting laws and procedures in different ways,
- delaying the return of the deposit,
- creating difficulty in getting the land area measured properly

some irregularities have also been detected in **Offices of land reform and land measurement**. They have been mentioned below.

- taking illegal and unfair benefit from the dispute between land owners and tenants
- producing dispute through wrong demarcation of land intervention in the official fieldbook
- receiving financial gift from citizens while giving map or undertaking supervision
- undertaking illegal action against land owners and tenants
- creating problems in division of land through distribution to tenants and landowners.

**Custom offices** do not have good reputation in the country. They are more known as leakage offices than revenue-collection centers. A few forms of corruption are listed here:

- ignoring actual amount, quality and price of exportable or importable products to create artificial base for the same and charging less revenue for individual financial gain,

- allowing importers to bring in goods repeatedly and in large quantity under the same Letters of Credit,
- ignoring the difference between the original LC and its copy,
- not adequately controlling the smuggling at the open border, and indirectly benefiting from such transactions,
- developing nexus with those who are engaged in smuggling of gold and foreign currencies;
- declaring smuggled goods not owned to allow the criminals escape,
- receiving commission for detecting smugglers in unauthorized way,
- taking advantage of the absence of equipment to check goods or making the equipment always out of order and promoting import or export of certain goods under the temptation of bribe,
- not checking illegal trade,
- under-invoicing of imported goods,
- excessive use of discretion in determining price, origin, type of similar looking goods

**Tax offices** are other places that preside over irregularities and bribe machinery. A few ways of making money through illegal means in this sector could be summarized thus:

- helping the taxpayers present financial reports in such a way that they have to pay less or avoid payment entirely,
- not promoting mutual coordination and exchange of communication among tax office, customs and Value Added Tax (VAT) unit to create confusion and therefore illegally benefit the taxpayers,
- tolerating the transactions undertaken by artificial traders or firms,
- not taking action against those who evade taxes,
- not being effortful in institutionalizing the practice of issuing bills against purchase,
- not devising ways to detect tax-evaders,
- helping traders or entrepreneurs not register themselves in VAT in the pretext of their business-transactions being under the minimum there should amount,
- not being careful in LC handling, misuse of foreign exchange, and payment for import through means other than the banks,
- wrong reporting of production and marketing of products to bypass applicable revenue laws,

Examples of unhealthy practices visible in **Works and transport sector** are innumerable. Some of their samples are presented below:

- over-estimating the cost as compared to the actual cost,
- confining the competition among contractors to narrowed base,
- using goods from earlier reserve but not mentioning this in report to claim payment for new purchase,
- not mentioning the excess goods as income following completion of works,
- using goods elsewhere in the name of using them in one or other works,
- transporting goods from far off place even in cases where local availability is assured,
- completing works in low quality far below the required specification,
- classifying simple works as complicated for boosting cost,
- avoiding tender for gaining through quotation or negotiation in construction works,
- preparing documents to claim for construction works that never took place,
- getting construction works performed through officials in the name of artificial contractors,
- allowing contractors to use government equipment against the spirit of the agreement concluded,

**Public procurement** in offices constitutes another form of irregularity, the burden of which ultimately lies on the public. Major ways through which the wrong practice is thriving are the following:

- procuring goods through manipulation and nexus among head of office, officials and business firms: making one seller produce series of artificial quotations, mentioning high price and making the documents appear as real and legal,
- about 10 to 15 percent of procurement amount gets paid in advance in most procurements by sellers as commission; this amount is charged by sellers through inflated price of goods; it is much talked and ever growing,
- gaining individually by officials by creating artificial bills for official procurement,
- promoting tendency to procure more than what is required for getting commission payment,
- ordering goods of one specification and receiving the same of another specification,
- creating artificial demand for goods to push up procurement,
- procuring towards the last minute to avoid some legal formalities and justifying such procurement.

**Drinking water and public sewerage office** also witnesses a number of irregularities and cause numbers of difficulties for the public:

- charging payment for taps that never supply water, a number of people in urban areas are paying monthly rate even though they do not receive any drop of potable water,
- delaying the endorsement for new taps,
- not being responsible for the supply of drinking water,
- not maintaining the pipeline of drinking water,
- charging illegal fee for changing connection hole in pipeline,
- procuring low quality goods at high price to push up demand for maintenance,
- ignoring the interest of consumers and developing nexus with traders,
- penalizing consumers for drawing drinking water through electric machines in a whimsical manner,
- not updating the water-bill,
- charging sewerage rate but not providing for the same,
- charging sewerage rate even from the consumers in areas where drainage has not been constructed,
- troubling consumers as and when they complain.

**Telephone office** is considered another arena where corruption takes place day in and day out. Series of ways have been developed in it to trouble consumers.

- making the bill payment system most confused, there is no reliable mechanism to coordinate billing and computer record,
- pursuing rather confused way to grant endorsement of telephone line, it is neither transparent nor as per law,
- ad hoc system of collecting rates at the counter,
- procuring low quality goods at high price and selling them to consumers,
- transferring one consumers' excess call to the account of the other,
- not responding to the complaint by consumers for days together compelling them to present under-table payment for correcting flaws in the line.

**Electricity office** has also been a center of irregularities and hurdles for consumers.

- delaying endorsement of new connection,
- charging extra rates for connection, meter, and poles,
- denying connection to consumers of difficult areas,
- ignoring electricity leakage,
- indirectly encouraging consumers to engage in electricity pilferage,

- not developing convenient way of reading electricity meter in consumers' homes,
- not developing a convenient way of collecting revenue at the counter.

**District police office** is not immune to the practice of irregularities and corruption, People have experienced several illegal practices in the office. Some of them are:

- protection of smugglers, criminals and persons engaged in illegal activities,
- helping criminals escape penalization in court by ill-preparing investigation work or penalizing innocent people by amassing false investigation documents,
- making survey or on the spot inspection one-sided,
- not arresting the person who should be arrested,
- threatening person with arrest,
- receiving monthly pay from persons engaged in illegal activities,
- developing nexus with ration contractor,
- taking financial facilities from rental transporters, hotelier, and restaurant owners,
- providing driving license to undeserving ones and troubling those who deserve it,
- making citizens sign documents against the provision of law in the name of law and order,
- misusing the spirit of the uniform and that of the law and order provisions,
- interpreting traffic and other law in whimsical manner.

**Forest office** provides yet another gold mine for those in corruption-business. Although there are many ways of irregularities in handling forest and forest resources, some are specifically important from the viewpoint of use and frequency. They are mentioned below:

- allowing settlement in forest areas for financial gain,
- providing timber-fence expenses for personal use without really making fences, or making money by over-estimating the cost of fences,
- showing expenses for planting saplings, but not doing so in practice,
- supplying high quality timber to those who are authorized to have only low grade timber,
- getting officials involved in smuggling of timber,
- arresting timber-smugglers and setting them free for money,
- developing nexus with those who have permit to get timber for building houses and supplying them with more timber than authorized,
- getting personal benefit from the exporters of herbs or smugglers of herbs,
- penalizing those who use forest for daily supply of grass and fuelwood,
- using complaint against forest officials as a means to extract financial gain,
- interpreting forest laws to one's own advantage,
- not being committed to the broad cause of preservation of natural resources.

**Courts of law** are also the places where irregularities and corruption take place very frequently. Some of the ways are mentioned below:

- taking bribe in giving dates for being present in the court of presentation of the case before the judge,
- accepting financial gift for getting the complaint registered,
- favoring one side during on-the-spot inquiry,
- transferring the goods declared as income of the court,
- delaying justice even after completion of legal process,
- overvaluing or undervaluing land while accepting the same as collateral,
- interpreting the law to benefit one specific side,
- allocating cases to the prearranged bench for prearranged judgment that benefits one specific side,
- developing nexus with lawyers or others and giving judgement to suit their cause,
- threatening with optimum punishment or fine,
- allowing vested interest group to use the court for their benefit.

**Transport office** is also known for irregularities and corruption of various sorts:

- getting transport vehicles registered only after receiving bribe,
- endorsing vehicles that do not have valid documents for financial gain,
- ignoring technical faults or weakness of transport vehicles while routine-checking,
- ignoring pollution standard maintained by the transport,
- providing routes to public buses against under-table payment,
- troubling the transport owners or entrepreneurs who do not provide monthly dole-out to officials,
- not developing a standard procedure for permit to transport.

**Prosecutors' office** is also the area where corruption takes place in varying ways. The temptation for bribe or financial gain makes prosecutors act in illegal manner in the following ways:

- initiating cases that do not have any basis or proof, or not initiating cases that should have been pursued seriously,
- presenting wrong legal counsel under influence of some vested group.
- weakening the base of the legal case to get it defeated ultimately,
- not participating seriously in cross examination of witnesses in serious cases,
- being present in the court for the sake of formality only,
- not being committed to the cause of prosecution.

People have found case of irregularities and corruption in **Municipalities** as well. Some of their forms are given below:

- troubling citizens in getting the designs of houses endorsed or accepting the same against the existing laws,
- creating hurdles for citizens in getting the right to shelter,
- certifying false inspection over disputed cases,
- causing the municipalities loss or damage by negotiating contract in wrong ways,
- allowing irregularities feature in development works in the municipalities,
- recommending for citizenship-certificate even for those who are non-Nepalese,
- troubling citizens in giving certificate of registration of birth, death and marriage,
- providing facilities, allowances and remuneration against laws,
- making citizens pay high rates for normal services.

**Chief district officer's office** is the place where most citizens have to visit for one reason or the other. it is in this place that citizens have to bribe officials for what is the office's normal function.

- troubling citizens over providing citizenship-certificate,
- creating hurdle in or delaying the process of issuing passport to citizens,
- troubling citizens over the issue of attesting the certificates,
- not making CDO procedures transparent,
- not developing specific procedures for public dealing,
- not providing room for open complaint against officials troubling citizens.

**Medical care institutions such as hospitals, nursing homes and clinics** are also known for some irregularities that ultimately affect the people in general.

- making patients undergo unnecessary medical check-ups,
- developing nexus with medicine suppliers and prescribing unnecessary medicines,
- delaying diagnosis,
- not referring patients to appropriate clinic in time,
- indirectly selling medicines at high price,
- playing up with medicines scarcity,

- not giving receipts to patients who pay different rates,
- making medical care centers as commercial centers and charging excessively high rates.

**Educational centers like schools** also promote irregularities through various ways:

- prescribing more books,
- charging high rates for educational materials,
- make class teaching weak to promote extra coaching at high rate,
- charging special fee during admission,
- raising more fund during educational session,
- not providing services for which students pay regularly.