



**Firing Corruption**

**R.K. Regmee**

**Transparency International Nepal  
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## Foreword I

Our society is currently seized of the problems of governance. The problem is acute-so much so that a common refrain in the civic and economic societies today is that the country lacks governance altogether. Can we have a government in place and, then lack governance? It sounds paradoxical. But anything is possible when the pursuit of private ends, not public purpose, becomes the objective of political and civic actions in the nation. This is generally the story of Nepal and it is to address this fundamental issue that we at Transparency International together with like-minded civic associations, public officials and citizens take interest in the struggle against corruption.

When it comes to identifying the bottleneck in governance, we have to say that corruption is the key. To remedy it, too, corruption is the human person who perpetrates it. How are we to understand the phenomenon of corruption and, more importantly, how do we devise policies, rules and norms and, obviously, institutions to control and reverse the depressing state of affairs? The answer will take the efforts of all in the government and the society who are concerned with the problem and voluntarily committed to do something about it. In this mission we have no alternative but to persevere, for the task is extremely challenging. For the moment, I can only say that we are grateful to Mr. Ram Krishna Regmee for making his valuable contribution in the form of this informative book. We are happy to publish it for the benefit of interested readers, including public officials and social activists.

The problems of governance present themselves in many forms both as a social pathology and in outcomes, creating anxiety in all responsible quarters about the future of the nation. The dismal social and economic condition is an old curse, of course. Most section of the diverse people of the land are among the unfortunate communities in the world who over the decades have been able to enjoy neither material prosperity nor social justice. Human dignity that we talk about in seminars is for them a far cry, indeed. Until recently, they could boast, perhaps, of being able to enjoy relative peace, when compared to other countries in the South Asian region. Now, however, social unrest is undermining that claim and the society is threatening to implode it has not done so already. Law and order is currently the problem number one across the country, affecting the security of innocent households, stability of the political regime and the viability of the Nepali society. Above all, the inability of the political actors to address the burning issues of governance – in particular, corruption that breeds economic inefficiency, social inequity and injustice – is contributing to a sense of apathy or disillusionment in the people. The ongoing constitutional process is consequently put at risk by those who should be nurturing it for the vindication of their own beliefs.

It is said of course that corruption is everywhere, not just in our country. But I doubt that it occurs with the same degree of pervasiveness and venality in many others. Are we really among the worst peoples in the world in terms of human intelligence, sensitivity, individual competence, social rationality and national pride? Are we a people without any moral grounding or an ethical sense? If the answer to these questions is a resounding *NO*, as it must be the alert sections of the society who alone have a right to call themselves a civil society have a job in their hands. An earnest soul searching, individually and collectively is needed urgently. When we do that, we should find one thing for sure. We will see that even as the problem of governance is related to a complex set of factors working on our traditions, aspirations and endowments, it is corruption that is at the heart of the problem and that it engulfs us too.

If corruption is the misuse of entrusted authority and responsibility, it encompasses not only the role of the elected and appointed officials in public position but also others in the private and civic sectors. The latter, too, have to be answerable, at least, to their peers and professional traditions if not their and their politics will not do. In other words, it is about time we present ourselves for an accountability check, if we want to contribute to the struggle against corruption in the government. Transmitting a sense of this awesome responsibility to one and all is what I understand the author of this book means by the title he has chosen, *Firing Corruption*.

Some twelve years ago, the country celebrated the *re-advent of democracy* – after a long interval of three decades – in the aftermath of a successful people's movement. Fortunately, the structural aspects of the constitutional dispensation survive to this day and we pray that they will survive in future. But the functions expected of the structure have been generally elusive, especially for the poor majority who need the succour most. The functions or outcomes, especially in the economic and social domains, are absent not because of any huge structural deficiency. Of course, we can always trade one thing for another, like freedom for order or unity for diversity, for example. But as we know from our own history, this does not mean that we will have better governance in the aggregate. If we wish to see positive outcomes in all the important human fronts and thus in the totality as we must, there is no one to guarantee that by changing this or that in our constitutional system, some of which may be necessary for other reasons, we will have better results automatically. What we need to change most is our conduct and, if necessary, the civic and political culture that governs it. When I use the word culture, I do so advisedly. By culture, I do not necessarily mean the structures and patterns of thoughts and behaviour we inherited from our forefathers; I mean the pathology we have acquired in our quest for illusive "modernity".

Corruption driven by strong forces of avarice and myopic quest for personal power knows no ideology, nor does it recognise any religion, language, ethnicity or constitutional system. It can be regulated, contained and controlled only by a sense of social responsibility in the populace that has to grow autonomously, that is, on the strength of a civilising impetus that is indispensable no matter who amongst us rules our land and how. Needless to say, the elites have a special responsibility in the populace that has to grow autonomously, that is, on the strength of a civilising impetus that is indispensable no matter who amongst us rules our land and how. Needless to say, the elites have a special responsibility here.

Transparency International's message as, indeed, that of the book under reference is that fighting corruption in our environment calls for a holistic approach. This approach must go beyond moralising or even the formulation and promotion of tools and instruments (including laws and procedures) to check and punish corruption. In our thoughts as well as actions, we must concentrate on the wisdom, the capacity and the commitment of all and sundry who will in fact benefit from its control even though in the hustle and bustle of daily competition, darkness may often seem to prevail over light making us myopic.

To use a framework popular in the literature on corruption, there are two sides to a transaction, whether polluted by corruption or not. There are principals (citizens, shareholders, members of associations including the nation, and so on) and there are agents (governments, Board of Directors etc.) who are authorised to act on their behalf. The transaction becomes corrupt when its terms and conditions are inspired by the personal interest of the agent at the cost of the principal. To check this, we have to discipline the agent no doubt, but the principal too needs to be more responsible. Without the latter, no constitution, no rules and regulations and no legislation can produce the socially productive outcomes we expect. But then, of course, it is also necessary for us to fully understand what *the system* is all about. The general – and the conventional – way of studying the system is to look at the principal organs of the state in a somewhat disjointed fashion. In fact, the conventional wisdom has it that the more disjointed the legislature, the judiciary and the executive are, better is the theoretical prospect of governance because of the checks and balances and the separation of power the system ensures.

Mr. Regmee in this book provides a different angle – and purpose – for such enquiry. He deals with the organs of the state as traditionally understood, but he does more. Explaining the Transparency International's concept of National Integrity System (NIS) in his own simple way, he requires us to look at the institutions as a system where its individual pillars will have to support the process, not in a disjointed manner, but collectively to secure enduring outcomes. He has analysed in some detail how the "pillars of the Greek temple" are situated in Nepal's reality. And he wonders like I do at the "unfortunate contrast between the presence of the country's NIS and the actual performance of the same". Like democracy we have at best the NIS in making, but not in reality yet.

To make progress, I believe we also have to look at another system that I have been alluding to in the preceding paragraphs. This is a system that is related conceptually to the NIS and something that I have grown fond of invoking when I get an opportunity. Let me go back to what I understand by NIS before I explain it further. The institutions and individual actors comprising the NIS and therefore responsible for

creating an environment and introducing concrete measures for reform are trapped in Nepal's environment in what may be called a "mutual accusation system". At best, they suffer from what the economists call "prisoners' dilemma". That is, each actor appear unable to make the move for the needed change for the fear that the other parties may stick to the ongoing process firmly and benefit from it at its cost. In the end, everyone may suffer more than they would otherwise have to. We face a worse situation where there is a lot of unproductive finger pointing at each other – at the intra-party and inter-party levels in politics, within and between the civil society and the political society, between state institutions and between the civil society and the political society, between state institutions and between the public and the establishment including the donor establishments. The trick is to transform the mutual accusation system into a "mutual accountability system", where all responsible public actors, whether civic, professional or public are accountable to one another in the interest of the common purposes they are expected to pursue. *Firing corruption* will hopefully fire the imagination and the spirit of our leaders and other responsible members of our society to take firm initiatives in this respect.

I see that in writing his book Mr. Regmee has set a modest goal for himself. In fact, having kindly agreed to do this at the behest of Transparency International Nepal, his main objectives is to inform the readers about the principal concepts and the basic facts related to the challenge of combating corruption in the country. I have just dealt with the concept of NIS that he introduced in the book. In addition, Mr. Regmee's treatment of the subject of conflict of interest, though brief, should be especially welcome in a society where such concept appears alien to the ruling classes even though this is not the case with our cultural and religious traditions. The author also contextualises the corruption problem by including a useful checklist of possible irregularities in different public offices that must be categorised as corruption in this country. An experienced media person that he is, the author also presents a sample of coverage on corruption in the media that helps to concretise he discussion especially for the uninitiated readers.

All in all the book for which I have the pleasure of writing this Foreword should be of great interest and practical value to readers who are interested to engage themselves intellectually, professionally or as an activist in this issue of great importance to Nepal.

**Devendra Raj Panday**  
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## Foreword II

Corruption is a world phenomena and it is on the growth. So Transparency International came into existence to fight it out. So did also Transparency International Nepal Established to fight against corruption in Nepal in collaboration with Transparency International. It is a welcome step. To my knowledge, it is the only organisation in Nepal with only purpose of fighting corruption.

The publication of this book entitled *Firing Corruption*" by transparency International Nepal is in tune with its purpose of 'Awareness Building'. It is a commendable step.

The book has enlightened me very much. It has also inspired me to further combat corruption. I think the book will certainly do the same to all. So the author of the book Mr. R.K. Regmee deserves great appreciation for his hard work, intellect and analytical presentation.

The founding fathers of our constitution, by realizing the magnitude and seriousness of this problem of corruption in high places, has rightly made arrangement for mechanism of "Commission for Investigation of Abuse of Authority" in the fundamental law itself. There is also anti-corruption Special Police department of deal with corruption to be done by civil service. There are Eradication of Corruption Act and Commission for the Investigation of Abuses Act as well. Under these laws, corruption has been broadly categorized under three heads (i) Misuse of authority, (ii) Bribe, (iii) Improper Acts.

But despite these laws and high offices, instead of being controlled corruption is on the increase. After the restoration of democracy in 1990 now it is being felt that corruption has increased many times than in previous regimes. It shows that anti-corruption laws and offices alone will not be able to cope with corruption. In the free atmosphere of democracy "Corruption Culture" has taken deep root and flourished also. These days no work is done in office unless palm is greased.

In the country it might be recalled so called autocratic Rana regime and partyless Panchayat government were overthrown in 1950, 1990 and replaced by elected democratic government with the hope that elected government will eradicate poverty, corruption and other vices and lead the country to development and prosperity for all. But, against this will and expectation of the people, most of the leaders excepting a few, most leaders prime minister, minister, member of parliament turned out to be corrupt for personal gains and inefficient, incompetent and indifferent in their noble mission. Due to this, political corruption and political patronage by the political leadership to the corrupt, civil service, government machinery, police, court, anti-corruption agencies have been rendered to be ineffective, non-functional, indifferent non-serious and the rule of law, integrity have been irrelevant. Commission, bribe nepotism favouritism, immoral acts, illegal business, industrial cheatings, smugglings, misappropriation of public funds, encroachment of public property, lawlessness have become the salient features of the working of the government, offices and government corporation and institutions.

If the corruption is not controlled and contained, the socio-economic, political system of the country is certain to crumble. Because corruption has deepened the poverty, social and economic development has been eroded and stopped. Due to political appointment of inefficient, incompetent and corrupt people in the responsible post for personal gain, most of the government Corporation, Company, Bank and Institutions are on the verge of collapse. All credit to these discredit works goes to the present party in power and the government.

So the law and law enforcement agencies, dealing with corruption should be empowered more and made still more independent and tough. The corrupt elements should be dealt with severely and no leniency should be shown to them. Law on ill-gotten property should be activated. If necessary new and tough law on the subject should be made and the ill-gotten properties of the political leadership, ministers, senior civil service offices should be sized and confiscated.

Strong anti-corruption sentiment and public opinion should be created and strengthened. Constant watch, concern and pressure from public and civil societies should be expressed and exerted on the government, leaders and institutions so that they may not even think and dream of engaging in doing corruption. IN this work of awareness building, no other agency or forum can play better role than the media. Great credit goes to media, especially the public print media, for disseminating corruption s scandal news exposing misdeeds, misuses of power by leaders ministers, M.Ps, high officials, fearlessly and for creating anti-corruption atmosphere in the society and country. In the coming days the press should play still more effective and leading role in combating corruption.

As corruption is a national disease and problem affecting all as corruption is eating up our resources, impeding our economic and social development and ultimately as it is undermining democracy and destroying our existence destroying democracy itself, it should be dealt and fought united on non-partisan basis.

A corrupt man cannot be democrat. A corrupt man cannot be leader. A corrupt man cannot be a parliamentarian. So also a corrupt man cannot be a minister. So a corrupt man should have no place in any society political party, organisation, government and institutions. He should be expelled and socially boycotted. Then and then only, we can have corruption free society.

If the leaders, ministers and the people in the helm of affairs do not reform themselves, if we cannot make the law and its agencies work properly, if we cannot curb the corruption and deliver goods to the poor people and prosper the nation then I fully agree with these words of an author. "..... where all else fail, the final legal sanction is revolution .....".

**Mr. Sarbagya Ratna Tuladhar**

## Preface

Firing Corruption is a journalist's attempt to present the status of National Integrity System in Nepal, the account of its venture to combat corruption and the story of hurdles it encounters in the process. The book does not claim to be a comprehensive research work on corruption in the country. Neither does it pretend to have prescribed the formula to nip corruption.

The seed of the book is located somewhere deep in the concept of the present leadership of Transparency International Nepal. It is because of the civil society's inspiration that the writer undertook research and gave the same the shape of a book which people can use in further study, work, or in policy.

Had TIN not been generous in funding research and publication, the book would not have seen the light of the day.

Reference to the link between some institutions and some specific corrupted practices made in the book should not be construed as direct attempt of allegation against any individuals or legal bodies. The writer does not have any personal interest in commending one institution or denouncing the other. The sole purpose is just to contribute to the process of firing the corruption and end the vice for good.

Part I presents NIS concepts, their vocabulary, besides discussing responsible handling of information. It points out some irregularities people face in their daily lives in addition to the description of TIN style of fighting corruption accompanied by a select pictorial presentation.

Chapter I sheds light on some basic concepts that are directly related to national Integrity System. Terms and phrases such as NIS, conflict of interest public interest litigation, Transparency have been selected for explanation because of their special role in understanding good governance and anti-corruption measures.

Handling information with responsibility forms the focus of the second chapter. It is considered to be very important in the operation of free media and for citizens living in an information age. Ethical perspective, after all, cannot be left out at a time where people talk of not only free media but also responsible media.

The third chapter is a collection of some highly felt irregularities in various public offices. They point out either the cause of corruption, or source of the same. Although mostly denied officially by officials, they provide the bedrock for the vice that leads to anything but good governance. Any anti-corruption initiative could benefit from it because the list points out specific target to hit.

In the fourth chapter is the introduction to Transparency International Nepal accompanied by brief resume of its activities undertaken over the years. The Integrity Pact it has pioneered and several achievements it has scored along with what critics feel about TIN have been mentioned in it.

Pictorial presentation enriches the fifth chapter which seeks to highlight some of the anti-corruption measures.

Part II has three chapters that seek to uncover the corruption from different angles. A summarized version of the vice followed by a detailed description of the same is followed by the select collection from the media on the theme.

Following the fifth chapter is the sixth one which has a questionnaire full with answers to crucial dilemmas regarding NIS and corruption. Through cryptic means and straightforward style, the chapter presents the status of NIS in Nepal and how harmful the corruption is to the state mechanism.

Building on the questionnaire, the narrative in the seventh chapter goes on explaining every bit of the NIS and the challenge it faces from the deadly virus of corruption. A detailed discussion on the

measures undertaken by different governments over the decade following the restoration of democracy actually portrays the structure of anti-corruption strategy in the country.

A selected collection from the local media in the eighth chapter caps the attempt of the book on describing NIS as a highly useful tool to combat corruption-bug.

The writer is in the meanwhile looking forward to the response of readers. Positive signals will certainly motivate him to go further deep in the study of corruption in future. Negative pointers will also assist him substantially to self-introspect, re-examine the study, and review the practice as per the useful lessons.

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### **About this publication**

Transparency International Nepal recognizes in Firing Corruption bridging point between its own pursuit of noble values related to transparency and integrity and the board canvas of Nepal's hard realities painted in the work with all hurdles created by irregularities and corruption. This motivated TIN to get it published as a book and make it shareable for and accessible to people interested in the themes.

The Writer of the book has sought to make people more informed and conscious about the NIS concepts and the way corruption has been damaging the Nepali society. The perspective against which he has penned the book could be called appropriate. Swift bounce from one theme to another in some parts of the book might make a critical reader question real focus of the publication. The issue may automatically be answered as the person gets a multi-dimensional scenario of corruption in the country at the completion of the perusal.

As an innovative show package in the Transparency Literature, the publication could benefit the people willing to be educated about the theme. It could also guide enthusiast researchers to undertake serious studies in fields of corruption from which people suffer day in and day out. They could also pursue research on shy officials detect corruption in others' realm and not feel existence of the same in their own. The Chapter, Some day-to-day irregularities: what officials deny, but people face, could be called a compulsive reading for having the hands-on experience of the cancerous corruption.

TIN is dedicated to work for the cause of integrity and the fight against corruption. Any positive step towards the direction draws its attention. Because of this reason it has at times brought out publications and the present one is an addition to them. Yet it should be mentioned here for factual clarity that the views and ideas expressed in this publication are those of the writer and do not officially represent those of TIN.

I would like to appreciate the passionate efforts made by writer journalist Ram Krishna Regmee in developing the theme of fighting against corruption into a full size book entitled Firing Corruption. TIN would like to express heartfelt thanks to him for this. The publication, I am sure, would besides helping all interested in the topic to be more enlightened to be transparency-friendly provide readers and corruption-students, native or foreigners, with enough reference materials and intellectual background – fodder.

**Biswambher Man Singh Pradhan**  
Secretary General, TIN