

Reading Materials

for BCS Written Candidates

Anti-Corruption Commission Expectation & Reality

For long, complain of wide range of corruption has been logically raised against Bangladesh in national and international level.

Many of the corruptions have got the dimension as corporate crime. This new corruption is grabbing our image or prestige in everywhere. The common people of this country also have been raising their voices to stablish an independent Anti-corruption Commission or body that can effectively take care of this organised corruption mainly economic in nature. After the one eleven the care taker government has taken the steps of setting independent anti-corruption commission (ACC) reforming the former Anti-corruption Bureau.

History & Trends of Corruption: Corruption is one of the common human tendencies in the living world. The last British regime we came to know that the royal official employees love to have bakshis (tips) on doing the legal service for he had been paid by the government. This sort of corruption was dimmed by the wider corruption of military of state man in power. At the end of the Pak regime in late 60s corruption had taken a serious turn. It involved common people in quite big scale. Later in independent Bangladesh it was never less. In late 80s the corruption has become almost inseparable part of our daily life. With the

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exposure to the new global economic crisis the life cost of the common people has gone up unusually. Most of the common people in various ways got involved in financial corruptions as per their position and profession. Some Government official went for corporate bribery and business man went for organized tax government or state and ministers got involved in huge financial grabbing of other new financial crime. Recently the head of the corruption. It is commonly thought that this sort of corruption will never be wiped out, because all of the organs of the government are some how or rather involved in it.

Why new ACC:

Failure to earn trust: Against the backdrop of a dismal failure of the Anti-corruption Bureau, refreshed Anti-corruption Commission (ACC) was formed in 2004 for over two years since it was, the ACC in its new incarnation has taken on an unprecedented task of challenging the creeping culture of impunity by criminalizing corruption at whatever level it may have taken place. The Commission also has a challenge to establish and sustain a high degree of credibility, integrity and transparency.

Lack of strategic vision: On the other hand the Commission itself also failed to demonstrate the kind of strategic vision, or a sense of direction expected of an organization that is mandated with the highly challenging task of fighting corruption. The ACC had indeed invited for itself a credibility gap and got bogged down inter alia over differences of opinion among the Commissioners on key issues such as division of powers and responsibilities, and bitter interpersonal relationship.

Formation of ACC: The ACC became active immediately after its rebirth in February 2007. The Anti-Corruption Law that formed the basis

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of creation of the Commission kept provisions for Government control over the key areas of the Commission's administrative and financial management. The then Government imposed an organogram of its own choice upon the Commission. People fears whether ACC is a part of the executive wing and therefore it works within the framework of the government. These aggravated the growing concern that the scope of operational independence of the Commission would be grossly restricted.

Vision of ACC: The Commission has formulated some forms of corruption in Bangladesh, for everyone to know, understand and prepare ourselves to completely erase corruption from our lives, if not reduce it.

Against bribery: It is the offering of valuables to persuade someone to do something in return. money, services or other Synonyms: kickbacks, baksheesh(tips), payola, hush money, sweetener, protection money, boodle, and gratuity.

Reducing embezzlement: Taking of money, property or other valuables by the person to whom it has been entrusted for personal benefit.

Stop extortion: Demanding or taking of money, property or other valuables through use of coercion and/or force. A typical example of extortion would be when armed police or military men exact money for passage through a roadblock. Synonyms include blackmail, bloodsucking and extraction.

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Abuse of discretion: The abuse of office for private gain, but without external inducement or extortion. Patterns of such abuses are usually associated with bureaucracies in which broad individual discretion is created, few oversights or accountability structures are present, as well as those in which decision-making rules are so complex as to neutralise the effectiveness of such structures even if they exist.

Against improper political contributions: Payments made in an attempt to unduly influence present or future activities by a party or its members when they are in office.

Main Features of ACC:

- a. Chairman is independent in his actions.
- b. ACC can operate independently.
- c. Cabinet division control the manpower and Govt. correspondence.
- d. Chairman holds the status of cabinet minister.
- e. Manpower of former Bureau of Anti-corruption is absorbed.
- f. ACC is not accountable to Parliament but to president.

With the present trend scenario in Bangladesh we find the following challenges for ACC.

Challenges Before ACC:

- a. Producing a sustainable signal to the power abusers
- b. Growing an anti-corruption culture which is really absent for long time.
- c. Ensuring neutrality and transparency.

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- d. Remaining active even political tenure.
- e. People in power must not spare. f. Ensuring a corruption free ACC.
- g. Motivating the ACC personnel.
- h. Making an efficient investigators.
- i. Building an anti-corruption social culture involving common citizens.
- j. Bringing ACC out of personal image.
- k. Institutionalizing the organization.

Prospects of ACC:

- a. A good moment for good start.
- b. Full government support.
- c. Whole hearted cooperation from common and civil societies.
- d. No political interference.
- e. Nice Personal image of the chairman.
- f. Separate law and independence.

Expectations of People:

- a. Bring the power abuser to the court.
- b. Big shots are to be under law.
- c. Corrupt person is no one to us.
- d. Send corruption culture in exile.
- e. Man in power is not to be spared.

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- f. Political identity never to be considered.
- g. Keep up the prestige of ACC up even at political regime.
- h. Access of common people to the ACC.

What can be done: As the history goes, corruption has become our part of culture. To reduce this culture the following steps can be taken:

1. High-profile individuals suspected of involvement in corruption are to be brought to the judicial process. Special tribunals can be set up for speedy trial of corruption cases.
2. The investigation process is apparently strengthened.
3. The fate of the cases would have to be fought in the courts.
4. In its effort corruption is to be made punishable offence irrespective of status of the allegedly corrupt persons.
5. Abuse of power or undermining of the judicial process is to be stopped.
6. The ACC should be able to distance itself from any deviations from the due process and at the same time carefully avoid the burden of jurisdiction of other institutions as complementary as these may be.
7. Corruption prevention campaign involving common people of all stages and capacity building of ACC itself.
8. Introduction of information technology in documentation.
9. Addressing the question of integrity, transparency and capacity of the officials.
10. Anti-Corruption (Amendment) Ordinance of April 18, 2007. Complexities surrounding the rules and organogram of the ACC have been reportedly addressed. The remaining weaknesses in the

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Anti-Corruption Act 2004 need to be corrected especially for ensuring full financial and administrative independence of the Commission.

11. Independence does not mean lack of accountability. A watchdog body created in public interest by public money must be accountable to the people, rigorous self-regulatory as well as external accountability

mechanisms must be in place. Among the best-known models of ACCs is one where it is accountable to the people through the Legislature and to the

Courts. It could be a Parliamentary Standing Committee on Anti-Corruption Commission in which, to minimize the scope of partisan influence, all major parties would be represented.

Government Steps on ACC: After 2 years of schedule time the national election of 29th December '08 was staged. New government sworn in on January 5, 2009, soon after sworn in all ministers and the prime minister cleared their commitment against corruption. It is the first sign of anti corruption stand of the AL Government that it did not consider any person even complained of corruption to be a cabinet member. It is seen as a nice step of government.

1. Change chairman of ACC: The government appointed Ghulam Rahman, chairman of Bangladesh Energy Regulatory Commission, as the Anti-Corruption Commission (ACC) chief yesterday, twenty-eight days after Hasan Mashhud Chowdhury stepped down from the post.

2. Downgraded the status of the ACC chairman: The government also downgraded the status of the ACC chairman to a Supreme Court judge from the status of a minister given during the tenure of the last caretaker government in May 2009.

In a gazette notification, the government appointed Rahman as commissioner of the commission under section 6 (1) and its chairman

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under section 5 (1) of the ACC act, 2007 with effect from May 2, 2009.

Conclusion: The ultimate source of strength in anti-corruption movement, is the people, their awareness, voice raising and participation in the form of a social movement with active support of all stakeholders, including the media. The main challenge is to create an environment in which corruption would be hated and rejected by everyone and pressures will come from all levels to generate the will and commitment of leaderships and strengthen the collective effectiveness of the key institutions.



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