

Performance and Effectiveness of the Anti-Corruption Commission in Bangladesh

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ABSTRACT

The purpose of this study is to analysis the performance and effectiveness of Anti-Corruption Commission in combating corruption in Bangladesh. Bangladesh is a developing country with various types of problem. Among these problems, corruption is the most important. From the very beginning it has deep roots in the society. It affects socio-economic and political development of a country. According to the report of Transparency international Bangladesh is marked as a corrupt country for five consecutive years. Finally the Anti-Corruption Commission replaced BAC as autonomous body. So this study tries to assess the success or failure of the Anti-Corruption Commission (ACC) to fight against the corruption of Bangladesh. The extensive findings of the study shows that though ACC created to reduce corruption from Bangladesh but it could not fulfill its aim and objectives properly because of some influencing factors and challenges like political influence, insufficient manpower, lack of integrity, transparency, accountability, lack of independence etc .At present the commission takes many initiatives to prevent corruption and being more efficient but still there have some lacking in performance because of their tardiness. Considering the present situation this study tries to develop some prospective recommendations for making ACC more effective and independent.

Keywords: Bangladesh, Corruption, Bangladesh anti- corruption commission, Anti- Corruption Commission.

INTRODUCTION

Corruption is a global phenomenon and found in almost all countries of the world. Bangladesh like many other countries is affected by corruption. Corruption affects the socio-economic and political development of our country (Khan, 2009). A society where corruption is non-existent is just impossible to find. Bangladesh earned a reputation for corruption under the rule of East India Company in the eighteenth century (Muhith, 2007). Corruption- control is neither easy nor quick in a country that has a long tradition of nurturing corruption.

It is not an easy task especially in a country like Bangladesh because here Corruption has deep roots in the society (Khan, 2008). In Pakistan period, the Bureau of Anti-Corruption (BAC) was constituted under the Anti-Corruption Act, 1957 as an autonomous institution to fight against corruption (Das, 2013). BAC was failed to perform of its duty efficiently and finally the government of Bangladesh formulated the Anti-corruption

commission by enacted Anti-Corruption Commission Act, 2004 (Alam, 2014). Anti-Corruption Commission (ACC) was established to reduce corruption from Bangladesh and make it a corruption free country. But it cannot fulfill its objectives properly. Though the commission is seemed to be autonomous but it cannot work on its own will. Many times different political parties are interfering in the activities of this commission (Alam, 2014). There are many complaints received to the ACC about the corruption done by the public and private officials but the concerned authority does not take the sufficient measures to handle them. The chairman of this commission is also deployed politically which impede on the way of transparency of this commission (New Age, 2013). The study mainly investigate to explore the contribution of Anti-corruption commission (ACC) in combating corruption in Bangladesh. This research explicitly focused on the efficiency of ACC. The research is conducted for examining the performance, function, success or failure of ACC.

OBJECTIVES OF THE STUDY

This study aims to provide an empirical analysis of the current status of Anti-Corruption Commission in Bangladesh by discussing its effectiveness. So, the specific objectives are

- To analyze the role of Anti-corruption Commission in combating Corruption in Bangladesh.
- To explore the effectiveness of ACC's performance and functions in curbing corruption

MATERIALS AND METHODS

The study is based on secondary data and it is basically in descriptive nature. Relevant information was collected from various reports, journal articles, daily newspapers, magazines, books, conferences, and governmental webpage's.

BACKGROUND OF THE STUDY

Corruption is a well-known and widespread phenomenon in south Asian countries (Shah, 2001; Singh, 2003). Due to corruption developmental activities are undermining at largely in south Asia which creates less economic growth, reducing efficiency, discouragement of potential investors. Corruption stands out as one of the primeval crimes of civilizations. All the religious Scriptures reveal rigid stands against corruption. Incidences of corruption may be traced back to the history of ancient India. Elaborations of various forms of corruption are evident in Kautilya's Arthashastra. The reports of different Research Institutes reveal that corruption does not only corrode the foundation of democracy, it triggers off terrorism too. This may optimistically be observed that some sort of legal frameworks to curb corruption exist in almost every country of the world (ACC Annual Report, 2016). Bangladesh like many other countries is affected by corruption, but like a few countries it is noted for anti- corruption movements. In Bangladesh like some other South and South-East Asian and African postcolonial countries, the danger of inherent colonial administration and judiciary subverting the political will through their misuse, abuse or even non-use of their delegated authority have largely been acknowledged (Talukdar, 2009).

Corruption is not a latest occurrence in Bangladesh. It has deep roots in the society. Corruption existed during Hindu, Muslim and British rule of the India sub-continent and engulfed administration, judiciary and trade (Khan, 2003). An Independent Anti – corruption Agency (IAA), having constitutional status is the sine quo non for effectively controlling corruption. The present

Independent Anti- Corruption Commission (IACC) should be rested with the status of a constitutional body with extensive investigatory and prosecutorial powers to enable it to function remaining outside of political control and interference. Relevant laws need to be updated and loopholes therein need to be cemented so that corrupt elements cannot escape punishment (Khan, 2008). The Bureau of Anti-Corruption (BAC) was established as an ad hoc body in East Pakistan by enactment of Anti-Corruption Act in 1957. All officials of BAC were from the police on deputation until announcing permanent status and recruitment procedures of BAC. The organization published its own manual in 1970. After independence in 1971, some infrastructural reform of BAC took place and given specific anti-corruption duties. In 1987 the control of BAC came under the secretariat of the President and later in 1991 under the Prime Minister's Office (TIB, 2001). But effort of Bureau was deemed to be ineffective and corruption in Bangladesh slowly worsened over time in 1990s and 2000s, and finally a new institution was put in its place, the Anti-Corruption Commission (ACC). On 17 February 2004, Bangladesh Parliament enacted the Anti-Corruption Commission Act and it came into effects on 9 May 2004. From the beginning the commission faced internal and external impediments, created controversy over legal actions and was not able to gain people's trust. The appointments of chairman and two commissioners were not welcomed warmly by the opposition parties and the commission was politically biased in appointment process. Even the government appointed the secretary of ACC without consultation with the Commission (IGS, 2007).

LITERATURE REVIEW

In Bangladesh one of the most prominent sectors of corruption is election. It can be seen that during the time of election different sector and organization themselves involve in corruption. In evaluating this situation Akhter (2001) describes some aspects of corruption. He briefly discusses about the corruption, election and electoral corruption, the changes and development in the political condition of Bangladesh. He also mentions the problems in democratizing prior to the independence of Bangladesh (1947-1970), the condition of election during the military regime, the electoral politics and corruption in democratic system of government, electoral system during care taker government. Finally he concludes by giving some recommendation. Harris (2003) elaborately describes the definition of

political corruption and its theoretical concept. He describes political corruption and explains how political corruption contributes in political economy. He focuses on the prevailing political corruption in China and Britain as case studies. He also explains how political corruption affects International Economy. It focuses on the process of criminal activities smuggling and worldwide drug dealing through Political corruption. In the conclusion he establishes a relationship between politics and political corruption and explains some probable ways to prevent political corruption. Girling (1997) states that, the damages and effects of corruption are beyond limits. Whenever a state attempts to develop and modernize itself, the corruption the corruption takes a new shape instead of decreasing. The author described corruption from the perspectives of three case studies. Those are: Functional (economic), Dysfunctional (political) and Normative Strengths (civil society).

He describes from the perspectives of numerous countries about how corruption destroy democracy and its elements. He further emphasizes on the role of civil society to prevent it. Ackerman (1996) describes about corruption with important information. The role of international actor in conducting corruption and the role of international politics and development organizations to combat corruption are the focusing point in his discussion. Clarke (1983) discusses corruption from comparative perspective. He describes how corruption spreading in industrialized countries like Russia and may other third world countries in wider perspective. It clearly states that different political systems have differences in corruption. One of the important issues is – bureaucratic corruption and its remedies and here the author tries to explain about the prevailing different bureaucratic corruption. Bhargava and Bolongaita (2003) discuss about the prevailing status of corruption in some East Asian countries like Korea, Indonesia, and Philippines etc. presented as a case studies and their initiatives to prevent corruption. Here he also discuss about the challenges to take the policy in curbing corruption. They mainly gave an idea to know how Asian Countries fight against corruption and achieving the success. Scott (1972) points out that the involvement of political corruption often creates terrorism in a country.

He denotes corruption in politics as ‘Machines’ by which the political elites and bureaucrats captured the political power or support. He also discusses different sectors of corruption in different countries like since England’s Stuart regime to Thailand, Hyti, the USA and India

through a comparative analysis. Padhy (1986) explore that how the Indian societies are related to corruption on the basis of historical perspective. He denotes the famous quote of Lord Acton “Power tends to corrupt and absolute power tends to corrupt absolutely” than he has said that this quotation has a great significance to the Indian politics. He found that the Indian politicians hold excessive level of power by which they can give legality to their corrupt act for these reasons corruption is everywhere.

These types of peoples are destroying the moral values of the society. He shows that the main reason to be a politician is to earn more money in corrupts ways. Ward (1989) states that the status of political corruption can be understood whenever a country’s economic and political conditions would be changed. Both the positive and negative aspects of corruption has been enlisted and analyzed here. The author has recommended some steps to curbing corruption. The most important one of them is to reform the exercising of power outside from bureaucracy. This change could bring about through long term socio-economic development. The author elaborately describes these things in this book. Khan (2009) discusses about the basic concept of corruption, definition, typology and consequences of corruption. He also analyzes the corruption scenario in Bangladesh by showing some surveys and reports. He also tries to identify some causes of corruption presents in Bangladesh. He states the administrative and political corruptions in Bangladesh conducting comparative study with slight discussion about some anti-corruption initiatives. Muhith (2007) provides an overview on the corruption scenario in Bangladesh and mention some corrupt practices.

He discusses about investigating & punishing corruption cases under the then Bureau of Anti-corruption and the present ACC. He focuses on the information technology in controlling corruption & gave some recommendations for the control of corruption. Hough (2013), emphasis’s on a cross-national analysis on techniques to address corruption. He offers a long-overdue assessment of the corruption control movement and its results. He conducts a comparative study of Bangladesh & Kenya and found them as poor performers to control corruption. Klitgaard (1991) states that corruption is increasingly be familiar with as a paramount problem in the rising countries. He provides a framework for designing anti-corruption policies and describes through five case studies about how courageous policymakers were able to control corruption. Ackerman &

Palifka (2016) try to address emerging issues and to rethink old questions in the light of new data. They give special attention to political corruption and to instrument of accountability. The authors have found the treatment of culture as a source of corruption. Khan (2008) provides an analysis on combating corruption in Bangladesh focusing some ingredients of good governance that can be used as effective weapons to combat corruption in governance perspective. Talukdar (2009) emphasizes on the mechanisms & institutional arrangements in combating corruption. He argues for couple of innovative & proactive anti-corruption mechanisms and reviews institutional arrangements (e.g.: ombuds-men, parliament, anti-corruption commission, supreme court, office of the comptroller and auditor general administrative tribunal and others) for combating corruption in Bangladesh. Ahmed (2006) examines the role of the BAC in BD. This study has analyzed the former BAC functions, performance and effectiveness. This study has mainly focus on the reason behind the failure of BAC to combat corruption in Bangladesh. Iftekharuzzaman (2011) finds corruption as a major obstruction to development and independent ascendancy. The objective of this paper is to offer an indulgent of corruption and anti- corruption in Bangladesh and examine how control of corruption is intent in a contest of legitimacy in political space. The paper first attempts a brief conceptual overview of corruption and factors behind it. It then moves on to analyze the political space for corruption and anti- corruption. The paper in conclusion proposes an inclusive approach for combating vice in the country. An UNDP (2013) project describes some aspect of corruption. The main objective of the project is to be promoting accountability and transparency as indispensable pillars of local democratic governance. This project also contributes to reinforcing the importance of corruption control under circumstances of expanded local competences and transparency which represents both a risk and opportunity for good governance for effective development.

ANALYSIS OF KEY FINDINGS

Traditionally corruption is not a new occurrence in Bangladesh. It has deep roots in the society (Khan, 2009). Organizations such as TIB have argued over the years that Bangladesh is a highly corrupted nation and that all manner of actions are needed to reduce this corruption. The World Bank and ADB concerned about the corruption in Bangladesh argue that corruption slows economic growth (The Independence, 2010). So an Anti-Corruption Commission (ACC) needed to take

ownership or responsibility for anti-corruption work (Doig, Watt & Williams, 2007). There is now an Anti-Corruption Commission (ACC) which was previously the Bureau of Anti-Corruption (Khan, 2009). However, this study will find out some key findings as an important factor on the role of Anti-Corruption Commission in Bangladesh.

Regulatory Actions of Commission to Prevent Corruption

As curative measures to combat corruption, the Commission places the accused persons before the Court after completion of enquiries and investigations of the complaints, and deals with the cases in the Court in expectation of proper adjudications. The legal actions indeed are set to begin just after receipt of the complaint of corruption (ACC Annual Report, 2018).

Receiving Allegations of Corruption

The people can submit to the Commission the allegations of offences as included in the Schedule to the Anti-Corruption Act, 2004. The Commission proceeds with legal actions on the basis of the specific allegations relating to offences as stated in the Schedule to the Anti-Corruption Act, 2004 (with Amendments). Commission has got no mandate to initiate any legal actions on the allegations about the offences not belonging to the Schedule. In some cases, however, the petitions of allegations are referred to the Ministries concerned for actions through proper authority. If any public servants/banker/elected public representatives or person engaged in any government duties, demands bribes, and if prior to payment of the bribe, the Head Office of the Commission or the officer in charge of the nearest office of the ACC, are intimated about it, the

Bribe taker (s) may be caught red-handed by applying trapping technique (ACC Annual Report, 2016).

Overall Performance of ACC (2016-2019)

On the basis of inquiry, filed cases, charge sheet etc. the overall performance of ACC from 2012-2019 are depict in following table

The Performance of ACC (2016-2019)

Subjects	Numbers
Notice for asset disclosure	681
Enquiry	6702
Case file	2549
FIR	3074
Charge sheet	2782
Final report	1505

Source: ACC, 2019.

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The table shows that in six years ACC has enquired into 6702 allegations and finally submitted 2782 charge sheets to the judicial court for judgment (2016-2019). And this is not a satisfying performance.

ACC Cases in the Judicial Court (up to 2019)

Description	Number of cases (filed during ACC)	Number of cases (filed during BAC)
Under judgement	2128	1232
Prosecution ongoing	1717	904
Judgment postponed	401	328
Punishment (2019)	42	15
Acquittal (2019)	89	71
Total disposed cases (2019)	131	86

Source: ACC, 2019

The table depicts slow rate of disposition. In 2019, only 17 cases (both ACC and BAC) were disposed of, by punishment (57 cases) or acquittal (160

cases). A big number of cases are either under judgment or prosecution ongoing in the court.

Statistics of Allegations and Post-Scrutiny Actions

The activities related to receipt and scrutiny of the complaints/ allegations are carried in the Commission, in keeping with the Anti-Corruption Commission Rules, 2007. In compliance with the Rules, one 'Complaint Scrutiny Cell' is operating in the ACC to examine the allegations. The allegations received from multiple stakeholders and sources are scrutinized by the Cell. In 2018, more than 12,990 allegations flow into ACC from the respectable citizens belonging to various classes across the society, media and from different organizations. Of these, 1007 allegations are screened out and picked up for enquiries, and 588 are dispatched to the Ministries/Divisions concerned for taking necessary actions (ACC Annual Report, 2018).

Statistics of Allegations Received, and Post-Scrutiny Actions Taken, in 2018

Sources of allegations	Number of allegation received	Number of allegations selected for enquiries	Number of allegations filed	Sent to the departments concerned
populace	11295	1007	11395	588
Various Govt. office	68			
Various private office	292			
newspapers	257			
Divisional offices of the ACC	1078			

Source: ACC Annual Report, 2018

This table shows that, ACC received 12990 cases among which 1007 cases are selected by the commission for enquiry, filed 11395 allegations and 588 cases sent to the concerned departments

in 2018. This table depicts that from the previous years in 2018 more allegations are received and dealt by the commission.

Comparison of Allegations received by the Commission in 2017, 2018 and 2019

Year	Allegations received	Received for enquiries	Referred to different ministries/departments
2017	12,500	1,689	237
2018	10,415	1,240	165
2019	12,990	1,007	588

Source: ACC Annual Report, 2019

Review of allegations across the preceding three years reveals that the allegations lodged with the Commission in 2019 account to the highest number. Compared with the allegations of 2017, the increased allegations received in 2019 amounts to 2575 and the incremental percentage is 25%. This trend seems to be the indicator of the public trust reposed upon the Commission. But only 1,007 allegations are received for enquiry among 12990, which also shows the inefficiency and lack of ability of the Commission to deliver the services effectively.

Enquiry Operations Undertaken by the Commission

One of the major functions of the Commission is to carry out enquiries into the specific complaints on scheduled offences as provided under Section 17(a) of the Anti-Corruption Commission Act, 2004. The Sections 19 and 20 of the ACC Act, 2004, have conferred special powers upon the Commission to hold enquiries. Keeping that object in view the ACC has been performing the tasks concerning enquiries through three Wings (Enquiry & Investigation

Wing, Special Enquiry & Investigation Wing, and Money Laundering and Inspection Wing). Given with huge number of enquiries pending for preceding years, the Commission has undertaken special programs to launch comprehensive enquiry operations. Special directives have also been issued to the officials to conclude the pending enquiries within the given time line (ACC Report, 2018)

Statistics of total Scenario of Enquiries Held in 2018

Descriptions		Numbers
Enquiries pending till 2017		2,893
Enquiries received in 2018		1,222
Total enquiries		4,115
Enquiries completed in 2018		1,766
Cases instituted		359
Closed off for records	Conclusively disposed of	1,175
	Otherwise disposed of	232

Source: Compiled by the researcher from the ACC Annual Report, 2018.

This table depicts that, the totality of the pending enquiries in 2016, including those carried over from the last year, amounts to 4,115. The Commission in 2016, has successfully done with enquires numbering 1766. On the basis of the outcomes of enquires held, as many as 359 FIRs have also been instituted. The results of the remaining enquiries have been closed off, for the sake of the Commission's records.

Numbers of FIRs lodged in 2016, 2017 and 2018

Year	Number of FIRs lodged
2016	333
2017	527
2018	359

Source: ACC Annual Report, 2018

On reviewing the statistics of the cases already lodged, it appears that the number of cases in 2017, compared with that in 2016, has decreased. The core reason may be ascribed to exclusion of certain offences from the Schedule of the Anti-Corruption Act, including fraud-forgery and cheating by private persons, which was done through amendment of the ACC Act in 2016.

Enquiry operations of ACC into Money laundering in 2018

Descriptions		Numbers
Enquiries pending till 2016		82
Enquiries received in 2017		21
Total enquiries		103
Enquiries completed in 2017		62
Cases instituted		10

Disposal by completion	15
Disposed of otherwise	37

Source: Compiled by researcher from ACC Annual Report, 2018

The table has been presented a perceptive view of the Commission's performances regarding the enquiries on money laundering and the outputs. In 2017, the Commission disposed of 62 enquiries out of 103 enquiries including those carried forward from the preceding year, resultantly the Commission could lodge 10 FIRs.

Investigational Operations Undertaken by the Commission

The Commission has undertaken special programs to deal with the huge number of investigations cumulatively lying pending since the preceding years. Special directives were communicated to the officials to complete the assigned investigations within the given time frames. On account of failures to complete the investigations in time, notices were served against many officers asking them to show cause as to why they failed. Most of the pending investigations have been disposed of during this year. The Commission has taken to stern measures to complete each of the investigations (ACC Annual Report, 2016).

In the investigating activities Anti-Corruption Commission (ACC) is not so much successful during 2011 and 2012. It has also failed to complete its core activities to investigate the case complained by different people. The investing activities of the commission are given in the following table.

Investigating Activities of ACC during 2017 and 2018

Year	Total Complaint	Completed investigation	Filed complain
2017	1419	405	1014
2018	9291	1247	7965

Source: Compiled by the researcher from various Newspapers

From the above table it is seen that, in 2017; 1419 complaints were taken by the commission but the commission fulfilled only 405 investigation and rest of the complaints were filed for the next year without any investigation. Likewise in 2018, with the previous year's complaints; 9291 complaints were taken for the investigation but ACC fulfilled only 1247 complaints and rest of 7965 complaints were filed for the next year. Thus the ACC, every year, failed to complete its activities properly.

Statistics of total investigational operations in 2018

Descriptions	Numbers
Investigations pending till 2017	2548
Investigations taken up during 2018	880
Total investigations	3428
Investigations completed in 2018	2271
Submission of Charge-sheet	535
Submission of Final Report	671
Disposed otherwise	1065

Source: Compiled by the researcher from ACC Report, 2018

This table shows the statistical views of total investigational operations in 2017. The total figure of all the pending investigations in 2017 including those carried over from the previous years, amounted to 3,428. The Commission successfully accomplished 2,271 investigations in the year of 2018. On basis of the results of these investigations, the Commission approved 535 charge-sheets. Out of the remaining investigations, approvals were accorded to 671 final reports. Given with legal obligations, 1,065 investigations were referred to other agencies.

Comparative Scenario of Investigational Operations in 2016, 2017 and 2018

Year	Charge-sheet Submitted
2016	484
2017	614
2018	535

Source: ACC Annual Report, 2018.

On reviewing the statistics of the charge-sheets approved by the Commission during last three years, it transpires that if compared with 2016, approval of charge-sheets during 2017 has slightly decreased. The key reason may be imputed to exclusion of certain offences from the Schedule of the Anti-Corruption Act, including fraud-forgery and cheating by private persons, which was done through amendment of law by the Anti-Corruption Commission in 2017. Consequent upon that many investigations and enquiries were referred to the department of police.

Statistical view of Investigational Operations and Results on Money Laundering

Descriptions	Numbers
Investigations pending till 2017	74
Investigations taken up during 2018	02
Total investigations	76
Investigations completed in 2017	64
Submission of Charge-sheets	05
Submission of Final Report	02
Disposed otherwise	57

Source: ACC Report, 2018.

It shows that, the Commission disposed of 64 investigations into allegations about money laundering out of 76 including those carried forward from the preceding year resultantly the Commission approved 05 charge-sheets in 2018.

Comparative view of Investigational Operations on Trap Cases during 2016, 2017 and 2018

Year	Number of trap cases
2016	05
2017	04
2018	13

Source: Compiled by the Researcher from ACC Report, (2018)

This table reveals that the maximum number of trap-cases have been launched during 2018. This number stands about double of the totality of such cases during last two years together.

Prosecution

In addition to holding Enquiries and Investigations into the offences relating to corruption, the Anti-Corruption Commission is mandated to conduct the prosecution cases as well, in the trial and higher courts. The Commission deals with each case in attaching equal importance to it. The Commission, while conducting the cases, abides by the provisions of the "Anti-Corruption Commission Act, 2004 ", the "Prevention of Money laundering Act, 2012 ", the "Penal Code, 1860 ", the "Criminal Procedure Code, 1898", the "Prevention of Corruption Act, 1947", the "Criminal Law Amendment Act, 1958 ", the "Evidence Act, 1872" and other relevant laws and rules. In accordance with section 17 (b) of the "Anti-Corruption Commission Act, 2004 ", the Commission is empowered to institute and conduct cases on the basis of the enquiries and investigations (ACC Annual Report, 2016).

Matters Relating to Arrest

The officers empowered under section 20 (3) of the Anti-Corruption Commission (Amendment) Act, 2016, is virtually vested with the same powers as of the Officer-in- Charge of a police station ("Thana") in conducting enquiry or investigation of the offences under the Schedule of the ACC Act, 2004.

Statistics of the country-wide arrests made against officers/ staff in 2018

Professions of the Arrestees	Number
Bank officers/ staff	87
Government officers/ staff	168
People's Representatives	13
Officers/Staff of other non-banking Financial Institutions	08
Businessmen and others	112
Total	388

Source: ACC Annual Report, 2018

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During 2018, the investigating officers concerned arrested as many as 388 alleged criminals / persons allegedly involved with the crimes in the corruption cases. The Commission on receiving specific allegations ahead and following the legal procedures caught 13 government officials and staff red-handed while practically receiving the bribes.

Establishment of ACC Hotline – 106

The former Finance Minister of the People's Republic of Bangladesh Government, Abul Maal Abdul Muhith has inaugurates the ACC Complain Center Hotline-106 On 27th July, 2017. This system has turn into a platform of mass people to inform their allegations.

Statistics of ACC Hotline-106, From 27th July – 31st December, 2017

Description	Numbers
Received Call	5,20,747
Allegations recorded among those calls	749
Select for investigation	15
Trap cases	5
Rejected cases	689
Referred to different Ministries/ Departments/Institutions	40

Source: Compiled by the researcher from Dudok Darpan, 2018

This table reveals that, after starting 27th July to till 31st December, it receives almost 5,20,747 calls and among those 749 allegations are recorded. Only 15 allegations are selected for investigations including 5 trap cases. Almost 689 complain are rejected and 40 are referred to different Ministries/ Departments. This view shows that the system is not so much effectively doing its task in wide range. ACC has performed their duty with a limited capacity.

Performance of ACC on October & December, 2017

Subject	Number
Completed Investigation	106
Charge-sheet file	56
Trap Case	06
Arrest	25
Case filed by ACC	59
Number of disposed cases by Trial Court	46
Punishment	26

Source: Made by the researcher from Dudok Darpan, 2017

The above table shows the overall performance of ACC on two months. The overall data depicts that based on the 106 completed investigations only 56 charge-sheets are filed by the Commission

which is half of the number. Six offenders are arrested by trapping and 25 from general cases. About 59 cases are filed by the Commission amongst them almost 46 cases are disposed in trial court and 26 offenders are getting punished. Finally it can be said that, a huge number of allegations are received by ACC in every year and they also completed a good number of investigation/ enquiry but finally they rejected many more cases than they selected. And the number of final report submission is very small compare the number of allegations they received. This is proved its weakness in ability and transparency.

Public Hearing to Prevent Corruption

The Public Hearing is a one of the effective means to deepen the trust between the service seeking populace and the employees of the Republic engaged in providing public service delivery. Public Hearing is used as a major tool of transparency and accountability in respect to the performance of the officers working particularly at local levels. In 2016, the Commission conducted 30 Public Hearings in different districts across the country. The Anti-Corruption Commission (ACC) embarked on conducting Public Hearing since 2014 (ACC Annual Report, 2016).

Statistics of Public Hearings organized by ACC

The Commission conducted in 2016 the follow-up Public Hearing on issues concerning the Capital Development Authority (RAJUK). Resultantly, during this Hearing some grievances are well redressed, and some will be settled off soon. During 2017, the Commission is set to hold isfollow-up Public Hearing in Muktagasa of Mymensingh, Savar of Dhaka and Chokoria Upazila of Chittagong. Besides, in joint collaboration between TIB and ACC, one Research on Public Hearing will be carried out in this year. In the year (2017), the Commission conducts 3 Public Hearings at different district and upazila levels.

The comparative statistics of Public Hearings held during three preceding years (2016, 2017 and 2018) are shown below

The Comparative statistics of Public Hearings held in 2016, 2017 and 2018

Year	Number of Public Hearing
2016	01
2017	05
2018	30

Source: ACC Annual Report, 2018

This table shows that comparing three years almost 30 public hearing is made in 2018 which is a large number than the two previous year. In 2016 only one Hearing occurred and in 2017 it increased at number five. In 2018 the number of Public Hearing increased with the greatest rate of difference from previous two years. So, it can be assumed that in 2018 the Commission gave better performance in this section.

Information Management of the Commission

The ACC has been working for implementation of the Right to Information (RTI) Act, 2009, with a view to ensure free flow of and the people's right to, information. In response to citizens' demands and in compliance with the Information Disclosure Policy, 2011 formulated on requirement by the RTI Act, 2009. According to the Information Disclosure Policy, 2011, any memorandum published pertaining to the composition, structure and activities of the Commission, books, statistics, log books, Orders, Notifications, deeds, specimen, letters, reports, financial statements, project proposals, audios, videos-all these have been defined as "information". The Public Relations Officer in the Headquarters, the Directors within their own jurisdictions of five Divisional Offices and the Deputy Directors within their jurisdictions of 22 Integrated Offices are holding the responsibilities to provide information in consideration of the natures of the Citizens' demands. As legally empowered by the RTI Act, any citizen can apply to the Commission seeking information, in prescribed formats or in plain white papers. The applications must be responded to, within the stipulated timeline. Providing the information without any valid reasons, will amount to "Misconduct", and accordingly actions shall be taken against him/her under the Anti-Corruption Commission (Employees) Service Rules, 2008.

Challenges of Anti-Corruption Commission's (ACCs) Effectiveness

Though the Anti-Corruption Commission (ACC) is created to reduce the corruption from Bangladesh and make Bangladesh a corruption free country, it could not fulfill its aim and objectives properly. Most of the times, ACC started its investigating activity in right way but ended with faulty. There are many complaints received to the ACC about the corruption done by the public and private officials but the concerned authority does not take the sufficient measures to handle them (Haque, 2013). Because Anti-Corruption Commission has some significant challenges in the way of making itself as an effective institutions in curbing corruption in Bangladesh.

Lack of Coordination

ACC cannot perform well alone. It is a part of the total system of governance. Many other bodies have unified roles to support the anti-corruption drive and coordinated relations to bring the corrupt people to justice. But in reality there has no coordination between different state organs.

Small-scale Preventive Activities

The range of preventive activities taken by the Commission is small and isolated in character which is not reaching mass people with their awareness message. The number of staff and budget are not sufficient in respect with population as well s financial budget.

Lack of Political Commitment

The independence of ACC depends largely on the political commitment. No organization will be able to perform their duties in efficient manner without the cooperation from the ruling political party's commitment. In Bangladesh most often the ruling political parties use this body as a weapon against the other opposition parties.

Accountability and Oversight

The monitoring and evaluation unit of the ACC has lack of accountability and external oversight mechanism as there is no place for public involvement in its structure. No academic or parliamentary discussion holds on its report.

Power and Safeguards

The beginning of ACC is an attempt to free the anti-corruption supervisory body from the decision-making. The ACC Act gives substantive power to the Chairman and Commissioners who cannot be removed by the executive. But, there are some weaknesses mentioned below:

Legal Constraints

According to the Act of 2004, the government always approves the budget of the ACC which make the ACC dependant on the government for the budget. It hampers the independent status of the commission.

Lack of Transparency

The management of the information system of the commission is poor. There are numerous cases of leaking information from the office. The official website is not well furnished and updated.

Resources

The budget of the commission is insufficient in comparing with national population and national budget (only 0.025% of the budget). During care

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taker government period (2007-2008) the number of staffs and local offices were reduced which is insufficient.

Insufficient Manpower

The ACC has, at least in the Head Office, a large number of staff of various categories who were in the defunct BAC and were absorbed in the ACC. On the other hand, in the field level, in addition to issues of credibility and expertise, under-staffing remains a problem. Poor infrastructure, insufficient logistics and lack of manpower are mostly common at field-level ACC offices.

Lack of Infrastructure

The decision to reduce district offices (from 66 to 22) has negative impact on the anti-corruption drive. ACC faces challenges to cover its services in all districts through 22 combined offices. People living in the districts where ACC offices do not exist are deprived of ACC services, because distant offices become disincentives for them to file complaints.

Lack of Sill

There is lack of skilled and expertise personnel. The new staffs are inefficient in understanding the investigation process on the other hand the older are not updated enough about the latest way of money laundering and information technology.

RECOMMENDATIONS TO WAY FORWARD

The legal, political and operational drawbacks are the main hindrances for an independent and effective Anti Corruption Commission (ACC) which are fading for the lack of political commitment. From the beginning ACC has been struggling with various bottlenecks. The bottlenecks can be minimized by following some steps as are given below:

- The rules and regulations described in the ACC Act should be made uniform and updated.
- The jurisdiction area and the authority of the ACC should be restructured according to the demands of the time.
- ACC should only be engaged when the interest and asset or resources of the government involved.
- Knowledge, skill and ability is needed in the ACC's workforce to deal the court and its procedures.
- Huge technological integration should be made to cope with the latest way of corruption.

The introduction of the digitalization of the institutions, rapid investigation and highly accessible information system is the prerequisite.

- Merit should be the one and only criteria for the recruitment.
- Culture of zero-level tolerance to the staffs should be established in case of any kinds of irregularities.
- The independence and the effectiveness mainly depend on the political commitment and comprehensiveness thus these are needed.
- Good governance should be ensured at all institutions especially in the police, NBR, Tax, Judiciary.
- Each public and private institution should be brought under strong ac-countable and transparent system, where people would have easy access to know about.
- Man of strong personality having guts and bravery to challenge any pressure coming from outside, even from the political arena should be appointed as Chairman and members of the commission.
- The Chairman and Commissioners should have non-partisan attitude, personality and boldness to the truth.
- Civil Society can create pressure with the voices of citizens, if they speak out fairly and independently without favor and prejudice.
- Right to Information (RTI) Act should be implemented widely and thoroughly in all private and public institutions for increasing accessibility, transparency and accountability of the institutions.
- Civil society organizations such as TIB, SUJAN, should continue their campaign until they achieve substantive change in governance including strengthening ACC.

CONCLUSION

The above discussion and key findings clearly reveal that the socio economic and political life of Bangladesh are highly affected by the corruption which make Bangladesh as the world most corrupt country for five consecutive year from 2001-2005(TI). For this reasons Bangladesh government created the Anti-Corruption Commission (ACC) in 2004 to fight against corruption as an autonomous institution. Though it is created to reduce corruption from Bangladesh but it could

not fulfill its aim and objectives properly because of some influencing factors like political influence, structural lacking, insufficient manpower, lack of integrity, transparency, accountability, lack of independence and so on. That's the reasons most of the times the commission started its investigating activity in right way but ended with faulty. But from the data it can be said that the Anti-Corruption Commission (ACC) showing better performance as compare its former Bureau of Anti-Corruption (BAC). Recently the commission takes many preventive measures and decisions to combating corruption from Bangladesh and it give some results also. But still there raise some questions about their effectiveness because of their slow and sometimes biased outcome.

BIBLIOGRAPHY

- [1] Ahmed, B. (2006). 'Combating Corruption, The Role of the Bureau of Anti-Corruption (BAC) in Bangladesh'. Lund University: *South Asian Track*.
- [2] Akhter, M. Yeahia. (2001). *Electoral Corruption in Bangladesh*. Burlington USA. Singapore, Sydney: Ashgate Publishing Limited.
- [3] Alim, M.A., Mozumder, M.A.K. (2008). 'Fighting Corruption in Bangladesh: Major Challenges and Constraints'. *Journal of Administrative Studies, Department of Public Administration*, 01, pp.52-69.
- [4] Anti-Corruption Commission Act, 2004.
- [5] Bakar, A.K. (1991). *The Anti-Corruption Laws*. Jamalpur: Rupali Press & Publications.
- [6] Bhargana, V., Bolongaita, E. (2004). 'Challenging Corruption in Asia, Case Studies & a Frameworks for Action'. Washington DC: The World Bank.
- [7] Brinkerhoff, D.W. and Arthur A. Goldsmith (2002). *Clientelism, Patrimonialism and Democratic Governance: An Overview and Framework for Assessment and Programming*. Bethesda, MD: Abt Associates. http://pdf.usaid.gov/pdf_docs/Pnac426.Pdf (accessed 6 June 2013).
- [8] Clarke, M. (1983). *Corruption, Consequences and Control*. London: Frances Printers.
- [9] Das, S.K. (2013). 'Anti-Corruption Commission in Bangladesh: Diagnosis of a Fading Hope'. The Hague, Netherlands: *International Institute of Social Studies*.
- [10] Das, S.K. (2001). *Public Office, Private Interest: Bureaucracy & Corruption in India*. New Delhi: Oxford University Press.
- [11] Doig, A. (1995) 'Good Government and Sustainable Anti-Corruption Strategies: A Role for Independent Anti-Corruption Agencies?' in *Public Administration and Development* 15(2). UK: John Wiley & Sons, Limited.
- [12] Ehsan, M. (2006) 'When Implementation Fails: The Case of Anti-Corruption Commission (ACC) and Corruption Control in Bangladesh' in *Asian Affairs* 28(3). Bangladesh: CDRB.
- [13] Girling, J. (1997). *Corruption, Capitalism and Democracy*. London: Routledge Studies in Social & Political Thought.
- [14] Harris, R. (2003). *Corruption in Politics: In Beyond the Nation State*. London: Routledge.
- [15] Huntington, S. P. (1968). "Modernization and Corruption" *Political Order in Changing Societies*, New Haven, CT: Yale University Press. PP. 59-71.
- [16] Hye, A.H. (2000). *Governance: South Asian Perspectives*. Dhaka: University Press Limited.
- [17] Iftexharuzzaman (2006), *The Anti-Corruption Commission: How can It be Effective*. Dhaka: TIB.
- [18] Iftexharuzzaman, (2011). *Corruption and Anti-corruption in Bangladesh: Primacy of the Political*. Dhaka: TIB. <http://www.ti-bangladesh.org/research/JNU-pap-rev.pdf> (accessed 12 September 2013)
- [19] Kaufman, R. (1974). 'The Patron-Client Concept and Macro-Politics: Prospects and Problems' in *Comparative Studies in Society and History* 16(4).
- [20] Kaufman, Robert R. (1974). 'The Patron-Client Concept and Macro-Politics: Prospects and Problems' in *Comparative Studies in Society and History* 16(4).
- [21] Kaufmann, D. (1997), "Corruption: The Facts". *Journal of Foreign Policy*, Vol.107, pp. 114-131.
- [22] Kaufmann. (1997). *Corruption and Global Economy*, Washington, DC: Institute for International Economics.
- [23] Khan, M.M. (2008). 'Combating Corruption in Bangladesh: A Governance Perspective'. *Journal of Administrative Studies, Department of Public Administration*, 01, pp. 11-15.
- [24] Khan, M.M. (2008). 'Corruption in Bangladesh: A Critical Overview', in M.M. Khan, *From Government to Governance: Expanding the Horizon of Public Administration to Public Management*. New Delhi: South Asian Publishers.
- [25] Khan, M.M. (2009). *From Government to Governance*. Dhaka: The University Press Limited.
- [26] Khan, M.M. (2005). 'Controlling Corruption in Bangladesh'. *Prashasnika*, 32(2), pp.11-14.
- [27] Khan, M.M. (2003). 'Political and Administrative Corruption: Concepts, Comparative Experiences and Bangladesh Case'. *Asian Affairs* 25(1), pp. 5-33.
- [28] Klitgaard, R. (1988). *Controlling Corruption*. Berkeley, C. A.: University of California Press.
- [29] Klitgaard, R. (1998). 'International Cooperation against Corruption'. *Finance and Development*, 35(1).
- [30] TI. (2001-2017). *Corruption Perception Index*. Berlin, Germany.

Performance and Effectiveness of the Anti-Corruption Commission in Bangladesh

- [31] TIB, (2001). *Durniti Daman Bureau: Prodhannantir Karjalay* (Bureau of Anti-Corruption: Prime Minister's Office). Dhaka: TIB.
- [32] TIB, (2016). *Anti-Corruption Agency Strengthening Initiative: Assessment of Bangladesh Anti-Corruption Commission*. Dhaka, Bangladesh.
- [33] Transparency International Bangladesh (TIB 2001), *Fact Finding Report on Bureau of Anti-Corruption (BAC)*, Dhaka.
- [34] Transparency International-Bangladesh (TIB, 1997). *Survey on Corruption in Bangladesh*, Dhaka.
- [35] UNDP/OECD, (1998). 'Corruption and Integrity Improvement Initiatives in Developing Countries'. New York: UNDP/OECD.
- [36] Zakiuddin, A. (2000). *Corruption in Bangladesh: An Analytical and sociological study*" Paper for Transparency International Bangladesh.

NEWSPAPER

- [1] The Daily Prothom Alo (A Bengali Daily), May 22, 2007.
- [2] The Daily Jugantar (A Bengali Daily), June 9, 2007.
- [3] The Daily Kaler Kantha (A Bengali Daily), December 12, 2014.
- [4] The Daily Prothom Alo (A Bengali Daily), March 13, 2016.
- [5] The Daily Amar Desh (A Bengali Daily), January 6, 2008.
- [6] The Daily Star, December 3, 2009.
- [7] The Daily Star, April 10, 2010.
- [8] The Daily Star, April 29, 2010.
- [9] The New Nation, May 22, 2010.
- [10] The Daily Sun, October 12, 2014.

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