

Policy Brief

National Integrity System Assessment Bangladesh

ANTI-CORRUPTION COMMISSION



TRANSPARENCY
INTERNATIONAL
BANGLADESH

Social movement against corruption

Anti-Corruption Commission

The Anti-Corruption Commission (ACC) consists of three Commissioners of whom one is the Chairman. All are appointed by the President on the recommendation of the Selection Committee for a period of four years from the date of their appointment. While the commissioners function on a full-time basis, they lose eligibility for reappointment on expiry of their term in office. Operational activities e.g., Legal and Prosecution, Administration and Finance, Investigation and Inquiry; Special Investigation; Research, Prevention and Public Awareness; and Incomplete Cases and Inspection are carried out by six Director Generals with the rank and status of Joint Secretary. All these components are run by both deputed staff of the Government as well as internal staff members of the ACC. All DGs report to the the Secretary of the ACC, who is a deputed staff from the government with the rank and status of a Secretary. There is also a Director for Monitoring and Evaluation, who directly reports to the Chairman of the ACC.

It has been observed that some structural, institutional and political factors affect the performance and effectiveness of the Anti-corruption Commission (ACC). These include: lack of strong political will, inaction of the Commission in allegations against ruling party men, the Commission's unwillingness to institute suo moto inquiries, absence of a capable prosecution team, inadequate capacity to undertake research activities, as well as lack of transparency and accountability.

The ACC's effectiveness and independence have been intensely debated in the media and beyond. The degree of professional excellence, integrity and credibility of its staff has been criticized. Its independence and effectiveness have been threatened by a number of Government moves. The ACC is likewise captive to political pressure. Apparently influenced by political signals and caught up in a denial syndrome, and for lack of proper strategy and determination of the Commission itself, the ACC appears to have been unsuccessful in gaining public trust and credibility.

Strengths

- ACC panel lawyers in and outside Dhaka.
- Human resource beefed up (number of Asst./Deputy Directors recruited against available positions).

Weaknesses

- Filing and withdrawal of cases on political considerations .
- Inadequate institutional capacity to pursue anti-corruption cases.
- "A toothless tiger". ACC's ability to act independently questioned. Attempts at curbing ACC's independence manifest in amendment to the Act, later aborted.
- The law is silent on issues of asset declaration, financial gratification, political activities, gifts and hospitality in relation to Commissioners.
- Inability to secure cooperation from other institutions (Bangladesh Bank, NBR) in information collection.
- Disposal of corruption cases slow.

Recommendations

- The ACC must develop its own strategic plan to effectively deliver its mandate.
- The ACC must publish and regularly update for public information detailed statements on income, assets and liabilities of Commissioners and its employees.
- The ACC organogram must be re-examined to rationalize its staff strength. Initiatives must be taken to strengthen the investigative and prosecutorial capacity of the ACC.
- ACC Act must be reviewed to incorporate provisions aimed at making it truly independent and ensuring its effectiveness and internal accountability.
- Legal provisions must be introduced to ensure mandatory asset declaration by Commissioners and prohibition on financial gratification, partisan political activities, gifts and hospitality.
- ACC may consider forming a Citizens Advisory Committee consisting of prominent citizens of high integrity, credibility and acceptability from civil society to advise, monitor and evaluate key aspects of ACC's work.

About Policy Brief Series

One of the key strategic areas of TIB's research has always been the institutions of democracy and specialized pillars of governance and accountability, which constitute the National Integrity System (NIS), a collective of institutions and practices that are crucial to maintaining integrity and accountability in government, non-government and private sector. The NIS in Bangladesh broadly consists of the following institutions: Parliament, Executive, Judiciary, Public Administration (bureaucracy), Local Government, Police (law enforcement agency), Comptroller and Auditor General (supreme audit institution), Election Commission, Anti-Corruption Commission, National Human Rights Commission, Information Commission, Political Parties, Civil Society, Media, and Business.

TIB has conducted a series of research, surveys and diagnostic studies on many such institutions, by which it has not only created demand, but also catalysed a number of significant legal, institutional and policy changes. Against this background, this policy brief series attempts to diagnose and analyse the strengths and weaknesses of the NIS in Bangladesh and recommend implementable measures to strengthen these institutions.

This policy brief draws on *National Integrity System Assessment Bangladesh 2014* available at: <http://ti-bangladesh.org/nicsa/2014/en/>

Policy Brief 37/September 2014

© Transparency International Bangladesh (TIB)



TRANSPARENCY
INTERNATIONAL
BANGLADESH

Social movement against corruption

House # 141, Road # 12, Block # E
Banani, Dhaka 1213, Bangladesh

Phone: +880-2-9862041, 8826036, 9887884, Fax: +880-2-9884811

E-mail: info@ti-bangladesh.org, Website : www.ti-bangladesh.org

Facebook: www.facebook.com/TIBangladesh