



ACC's Public Hearing as a Means of Controlling Corruption: Effectiveness, Challenges and Way Forward

Executive Summary

5 November 2017

ACC's Public Hearing as a Means of Controlling Corruption: Effectiveness, Challenges and Way Forward

Research Adviser

Dr. Iftekharuzzaman
Executive Director, TIB

Professor Dr. Sumaiya Khair
Adviser, Executive Management, TIB

Mohammad Rafiqul Hassan
Director, Research and Policy, TIB

Research Team

Md. Waheed Alam,
Senior Programme Manager, Research and Policy
Md. Rezaul Karim,
Programme Manager, Research and Policy
Md. Shahidul Islam,
Deputy Programme Manager, Research and Policy

Special Assistance

Md. Mahmud Hasan Talukder, Md. Monirul Islam Zahid, Md. Golam Mostofa, Md. Khorshed Alam, Zafar Sadeq Chowdhury, Md. Robiul Islam and Md. Ali Hossain

Acknowledgements

The study has been enriched by the cooperation and insightful feedback from the Chairman, Commissioners and concerned officials of Anti-Corruption Commission (ACC). Research staff based at CCC level collected data and monitored data collection processes. The study has been improved by the valuable feedback and comments by the colleagues of Research and Policy and other divisions of TIB. We are grateful to all of them.

Contact

Transparency International Bangladesh
MIDAS Centre (Levels 4 & 5)
House # 5, Road # 16 (New) 27 (Old)
Dhanmondi, Dhaka - 1209
Phone: (+880-2) 9124788, 9124789
Fax: (+880-2) 9124715
Email: info@ti-bangladesh.org
Website: www.ti-bangladesh.org

ACC's Public Hearing as a Means of Controlling Corruption: Effectiveness, Challenges and Way Forward

Executive Summary¹

1. Background and Rationale

A public hearing is a multi-stakeholder formal process where aggrieved service recipients raised specific deviances in service delivery provisions that would prompt service providers to take corrective measures. Thus, public hearing has become an effective tool to improve service provisions and combat corruption through creating social accountability of service providers. Realizing its efficacy in curbing corruption and improving service provisions, the Anti-corruption Commission (ACC) started holding public hearing on different public service provisions in December 2014.

Because of colonial legacy and inadequate administrative reforms over the years, public services in Bangladesh has been beset with unresponsive service provisions, inefficiency and corruption. In Bangladesh, citizens have to travel long distance, often multiple times, incur high costs and endure considerable delays and hassle to access public services (PMO Bangladesh). According to the National Household Survey on Corruption 2015, 67.8% households experienced corruption while receiving services from different public and private services.

Conversely, legal and policy frameworks of the country support an accountable, responsive and corruption free public services. The constitution (Article 7(1)) stipulates that all powers in the Republic belong to the people. The Seventh Five Year Plan 2016-2017 and National Integrity Strategy underscore the need to provide services free of corruption and establish feedback and grievance redress system. Equipped with these mandates, the Five Year Strategic Plan of the ACC 2017-2021 highlighted the importance of public hearing for ensuring corruption free public service delivery. Besides, the Cabinet Division issued a circular on 1st June 2014 to conduct public hearing for improving integrity and preventing corruption in public offices.

Thus, embolden with different legal and policy frameworks, the ACC along with Transparency International Bangladesh (TIB) started to conduct public hearing on public service provisions from 15 December 2014 with the objective to curb corruption and improve public services. To what extent these public hearings have been successful in curbing corruption, redressing public harassments and improving public services and what strategies and tools have found to be effective need to be examined. Moreover, no study has yet been undertaken to examine above concerns. In this context, TIB conducted this study on public hearing.

2. Study objectives

The main objective of the study is to assess the effectiveness of ACC's public hearing in controlling corruption.

The specific objectives are:

1. To assess effectiveness of public hearing in redressing complaints regarding corruption and other irregularities
2. To assess impacts of public hearing in concerned institutions
3. To identify challenges of arranging and implementing public hearings
4. To provide recommendation to enhance effectiveness of public hearing

¹ The study was released on Nov 3, 2017 through a press release at TIB's Conference Room

3. Scope of the study

Up to December 2016, the ACC had conducted 35 public hearings- of which one was in 2014, five in 2015 and 29 in 2016. However, 17 public hearings were considered for the study giving six months gestation period to allow institutions enough time to solve or address raised complaints. Thus, 17 public hearings conducted from December 2015 to June 2016 were considered as the purview of the study. However, contact information of participants who had raised complaints in four public hearings was not found available. They were conducted in Muktabacha, Narail Sadar, Chargat and Bandaria. Thus, finally 13 public hearings were considered for the study.

4. Methodology

Both quantitative and qualitative research techniques were applied in this study. The quantitative technique involves two surveys – complainants survey and institutions survey. The complainants survey collected interviews of 195 aggrieved persons out of 299 contactable complainants who raised complaints at 13 public hearing events. In case of institutions survey, interviews were conducted with 51 institutions out of targeted 59 institutions. Some targeted respondents and institutions in both the surveys could not be interviewed because of wrong contact address, phone number and unavailability of concerned officials. Two different structured questionnaires were used for collecting data for both the surveys.

Some qualitative techniques were also applied to collect information for the study that include key informant interviews and cases studies. Key interviews were done with a Commissioner of ACC, Deputy Commissioners (DC), Additional Deputy Commissioners (ADC), Upazilla Nirbahi Officers (UNOs), concerned supervisory authority at district level, ACC officials at district and upzilla levels, members of Corruption Prevent Committees, TIB's Committee of Concerned Citizens (CCC) members and a representative of the World Bank. Different checklists were used for conducting these key informant interviews and case studies.

The indirect sources of information include relevant books, laws, circulars and different documents.

5. An overview of ACC's public hearing

The public hearings conducted at upazilla and district levels were attended by major public services. They include AC Land offices, Sub-registry Offices, Settlement Offices, Rural Electrification Board (REB), health complexes etc. The public hearings in Dhaka Metropolitan City were on RAJUK (Capital Development Authority), Bangladesh Road Transport Authority (BRTA), Department of Immigration and Passport (DIP). In total, 360 participants raised complaints against 59 public institutions in 13 public hearings covered in this study.

6. Effectiveness of public hearing

6.1 Modes of complaint submission

Out of contactable 299 participants, 65.2% (195) could be reached through the complainant survey - of which 66.0% submitted their complaints before the public hearing in the designated complaint box and remaining 34.0% submitted their complaints on the days of public hearing events. Among those who participated in the survey, 96.0% got the opportunity to raise their complaints - of which 86.0% could raise complaints fully and 14.0% partially. Among the complainants, 94.0% could raise them complaints without fear and comfort. Only 6.0% participants could not feel comfortable in raising complaints. The reasons for which they could

not feel free or comfort include fear of not getting services later, fear of being harassed later, fear of the authority and pressure from powerful and influential entities.

6.2 Institutions and officials against whom complaints raised

The survey findings reveal that complainers in 13 public hearings made complaints against diverse institutions and individuals. Majority of the complaints were made relating to institutions and officials involved in land services (67.0%). Among land offices, majority complaints were against Upazilla Land Offices (29.0%). Other notable institutions against whom complaints were made include BREB (See elaboration)² (13.0%), RAJUK (See elaboration)³ (12.0%), health facilities at upazilla and district level (10.0%).

6.3 Nature of the complaints

It was found prevalent types of complaints include bribery, harassment, negligence of duties, fraudulence and unlawful behaviours of by a section of public officials. In the land sector, most complaints were relating to illegal grabbing of land; occupation of land without record of rights and muscle power. Health service related complaints centred on negligence of doctors, scarcity of medicines and bribe paid for receiving services at hospitals. Major complaints against REB services include delay in giving electricity connections to households and bribe paid for getting services. Regarding the services of RAJUK, major complaints made by complainers were occupation of plots by illegal means, not getting of plots allotted by RAJUK. The BRTA⁴ related complaints were mostly relating to bribery experienced by the complainers.

6.4 Solutions delivered against complaints at the time hearing events

The survey findings of the complainer survey reveal that majority of the complainers got decisions or commitments at the time hearing events from concerned authorities against whom complaints were raised. It is observed that among the complainers who got decisions, 69.0 percent got commitments from concerned authorities that the problems would be resolved. Other notable solutions include setting deadlines for the solution of the complaints (15.0%) and order given by the ACC to conduct inquiry by concerned authorities on the allegations (19.0%). The study also shows that 22.0% complainers could not receive commitment for their solutions. As per complainers' opinion the most prominent reasons for which they did not receive commitment include authorities did not take the complaints seriously (51.0%), negligence of authorities (9.0%) and complaints were beyond the jurisdiction of concerned authorities (11.0%).

6.5 Complains solved after public hearing events

The study found an encouraging status regarding responses made by concerned authorities. According to the complainer's survey, majority of the complainers (78.0%) got commitment or assurance to solve the problems at the time of hearing events. Afterwards, about one third of the complainers (27.2%) said that they got solutions against their commitments. However, more than half of the complaints (59%) were found unsolved. Among these complaints almost one tenth (14.0%) remained under the administrative process to resolve. There were instances where complainers got back bribe money paid to certain public officials. The study found that BRTA, Union Land Office and BREB were able to solve majority of their complaints. However, Upazilla Land Offices, Settlement Offices, Sub-registry Offices, RAJUK could not solved an

² Bangladesh Rural Electrification Board.

³ The Capital Development Authority.

⁴ Bangladesh Road Transport Authority.

overwhelming number of complaints made against them. The reason behind this might be that solutions processes in these institutions are relatively complex involving different laws and procedures.

6.6 Reasons for not getting solutions after public hearing

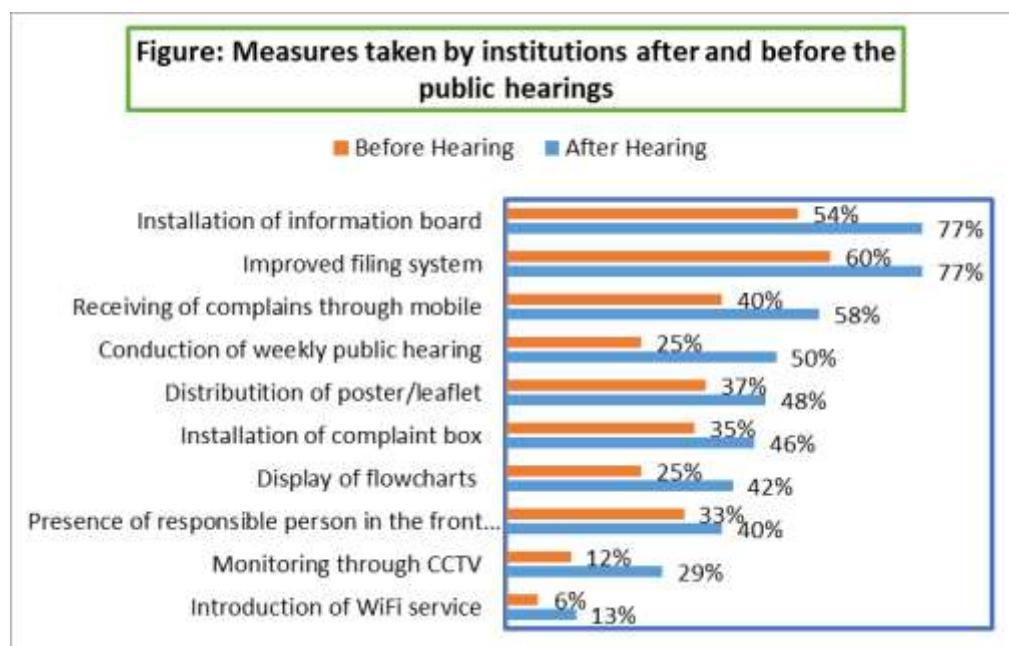
The major reasons for not getting solution of the complaints raised by complainers are non-cooperation from authority (69.0%), demand of unauthorised payment (27.0%), and lack of initiative (24.0%). In this regard, key informants blamed lack of effective process tracking or monitoring by the ACC and concerned authorities.

6.7 Difficulties confronted by the complainers

According to the complainer survey, 43.0 percent complainers experienced difficulties in getting services from concerned institutions after the public hearing events. The notable challenges they faced include concerned authorities not active for solving the problems (70.0%), non-cooperation from concerned authorities (60.0%), experiences of bad behaviour compared to previous encounters (42.0%), created obstacles during service delivery (15.9%), demanded unauthorized payment (12.0%), showing of displeasures by the concerned authorities (8.0%), giving threat by police and on mobile (5.0%). Among those who experienced negative reactions, 75.0 percent of them encountered difficulties from official/staff of concerned authorities followed by against whom complaints were raised (40.0%), brokers (5.0%) and powerful and influential persons (3.0%).

6.8 Measures taken by concerned authorities

The findings of institution survey show that authorities of the concerned institutions had taken certain measures after public hearing for improving the quality of services. Almost all the measures are related to enhancing transparency, accountability and responsiveness in public services. According to the survey, 77.0 percent of the institutions set up information board after public hearing whereas the percentage before the hearing was 54.0 percent.



Same trend in different degrees was observed in all other areas like improve filing system, receiving of complaint through mobile, weekly conduction of public hearing, distribution of posters, installation of complaint box, display of flowcharts, ensure the presence of assigned person in the front desk, monitoring through CCTV and introduction of WiFi services.

6.9 Positive aspects of the public hearing

All complainers found public hearing as a positive tool for enhancing accountability of public institutions. The reasons for the liking was it created opportunities for making authorities accountable before the public (75.0%) followed by opportunity to raise complaints before officials (69.0%) and promote commitment to solve complaints (20.0%) etc.

6.10 Publicity on hearing programmes

The organizers of 13 public hearings used multiple mediums of the publicity to invite local people to attend and come up with complaints. The highest percentage of complainers were informed about public hearing events through friends/neighbors/acquaintances (29.0%) and use of loudspeakers/miking (29.0%) followed by information dissemination through leaflets and posters (23.0%) and ACC officials or members of Duprok Representatives (22.0%), etc.

The seating arrangements of public hearing were found highly satisfactory. According to survey, 95.8 percent of the participants viewed that the seating arrangements in public hearing venue were comfortable and satisfactory. Almost all the participants (97.4%) expressed their satisfaction about the quality of the sound system arranged for public hearing events. The survey shows that almost all complainers (97.4%) were satisfied on the location of the venues as they were easy to locate and commute. Almost all participants (94.2%) opined that public hearing events commenced on due time.

7. Challenges

The study found that there were a number of challenges in three different stages - arranging public hearings, conduction of public hearing and implementing post-public hearing initiatives. They are presented below:

7.1 Challenges during arranging public hearing

1. Lack of citizen's awareness on public hearing processes:

Ordinary complainers do not know exactly what the public hearing is, why public hearing is arranged and what benefit it would bring. Therefore, some people were not forthcoming and enthusiastic enough to raise complaints at public hearings.

2. Lack of knowledge about services: Sometimes service recipients do not know how to get a service, who is responsible for the service, the jurisdiction of concerned offices etc. Therefore, service recipients raised complaint against one office that should be against another office. Such types of complaints created confusions at public hearing events and institutions fall into dilemmas to solve them.

- 3. Lack of sufficient publicity:** Generally public hearings are arranged at upazilla and district headquarters, therefore the publicity of public hearing events mostly confine within the periphery of upazila and district headquarters. Thus, people from remote and disadvantaged areas got less opportunity to learn about public hearing events and thereby lessening their participation.
- 4. Less participation of people from the marginalized areas:** The location of the hearing events is also found to pose constraints to people living in remote areas. Thus, people from disadvantaged regions got less opportunity to participate in the public hearing events.
- 5. Hesitation to submit complaints:** As compliant boxes were installed at DC offices, UNO offices or at the head office of concerned institutions, ordinary people hesitated to submit complaints fearing repercussions from concerned public officials and powerful and influential people.
- 6. Prevention of complainers to raise complaints:** In some cases, concerned authorities, brokers or influential political people prevented or intimidated some complainers to raise complaints. Eventually, few complainers kept themselves away from raising their complaints.
- 7. Lack of interest to public officials:** Some responsible officials of some institutions or offices were found to be reluctant to participate at some public hearing events due to their other businesses. As a result, some complaints could not be responded at public hearing events in a proper manner and administrative measures to resolve them also prolonged.
- 8. Lack of logistics, human resources and enough budget allocation:** There is a lack of budget, logistics and human resources for the ACC to arrange public hearings.
- 9. Not all public institutions are invited:** It is observed that some local offices/institutions that are found to be corrupt and delinquent i.e. police, tax, custom, Roads and Highway, Water Development Board were not invited at the public hearing events.

7.2 Challenges during conduction of public hearing:

- 1. Late start of public hearing:** Sometimes public hearing started late in some places because of late attendance of guests and giving them protocol.
- 2. Long speeches delivered by guests:** In some places, a considerable time was lost because of lengthy speeches given by some guests and accommodate all guests to deliver their speeches.

7.3 Challenges in post hearing initiatives:

- 1. Hamper resolution of complaints because of transfers and retirements of public officials:** Sometimes resolution of complaints went into oblivion due to transfers and retirements of concerned public officials.
- 2. Absence of follow up measures:** The ACC and participating institutions undertook weak or less follow up to ensure resolution of complaints raised at public hearing sessions even after specific deadlines were promised.
- 3. Solutions beyond the jurisdiction of authorities:** Sometime, solutions to raised complaints rested with the jurisdiction of the court. It is highly visible in cases of land disputes. However, complainants attended hearing programme with the hope of getting solution of their complaints.

8. Overall observations

According to the findings of the study, public hearing has found to be a powerful tool to empower people and create a space to resolve complaints and grievances. Besides, resolutions of complaints on raised complaints were found to be considerable. However, a significant number of complainants did not receive solutions on their complaints. Sometimes they encountered repercussions when they went to concerned institution for receiving services. The major problem is that the ACC and concerned institutions had not adopted adequate follow up whether the raised complaints were addressed as per commitments. Although institutions had undertaken some encouraging initiatives to improve transparency, accountability and responsiveness in their services, a section of officials were found less responsive to deliver services with commitment and adequate professionalism. On the other hand, the ACC and other organizations responsible for arranging public hearing suffer from lack of budget, logistics and manpower.

9. Recommendations

- 1. Ensure solution of the complaints:** Take administrative and institutional initiatives so that solution of complaints cannot be interrupted by the retirement, transfer of public officials or any other causes.
- 2. Allocate budget for public hearing:** Allocate adequate amount of budget for the ACC and local administration to arrange public hearing.
- 3. Make more publicity:** Take necessary measures to extend publicity in remote areas by engaging local NGOs and other organizations.
- 4. Start public hearing on time:** Avoiding lengthy speeches by guests and extending protocol, the public hearing needs to be started on time
- 5. Increase the confidence of complainants:** The ACC and local administration have to take initiatives so that complainants can raise their complaints without fear and complainants would not feel insecurity and harassment after public hearing.

- 6. Conduct institution/sector based public hearing:** Arrange separate public hearing on different institutions and sectors that are infested with corruption and lots of allegations.
- 7. Ensure presence of relevant officials:** Ensure presence of relevant officials of institutions in the public hearing events.
- 8. Ensure mechanism to follow up of complaints:** The ACC and relevant institutions have to initiate monitoring and follow up activities in order to solve raised complaints within the pre-fixed time period.
