

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

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Foreword

Transparency International Bangladesh (TIB) works with a vision of Bangladesh where government, politics, businesses, civil society and people's lives will be free from the influence of corruption, and all government, private and non-governmental organizations will run their operations with transparency, accountability and integrity. TIB is committed to build a strong and effective social movement to prevent corruption and ensure good governance in the country by undertaking research, advocacy and civic engagement initiatives in selected sectors, areas and institutions of public interest.

One of the key thrust areas of TIB's mandate and interest is to strengthen the institutional capacity to control corruption. Accordingly, TIB has not only been involved in the process that led to the creation of the Anti-corruption Commission of Bangladesh (ACC), but has been devoting significant portion of its efforts to advocate and provide support to take it to higher levels of effectiveness. Thankfully, the ACC has also found this partnership useful and created the space in many ways, not always without challenges though, so that TIB could work with the Commission in selected areas of common interest towards strengthening the anti-corruption movement in Bangladesh.

The study on "ACC's Public Hearing as a Means of Controlling Corruption: Effectiveness, Challenges and Way Forward" has been undertaken upon a request of ACC to assess the effectiveness of ACC-organized public hearings in controlling corruption and improving the quality of public services at the delivery level. It is an attempt to assess the effectiveness of public hearing in resolving service recipients' grievances due to corruption and various irregularities; identify impact, if any, of public hearing on the relevant institutions; identify challenges in the process of implementation of public hearings; and recommend measures to enhance the quality and effectiveness of public hearings organized by ACC.

The study shows evidences of prospect of public hearings to evolve as an effective tool to control corruption through the process of holding the duty bearers to account through face to face interaction of service recipients with service providers. It can be regarded as social accountability tool that can also build greater trust between the two sides. We have also seen evidences of specific actions taken not only to redress grievances of the victims of corruption but also to bring specific improvements in the processes of service delivery of some relevant institutions, especially in terms of information disclosure and procedural arrangements for delivery and grievance redressal. However, the public hearings have also experienced some constraints that include lack of budgetary allocation, manpower and logistical supports for arranging public hearing, inadequate follow-up to resolve complaints, unresponsiveness and even risk of backlash by a section of public officials. Effective administrative and institutional measures need to be taken to ensure internal control and effective monitoring. If public hearings are to be effective these cannot be treated as single-shot events, and must contain built-in mechanisms to follow-up on decisions taken for every specific grievance of service recipients. Failing this, public hearings may face the risk of losing public trust.

This research was conducted by three researchers of TIB - Md. Waheed Alam, Md. Rezaul Karim and Md. Sahidul Islam. TIB's field based researchers- Md. Monirul Islam Zahid, Md. Golam Mostofa, Md. Khorshed Alam, Zafar Sadeq Chowdhury, Md. Mahmud Hassan Talukdar, Md. Ali Hossain extended support in data collection and field monitoring. Other colleagues of Research and Policy, TIB also contributed providing valuable feedback and comments.

We would like to put on record our gratitude to the Chairman, Commissioners and relevant officials of ACC for extending cooperation and giving valuable feedback on the research including the provisional draft findings shared with them before releasing the report. Adviser - Executive Management, TIB Professor Dr. Sumaiya Khair and Directors of TIB- Mohammad Rafiqul Hassan, Dr. Rezwan-ul-Alam, and Md. Jasim Uddin Ferdous gave valuable feedback and comments to enrich the research.

We hope that concerned stakeholders, particularly the ACC, will consider the findings and recommendations of this research as public hearing unfold further and reach higher levels of effectiveness. We will welcome any constructive suggestion and critique for further improvement of the research.

Iftekharuzzaman
Executive Director

Chapter One: Introduction

1.1 Background and rationale of the study

A public hearing is a multi-stakeholder formal process where aggrieved service recipients raised specific deviances in service delivery provisions that 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. As of December 2016, it had conducted 35 public hearing across the country - 30 in Upazilas under 29 districts and five in Dhaka Metropolitan City.

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)¹. According to the National Household Survey on Corruption 2015, 67.8 per cent households experienced corruption while receiving services from different public and private services. The survey found passport, law enforcement, education, BRTA, land services as most corrupt services.² Three other studies - the World Bank's Governance Indicators, the World Economic Forum's Assessment of Irregular Payments and Bribes and the Fund for Peace's State Legitimacy also reflected a similar pattern.

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 system³. In this context, the Cabinet Division issued a circular on 1st June 2014 to conduct public hearing for improving integrity and preventing corruption in public offices.⁴ Equipped with these mandates, the Five Year Strategic Plan (2017 - 2021) of the ACC highlighted the importance of public hearing in ensuring corruption-free public service delivery.⁵

Bangladesh ratified the United Nations Convention against Corruption (UNCAC) to combat corruption effectively. The Convention stipulated that state party should ensure participation of society (Article 13) and public reporting (Article 10) to curb corruption. The United Nation's Sustainable Development Goals (SDG) 16 also urged countries and set agenda to reduce

¹ Dr. Nasir Uddin Ahmed, 'Public Hearing Can Fight Corruption,' *The Daily Star*, March 1, 2017.

² *National Household Survey on Corruption in Service Sectors, 2015*, Transparency International Bangladesh, September 2016: 12. https://www.ti-bangladesh.org/beta3/images/2016/es_nhhs_16_en.pdf. Accessed on November 5, 2017.

³ Seventh Five Year Plan 2016 - 2017 and National Integrity Strategy, The Government of Bangladesh

⁴ Letter issued on 1 June 2014, Cabinet Division, The Government of Bangladesh

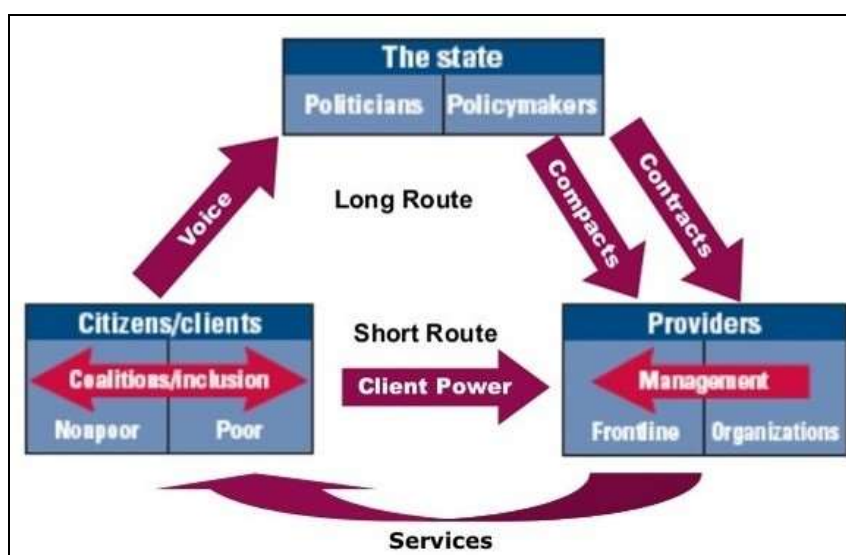
⁵ Seventh Five Year Plan 2016 - 2017 and National Integrity Strategy.

corruption and bribery (Goal 16.5), develop of effective, accountable and transparent institutions (Goal 16.6) and ensure responsive, inclusive, participatory decision making at all levels (Goal 16.7).

Thus, embolden with different legal and policy framework, the ACC started to conduct public hearing on public service provisions from 15 December 2014 to curb corruption and improve public services. Up to December 2016, the ACC had conducted public hearing on AC Land offices, Sub-registry Offices, Rural Electrification Board (REB), RAJUK, Bangladesh Road Transport Authority (BRTA), Department of Immigration and Passport (DIP) etc. at both local and central level. 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.

1.2 Conceptual and theoretical background - public hearing as a social accountability tool

Over the last few decades, the idea of governance has been evolving. Once it empathized on technocratic measures to improve government effectiveness and develop legal framework for market-oriented development. However, the problem was that sometimes institutions were taken over by corrupt political networks, self-serving bureaucrats and other interest groups and economic inefficiency, corruption and arbitrary rule in developing countries mushroomed. In this context, next phase of governance thinking emphasized on civic participation and social inclusion.⁶



Source: Making Services Work for Poor People, The World Development Report 2004

⁶ Jomo Kwame Sundaram and Anis Chowdhury, ed. *Is Good Governance Good for Development?* The United Nations Series on Development, Bloomsbury Academic, 2012: 1.

In a Weberian state mechanism, politician and policymakers implement their agenda through service-providing organizations and frontline managers. Politician and policymakers hold frontline managers accountable through some formal and informal rules. However, because of gaps in formal and informal rules and prevailing norms and behaviours in a society, sometimes policymakers and frontline managers are motivated by their self-interest and thus are engaged in collusive practices. In those cases, people can only make the policy-makers accountable in the long run through demonstrating their concerns and displeasure in the general election. In such a context, social accountability tools can make frontline managers accountable in the short run to improve public services.⁷

According to the Principal-Agent theory, policy-makers or supervisors (principle) expect that public officials (agents) would help them to attain their pronounced goal. However, public officials sometimes indulge in corruption and other deviances sometimes because of their self-interest; and supervisors (principle) sometimes fail to detect those deviances for the information asymmetry that prevails among themselves. Thus, social accountability tools can help to reduce information asymmetry that prevails between policy-makers or supervisors and public officials, so that policy-makers can detect public officials' deviances and thereby make them accountable. On the other hand, economist Gray Barker (1968) mentioned that self-interested public officials seek out bribes so long as the expected gain from corruption accedes the expected cost. In this view, he stated that one of the ways through which corruption can be mitigated is through increasing the probability of detection. Therefore, social accountability tools can help to reduce information asymmetry between the policy makers and frontline managers and increase detection of corruption.

Economist Albert O Hirschman (1970) combining economic and political dimensions gave a theory about the remedial on decline of goods and services. The model is known as *Exit* and *Voice*.⁸ The basic concept is that customers have essentially two possible responses when they perceive that an organization is demonstrating a decline in quality or benefit to customers. They can *exit* though withdrawal from the goods and services; or, they can raise voice to repair or improve the services through communication of complaints, grievances or proposals for changes. *Exit* works well in private provision when there are substitutes and high quality-elasticity to demand prevails i.e customers are quality conscious. In such condition, due to the effect of '*invisible hand*'⁹, the firms or organizations try to improve goods and service to avoid losing of customers or market share. *Voice* works when there is a monopoly; and thus, customers have little or no scope to withdraw. In such a condition, customers need to raise voice to repair the services. *Voice* works well when customers with higher consumer surplus actively participate to recuperate a service. Thus, in line with the *voice* component, a number of tools have been practised across the world to recuperate goods and services from a decline by building accountability of service providers through

⁷ *Making Services Work for Poor People*, The World Development Report 2004, The World Bank

⁸ Albert O Hirschman, *Exit, Voice and Loyalty, Responses to Decline in Firms, Organizations and States*, Harvard University Press, 1970:15-20

⁹ According to Adam Smith, whenever there is a perfect competition the *invisible hand* works to make goods and services efficient to the benefit of customers, Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, (1776).

civic engagement. They include public hearing, report card surveys, community scorecards, face the public, social audit etc.

1.3 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 in arranging and implementing public hearings
4. To provide recommendation to enhance effectiveness of public hearing

1.4 Scope of the study

Up to December 2016, the ACC had conducted 35 public hearings- of which 1 was in 2014, 5 in 2015 and 29 in 2016. In terms of organizers, 20 were organized by the ACC through mobilizing local administration and its sponsored Corruption Prevention Committees (CPCs) and 15 with the help of TIB's affiliated Committees of Concerned Citizens (CCC). In terms of location, 26 were at Upazila and 5 in district levels and 4 in Dhaka Metropolitan City.

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 under the purview of the study. However, contact information on 4 public hearings was not found available. Thus, finally 13 public hearings were considered for the study of which 10 public hearings conducted at Upazila and district levels on major public services like different land and sub-registry offices, health facilities, branches of Rural Electrification Board etc. and 3 in Dhaka Metropolitan City on Dhaka Development Authority (RAJUK), Bangladesh Road Transport Authority (BRTA) and Department of Immigration and Passport (DIP).

Table 1: Number of public hearing by years, organizers and locations

Year		Organizers		Location		
2015	2016	ACC & TIB	ACC	Upazila	District	Dhaka Metropolitan
5	8	5	8	9	1	3

1.5 Methodology

Both quantitative and qualitative research techniques were applied in this study. The quantitative technique involves two surveys – complainers survey and institutions survey. The complainers survey interviewed people who raised complaints at the public hearings and the institutional survey interviewed concerned authority/official at institutions on which people raised complaints. Finally, the complainer survey collected interviews of 195 aggrieved persons out of 299 complainers. In case of institutional survey, interviews were conducted with 51 institutions out of targeted 59 institutions. Some targeted respondents in

the complaint survey could not be interviewed because of wrong address, phone number etc. Thus, it can be said that the surveys were sorts of census with some non-responses.

Two different structured questionnaires were used for collecting data both the surveys. On the other hand, some qualitative techniques were 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), Upazila Nirbahi Officers (UNOs), concerned supervisory authority at district level, ACC officials at district and Upazila levels, members of Corruption Prevent Committees, a representative of the World Bank and TIB's CCC members. 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

1.6 Limitations of the study

One of the major limitations of the study is that the survey with complaint raisers could not be done with all the participants. In 13 public hearing, around 360 participants attended, of those 195 could be reached for the questionnaire survey. The remaining 165 participants could not be reached because of the absence of participants' detailed contact information including cell number.

1.7 Structure of the report

The report has five chapters. The Chapter I presents background and rationale of the study along with theoretical underpinning of public hearing as a social accountability tool. Chapter II presents an overview of public hearing covered in this study like when and where those public hearings took place, which institutions participated in those public hearings. Chapter III deals with effectiveness of public hearing like how participants felt in raising complaints, how many were resolved, what measures concerned authorities took to resolve those complaints etc. Chapter IV delineates challenges at different stages of organizing and implementing public hearing. Chapter V makes concluding remarks based on the findings of the study with policy recommendations to make public hearing more effective.

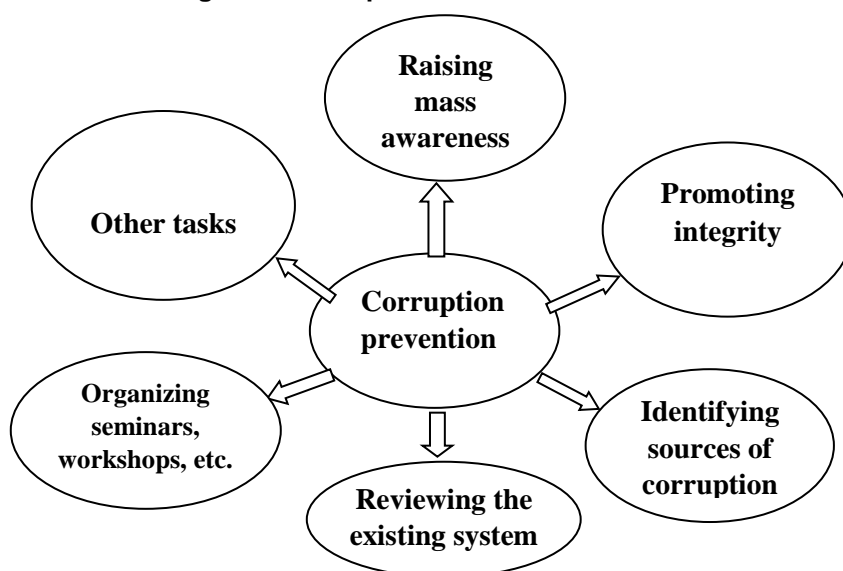
Chapter Two: An Overview of ACC's Public Hearing

2.1 Aims and Objectives ACC's public hearing

As per Anti-Corruption Commission (ACC) Act, 2004, the ACC is mandated to prevent corruption. According to the Act, corruption prevention has seven dimensions (Figure 1) that include *inter alia* raising mass awareness, promoting integrity and identifying the sources of corruption. ACC's public hearings on different institutions serve all these dimensions in varying degrees. Thereby, the ACC conducts public hearings as a social accountability tool aiming at promoting transparency and accountability of public institutions and combating corruption. The Corruption Prevention Committees (CPCs)¹⁰ constituted by the ACC and TIB's Committees of Concerned Citizens (CCCs) at districts and upazilas have been helping it to conduct public hearings. The World Bank and JICA have given financial resources for their implementation. The ACC expects to achieve below outcomes through conducting public hearings:

- Creating awareness against corruption
- Ensuring accountability and transparency in public offices
- Speedy disposal of complaints of the citizens
- Empowering the citizens
- Improving the business processes in service delivery

Figure 1: Corruption Prevention dimensions



2.2 An overview of conducted public hearings

The public hearings conducted at Upazila 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

¹⁰ According to the ACC policies, each district and metropolitan Corruption Prevention Committee comprises 13 members and a Upazila Corruption Prevention Committee comprises nine members. One-third of the members are women. One President, two Vice-Presidents and a General Secretary are nominated by the members of the committee

Metropolitan City were on RAJUK, Bangladesh Road Transport Authority (BRTA), Department of Immigration and Passport (DIP). The reasons for selecting these institutions are that they have been believed to be infested with corruption from where large number of citizens receive services and they are very essential for ensuring human development and citizen's well-being. In total, 360 participants raised complaints and 59 public officials attended in 13 public hearings covered by this study.

Table 2: List of public hearings, dates and number of complains and attending institutions

SI no.	Location	Date	Number of participants	Number of public institutions attended
1	Kotalipara, Goplgonj	December 28, 2015	16	5
2	Tetulia, Panchagar	2015	32	10
3	Savar, Dhaka	September 16-17, 2015	23	3
4	Chakaria, Cox's Bazar	October 14, 2015	13	4
5	Land Administration, Dhaka Metropolitan City	December 10, 2015	16	2
6	RAJUK, Dhaka Metropolitan City	January 2, 2016	37	5
7	Kishoregonj Sadar	February 29, 2016	26	3
8	Sirajdikhan, Munshigonj	March 8, 2016	33	3
9	Juri, Mowlobibazar	April 17, 2016	34	5
10	Rupsha, Khulna	April 24, 2016	13	3
11	BRTA, Dhaka Metropolitan City	May, 2016	31	2
12	Sibpur, Narshindi	June 27, 2016	58	8
13	Charfasion, Bhola	-	28	6
	Total		360	59

2.3 Background of the survey respondents

Analyzing the background of public hearing attendants who participated in the survey, it is found that 66.7 per cent were from rural areas and 33.3 per cent from urban areas. In regard to sex, it is found that 7.8 per cent were female and 92.2 per cent male. Among the survey participants, majority of them belong to age groups 41-50 (25.3%), 51-60 (24.7%) and 61+ (24.2%).

Table 3: Background of the respondents

Background	Percent
Location	
Rural	66.7
Urban	33.3
Sex	
Female	7.8
Male	92.2
Age groups	
20-30	6.3
31-40	19.2
41-50	25.3
51-60	24.7
61+	24.2

Chapter Three: Effectiveness of public hearing

The effectiveness of hearing depends on multiple factors including active participation of the participants, positive nod and commitment of the concerned authority against whom the complaints raised, environment of the hearing session to read out complaints, institutional responses, etc. This chapter presents empirical findings with a focus on the effectiveness of public hearing implemented by ACC and other stakeholders. Findings in line with these objectives are presented through synthesising information from two surveys done with the complainers and authorities, key informant interviews and case studies.

3.1 Submission and raising of complaints

One of key elements of a public hearing is to raising complaints on service delivery provisions. The complaints made concerned institutions accountable that eventually created a space to resolve raised complaints and initiate institutions response to prevent recurrence of those problems again. For this purpose, the ACC asks service recipients to put their complaints into designated complaint box usually installed at District Commissioner (DC) or Upazila Nirbahee Officer (UNO) office and headquarter of particular institution. Organizers receive complaints before the hearing event so that they can invite concerned institutions or authorities to ensure their presence and give their responses on the complaints. After proper scrutiny, certain number of complaints are allowed to be presented at a public hearing event.

The purpose of the scrutiny is to avoid duplication, validity and cogency.

Moreover, some complaints are encouraged to

raise instantly at a hearing session.

Box 1: Public hearing - a strong platform

‘Public hearing is a strong platform for those marginalized people who face harassment at every step during receiving public services. It creates an opportunity to let authorities know about the problems complainers face.’

Source: A representative from *Duprok*, interviewed on March 2, 2017

3.1.1 Modes of complaints submission

Out of 299 targeted participants who participated in the public hearings 65.2 per cent (195) could be reached through this survey - of which 66 per cent submitted their complaints before the public hearing in the written form in their respective designated complaint box and remaining 34 per cent submitted their complaints on the day of public hearing session.

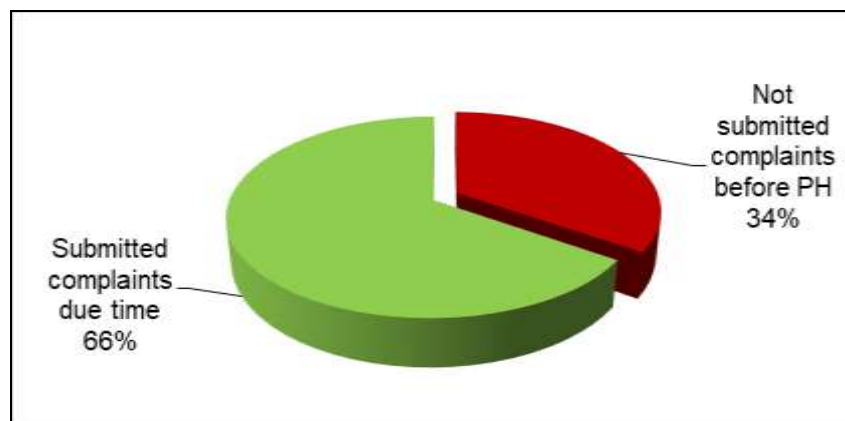
Table 4: Modes of complaint submission

Issue	Percent
Written from	66
Instantly	34

3.1.2 Submission of complaints before public hearing

The study found that majority of the complaints in 13 public hearing were raised before the hearing event. In response to the question-how complainers submitted their complaints, it is found that a considerable parentage of complaints was (66%) submitted in designated complaint boxes before the scheduled time (Figure 2). The remaining complaints (34%) were submitted during hearing sessions.

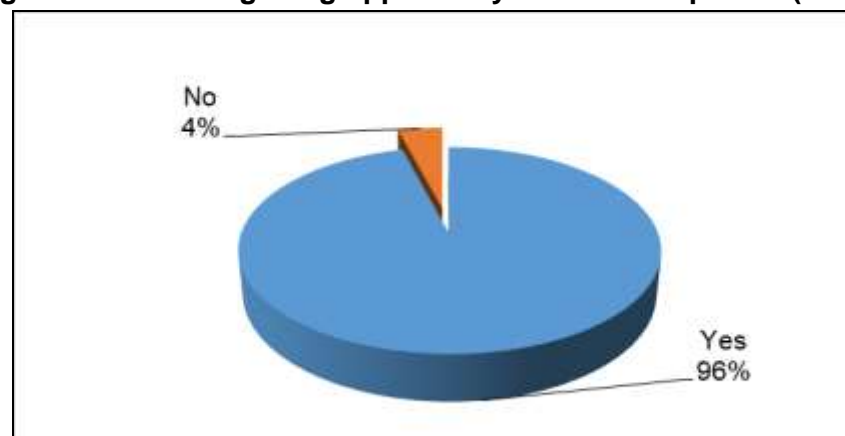
Figure 2: Submission of complaints by complainers (n=195)



3.1.3 Getting opportunity to voice complaints during hearing sessions

The study found the environment in the hearing events was very conducive and friendly to voice complaints. This was adequately demonstrated as almost all complainers got the opportunity to read out their complaints. According to survey findings, overwhelming percentage of complainers (96%) could read out their complaints at the public hearing events (Figure 3). Only a few complainers (i.e., 4%) could not do so for some unavoidable reasons like eruption of scuffle between complainers and opponent parties/quarters, shortage of time, similar type of complaints were raised beforehand etc.

Figure 3: Status of getting opportunity to raise complaints (n=195)



However, there were few instances where complainers were persuaded not to voice their complaints. It was observed that some public officials approached complainers beforehand

Case study 1: Persuaded a complainer not to present complaint during hearing session

'Complainer A' submitted a complaint against an Assistant Commission of Land (AC Land) in the complaint box. Before the public hearing event, the land officials persuaded the complainer to keep him away from raising the complaint. The concerned AC Land approached the complainer just before the hearing event and said **'You are like my mother. Please do not raise your grievance at the public hearing session today. If you do so I would lose my job. I do assure you that I will resolve your land problem shortly'**. Finally, the complainer did not raise the complaint.

and prevent them to raise their complaints with the promise of solving or settling the problem within a short time (case study 1 and box 2).

Box 2: Not all complainers allowed to raise complaints

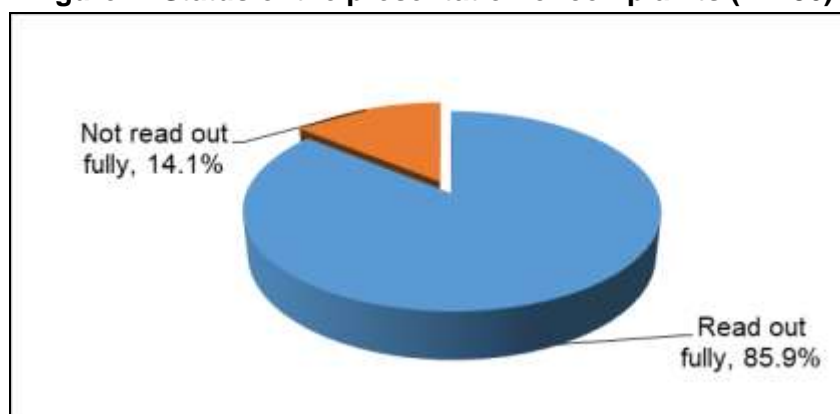
A representative from *Duprok* complain that a section from local administration and leaders aligned with the ruling party decided what complaints would be allowed to raise and what not. According to him, the organizers of the public hearing received 52 complaints before the event; however, only 13 complaints were allowed to present at the hearing session.

Source: A representative from *Duprok*, interviewed on March 2, 2017

3.1.4 Deliberation status of complaints at hearing sessions

Raising complaints against public officials during a public hearing is a matter of courage and a new experience for service recipients as well. Despite this, the study found that an incredible percentage of complainers (85.9%) could raise or read out their complaints fully.

Figure 4: Status of the presentation of complaints (n=186)



There were few instances where complainers were interrupted at the time of raising their complaints. However, no corrective measures were taken prevent those interruptions. Moreover, once a public hearing session was postponed due to scuffle and chaos among the complainers, aggrieved quarters and concerned authority. Thus, remaining complainers missed their opportunity to present complaints.

Case study 2: Postpone of hearing session amid chaos

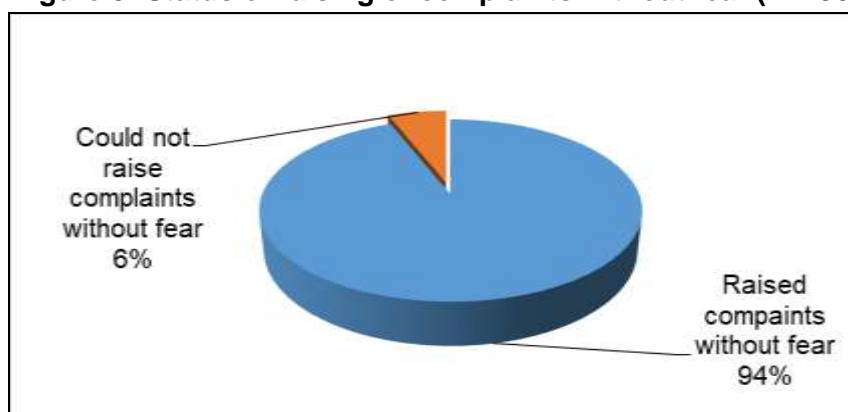
'Complainer B' raised a complain before the authority and ACC representatives during a public hearing event. A politically influential person of that locality started throwing slangs and abusive words toward the complainer and compelled him leave the stage - even threatened him. In this context, the organizers postponed the hearing programme immediately.

Source: A complainer, interviewed on March 3-6, 2017

3.1.5 Raising of complaints without fear

A very high percentage of complainers who attended the hearing programmes could voice their complaints without fear and favour. According to the complainer survey, 94 per cent complainers could raise their complaints during the public hearing programmes without fear.

Figure 5: Status of raising of complaints without fear (n=186)



The reasons for which complainers feared to raise complaints include pessimism about getting solution on the problem after the hearing, scare about the authority, risks of experiencing harassment afterwards from concerned authority, pressure from local political leaders and influential people.

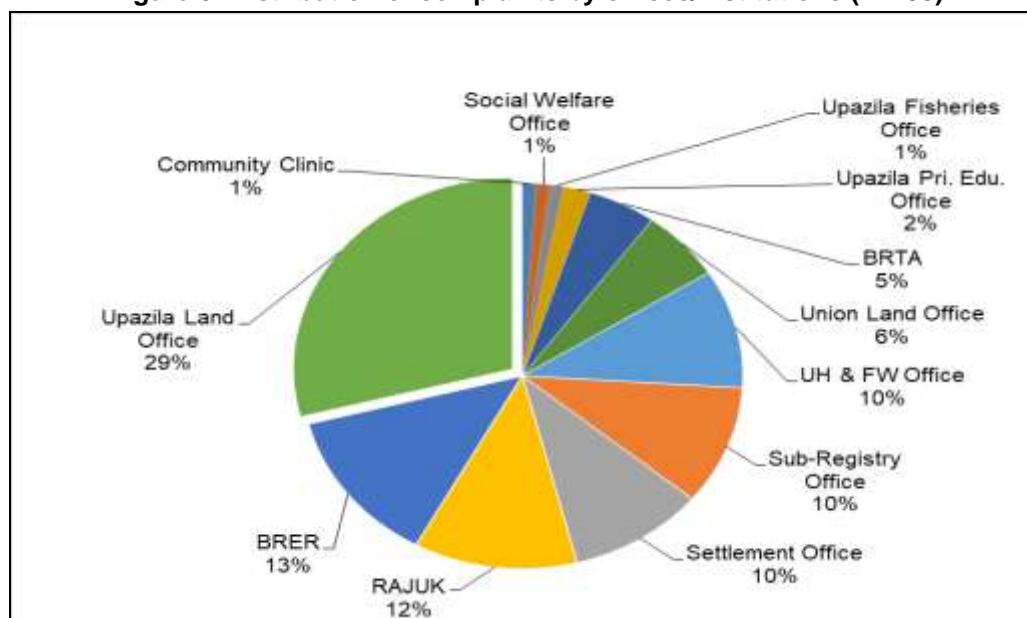
3.1.6 Complaints raised against institutions and officials

The survey findings reveal that complainers in 13 public hearings made complaints against diverse institutions and individuals. Majority of the complaints were made against institutions and individuals involved in land services (67%). Among land offices, majority complaints were against Upzilla Land Offices (29%). Other notable institutions against which complaints made complaints include BREB¹¹ (13%), RAJUK¹² (12%), health services (10%). (please see figure No. 6).

¹¹ Bangladesh Rural Electrification Board.

¹² Rajdhani (Capital city of Bangladesh) Unnayan Kotripokha (RAJUK)

Figure 6: Distribution of complaints by offices/institutions (n=195)



3.1.7 Nature of the complaints

Analysing the types of complaints it was found the most common types of complaints were bribery; harassment of the complainer by a section of public officials, negligence of duties of public officials; unlawful behaviour of the public officials fraudulence and unlawful behaviour. In the land sector, most complaints were relating to illegal occupation or grabbing of land with illegal documents and muscle power. Health service-related complaints centred on negligence of duties by doctors and other service providers, scarcity of medicine and bribe paid for receiving services at hospitals. Major complaints against REB services include delay in giving electricity connection for households and bribe paid for getting services. Regarding the services of RAJUK, the dominant complaints made by complainers were occupation of plots by illegal means, not getting of plots allotted by RAJUK. The BRTA¹³ related complaints were mostly relating to bribery experienced by the complainers.

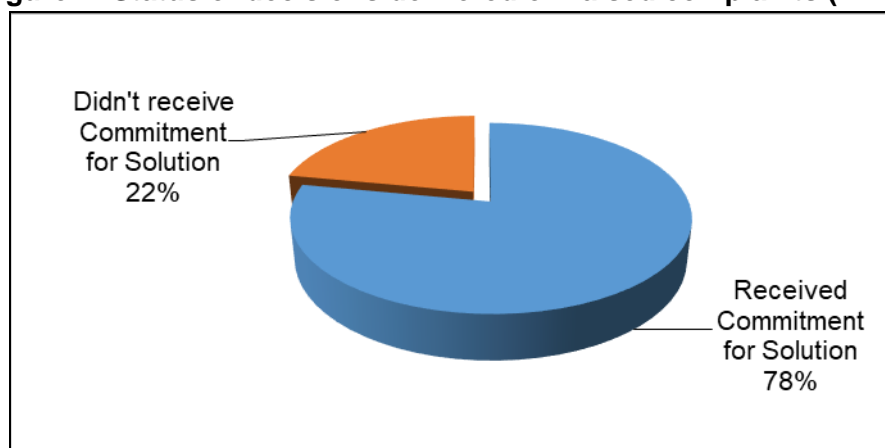
3.2 Resolutions of complaints

3.2.1 Decisions delivered on complaints during hearing events

Public hearing is a platform through which ordinary service recipients raised complaints on service deviations of service provisions so that institutions can take remedial measures to solve raised problems. The survey findings of the complainer survey (figure No. 7) reveal that majority of the complainers got decisions or commitments during hearing events from concerned authority against which complaints were raised.

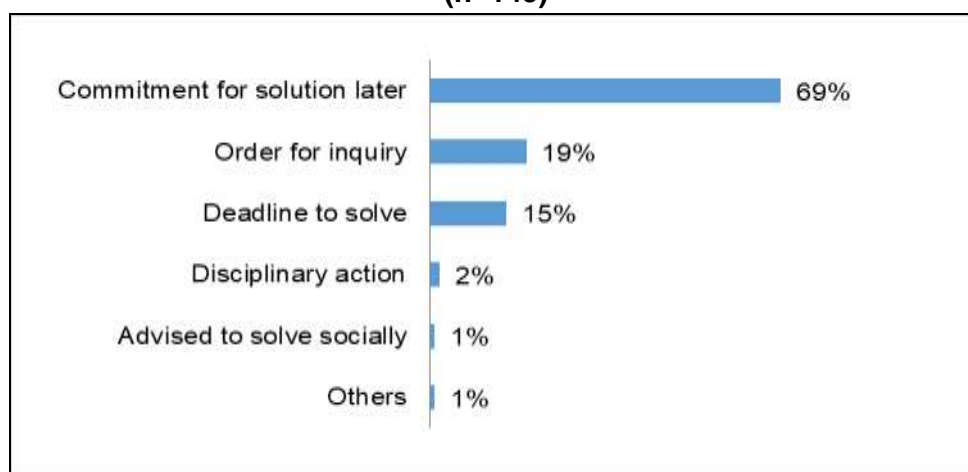
¹³ Bangladesh Road Transport Authority.

Figure 7: Status of decisions delivered on raised complaints (n=195)



From Figure-8 it is observed that among the complainers who got decision on raised complaints, 69 per cent received commitments to solve the problems from concerned authorities. Other notable solutions include setting of deadlines for the solutions of the complaints (15%) and order given by the ACC to conduct inquiry on the allegations by concerned authorities (19%).

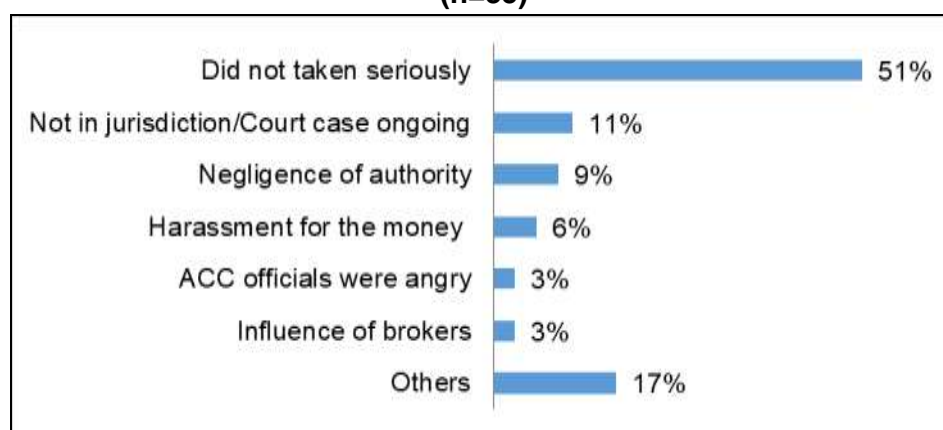
Figure 8: Types of commitments to solve complaints at the time of public hearings (n=145)



3.2.2 Reasons of getting no commitment for solution during public hearings

According to the complainer survey, 22 per cent complainers did not receive any commitment for resolving their problem. The most prominent reason for which some complaints did not receive commitment include authority did not take the complaint seriously (51%), beyond jurisdiction of concerned authorities (11%) and negligence of authorities (9%).

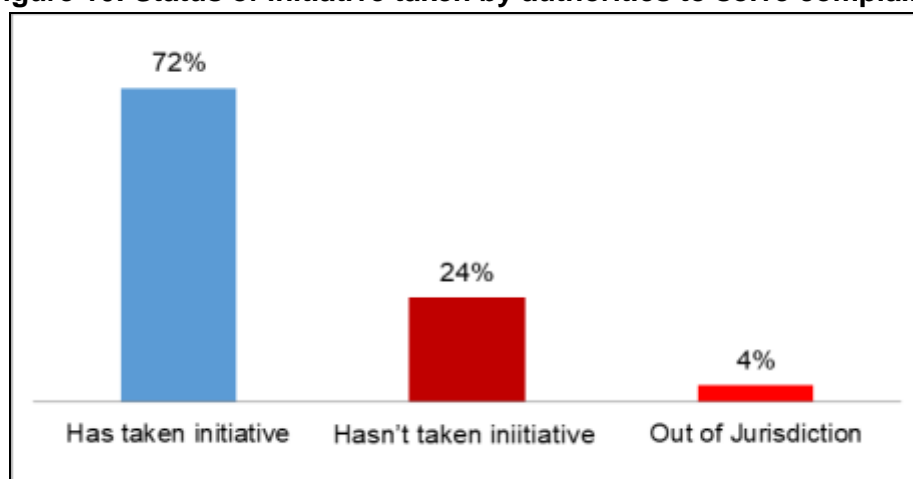
Figure 9: Reasons for getting no commitment for solution during public hearing (n=35)



3.2.3 Authorities' initiatives to solve complaints

It is found that after the public hearings authorities took encouraging initiatives to solve complaints. For almost two-thirds (72%) of the complaints, concerned authorities took initiatives to solve them. The most notable measures taken by authorities include concrete measures taken to solve the complaints, setting of deadlines for the resolutions of complaints and order given to conduct inquiries as per the directives given by the ACC.

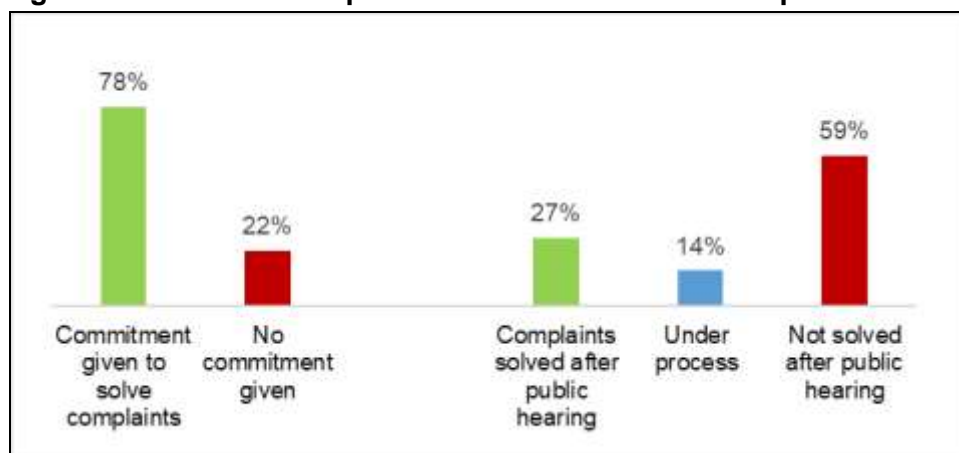
Figure 10: Status of initiative taken by authorities to solve complaints



3.2.4 Status of complaints solved after public hearings

One of the aims of public hearing events is to create a space for resolving raised complaints. If complaints are solved, creating of social accountability through public hearing would pronounced and participants' trust on the effectiveness of public hearing would enhanced. This study shows an encouraging picture regarding responses made by concerned authorities. According to the complainers' survey, majority of the complainers (78.0%) got commitment or assurance to solve the problems during the hearing sessions. Afterwards, about one-third of the complainers (27.2%) said that they got solutions on their complaints afterwards and around one-tenth (14.0%) were under process. However, more than half of the complaints (59%) remained unsolved up to the survey period.

Figure 11: Status of complaints solved before and after public hearing



The survey findings reveal that complainers received solutions because of active measures taken by concerned authorities. There were instances where complainers got back bribe money paid to certain public officials (see case studies 3 and 4).

Case study 3: Return of bribe amount (1)

The 'Complainer C' complained that local AC Land Officials took bribe from service recipients. 'I bribed Tk. 4,000 to an employee of AC Land Office but did not get solution of my problem' - said a complainer during a public hearing session. The Upazila Land Officer who attended the hearing session, promised to settle his problem within a short time. Accordingly, the complainer met with the AC Land and received solution of his problem and also got back of the money he had paid as bribe. The alleged employee involved in taking the bribe was transferred to another place as a punishment.

Case study 4: Return of bribe amount (2)

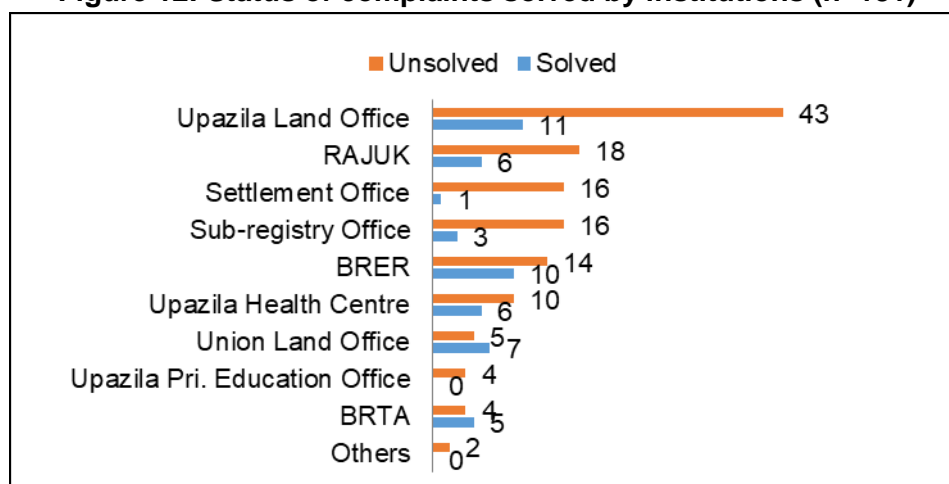
The 'Complainer E' met with a Union Land (UP) Officer for mutation and paying land tax. 'Your land related documents are fake. If you pay me eight thousand taka I will correct your documents'- claiming bribe by an employee of the land office. Accordingly, the complainer paid bribe and land tax too. After having been complained in the public hearing, the UP land officer called the complainer in his office and returned the money he paid as bribe.

Source: Two Complainers, interviewed on March 3-6, 2017)

3.2.5 Status of complaints solved by institutions

According to complainer survey most of the unsolved complaints were relating to land services. Empirically, 43 complaints raised against Upazila Land Offices remained unsolved out of 54 complaints. Similarly, RAJUK could not solved 18 complaints out of 24 complaints. Only small numbers of complaints against Settlement Offices (1 out of 17) and Sub-registry Offices (3 out of 19) were solved. The number of solved complaints was found higher than the unsolved complaints in cases of Union land office and BRTA.

Figure 12: Status of complaints solved by institutions (n=181)



3.2.6 Reasons of complaints unresolved after public hearing

The major reasons for which no solution on the complaints observed include non-cooperation from concerned authorities (69%), inability or refused to pay bribe as demanded by authorities (27%) and lack of initiatives by authorities (24%). In view of non-response on complaints, a complainer opined that 'authorities do not bother complaints raised in the public hearing'.

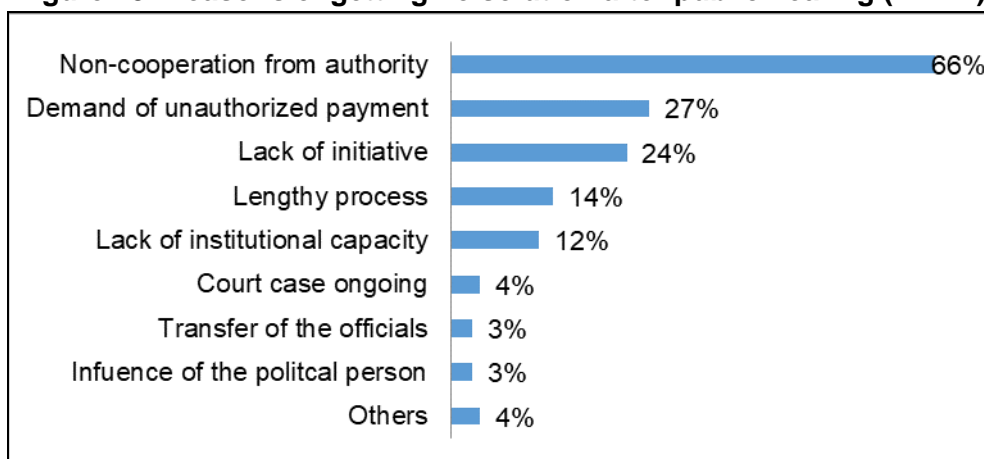
Case study 5: No solution received after hearing

The 'Complainer D' complained about the presence of fake doctors and illegal medicine in the pharmacies and medicine shops in an around the hospital area. The concerned *upazila* health officials gave commitment for taking measure against the complaints within a short-period. I did not notice any such measure till today. Whenever I meet with them, the authority tries to convince by saying that they will take measure soon, but in reality no change is noticeable yet. This happened due to lack of sincerity of health officials in executing the promises given at the hearing session.

Source: A complainer, interviewed on March 1-3, 2017

While discussing with the key informants it was evident that it had been possible for concerned authorities to ignore promises due to lack of process tracking or monitoring on the progress of the commitments given at public hearing events. It is also alleged that a section of public officials made commitments to appease ACC officials attending the events, they were not willing to implemented those promises.

Figure 13: Reasons of getting no solution after public hearing (n=121)

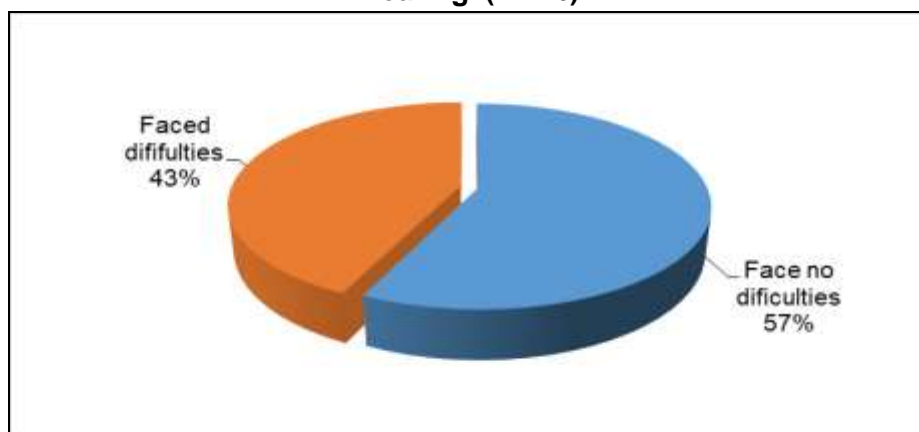


3.3 Post-public hearing experiences

3.3.1 Difficulties experienced by complainers

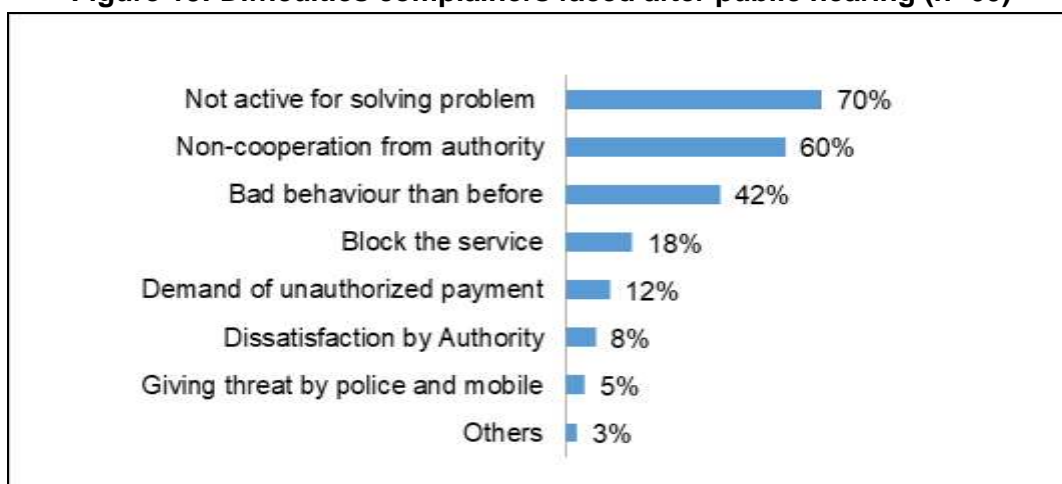
The empirical information of this study reveals that complainers encountered challenges during receiving services after the hearings. According to complainers' survey, 43 per cent complainers faced difficulties when they again received services from those institutions.

Figure 14: Status of difficulties complainers faced from authorities after public hearing (n=146)



The notable types of challenges include not enthusiastic and active enough for solving problem (70%), non-cooperation of concerned authorities (60%), bad behaviour compared to their earlier encounters (42%), create obstacles in deliveries of services (15.9%), demand of unauthorized payment (12%) etc.

Figure 15: Difficulties complainers faced after public hearing (n=60)



The case study of 'Complainer E' reveals that sometimes complainers had to face untoward situation e.g., receiving of life threats from local counterparts and influential people after public hearing events. There is also an evidence of physical assault experienced by a complainer.

Case study 6: No solution received after hearing

The 'Complainer E' did not get plot allotted by RAJUK. 'We will look into your complaint duly'- viewed by RAJUK officials during the public hearing. After hearing the complainer met with RAJUK officials and submitted all sorts of documents as per requests but he did not get his plot.

Source: A complainer, interviewed on March, 2017

Case study 7: Life endangered after hearing

The 'Complainer E', was called in by a section of local influential people in the following day of public hearing. He was told by saying, 'if you move further you will not get back your land. Your life will be endangered if you go to ACC office once again.' He got phone call from local ACC office on the same day and was asked to meet with them to discuss further about his land difficulty. In this situation he decided to keep himself away from meeting with the ACC personnel. 'I have lost both my money and land, and I do not want to face any kind of harassment further. Now I am speechless. I do not want to lose my life and thereby make my two sons orphan. So, I have also decided to discard my hope of getting my land back.'

Source: A complainer, interviewed on March 1, 2017

In one case, life of a complainer became endangered at a public hearing event before arrival of ACC personnel and local administration. Thus, the security of complainers has become a matter of concern for organizers.

Case study 8: A complainer left home for threats by opponents

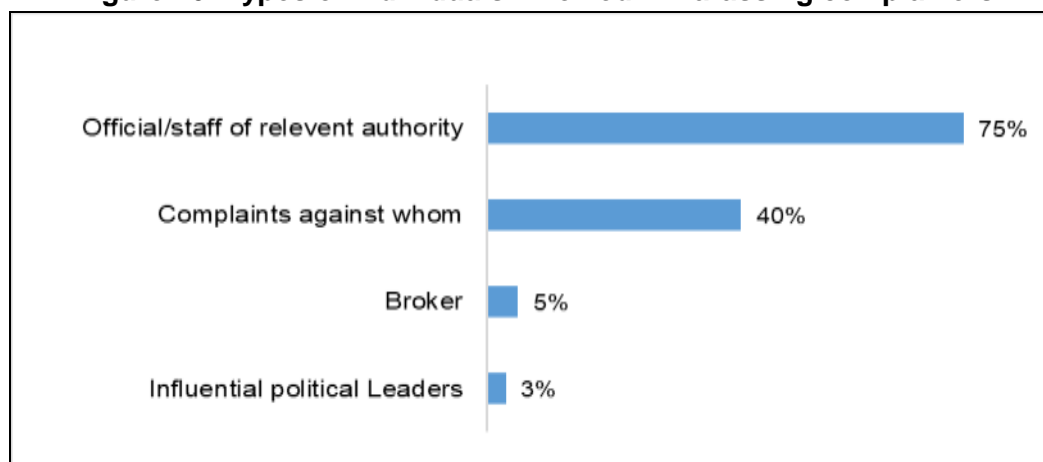
The 'Complainer F' was attacked by a section of the pro-ruling party student-wing local leaders during the public hearing programme. The complainer tried to present complain about the misappropriation of public money in the *Upazila* Health Complex related projects. Due to the chaos and sudden attack, he could not have presented his complaint. It is alleged that the ACC officials was remain kept silent and took no measure to save the complainer from physical assault. 'I was forced to leave venue of the public hearing and left my locality to move to Dhaka. I can't return to my house from Dhaka for the fear of being attacked once again.'

Source: A complainer, interviewed on March 6, 2017

3.3.2 Individuals involved in harassing complainers

Complainers who voiced complaints during the public hearing events experienced negative responses from concerned authorities. Among the complainers 75 per cent experienced from officials/staffs of concerned authorities. This is followed by complainers against whom (40%) complaints were made.

Figure 16: Types of individuals involved in harassing complainers



A complainer whose land had been occupied by an influential quarter was forced to leave his place after facing a threat for making the complaint on the occupation. The complainer did not receive necessary security and support from the local administration too.

Case study 9: A complainer compelled to leave the locality after hearing

The 'Complainer's G' belongs to a religious minority community. A few members of a para-military force allegedly occupied his land. Finding no solution, he presented his complaint in the hearing session. The concerned land officials attended the programme assured him to settle the complaint as soon as possible. After the end of the hearing, the usurper (land grabber) became furious and started giving threats to him by the senior officials of that force and his family members and over cell phone. 'I had to change my residence and phone number but I could not escape the threat of the occupants'- the complainer opined.'

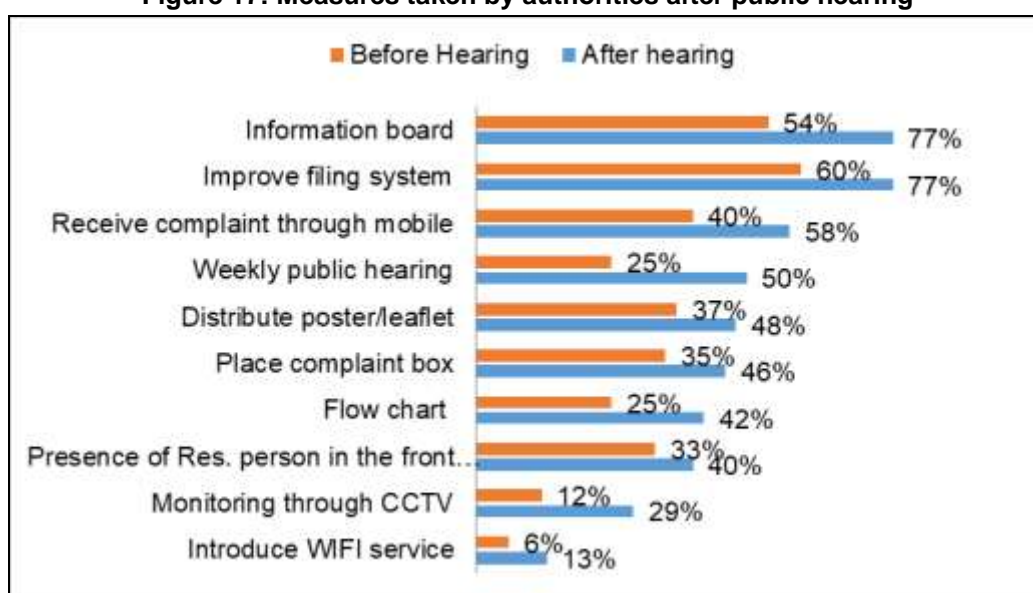
Source: A complainer, interviewed on March 3-6, 2017

3.4 Post-public hearing institutional responses

3.4.1 Measures taken by concerned institutions

The surveys conducted with complainers and authorities reveal that after public hearing institutions took certain measures for improving the quality of services. Almost all the measures pertained to improving transparency and accountability of public services. They exhibited positive trends in regard to some indicators that include improved filing system, receiving of complaint through mobile, conduction of weekly public hearing, distribution of posters/leaflets, installation of complaint box, flowchart, ensure presence of responsible person in the front desk, monitoring through CCTV and introduction of WiFi services. For example, 77 percent of the institutions had information board after public hearing whereas the corresponding figure before hearing events was 54 percent. Similar trends were observed in other areas.

Figure 17: Measures taken by authorities after public hearing

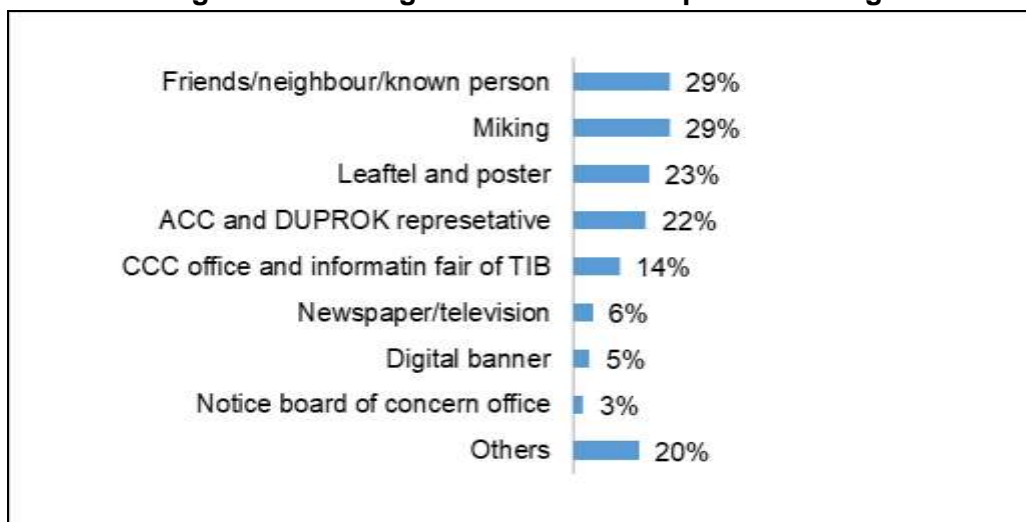


3.5 Participants' opinion on the arrangement of public hearing events

3.5.1 Publicity on hearing programme

The organizers of 13 public hearings used multiple mediums of publicity to invite local people to attend and come up with complaints. The highest percentage of complainers were informed about public hearing events from friends/neighbors/acquaintances (29%) and use of loudspeakers/miking (29%) followed by information dissemination through leaflets and posters (23%) and ACC officials or members of Duprok representatives (22%), etc.

Figure 18: Getting information about public hearing



3.5.2 Time allowed for raising complaints

The findings of the complainer' survey demonstrate that the majority of the complainers (97%) got sufficient time to raise and read out their complaints during the public hearing events. Complainers who could not get enough time to do the same due to shortage of time and presence of the influential persons and concerned authority. In those cases, organizers sometimes forced complainers to read out their complaints hurriedly. However, in a few public hearing, a considerable time was spent for giving guests to deliver their long speeches.

3.5.3 Opportunity given to raise or read out complaints

Getting opportunity to raise complaints can be considered as one of the key determinants of a successful public hearing. Although majority of the participants (96%) got the opportunity to raise complaints, 4% complainers could not raise their complaints.

3.5.4 Seating arrangements

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. A little percentage (i.e., 4.2%) expressed their dissatisfaction.

3.5.5 Sound system of public hearing venues

Almost all the participants (97.4%) expressed their satisfaction about the quality of the sound system arranged for public hearing events.

3.5.6 Location of venues for easy commuting

All 13 public hearings were arranged at district and upazilla headquarters, and central offices of the concerned institutions (e.g., RAJUK). Therefore, location of the arrangements was found convenient by the complainers. 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.

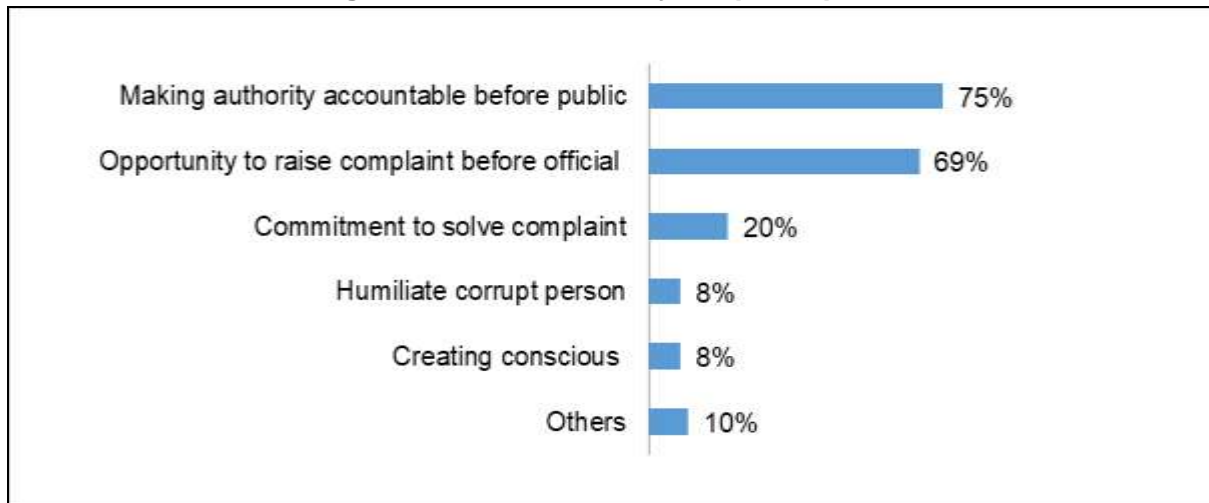
3.5.7 Maintenance of schedule

Almost all participants (94.2%) opined that public hearing events commenced in due time.

3.5.8 Issues participants liked reagrding public hearing

No complainer was found to dislike public hearing event. The reasons for the liking was it created opportunities for making authorities accountable before the public (75%) followed by opportunity to raise complaints before officials (69%) and commitment to solve complaints (20%) etc.

Figure 19: Issues liked by the participants



Chapter Four: Challenges

Public hearing is a multi-stakeholder event involving different stages. It needs to mobilize ordinary people and institutions and other stakeholders at different stages of public hearing such as collecting complaints, organizing the event, raising complaints at the event and facilitating their solutions. Moreover, complaints on deteriorating public services sometimes create anomalous situations with prevailing state of affairs especially with various rules, regulations and practices. Sometimes, interests of different stakeholders intertwined. Therefore, a public hearing event needs coordination, mobilization and persuasion of different stakeholders which sometimes poses different challenges.

4.1 Challenges during organizing the events

4.1.1 Lack of citizen's awareness on public hearing processes

Some key informants opined that ordinary complainers don't know exactly what the public hearing is, why public hearing is arranged and what benefit it would bring. Therefore, complainers were not forthcoming enough to raise complaints and enthusiastic about the benefits of public hearing.

4.1.2 Lack of knowledge about public services

Sometimes service recipients do not know how to get a service, who is responsible for the service, the jurisdiction of concerned office etc. Therefore, service recipients raised complaint against one office that should be against another office. Some complainers raised complaints that were under the judicial process. Such types of complaints created confusions at public hearing events and institutions fall into dilemmas to solve them.

4.1.3 Lack of sufficient publicity of public hearing

Some informant raised concerns on publicity level of public hearing events. Generally public hearing is arranged at Upazila and district headquarter, therefore publicity of public hearing confine within the periphery of Upazila and district headquarter. Thus, people from remote and marginalized areas got less opportunity to learn about public hearing events and thereby lessening their participation.

4.1.4 Less participation of people from marginalized areas

The location of the hearing event is also found to pose constraints to people living in the remote areas. Thus, people from the marginalized region got less opportunity to participate in the public hearing session as public hearing took place mostly at Upazila or district headquarters.

4.1.5 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 public officials.

4.1.5 Prevent complainers to raise complaints

In some cases, concerned authority, brokers or influential political persons prevented or intimidated few complain makers to raise complains. Eventually, few complainers kept themselves away from raising their complaints.

4.1.6 Lack of interests of public officials on public hearing

Some responsible officials of some institution or offices were found to be reluctant to participate at some public hearing events due to other businesses. As a result, some complains could not be responded during public hearing events in a proper manner and administrative measures to resolve them lingered.

Box 3: Lack of interests of a section of public officials

'Public hearing is ACC's programme. We used to arrange similar kind of programme on regular interval. I do not see its necessity.'

– viewed by a ADC (General).

'I was just assigned and responsible to give protocol to the senior officials of that programme. I do not know anything about the hearing event already implemented at my area. ACC with support from *Duprok* and JICA have played central role to arrange the programme. It will be better if you talk to them, you will find detail information about that hearing programme.'

- viewed by a UNO.

'I do not find the necessity of public hearing event. First, it is necessary to curve the corruption of political leaders. So, public hearing should be arranged for them first, not with pubic officials.'

- viewed by a UNO hearing.

One of the key informants noted that the foremost challenge is that some public officials or field level high officials showed discomfort and hesitation to attend hearing events. It is alleged that sometimes resorted to pretext (e.g., busy/engage in other official duty)¹⁴ to avoid their attendance to encounter allegations and grievances of service recipients. For instance, it is found that Civil Surgeons and Residential Medical Officer (RMO) sometimes sent Medical Officers of junior doctors in their place. Similar attitude is observed in case of land service providing offices.

4.1.7 Lack of logistics, human resources and budget

There is a lack of logistics, human resources and budget for the ACC to arranged public hearings. Because of budget constraint the ACC has to depend on associated organization like TIB and other donor organizations like the World Bank and GTZ for funding public hearings. Moreover, the ACC doesn't have their own offices in some districts. In those

¹⁴ Viewed by a representative of DUPROK from Moulivibazar District. Interviewed on February 2, 2017.

cases, they have to arrange or conduct public hearings through taking support from Dhaka and or nearby division level offices.

4.1.7 Some public services left out of public hearing

It is observed that some local offices/institutions i.e. police, tax, custom, Roads and Highway, Water Development Board that are found to be highly corrupt based on media reports and different surveys and against which public grievances are rife were not invited at the public hearing events. Because of their absence some participants raised questions about the legitimacy of public hearing and repressed their displeasures.

4.2 Challenges during public hearing

4.2.1 Late start of public hearing

Sometimes public hearing started late in some places because of late attendance of guests and giving them protocol. Because of such delays allocated time for some events was lost and programme or complaint raising session had to be curtailed or shortened.

4.2.2 Long speeches delivered by guests

In some places, a considerable time was lost because of lengthy speeches given by some guests and to accommodate all guest to deliver their speech. Consequently, the complaint raising section at public hearing event had to be shortened leaving some complaints unheard.

4.2.3 Partisan influences in some hearing sessions

It is observed that sometimes public hearing sessions were often interfered and interrupted by a section of local influential political and elected preventatives. The presence of controversial and influential leaders from ruling party often create panic among complainers. There was an instance of postponing a public hearing event because of a scuffle between the supporters of a political party and complainers. In that event, a key informant observed the ACC officials could not handle this kind of situation. It is also observed that political leaders took inordinate time to deliver their speech, thereby killing session time allocated for the complainers.

4.3 Challenges after public hearing

4.3.1 Hamper resolution of complaints because of transfers and retirements of public officials

According to some public officials who attended public hearing events opined that resolution of some raise complaints hampered because of transfers and retirements of concerned public offices. In some cases, complaints went into oblivion because of these reasons.

4.3.2 Absence of follow up mechasim

The study observed that the ACC undertook weak or less follow up to ensure resolution of complaints different authorities promised at public hearing sessions even with specific deadline. A section of public officials also viewed that follow up initiatives would have helped them to implement their commitments on raised complaints. Because of the absence of the

follow-up, the main tenet to make public officials accountable become weaker. Some stakeholders including ACC sponsored DUPROK felt dire necessity to perform post-event follow-ups.

4.3.3 No solution received after hearing

It is observed that almost two-third of the complaints (73%) raised at public hearing event have not received solutions from concerned institutions. At public hearing events, authorities gave commitments to solve problems. However, some of them exhibited negligence or lack of interest in solving those complaints. Lack of process tracking or monitoring sometimes inadvertently encouraged some authorities to sidestep raised complaints. It appears that public hearing alone cannot solve complainers' miseries. One key informant opined corrupt behaviour of public officials should be sanctioned side by side. They should also be made visible to service recipients. Only then ordinary people would be attracted to attend public hearing and such initiatives would contribute to bring more effective and positive changes in the services delivery institutions¹⁵.

4.3.4 Lack of interests of newly deputed officials to execute decisions

This study reveals that the rotation of public officials cause obstacle to resolve complaints. The public officials who join after the public hearing events often do not feel comfortable or show interests to execute the decision or commitment given by their respective authority. In some cases, they are found fully uninformed. It is also observed that few offices like *Upazila* Health Complex could not execute commitments because of the institutional limitations including lack of sufficient doctors, nurses, health service equipment, etc.

4.3.5 Solutions beyond the jurisdiction of authorities

Sometimes, solutions to raised complaints rested with the jurisdiction of the court. It is highly visible in cases of land disputes. This study found that some complaints raised in the hearing events could not be solved during public hearing session or even after the public hearing events because of their such nature. However, complainers attended hearing programme with the hope of getting solution of their complaints.

4.3.6 Fearing insecurity of life

Some people who attended and raised complaints at public hearing felt repercussions from institutions and other powerful quarters. Moreover, a section of people anticipated negative reactions from concerned institutions and other powerful section for which they avoided attending public hearing events. Sometimes, they felt insecurity of their life and post-hearing harassments.

Box 4: Feeling of fear by participants

One of the key challenges is the scarcity of participants for public hearing. The root cause is feeling of fear of the people. People think that they would face more harassments if they go to office after the hearing programme. 'This feeling of fear should be addressed first for an effective public hearing programme.'

Source: Viewed by a Deputy Director (District level), ACC, Interviewed on March 9, 2017.

¹⁵ Viewed by a former President of Durpok in one district, interviewed on March 6, 2017.

A section of complainers who participated in the survey mentioned such fear as a barrier for the effectiveness of public hearing. The types of uncertainty people felt include intimidation by concerned authorities, risks of being harassed and pressure from political leaders and locally influential people.

Chapter Five: Conclusion and Recommendations

5.1 Concluding remarks

According to the findings of the study, public hearing has found to be a powerful tool for creating social accountability through mutual interaction of service providers and service recipients. Thus, it can be considered as an effective intervention for fighting corruption and improving public services that eventually enhance public trust on service delivery institutions. It is found that public hearing events in 13 polices were organized in a well manner. They have created considerable enthusiasm among the services recipients. As many as 300 people raised complaints against delinquent institutions and public officials. Most of the complainers could raise their complaints freely and without fear. The participants mostly viewed arrangements of public hearings satisfactory.

Within a span of almost one year, as many as 30 percent complaints were fully resolved by concerned institutions. Afterwards, public hearing events encouraged institutions to adopt some tools and bring reform measures for improving services and facilitating service recipients' comforts. Evidently, institutions introduced improved filing system, receiving of complaint through mobile, conduction of weekly public hearing, distribution of posters/leaflets, installment of complaint box, display of flowcharts, ensure presence of responsible person at front desk, monitoring through CCTV and introduction of WiFi services are found in higher margin after the public hearing compared to their earlier status.

Despite these positive outcomes, this initiative has suffered from certain procedural and institutional deficiencies. The major drawbacks in arranging public hearing include participation in public hearing confined to people living in urban areas and their proximity, absence of responsible persons from certain institutions, certain corrupt institutions or services remained out of public hearing, lack of sufficient manpower, logistics and budgetary allocation for the ACC for conducting public hearing. The post-public hearing challenges include lack of effective follow-up and monitoring to resolve complaints and implement promises and commitments, less response of public officials to implement their promises and commitments etc.

The challenges might not be insurmountable to overcome. The research would embolden policy-makers and public managers to bring changes in the attitude and building professionalism of public officials that would make a significant difference in curbing corruption and reducing service recipients' miseries.

5.2 Recommendations

1. **Ensure solutions 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 complainers:** The ACC and local administration have to take initiatives so that complainers can raise their complaints without fear and complainer 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.

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