

Combating Corruption

Anti-Corruption Commission: Expectations and realities

BY IFTEKHARUZZAMAN

IF Bangladesh has a unique opportunity today to create an institutional structure to effectively control and prevent corruption that has over the years bedevilled the country's polity, economy and society, the Anti-Corruption Commission (ACC) is at the core of rising expectations. The reasons are not far to seek. Against the backdrop of a dismal failure of the Commission for over two years since it was set up in November 2004, the ACC in its new incarnation has taken on an unprecedented task of challenging the creeping culture of impunity by criminalizing corruption at whatever level it may have taken place. The Commission also has a challenge to establish and sustain a high degree of credibility, integrity and transparency befitting the lofty goals and that ACC embodies.

When the ACC was set up, it was considered as an opening to meet public demand and expec-

tation for a truly independent and effective institution to address the challenges of corruption. However, the potentials of this vital institution were soon thoroughly discredited leading to increasing disillusionment and serious doubts about the prospect of its effectiveness.

The Anti-Corruption Law that formed the basis of creation of the Commission kept provisions for Government control over the key areas of the Commission's administrative and financial management. The then Government imposed an organogram of its own choice upon the Commission. A powerful Government Minister had declared that the ACC was a part of the executive wing and therefore it should work within the framework of the government. These aggravated the growing concern that the scope of operational independence of the Commission would be grossly restricted.

On the other hand the Commission itself also failed to

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

Against this backdrop, the reconstitution of the Commission by the present Government raised new hopes for the people at large, to a large extent due to the high degree of credibility and public acceptability of the new Commissioners, especially the Chairman who has sent a signal that work of ACC under his stewardship reflects a deep sense of commitment and a seriousness of purpose.

The ACC became active immediately after its reconstitution in February 2007. A large number of high-profile individuals sus-

pected of involvement in corruption, who were otherwise perceived to be above the law, has been brought to the judicial process. Special tribunals have been set up for speedy trial of corruption cases. The investigation process has been apparently strengthened. The fate of the cases would have to be fought in the courts. In its effort to make corruption as a punishable offence irrespective of status of the allegedly corrupt persons, the challenge for ACC is to ensure that due diligence and process are strictly observed.

Fighting corruption cannot be credible if it involves abuse of power or undermining of the judicial process. The ACC should be able to distance itself from any deviations from the due process and at the same time carefully avoid the burden of jurisdiction of other institutions as complementary as these may be.

Apart from criminalization of corruption, the ACC has quite logically identified two other key

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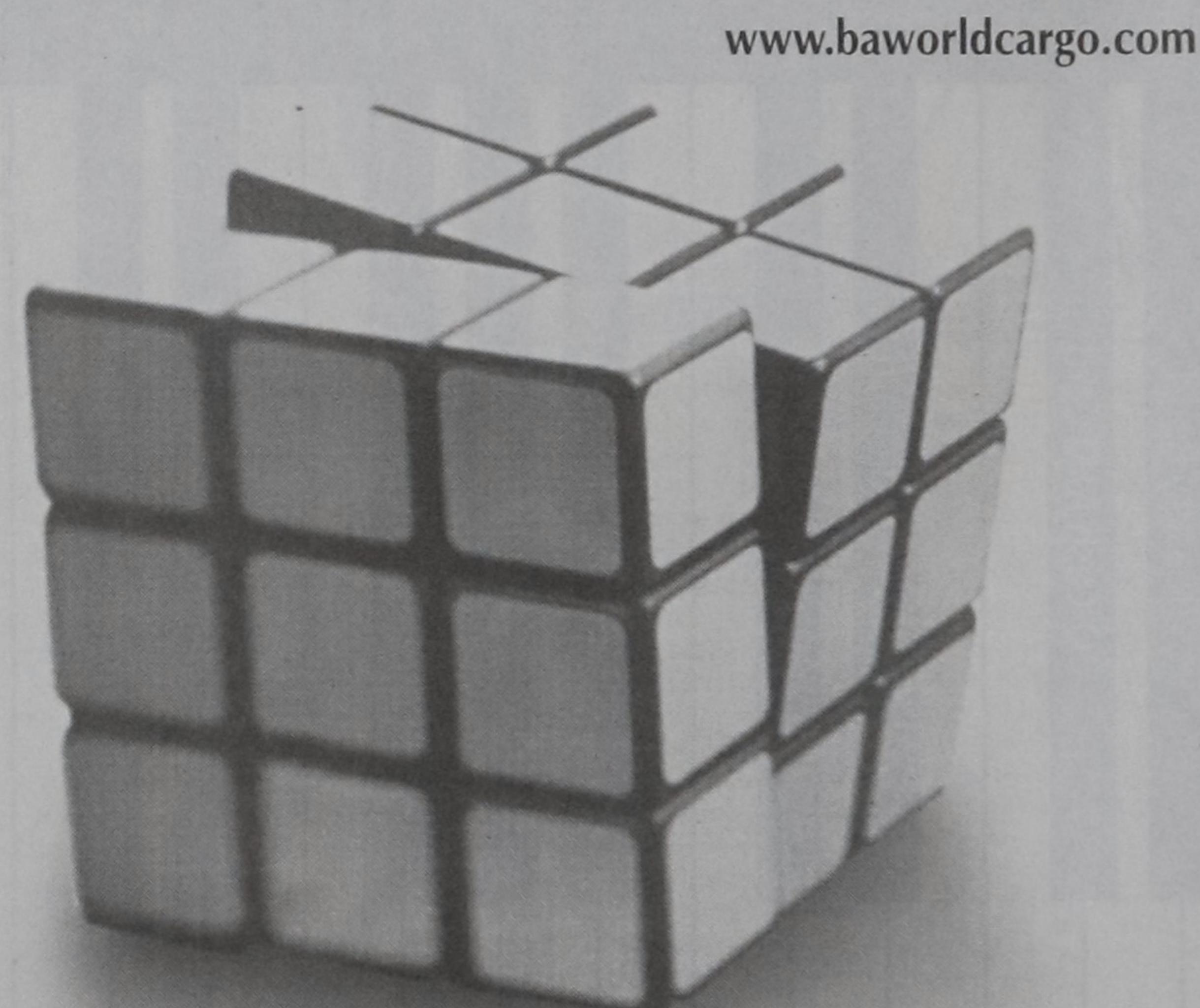
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