

EXXCLUSIVE INTERVIEW OF GHULAM RAHMAN, CHAIRMAN, ANTI-CORRUPTION COMMISSION

'Make corruption prevention a social movement'

*“...the ACC law has a list of activities, which the commission should undertake for combating corruption. Investigation, inquiry and prosecution should have priority over other activities. If one hundred high profile corruption suspects could be punished a year exhausting due process of law it would have a salutary effect...”*observed Ghulam Rahman, Chairman, Anti-Corruption Commission (Dudok) while talking to Mohammad Ali Sattar, Assistant Editor, The Daily Star, in his office recently.

Daily Star(DS): How do you evaluate your since your taking over performance?

Ghulam Rahman (GR): The Parliament passed ACC Act in 2004 and the government constituted a 3-member Commission with Justice Sultan as Chairman. Justice Sultan and his two colleagues tendered their resignation within a month of formation of army backed caretaker government (CTG) in January 2007. CTG appointed a new commission with former Army Chief General Hasan Mashud Choudhury as ACC Chair.

A committee with Advisor General (Rtd.) Matin as its head and senior military commanders as members was constituted to identify cases of grand corruption. The committee identified corruption suspects and sent lists to ACC. Task forces with army officers at the helm were also formed to investigate corruption allegations.

The ACC law was amended through ordinances and special courts were setup for expeditious trial of cases. Many high profile politicians, including the present prime minister and the leader of the opposition, prominent businessmen and bureaucrats, were sent to jail on corruption charges and the special courts sentenced some of them. All these happened under the cover of emergency rules, when “fundamental rights” remained suspended.

Cases lodged by ACC during the

CTG came under judicial scrutiny after withdrawal of emergency on appeal by the accused, and the higher court dealt with them with sympathy and granted lawful relief. The Parliament elected in December, 2008, also did not ratify the ordinances promulgated during CTG's tenure. Further, aggrieved political leaders, bureaucrats and businessmen accused of corruption during CTG initiated a campaign against ACC. In this scenario, General Mashud tendered resignation and left ACC in April 2009.

I was enjoying my job in BERC as its chairman, and was on tour abroad when my appointment as ACC Chair was announced. On my return, I served notice to vacate my post as per BERC statute and joined ACC on completion of notice period on June 24, 2009.

Soon I realised that ACC's accountability lies with the judiciary. Unless legal issues that rose in higher courts in writ petitions were settled no progress in the cases lodged in trial courts would be possible. Legal proceedings are time consuming. However, in two landmark judgments the Supreme Court has already given verdict upholding ACC's positions, based on which High Court benches gave relief to corruption accused. However, it declared that notice served by the secretary of ACC in about 50 cases when there was no commission was illegal. ACC has submitted a petition



for the court's review of this decision. ACC has also instructed its lawyers to expedite legal proceedings in other cases. Legal proceeding takes time, but I assure you, no corruption suspect will be allowed to escape the wrath of law.

DS: How far ACC has acted for lawful settlement of cases?

GR: ACC is successor to Bureau of Anti-Corruption (BAC), which lodged FIR in 2,694 cases but did not complete investigation, and 7,389 allegations of corruption were also pending for inquiry. ACC kept them in abeyance, though their lawful settlement was its responsibility. However, ACC has completed 650 investigations and 686 inquiries since April, 2008, while another 742 investigations and 337 inquiries are at various stages of completion.

In the 2007, 2008, 2009 and 2010 ACC lodged 701, 979, 234 and 265 FIRs respectively. During 2007, on completion of investigations, ACC submitted 170 Charge Sheets and 80 Final Reports. 397 Charge Sheets and 197 Final Reports were submitted in 2008. In the year 2009 it submitted 475 Charge Sheets and 262 Final Reports. Submission of Charge Sheets and Final Reports in 2010 rose to 563 and 285 respectively. In addition to pending investigations and inquiries inherited from BAC period ACC officials are now inquiring into 1,046 complaints and investigating another 760 cases of recent times. More cases were lodged during CTG than in the following two years, but submission of Charge Sheets and Final Reports to trial courts was far less. ACC spread its net during CTG

and now it is pulling it.

Punitive actions are necessary but not sufficient for combating corruption. ACC, therefore, formed “Corruption Prevention Committees” at the district and sub-district district levels. These committees are undertaking various activities for public awareness building against corruption. In 2010 these committees were reconstituted and scope of their work was clearly defined to reinvigorate their activities. Particularly, these committees were given responsibility of forming “Satata Sanga” in educational institutions to mobilise the youth against corruption and for their character building with the motto, “Honesty is the best policy.”

For organising people against corruption ACC has published a booklet containing verses from the holy Quran and Hadith condemning corruption for preaching in 250,000 mosques throughout the country during Friday prayers.

From this year ACC also observed “Corruption Prevention Week” from March 26 to April 1. ACC wishes to involve all segments of the society in its anti-corruption campaign and make it a social movement. Therefore, the slogan for this year's anti-corruption week was *Shobai milay lorbo durniti mukto desh gorbo*. (Let's all join hands to build a corruption-free nation.)

DS: Impediments in carrying your responsibilities.

GR: Combating corruption is not an easy task. All the state organsexecutive, judiciary and parliamentand social forces, political parties, civil society and the media must join hands for combatting corruption. Without changing the values and attitudes of the people, elimination of corruption altogether is not possible. Our inability to take all on board in this fight is the main impediment. ACC is trying to take all on board in this fight is the best of its ability to do so and is calling others to join hands in this fight.

DS: How do you look at the proposed changes in ACC laws?

GR: The caretaker government made certain provisions in the ACC Act, 2004 promulgating two ordinances. The new parliament did not

ratify them. ACC thought some of those amendments should be incorporated again in its law for its effective functioning. Therefore, amendment proposals were sent to the government.

While considering those proposals the cabinet felt that certain other amendments were also necessary. A bureaucratic committee with an additional secretary as its head was given responsibility to draft further amendments. The committee deliberated and formulated recommendations. However, ACC viewed that a few recommendations were incompatible with the spirit of ACC Act, 2004 and would compromise its independence. However, the cabinet has approved a draft bill, which has already been placed in the Parliament. Parliament would now deliberate on the proposed amendments. It is the prerogative of MPs to enact laws and ACC would act in accordance with the law passed by the Parliament.

I worked in the prime minister's office when Sheik Hasina was PM last time. From what I know of her, I am confident that, as leader of the House, she will not allow on her watch incorporation of any provision in ACC law which will encourage corruption or curtail ACC's independence or authority to initiate investigation against any corruption suspect.

DS: There's a common perception that ACC's power has been curtailed, how do you explain the move?

GR: During the time of the Caretaker Government ACC, taking advantage of the Emergency rules, took certain measures and gave them wide publicity, which the ordinary citizens appreciated. With the restoration of “Fundamental Rights” most accused appealed to higher courts against ACC's actions or the punishment awarded by the special courts. The ad interim relief, given by higher courts, was viewed as erosion of ACC's power. Further, the debate and the delay in enacting amendments to ACC's law have also created a negative perception.

DS: ACC worked with the authority during the last caretaker government, how do you find things now?

GR: During the CTG the legal environment was different. Each and every action of ACC is now subject to judicial scrutiny. ACC adheres to law of the land and treats every accused humanely and respectfully. I can assure you ACC is now working without any interference from any quarter.

DS: Your thoughts on reasserting ACC authority.

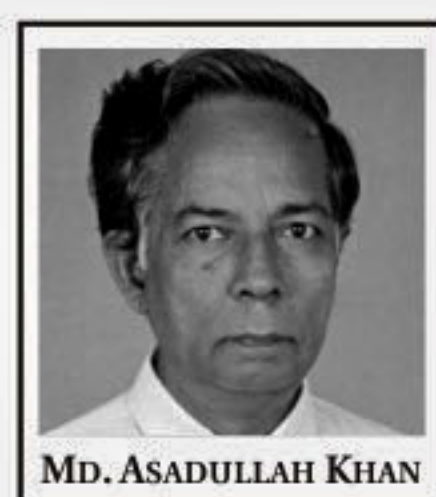
GR: ACC was created to combat corruption. Its independence and impartiality are important. It should act without fear or favour and direction from any person or authority. Every allegation of corruption should be dealt in accordance with law and no harm should be done to the economy or the image of the country and no one should suffer in media trial.

DS: Have you prioritised areas on which ACC will work to combat corruption? Please elaborate.

GR: The ACC law has a list of activities, which it should undertake for combating corruption. Investigation, inquiry and prosecution should have priority over other activities. If one hundred high profile corruption suspects could be punished a year through due process of law it would have a salutary effect. Second, through institutional investigations and research the Commission should identify flaws and loopholes in the laws, rules and regulations which create scope for corruption and recommend remedial measures. However, the Commission's capacity to undertake such investigations and research is limited. The government should expedite its efforts to introduce ITC in the delivery of services and bridge demand-supply gap wherever it exists. E-tendering in the award of contacts and licenses, E-procurement and E-governance would go a long way in countering corruption. The prime mister has rightly said: *“Daidro hotatey holey durnity rukhtey hobey.”* (To remove poverty corruption must be stopped.) Lastly, ACC will intensify its efforts to make corruption prevention a social movement.

BITTER TRUTH

Earthquake: Preparedness is the best defence



MD. ASADULLAH KHAN

OF all the frightening things in nature, none is as frightful as an earthquake. There you are taking your morning cup of tea and suddenly the whole world literally collapses on you in a few short seconds. At least with cyclones, flood and fire there is some warning. But, with all our advances in science, we still can't predict an earthquake.

The recent earthquake in Daiichi region about 250 km north east of Tokyo, followed by tsunami and nuclear meltdown, has caused extensive damage in human lives and property. With nuclear radiation leaking from the Fukushima nuclear meltdown, all of Japan now seems to be under a radioactive cloud.

Bangladeshis perhaps feel that they escaped from earthquake because they have had enough of deaths, suffering, and devastation caused by other natural calamities like floods and cyclones. Complacency had spread to all, even to the administration, despite the fact that several small tremors rocked the Chittagong region in the recent past. But the earthquake that rocked Chittagong region on July 27, 2003, with a magnitude of 5.09 in the Richter scale, shattered the complacency.

Dhaka has little cause for comfort. In the event of such a major quake, the biggest problem confronting the city population will be that rescue vehicles will get trapped in the maze of narrow lanes in most parts of the city. More alarming, the city's overburdened sewer system might rupture, unleashing deadly germs in the days after the quake. In the older parts of the city, old buildings will collapse onto teeming streets, setting off panic, chaos, devastation and homelessness.

The doomsday scenario after a quake hits must move us into action-oriented planning. It must awaken the construction authorities, developers and builders of private houses and the bureaucracy about the need to restudy the country's earthquake preparedness and to find ways to shore up key buildings and roadways.

Since long Dhaka, Chittagong and Sylhet have been obsessed by the threat of a big earthquake. Located in a major fault zone, experts know another quake will come one day. Worse, Dhaka city and Sylhet are located in a flood plain, and have been built up over the last 100 years over land reclaimed from swamps. Greater Chittagong is dangerously vulnerable to tremors.

In the recent earthquake in Daiichi, around 27,000 people died, thousands of buildings collapsed, and nearly 3.5 lakh people were rendered homeless. The reason is

that the region wasn't prepared to meet or confront the disaster like Tokyo has.

In Tokyo, emergency underground reservoirs are in place and special vehicles are ready to deliver clean water if the water mains rupture. A computerised command centre stands ready with portable toilets and other emergency services stockpiled to meet any eventuality. Elaborate traffic plans have

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been made to clear streets for fire engines and ambulances. Ward offices have three days supplies of rice, biscuits, and miso paste. The disaster plan focuses on stopping fires.

The other aspect is that the first 48 hours after any quake are very critical in saving lives. Even calling in the army, who have committed manpower, may be of no use because they don't have the expertise and equipment to deal with the situation after an earthquake.

The chilling memories of the Gujarat quake (magnitude 6.9) in 2000, that killed 40,000 people in a matter of seconds, must awaken us. A quake of similar intensity either in

Dhaka, Chittagong or Sylhet could cause unimaginable devastation. It is the most common apprehension that buildings in the older part of the cities won't be able to resist quakes of such magnitude. More importantly, an earthquake itself never kills people, it is the badly constructed buildings that do.

To be sure, meticulous safety preparations, regular drills, and expensive quake-proofing of build-

ings and infrastructure, have saved thousands of lives in recent times. Other than death by typhoon and tsunami, the death toll due to earthquake itself has fallen drastically in Japan. Many people subscribe to the mobile phone quake alerts, school children have padded and flame retardant headwear under their desks. In the aftermath of the Kobe disaster, Japan held quake response drills regularly at schools and workplaces. A law passed in 2007 mandated tougher quake-proofing of new buildings.

Seismologists say that Dhaka lies on fault lines and according to experts at least 50% of the buildings won't be able to resist quakes.

Earthquake resistant designs have been known to structural engineers since long, and the national Building Code of 1993 clearly identifies structural designs in terms of earthquakes and cyclones. For safety's sake the guidelines should be part of the building laws.

When an earthquake occurs it causes vibratory ground motion in three different directions that make the buildings sway “drunkenly,” which can be fatal to high rises. The violent ground motion pushes the building violently from one direction to another, making it difficult for the superstructure to constantly balance its load. The result is that while columns can bend, they snap like sticks and collapse if the swaying motion intensifies.

What structural engineers suggest now to prevent collapse of a building in an earthquake is to include “seismic isolation” by incorporating seismic bearings under the foundation, which allow buildings to shift several inches with the ground movement. Shock absorbing bearings with layers of steel and rubber absorb the sideways motion. Experts also suggest inclusion of concrete slab raft foundation, which is more difficult to sink in an earthquake as the pressure gets spread over a much greater surface area.

In another promising technique, engineers use special steel configurations, lead shock absorbers and similar “dampers” to slow a struc-

ture's swaying during a quake. Studies of earthquake devastation by experts revealed that the corners of rooms are subject to enormous stress. As such, a steel bar bound to the edges with concrete allows the structure to withstand it. Most of all, concrete lintel beams above doors and windows bind the walls and prevent them from flying out.

Other than the government, which must enforce the safety laws, public awareness is essential for their enforcement. Most buildings in Bangladesh, even in the cities, are designed by the owners and in some cases by inexperienced engineers and contractors. Two essential factors are good design and good construction. The idea is to build a structure in such a way that it can absorb maximum force and still remain stable.

A leading structural engineer in the country says: “If the beams and columns of a building are properly joined, 50% of the earthquake design is taken care of.” This means that if a builder saves on concrete or steel, the sturdiness of the building is at stake. Tightening building codes, to say nothing of retrofitting, will be no doubt expensive. But probably not as expensive as the billions of dollars in damage that a quake inflicts.

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