

ACC's futile battle against corruption

BITTER TRUTH



MD. ASADULLAH KHAN

A watchdog body created in public interest by public money must be accountable to the people. There are oversight committees in Hong Kong and Australia to monitor the activities of their anti-corruption commissions. In Bangladesh, there is no such committee to hold the ACC accountable.

IN Bangladesh, charges of impropriety are routinely labeled against a political party after it quits power. In the recent past, scary reports about corruption scandals, financial irregularities and swindling of public money in the most important sectors under different ministries were published in the national dailies.

Since its inception, the now defunct Bureau of Anti-Corruption acted as nothing more than a paper tiger. It was shackled by an order of the ex-president Ershad that no cases of corruption of officials in high offices could be taken up without the approval of the chief executive. After the ouster of Ershad, the parties that came to power subsequently reaped the advantage of this bad decree that discriminated between common masses and persons in high state offices. Nothing can be more shocking in a country where political leaders indulge in rhetoric of democratic values and human rights but hardly try to uphold these virtues when it comes to practicing them in their work places.

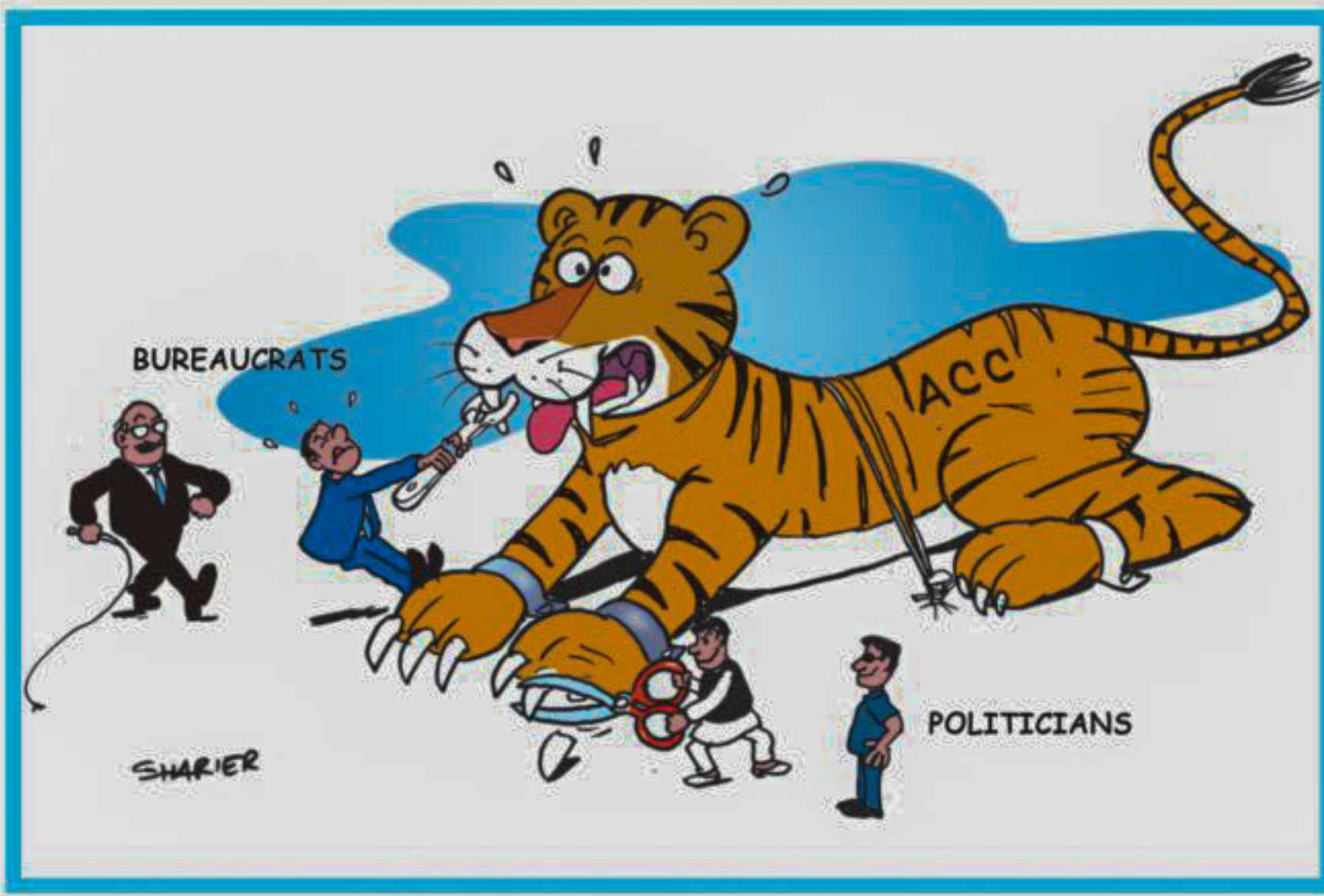
Despite pledges by successive governments to rid the country of the scourge of corruption, it continues to corrode the soul of the governmental and political structure, bringing in its wake an apparent collapse of the of the country's governmental institutions. People might recall that during the 4-party alliance government, business activities and development efforts came to a grinding halt because every sector of the government was tainted by allegations of corruption. The worst happened in 2001 when Bangladesh was placed at the bottom of TI's Corruption Perception Index. The biggest problem is that some people in the society having power and influence are able to carry on nefarious acts without being subjected to criminal charges and punishment.

With Bangladesh being rated as the most corrupt country by international watchdogs in 2001 and donor pressure mounting to exorcise the demons eating up vital development funds, the alliance government, in a face-saving measure, constituted the ACC in 2004 by enacting a law in the parliament, leaving many loopholes in its legal structure.

In Sub-section 1 of Article 32 of the Anti-Corruption Commission (ACC), provision was made to rein in the Commission and its activities. It states that in filing a case the Commission will need to have prior permission, and a copy of that permission has to be submitted to the court while filing a case, with subsequent clause in Rule 32(2) that says that accord of such permission would be decided by enactment of rules. The stunning provision is Article 34, which says that ACC can only frame rules with prior approval of the president of the Republic. The point is that, as per the constitution, the president carries out his responsibilities as per the advice of the prime minister.

Against the backdrop of the aspirations that are included in the inception paper of the Commission, the whole exercise of reconstituting the ACC hardly brought the desired result. It was almost an exercise in futility. Most shockingly, even after several years of its inception there are no laws that allow the Commission to go ahead independently.

Notwithstanding the fact that the ACC Act 2004 has given the Commission extensive powers in terms of inquiry, investigation, hearing and even arrest, it does not have provision for a strong whistle-blower. In case of South Korea, its Anti-Corruption and Civil Rights Commission took measures for ensuring confidentiality, physical safety and employment guarantee to whistle-blowers. Unfortunately, we don't have one Anna Hazare here who



can voice the unspoken anger against corruption!

As the Commission has extensive powers, it must be held accountable so that these powers are not abused. However, the ACC Act 2004 provides no effective accountability other than submitting an annual report on the activities completed in the previous calendar year to the president. It is subsequently forwarded to the Parliament.

Corruption can be reduced if the public perceives it as a 'high risk, low reward' activity, which means those involved in corruption must be caught and severely punished. Many such convictions slapped by the court in 2007-08 were successfully challenged in the High Court Division and the punishments were annulled. This manifests faulty and weak foundation of the ACC cases involving scheduled offences. It appears that punishments in this country are also lenient -- imprisonment ranges from three to 10 years if at all convicted. In contrast, corruption can result in up to

twenty years of imprisonment in Malaysia, some forms of corruption can entail lifetime imprisonment in Indonesia and capital punishment in China. With burden of proof shifted to the accused, detection and investigation, however effective, cannot credibly ensure punishment for corruption if there is no effective prosecution. And it is in this area that ACC failed in the first count.

The present ruling party must contend with the fact that despite its big achievements in different sectors like food grain production, disease control and immunisation during its past rule, it had to concede defeat in the parliamentary election because of corruption charges in the rank and file of the administration. Similarly, because of its inability to rein in corruption, the present government faced similar challenge in the immediate past. That underscores the fact that the present government, in a bid to garner popular support, must take effective steps to establish the rule of law and curb corruption.

The way ACC cleared many holders of public office in the past government of all charges, allegedly involving serious corruption, has definitely dented its image as well as the government's. The much-vaunted reconstitution of the ACC has boomeranged badly because it could not act independently and impartially, rising above party lines and influence. It only exposed the government's gradual U-turns; saying one thing and doing another, promising much but delivering little. That means the operational independence of the Commission cannot be fully ensured if legal loopholes remain unaddressed.

Linked to independence is accountability -- the greater the independence the bigger will be the demand for accountability. A watchdog body created in public interest by public money must be accountable to the people. There are oversight committees in Hong Kong and Australia to monitor the activities of their anti-corruption commissions. In Bangladesh, there is no such committee to hold the ACC accountable.

The ACC chairman has claimed success as it steps into the tenth year of its existence, but public perception is otherwise. People's perception is that, with neither functional nor financial autonomy, the organisation is in a limbo. People watched in stunned surprise when a large number of high-profile people, allegedly indicted in corruption cases, were summoned and interrogated, and many of them were found guilty of malfeasance after investigation, but were cleared of all charges! ACC could not make any dent in most of the corruption cases because there was hardly any political will to make it fully operational.

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Ensuring national cyber security

SHAHIDUL K.K. SHUVRA

SO far, discussions on national security have not included cyber security. Unfortunately, we know very little about cyber warfare, although we entered the cyberspace in the early '90s in an unplanned way, and by ignoring most of the security options. Internet security doesn't mean installing antivirus software in a personal computer. It has a wider aspect that must be addressed at state level, as a part of national security.

The National ICT Policy, amended in 2009, didn't address the issue at all. No budget has been allocated for combating cyber attacks, and who is the authority dealing with the matter is still unclear.

One of the major reasons for overlooking cyber warfare in developing nations is that it is apparently non-destructive; it doesn't kill people or destroy establishments. But some experts say that the consequences of a cyber war in future would be the deadliest ever, and human casualty would be reported due to malicious programmes inserted into the computer systems of nuclear power plants, airports, underwater networks, etceteras.

Literally, cyber warfare means politically motivated attack on information through the information systems. It runs or spreads from nation to nation. Cyber warfare disables official websites and networks, disrupts citizen services, plunders and distorts classified data, and hits financial transactions.

Conflicts between states would take place through cyber connections for attacking air,

sea, land, and space stations. Sometimes these virtual attacks are associated with physical attacks on an establishment. Before the attack, terrorists or cyber warriors intrude into a system to find security loopholes to set the date and time of the attack.

Some western cyber security analysts don't want to include cyber espionage as a part of cyber war. But as Asians, we have to call it a part of cyber war because it shouldn't be less of a criminal act for technologically advanced nations to use cyber espionage.

American and Chinese companies are blaming each other for launching undeclared cyber war. Reportedly, cyber attacks from China were launched to steal sensitive information regarding patented products of American companies. Government agencies are also targeted in search of valuable information.

Edward Snowden, former US National Security Agency contractor, turned the eyes of the world to the thousands of undisclosed classified documents. According to the leaked documents, US, like China, assigned IT firms as conduits for gathering secret information.

Stuxnet, a joint US-Israel project, reportedly destroyed Iran's nuclear power proliferation programme. It was an undeclared state-run digital attack.

US President Barack Obama said: "Cyber threat is one of the most serious economic and national security challenges we face as a nation." The threat is looming over the US economy and national security. Cyber loopholes could invite the hi-tech curse to the public and private sectors.

In Bangladesh, websites of Rab, BTRC and several ministries have been attacked by hackers. In 2010, hackers had attacked 20 district websites under the Prime Minister's Office, which was maintained by Access to Information (A2I) project at the PM office.

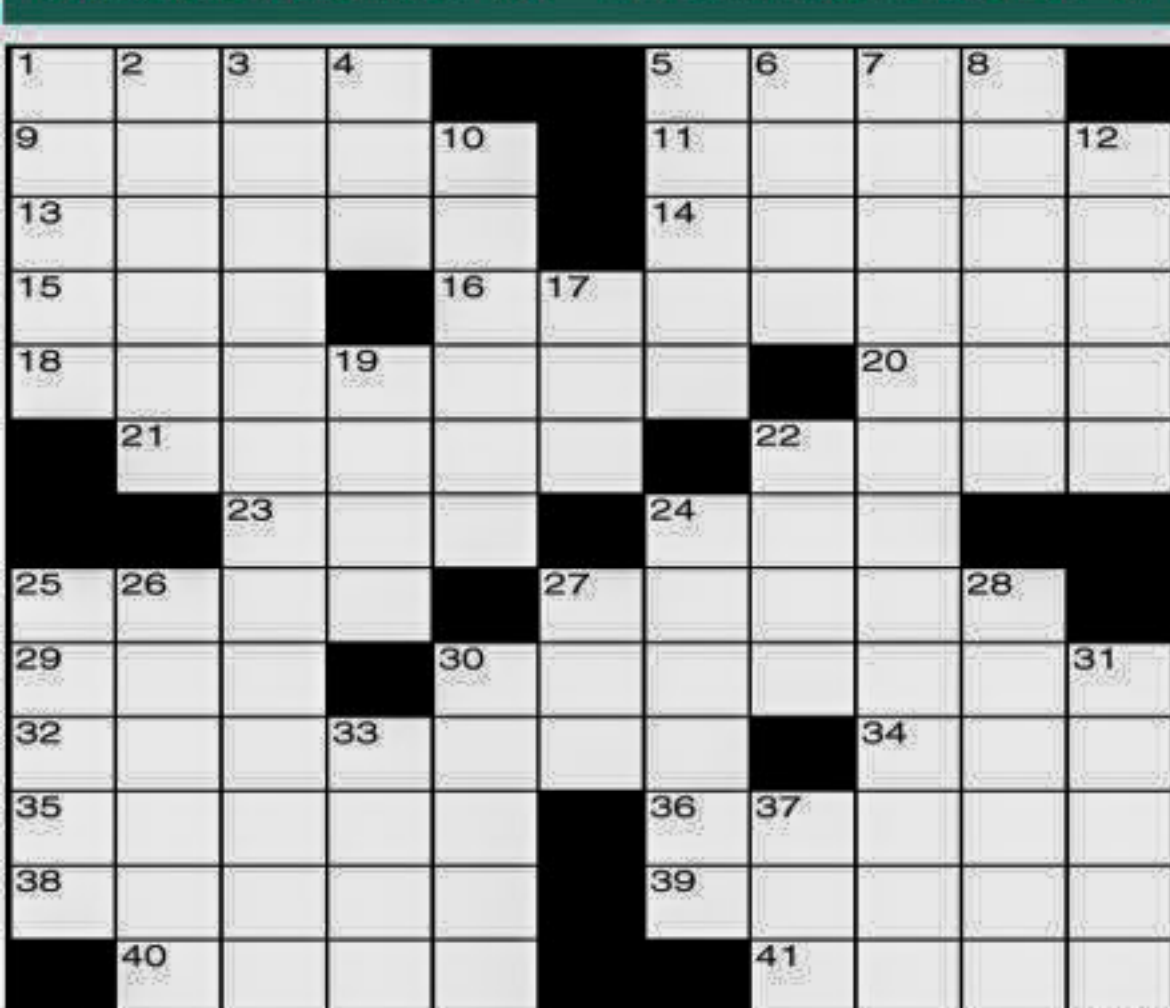
Cyber war is not confined between two neighbouring countries and trans-border conflicts; an attack could be launched from another continent. It is frightening that cyber war could be the easiest way for carrying on sabotage rather than waging wars like cold war, chemical and biological war, war on terror, or jihadi attacks.

Bangladesh amended its Information Technology & Communication Act, 2006, and subsequently the Parliament passed the Act as law on October 9, 2013. The amended Act deals with cyber crimes on the internet, such as pornography, uploading of caricatures of political leaders, destruction of information, character assassination, etc. But a strategy to combat cyber warfare with a strong policy is not included in the act.

The country should outline a policy on cyber war and allocate a budget for it. A cyber war combating lab should be built and led by the army in cooperation with the private sector. Local cyber security experts and gifted hackers who have the required skills should be recruited, and they should work at a state-run national cyber security lab.

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CROSSWORD BY THOMAS JOSEPH



12-5



YESTERDAY'S ANSWER
SALT
TREED
ROGER
UMA
MALICE
DOOM
SON
TIE
EDIFICE
VADER
ERASE
NESTS
CAMP
OPART
LAXER
AVARICE
WHEAT
HOST
AREA
OFFICE
CELOX
DROVE
SEVER
DENT
Everyone thinks of changing the world, but no one thinks of changing himself.
Leo Tolstoy

ACROSS

- 1 Rum-soaked cake
- 5 Photos
- 9 Blue hue
- 11 Boise's state
- 13 Morley CBS
- 14 TV's DeGeneres
- 15 Pole worker
- 16 Neon, for one
- 18 Ocean routes
- 20 St.'s kin
- 21 Unaided
- 22 Stew
- 23 Neighbor of

DOWN

- 2 Playfully shy
- 25 Swift
- 27 Rides the waves
- 29 Writer Levin
- 30 Musician with a bow
- 32 Give a marketing makeover
- 34 Pub supply
- 35 Walk with pride
- 36 Green fruits
- 38 School paper

39 Build

- 40 Pharaoh symbols
- 41 Swift jets

DOWN

- 1 Diamond corners
- 2 Showy bush
- 3 NHL team
- 4 Common verb
- 5 Docking spots
- 6 Not busy
- 7 NHL team
- 8 Bundle barley
- 10 Wandering

12 Start

- 17 Yeoman's "yes"
- 19 Custom
- 22 Assembly line pioneer
- 24 Be affectionate
- 25 Top prize
- 26 Singer Franklin
- 27 Immoral act
- 28 Pick
- 30 Trio of myth
- 31 Takes ten
- 33 Backside
- 37 Auditor's org.

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