Combating Corruption
The Role of the Bureau of Anti-Corruption (BAC) in Bangladesh

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Abstract

The study analyses anti-corruption measures employed by governments in Bangladesh through legal-enforcement and institutional approaches. The question was raised among scholars whether legal-institutional approaches alone are capable to tackle corruption in developing countries or fail to achieve the initiatives in controlling corruption. Success stories from few well-managed anti-corruption institutions (ICAC, CPIB) provide hope for rest of the developing countries. These methods have proved less effective in countries lacking independent legal system, without accountability of government or inadequate financial transparency and political commitment. Thus, my study mainly attempts to unfold the role of the Bureau of Anti-Corruption (BAC) in controlling corruption in Bangladesh. Explicit focus has been drawn on the performance of BAC and how did the Bureau eventually become dysfunctional. Was it structurally/technically incapable compared to other anti-corruption agencies of the developing countries? The study also aims to examine the nature of political interference and lack of political commitment of successive governments in fighting corruption. The final section will emphasize the scope for establishing an effective anti-corruption strategy in Bangladesh

The analysis is based on field work conducted in Dhaka, Bangladesh, during October-November 2005. Primary data was collected through interviews with BAC personnel and members of the civil society.

Key Words: **Corruption, Anti-Corruption, Bangladesh, BAC.**

Total words:10,984

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List of Abbreviations and Acronyms

ACO	Anti-Corruption Officer
ACC	Anti-Corruption Commission
ADB	Asian Development Bank
AD	Assistant Director
AI	Assistant Inspector
AL	Awami League (Political Party in Bangladesh)
AO	Administrative Officer
BAC	Bureau of Anti-Corruption
BCS	Bangladesh Civil Service
BDF	Bangladesh Development Forum
BNP	Bangladesh Nationalist Party
CPIB	Corrupt Practices Investigation Bureau
DAB	District Anti-Corruption Bureau
DACO	District Anti-Corruption Officer
DD	Deputy Director
DG	Director General
FIR	First Information Report
GDP	Gross Domestic Product
HDC	Human Development Center (Mahbub ul Haq)
ICAC	Independent Commission Against Corruption
LDC	Least Developed Countries
OECD	Organization for Economic Cooperation and Development
PAI	Prosecuting Assistant Inspector
PARC	Public Administration Reform Commission
PSC	Public Service Commission
PM	Prime Minister
PMO	Prime Minister's Office
Spl.P.P	Special Public Prosecutor
SPJ	Senior Special Judge
TI	Transparency International
TIB	Transparency International –Bangladesh
UNDP	United Nation Development Program

1. Introduction and Research Problem

Corruption has been regarded as an integral part of Bangladesh's economic, political and social life since independence in 1971. In most countries corruption stems from the earlier periods of non democratic rule, which further undermined the already weak checks and balances. Principles of accountability and transparency were compromised and a corrupt alliance emerged between the civil-military rulers and the business community. Very few efforts have been made to educate and sensitize the people against corruption, which remains unabated. Even with the restoration of freely elected government since 1991, it has been difficult to realign distorted patterns and procedures of governance. Successive governments have condemned corruption and take isolated actions, but they have failed to tackle the underlying structural issues.

Bangladesh has been ranked as world's most corrupt country for last five consecutive years by Transparency International (TI). Corruption eventually eroded the effectiveness of government institutions and the legal system. Because of poor governance, Bangladesh has failed to reduce corruption with its existing anti-corruption agencies like any other developing countries. Although Anti-corruption agencies have been successful in Hong Kong, Singapore, New South Wales, Australia ,Chile (Allan, 1992;Quah 1989,1995; Klitgaard ,1998) but other developing countries, do not see these as effective anti-corruption tools (Kaufmann 1997). So, now the question is raised, why corruption was successfully governed in some countries and not in others (Caiden, 1981).Transformation to a less corrupt society is a remarkable achievement, given the fact that systemic corruption will be reduced through a comprehensive legal and institutional enforcement. In addition, we can make queries whether an anti-corruption agency alone can effectively minimize the level of corruption in developing countries?

OECD and UNDP noted that without improving the countries quality of governance (Huther and Shah, 1998), anti-corruption agencies mostly lack the credibility in fighting corruption. Various literatures viewed that corruption and level of governance are negatively correlated. In addition, fighting corruption through capacity building of Accountability, Transparency and Integrity (ATI) is a long term effort and it needs an appropriate mix of immediate and medium-term actions that could yield crucial results for reducing corruption in developing countries like Bangladesh.

To illustrate the above contention we have to first identify the major causes of corruption in particular countries and the degree of effectiveness of the anti-corruption measures taken by

the respective governments. In this regards proper diagnose of the causes of corruption and appropriate measures definitely help to minimize it and could be effective instrument for government's anti-corruption effort in Bangladesh. The Anti-Corruption Act of 1957, which has been the basis of establishing the Bureau of Anti-Corruption (BAC), is noticeably to the present needs. By this time Bangladeshi government has taken numerous steps for combating corruption and established an Anti-Corruption Commission (ACC) in the end of 2004 after dissolved the Bureau of Anti-Corruption (BAC). But there is dearth of studies on why and how the Bureau failed to curb corruption. Siddiqui (1996), Hassan (2000) and TIB (2001) reveal some observations on structural inadequacies, legal and procedural incompatibility of the Bureau. There is however no investigative or explorative study on identifying institutional drawbacks as well as political interference which combinely makes the institutions ineffective in combating corruption in Bangladesh.

1.1 Statement of Purpose

This study attempts to show whether legal-institutional approaches alone are capable to tackle corruption or they are becoming ineffective in reducing corrupt practices. Thus, my study mainly attempts to unfold the role of the Bureau of Anti-Corruption (BAC) in controlling corruption of Bangladesh. Explicit focus has been drawn on the performances of BAC and how did the Bureau eventually become dysfunctional. Was it structurally/technically incapable with regards to other anti-corruption agencies of the developing countries?

The study also aims to explore the causes of non functionality of the newly established Anti-Corruption Commission (ACC) moreover, examining the   nature   of political interference and lack of political commitment of the successive government in fighting corruption. The final section will emphasize the scope for establishing an effective anti-corruption strategy in Bangladesh

1.2 Objectives of the Study

The main objective is to examine the performance of the Bureau of Anti-Corruption (BAC) in curbing corruption of Bangladesh. Some of the specific objectives are as follows:

1. To investigate the structural and administrative set up of the Bureau in anti-corruption efforts and operations.

2. To identify the organizational and operational weakness along with political interference on BAC activities.

3. To see whether there has been needed a comprehensive anti-corruption strategy to effectively tackle corruption.

To fulfill these objectives my analysis focused on the following key questions:

1. Do people think corruption is a major problem in Bangladesh? If so why?

2. Why did the BAC eventually fail to combat corruption? Is there any structural or legal inadequacy or lack of independence of the organization?

3. Do people think political interference greatly hampered the BAC activities?

4. Do people believe only anti-corruption agencies can effectively reduce corruption? If so, what role does the newly built Anti-Corruption Commission (ACC) play in this regards?

5. What would be an alternative solution for combating corruption in Bangladesh?

2. Methodology

This second chapter will outline the method used in the present research. This topic starts with methodological point of departure followed by considerations on the validity and reliability of this study i. e. whether it answers the intended questions and whether its result could be repeated by other independent studies. This chapter also describes how data analysis was performed. Ethical considerations are contained in a separate section.

2.1 Methodological Point of Departure

This study uses a qualitative method. The methodology chosen to investigate the problem is multiple and consists of case study and semi-structure interviews, conducted during a field study in Bangladesh from October to December 2005. From the previous chapter one, we saw the main objectives were examining BAC's performance and seeing if an independent anti-corruption agency is needed. To fulfill the first and second objectives, case study and interviews have been used. In contrast, in-depth interview technique has been chosen for the last objective. In the present study, semi-structure and in-depth interviews with the BAC personnel and other members of civil society were the main instrument. During my field study in Dhaka, I found the BAC which officially dissolved after forming another Anti-Corruption Commission (ACC). I talked to officials at the present ACC office, as most of the BAC personnel were absorbed in the ACC.

The strategy applied in the study was a combination of traditionally followed approaches; which purpose was descriptive as well as explanatory. To examine the research objectives case study was pertinent, because the purpose of the inquiry was explanatory. The case study and interview method aimed to seek new insights of the issue relating to the effectiveness of BAC and at the same way it displayed the actual situation of the corruption problem.

2.2 Interview Technique

I conducted semi-structured as well as in-depth interviews mainly with the BAC personnel and other 'expert groups' to get the top down perspective and to see how well their responses were correlated. Besides these interviews, I also had informal discussions with few university students and TIB researchers, who on various occasions watched corrupt practices from practical point of view. The semi-structure open ended questionnaire has allowed me some flexibility. But at the same way it made me sure that discussion were focused on the topic. The questionnaire had to change during the field visit when I got better understanding of what kind of discussion and questions suited with the new phase of study.

The interviewees have been categorized in two clusters: 'BAC personnel' and an 'expert group' comprising by professionals, bureaucrats, civil society members, academics, politicians and journalists who have provided comments and opinion, never given to any scholar before. I followed the same questionnaire for interviewing both groups. Although some interviewees allowed tape recording, most of them did not give permission, and even refrained to be quoted or named in the study. Few of the interviews were conducted over telephone due to time constraints. 20 peoples were interviewed in a face to face manner. The number of respondents was reasonable and allowed to gather information from concerned people.

Since the topic of the study is a delicate issue, the respondents did not want to their name to be mentioned or quoted anywhere in the study. So there is no appendix with their names. The difficult part was to arrange interviews both with expert group and BAC officials. Due to their professional business and time constraints, getting appointments and obtaining necessary information usually took a long time. The collection of background literature and secondary sources, as brochures and official documents, was a patient process hurdled by the limited field visits in Bangladesh. Materials and documents also have been collected from office of

the ACC, Transparency International Bangladesh and Heidelberg University Library, Germany

2.3 Reliability and Validity

The question of reliability and validity always has been experienced with qualitative methods. According to Devin (1995) reliability relates to the issue of selecting the sample size of the respondents. However, he further claimed that case study or interview methods do not necessarily employ a large number of samples. It is impossible and even not desirable to include a representative sample of the universe. The reliability of this method depends on how the questions are asked and how the interview is handled (Kvale 1996). Because there is always a risk that the interviewer might influence the respondents, in my study I conducted in-depth interview and observations with the BAC people. For devising an anti-corruption strategy, I basically relied on such approaches commonly employed by the researcher. The interview technique that I used proved useful and crucial for gathering valuable information.

In the choice of the respondents I tried to include a variety of representatives within the organization in respect to age, position, economic and educational background, field of expertise etc. Interviews results have been cross-checked with other official concerns of the BAC, and that strengthened the accuracy of the data. Expert opinion was largely diverse and they may have normative interests as specialists on corruption. Some time they may therefore not present a neutral perspective on the problem. They were however selected for their expertise on corruption issues and argued to represent an un-biased view.

Another sharp criticism against the qualitative method is the question of validity or objectivity. Kvale (1996) suggests that research objectivity will be proven while the observations truly reflect the mirror of variables of interest. In this case, the sample of respondents has truly reflected the variables of interest playing in Bangladesh. As I am a Bangladeshi, I share the culture of my respondents and know how to handle the interview, and can immediately gauge if the respondents are answering honestly. Similarly I can judge how the questions can be asked with local knowledge. Although it is difficult to be completely objective, my goal was to analyze the materials with unprejudiced mind. In that respects I have huge advantages in terms of communication language with the respondents, prior familiarity with few BAC personnel and few expert members of the informants. I also had

access to the ACC office and collected documents to map out the problem. Therefore, the method I used is both valid and objective.

2.4 Ethical Considerations

Considering the topic of this research is delicate and sensitive, the questions were raised to the respondents in a careful manner. They answered spontaneously. Respondents were quite enthusiastic and open to discuss these issues and emphasized structural reform and political commitment needed for rapid reduction of corruption. The study results were transcribed without tracing out the sources to protect the personal integrity and identity of the respondents.

3. Corruption: Conceptual and Theoretical Framework

3.1 Defining Corruption

Defining corruption is important in the context of global efforts to reduce its influence in public life. But that is not an easy task. Corruption is a social, legal, economic and political concept enmeshed in ambiguity and encouraging controversy. Prior to further discussion I would like to define the concept of 'corruption'. The word corruption derives from the Latin *corrumpere,* and the term 'corrupt' invokes a range of images of evil and illegal activities; it designates that which destroys wholesomeness. Although there is no universally accepted definition of this phenomenon yet, the common factor among most of the existing definitions is the abuse of public office or power for private gain. The office is a position of trust, where one acts on the behalf of the institution through power and authority delegated to one. Corruption means charging an illicit price for a service or using of power of the office to further illicit aims. Corruption can entail acts of omission or commission, which can involve legal as well as illegal activities. It can be internal to the organization or external to it. Max Weber argued that one should not begin with a definition but should derive the definition by looking at specific examples. This however would never be a final definition, but one tailored to the purpose at hand (Klitgaard 1988). I do not intend to reinvent the wheel so these are few well-known definitions of corruption. The Oxford Dictionary defines corruption as "Perversion or destruction of integrity in the discharge of public duties by bribery or favor". The Merriam Webster's Collegiate Dictionary argues it as "Inducement to wrong by improper or unlawful means (as bribery)." The succinct definition taken by the ADB (1999) and World

Bank is 'the misuse of public or private office for personal advantage.' Similarly, the definition of Transparency International (TI) is "Corruption involves behavior on the part of officials in the public sector, whether politicians or civil servants, in whom they improperly and unlawfully enrich themselves, or those close to them, by the misuse of the public power entrusted to them" (TI 1996).

Robert Klitgaard (1988 and 1998) provides a useful tool to both identify the causes and combating corruption through his famous equation C=M+D-A-S where C stands for corruption, M for monopoly power, D for discretion, A for accountability and S for low salaries. In the case of South Asian countries corruption occurs when an official gets monopoly of power and discretion in taking decision and who does not have accountability, moreover has low salaries (HDC, 1999).Various authors (Mauro, 1995; Kaufman, 1997; and Wei ,1998) have also shown that discretion of government officials and tightened regulations promote corruption (Cited in HDC Report 1999:102)

However, political science literature offers five main approaches based, respectively on: public interest; public office; public opinion; legal norms and market centered (Heidenheimer *et al*. 1989; Scott 1972). Public-interest-centered approach identifies improper acts of political or administrative officials that go against public interest (Rogow and Laswell 1970:54; Friedrich 1966:77). Public-office-centered authors emphasize that misuse of public office by political or administrative officials for private gain is corruption (Theobald 1990:2). Those who rely in public-opinion-based approaches argue that since corruption standards vary, corruption is what perceived to be the perspectives of public opinion about the acts of politicians, and public officials (Gibbons 1989:169; Leys 1970:31-37). But public opinion concerning proper conduct of the politicians and bureaucrats varies in terms of groups, geographic locations and across time (Williams 1987:19). Others have suggested considering corruption mostly in terms of formal- legal approach, as what violates inherent specific rules and norms in governing public duties, behavior and authority (Williams 1987; Scott 1972). However, this approach suffers from limitations as laws can vary from state to state and can also be changed by the corrupted political actors. Besides, legal definitions failed to identify "improper acts" that derives from the moral sense of the community.

Market-centered pioneers argued that public office norms have been shifted following market economy that has largely changed the nature of corruption (Tilman 1970: 62-64). However this model oversimplifies reality. Because corruption is not interplay of demand and offer rather it's a complex phenomenon involving other variables: trust, power, dependence,

political games, and clientelar relationships. These five approaches fail to explain a great deal of the phenomenon we want to study.

Though the approaches throw some light they do not clarify the meaning of corruption to any satisfaction. The disputes and divergent aspects sometimes blur the definition of corruption. But the real difficulties lie in making an operational definition which is applicable across societies. At the heart of the core definition of corruption stand three elements. Firstly, the distinction between public and private, secondly, corrupt acts involve an exchange and thirdly, exchanges are improper. Nye's definition highlights the public-private cleavage and corruption is "behavior which deviates from the formal duties of a public role because of private regarding (personal, family, close private clique) pecuniary or status gain" (Nye 1989:966). Some analysts (LeVine 1975:6; Manzetti and Blake 1996:665) emphasized that corrupt acts involve an exchange with one party who offers incentives (not necessarily monetary) to public officials in return for policy, administrative or political goods. But such exchanges are improper, and violate established norms (Friedrich 1989:15) or "accepted norms" (Huntington 1968:59). Considering the three core elements of corruption in the present study I will define corruption as the improper use of public office in exchange for personal gain.

3.2 Typology of Corruption

There are often differences between corruption and general criminal behavior, maladministration and mismanagement of affairs. Generally four various kinds of illicit activities bribery, extortions, embezzlement and nepotism are regarded with the parameters of corruption. Heidedenheimer (1989:156-157) classified corrupt behavior in to 'petty corruption', 'routine corruption' (nepotism, graft) and 'aggravated' corruption (kickbacks and organized crime). Stapenhurst and Langseth (1997) categorized petty and grand corruption. Grand corruption typically involves senior officials, major decisions or contacts and the exchange of large sum of money. Petty corruption deals with mainly low-level officials, the provision of routine services and goods, and small sums of money. Corruption is further divided in various categories like syndicated, non-syndicated, systemic, political and bureaucratic corruption. My area of focus is mainly bureaucratic corruption. Over the last few decades, South Asian countries' (particularly Bangladesh, India and Pakistan) corruption has 'floated upwards' from petty to grand corruption. It now involves the highest level of the state

which has caused such tremendous social, economic and moral degradation in the region (HDC 1996: 96-105).

3.3 Theoretical Context

Although corruption is a phenomenon old as the government itself, the study of corruption control got significant priority by the political scientists since 1960s. From then scholars have paid more attention to device effective strategy against the malaise of governance systems (Shang, 2002). The authors reached some consensus on the techniques and strategies of corruption control. Shang (2002) further observed why different countries apply different strategies and why an effective devise working in one country does not fit another country.

In the 1960s, political scientists argued that corruption largely was a transitional phenomenon that occurs only at certain stages of political development (Huntington, 1968, Gunnar Myrdal, Heidenhieiner ed.1989). Most of them assumed that no strategy could have drastic affect on curbing corruption. In a study conducted by McMullen (1961) in West Africa, it was noticed that level of corruption depends on various factors like degree of homogeneity between the government and society in terms of languages spoken and value systems they followed. He argues many efforts could be undertaken, including firm political commitment, emphasizing policing and education—but none of these could contribute rapid results in reducing corruption. On the other hand, Singapore took about twenty years to transform in to "Mr. Clean of Asia" and Hong Kong, New South Wales similarly achieved enviable success in controlling corruption within very short time by following a structural approach. The present study also focuses on institutional and legal approaches to evaluate performance of BAC and devise a suitable strategy to reduce corruption in Bangladesh. For that I am considering corruption is more often an institutional than cultural problem and though it can not be eradicated completely it can be reduced and controlled to a greater extent by institutional restructuring and following some effective strategies.

Although theoretical debates are continuing in making effective strategies, politico-economic and cultural variables are varying from country to country. Since corruption is intertwined with various aspects of state and society, so it should be dealt with a variety of strategies. In devising various strategies, there is lack of consensus among the scholars about which strategies would be more successful, Shang Ying (2002), suggested five strategies of corruption control that have been mostly accepted and applied in the developing countries: establishing anti-corruption institutions; increasing transparency in government services;

building an independent civil service; paying higher salaries to the public officials, and establishing exemplary leadership at the top. However this contribution is more descriptive than theoretical, and more importantly, some strategies are not as effective as perceived.

As some strategies are insufficient to explain the effectiveness of corruption control, few scholars paid attention on the structural level. Two structures have so far been identified by the scientific community, one is' bureaucracy' and another is 'principal–agent relationship' in the public sector. The scholars also observed that if structure is taken as method for corruption control, "bureaucratic or structural reform" will not be effective if the greater political system remain unchanged. Susan Rose-Ackerman (1978) has modeled bureaucratic organizations: as the fragmented, the sequential, and the hierarchical. She further argued that the structure of the bureaucracy determines the likelihood of corruption. If bribes are paid for illegal actions, a sequential system offers fewer opportunities for corruption. On the other hand if bribes are for legal services, then a hierarchical system works best to reduce discretionary power. Therefore, the policy makers could control corruption by choosing such suitable types of bureaucracy.
Robert Klitgaard (1988) noticed the corruption prone structure is regarded as a "principal – agent-client model". The principal recruits an agent to serve himself or a client. Generally corruption occurs when an agent abuses his discretion for personal benefit. For preventing corruption, Klitgaard suggests that the principal may choose the efficient agents who will work for him; fixed up criteria for agent's rewards and penalties; gather information about agents and clients; reorganize the principal –agent-client relationship, and change the moral cost that would affects the attitudes of agent and client about corruption.

But limitations of these structural solutions are also considerable as the authors only trace out the corrupt structures but fail to make a link with broader political context. Each of these structures might be effective in combating corruption, but none of them will function if the principals or political leaders are corrupt. Moreover, individual policy makers might not have the right to change the bureaucratic structure. These arguments suit the present Bangladesh case where institutional or technocratic mechanism has failed to combat corruption.
Since some of the theories suggest that the 'right' strategies will potentially reduce corruption, policy makers are designing successful strategies, for example, formation of independent anti-corruption agencies (CBIP of Singapore and ICAC in Hong Kong, NSW, and Australia) passages of compulsory property declaration, high salaries. But it is assumed from the above

theoretical interpretation that most of these methods did not work same way in all countries. Some other theories also noticed that the crucial problem is not in finding the 'right' strategies but in having a mature civil society built from a process of democratization. However, only a few of the newly democratized countries s have found a dramatic reduction in corruption rather has increased—not only in amount but also in kind (O' Donnel. G, 1996:34-51)

On the basis of the theoretical discussions it is also learnt not to transplant strategies from other countries. Bangladesh needs to prioritize its internal structural settings and political reality for devising a successful strategy to combat corruption.

4. Background

4.1 Corruption in Bangladesh

Corruption is all-pervasive in Bangladesh. There is little denying the fact that after independence the tentacles of corruption have engulfed the entire society (Khan, 1998). This is not an isolated phenomenon but is considered to be a deeper malaise. The influence of corruption is so strong that most people have virtually accepted it as reality of daily life; moreover, frighteningly express their helplessness to measure the phenomenon at any level of government (Lewis 1996; World Bank 1996). A World Bank report quoted in a 2001 newspaper[1] stated: 'files do not move in government office without bribes. Bribe-taking has almost become as legitimate as taking salaries". In the 1990s democratic system was reestablished *in lieu* of authoritarian regime, but it has not affected the nature and dimensions of corruption in Bangladesh. A study shown that a period of twenty-two years, between 1971 and 1993 about 300 billion US dollars were lost in the public sector due to misappropriation of public funds and theft (Alam 1996). A significant number of the population lives below the poverty line and almost 75% of foreign aid (Barkat.Abul, 2001) is misappropriated and thus poverty reduction fails to achieve its goal.Monem(2005:12) stated that official misconduct since 1971,estimated an annual drag of between 2.1 and 2.9 percent of GDP [2]. In the same way, TIB (2002) calculated for the year of 1999-2000 where state has incurred an economic loss of around US$ 757.2 million, which is equivalent to 1.8% of the GDP due to corruption.

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[1] Daily *Jugantor,(*Vernacular Bangla daily) 9 January 2001
[2] .The judgment that per capita income in a corrupt-free Bangladesh could have nearly doubled to US$700 instead of US$ 350, reflects the harmful impacts of bribery, kickbacks and under table payments.

Unfortunately, corruption is present to varying degrees, in different institutions of Bangladesh. The level of corruption also varies on how influential a politician and a bureaucrat is in his position (Khan, 1998). The magnitude of corruption is displayed by the Transparency International's Corruption Perception Index (CPI) since 2001. It initially ranked Bangladesh as the world's most corrupt county with a CPI score of 1[1]. This ranking has been remaining same until 2005 and Bangladesh is regarded as the worst in corruption prevalence by the CPI index. The TIB country survey report 1997 is still relevant. The study noted that corruption is systemic problem in Bangladesh, affecting every sector of service delivery including police, health care, education, land administration, tax collection, journalism, and municipal and telephone services. Another household survey by TIB (2002) explored citizen's experience of corruption and their perceptions. Among the respondents, almost 76% clarified lack of accountability as a major cause of corruption. Weak political institutions, lack of accountability, low meritocracy, centralized power and socio-cultural influence are also considered as major causes of corruption that has plagued the country since independence. Corruption has grown exponentially and most common form is bribery (Taslim 1994). Other forms of corruption are: abuse of authority, nepotism, favoritism, fraud, patronage, theft and deceit. In many cases different forms of corruptions are intertwined.

4.2 Anti-Corruption Efforts in Bangladesh

Bangladesh's efforts to fight corruption are disappointing and deteriorating image of the country domestically and internationally. Since 1990s, after fall of dictatorial rule every government in the face of public opinion and pressure from the donor's community has launched much publicized anti-corruption campaigns. However, the government has not been successful in implementing anti-corruption strategy yet. In November 2004, it has set up an Anti-Corruption Commission (ACC) to replace the Bureau of Anti-Corruption (BAC). Several reforms have been initiated with the donor's collaboration. These are: the office of the ombudsmen; separation of the judiciary; audit and accounting functions; public administration reforms; issuing a public procurement act; the national human rights commission; poverty reduction strategy and strengthening parliamentary committee system. But all steps are in the line of implementing and have not proved very successful, so far. However, these above measures taken by the successive government were insufficient as compared to other South

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[1] CPI score is on a scale of 0 to 10, where 0 would be entirely corrupt and 10 perfectly clean, measured by TI

Asian countries which rated Bangladesh –'D' while Singapore, Hong Kong, India and Pakistan were rated 'A', 'B' ,'B'- and C respectively (Hassan, 2000).

5. BAC. A Case Study: Findings and Analysis

The purpose of this chapter is to outline the structural and administrative procedure, functional basis of BAC, its operational capabilities and its performance in countering corruption in Bangladesh. Given the persistence of corruption in Bangladesh, we will try to review its flaws and operational inabilities. With regards to this, we must focus on existing rules, laws and organizational structure of the BAC and the lack of credibility of successive governments' fight against corruption.

Also I shared the views of those concerned in framing an effective anti-corruption strategy in line with other successful institutions working in developed and developing countries.

5.1 Formation and Functions

The Bureau of Anti-Corruption (BAC) is a watchdog agency responsible for checking corruption in Bangladesh. It has emerged in the line with the then Enforcement Branch under Police Directorate in 1944. The main aim of its creation was to reduce corruption caused by socio-political and administrative mismanagement at the end of World War II. At that time, corruption became rampant due to severe food shortages. The issuing of an anti-hoarding and profiteering law in 1944 was the initial step towards checking corruption during the British colonial rule. The Bureau of Anti-Corruption (BAC) was constituted under the section 3(1) of the Anti-Corruption Act, 1957 as a separate Directorate with effect from April 1, 1957 for inquiry into and investigation offences of corruption and for preventing corruption. Until May 1962 the officials of BAC were mainly appointed from within the police but from June 1962 the district units of the Bureau (DAB) became independent from the police's control and supervision.

The BAC had the prime responsibility to combat corruption since independence in 1971. During uring presidential system the bureau was directly controlled by President's office, since 1991 the BAC has been remained under the Prime Minister's office. The major functions of the organization is to collect information, begin enquiries and investigation on

civil servants and other individuals who are misappropriating money for personal or group benefit.

5.2 Legal Framework of the BAC

The Bureau of Anti-Corruption has no specific corruption prevention tasks besides its operational activities. But the country has plenty of laws and rules to deal with corruption (see appendices 3 and 4). The first set of Anti-Corruption laws in the subcontinent came in the form of sections 161-165 of the Indian Penal Code of 1860.The year 1947 saw the enactment of the prevention of Corruption Act. These statutes provided the foundation for subsequent anti-corruption laws in Bangladesh.

The legal definition of corruption in Bangladesh includes "Criminal Misconduct" of civil servants and bribery, and it is found in the Penal Code and in Anti-Corruption legislations. The criminal misconduct of a public servant is defined in the section 5 of the Prevention of Corruption Act (1947) a civil servant is said to commit the offences of criminal misconduct:

a) if he accepts or obtains, agrees to accept or attempts to obtain from any person for himself or for any other person, any gratification (other than legal remuneration) as a motive or reward such as is mentioned in section 161 of the penal code, or

b) If he or any of his "dependants"[1], are in possession of pecuniary resources or of property non commensurate to his known sources of income, the offence is punishable with three years imprisonment.

c) If he commits or attempts to commit criminal misconduct shall be punishable with imprisonment of seven years, with a fine or both (and the pecuniary resources or property may also be confiscated to the state)[2]

According to section 3(2) & 3(3), officers of the Bureau have the powers of seizure, search and arrests of persons involved in the investigations of alleged crimes of corruption. Also, BAC officers enjoy all other powers, duties, privileges and liabilities of police officers in Bangladesh

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[1] "Dependants "mean his wife, children, parents, sisters and minor brothers residing with and wholly dependent on him.
[2] In addition to the Prevention of Corruption (Amendment) Act, 1992.

Under section 6, previous sanctions of the government shall be necessary for any prosecution in relation with declaration of assets and possession of property.

Section 7 mentioned that administration of the BAC is vested in the Director General (DG) and section 8 empowered the government or DG immunity from any suit or legal proceedings, whereas section 9, indicates government delegate any of its power to the D.G or any other subordinate to the government.[1] All Anti-corruption laws and rules that shaped BAC and the control mechanism of corruption in Bangladesh have been included in the appendices (3, 4), together with a list of offences draws from the 1957 Anti-Corruption Act.[2]

From the above explanation we can see how the scope of Anti-Corruption is overly wide. Concept and definitions of corruption are also too broad, offences punished with corruption are a few, and punishments are lenient: imprisonment ranges from 2 to 7 years. They take a long time to be enforced, due to procedural delays. In the case of acquisition of property by illegal means, the public official's excess income is confiscated and punishments can vary from censure to dismissal from service (Hassan, 2000)

5.3 Organizational Structure

The administration of the BAC is vested in the Director General (DG) and he is the principal officer who runs the Bureau according to various anti-corruption rules and regulations. He has the authority to appoint and transfer civil servants. The DG can issue standing or general orders but he can not issue orders on points of law without governmental approval. A, DG of BAC usually holds the rank and status of Secretary to the Government. The DG and all the Directors (6 in number) work on deputation from various government services. An exception is the Director of Law, who is normally a retired judge. The Directors are responsible for smooth and effective administration of the Bureau and maintaining liaison with Departments and Directorates of the government. The Deputy Directors (DD) and the District Anti-Corruption Officers (DACOs) maintain liaison with Divisional and District level officers of the other Departments. Some of the mid-level officers are recruited by the Public Service Commission (PSC). The rest is recruited by the Bureau, independently. Due to their heterogeneous background, performance and quality of these officers significantly varies (Hassan, 2000).The BAC has eight Regional offices and sixty six District and Field offices.

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[1] For details see The Anti-Corruption Act 1957.
[2] For details see the appendices 3 and 4

The Regional offices are headed by a Deputy Director. The District Anti–Corruption Officers (DACOs) and Anti-Corruption Officers of the Head Office belong to the similar level. The organizational charts are given in the Appendix 1.

Normally the Inspectors and Assistant Inspectors (ASI) are junior officers responsible for carrying out the inquiries and investigation. In addition, Anti-Corruption officers are relatively less focused on social and public life, and their activities are covert in nature. Given all of this, more openness and transparency are needed for anti-corruption agencies to operate effectively.

5.4 Operational Procedure

In this section, I will outline the operational procedures, structural weaknesses, political and administrative interferences that hampered anti-corruption institutions. According to the field data I will emphasize organizational drawbacks, politico- administrative persuasion in association with other factors which emerged from my field data. All of these factors make BAC incapable to eradicate corrupt practices.

The procedures comprise the following stages: receipt of complaints, preliminary examination, inquiry, investigation, charge sheet/final report, prosecution. When any allegation or complaint of corruption is brought against any person the Bureau starts an enquiry to detect the fact. Most of the cases are investigated by Assistant Inspectors (AIs) or Inspectors. If the initial investigations yield evidence that support the allegation, then the case is either filed a as F.I.R.[1] to a nearby police station, or it is filed as a regular anti-corruption case. Thereafter the case is investigated by an officer above the rank of' Inspector', to see whether it needs to be brought to court. In the last stage, the allegation might end in submission of a charge sheet to the special George court for prosecution or in the issuing final report for departmental action or acquittal. This two tier investigations were aiming to protect public official/people from abuse. This procedure can eliminate false allegations if the enquiry has been conducted in a free manner. But due to bureaucratic maneuvers aimed at framing cases, investigations differ substantially from these procedures. Most of the procedures are lengthy, time consuming, and ambiguous. This limits their effectiveness and BAC's overall performance.

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[1] FIR defined as First Information Report

5.4.1 Lack of Independence

Why did the Bureau largely fail to curb administrative and political corruption in Bangladesh? Most of my respondents viewed that 'the Bureau has not been able to create any impact because it is a government department having no independence of action'. The BAC has however enough powers through the Acts, Rules and Regulations under which the Bureau it operates.[1] What is lacking, definitely independence of the organization. To be effective, BAC must have independence from the executive branch of the government. Singapore, Hong Kong, Botswana, Chile and New South Wales have achieved considerable success in controlling corruption due to agencies free from political interference and control. But in Bangladesh the BAC was controlled and administered by executive organ of the government, its high-ranking officers, such as the Director General (DG) or the Directors can be transferred in an ordinary manner. Its activities were not at all transparent nor was it accountable to representatives of the people or to the parliament.

Before lodging F.I.R and submission of Charge sheet the Bureau has a mandatory requirement of obtaining prior approval either with the DG or the Prime Ministers Office (PMO), depending on the rank and status of the public servant under investigations.[2] In the case of ordinary public or a class-III [3] the authority to permit lodging of F.I.R and submitting charge sheet rests with DG of BAC. In contrast public official above mid level to the highest level and public representatives above the earlier level requires sanction by the Prime Minister (PM) office. Theoretically, to avoid undue harassment of any public servant prior permission has to be obtained from the concerned government authority before starting an investigation. In these cases F.I.R lodging or charge sheet can be move forward only after they have been approved from PM's office. This is a lengthy process. According to the TIB study (2001) and my personal observation denotes that the process of providing such permission is often delayed, thus prolonging the investigation. A close examination of certain cases has showed that obtaining permission for carrying out an investigation from the Prime Minister's office requires four to nine years. The more the number of steps in decision-making, the more investigations is delayed, the more corruption spreads. This cumbersome procedure has limited BAC's effectiveness. Some of the BAC officials and most of the academics and professional remarked that, "BAC did not have independent decision making powers. In order

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[1] For details see the appendices 3 and 4.
[2] For lodging Anti-corruption cases against mid to highest level of public servants or political office holders need prior sanction from the Prime Minister (PM).
[3] Class III employees are defined as lower level officials of public institutions.

to be effective the BAC should have full and unfettered powers in dealing with corruption cases. It should be able to decide if the case can be quashed, referred to department for departmental action, or sent to a court of law for initiating criminal proceedings".[1]

5.4.2 Prosecution

According to BAC officers, the prosecution starts from the special court at District level. The court of a Senior Special Judge (SSJ) usually conducts corruption cases. The number of judges is limited and only 21 special courts can try corruption cases. Although every District and Session judge can work as a special judge, they were so overburdened with their own works that could hardly find time for anti-corruption cases. Basically, they are working part time on BAC cases. Similarly the bureau has no Public Prosecutor (PP) of its own and has to depend on government PPs who are working in courts of the District and Session judges. Most of them are not always interested and available to take care of BAC cases. The insufficient number of judges and Public Prosecutors (PP) created impediments in the trial of corruption cases. Again, *prima facie* cases of corruption have resulted in frequent adjournments, long delays, acquittals, and a very few convictions because of improper investigation. A few of the BAC mid- level officials noticed that, "there was only one Special Public Prosecutor (SPP) at the bureau that was contractually hired to assist the DG on legal matters".[2] The Director (Law) and the SPP were generally from retired District judges. The bureau has no control over both the PP and Special Judges as they are appointed by the Ministry of Law of the Government[3]. In addition, the lower courts do not enjoy a high reputation of moral integrity and incorruptibility.TIB (2002) survey has revealed that in Bangladesh lower courts regarded as the second most corrupt institution in the country after the police.

5.5 Weak Capacity and lack of Resources

The problem is further complicated by the weak technical capacity and low resources of the BAC. Without resources, trained manpower and sophisticated technical knowledge it is

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[1] Interviews with the respondents in Dhaka,2005
[2] Interviewed with mid level BAC officials during field visit in Bangladesh, October 2005.
[3] Government appointed them as per partisan interests, aims to use it for political reason. One SP Judge was openly acted with government direction during my field work in 2005.

almost impossible to combat white-collar crimes. But more so there is a feeling of impunity and lack of coordination among officials of the Bureau. Due to lack of resources and technical support, the supervision of DG and the Directors, over the regional and field offices was quite difficult considering the intricacies of enquiries and investigations. Centrifugal tendencies, unskilled personnel and inefficient coordination failed to figure out internal perils of the bureau. Thus there was no internal effective supervision and accountability within the Bureau. Few BAC officials argued that they failed to achieve prompt verdict in favor of Bureau because of two reasons. Firstly, weak handling of the cases at the investigations stage depending on inadequate or faulty information. Secondly, weak pleading of the cases in the courts, lack of interest or even death of the witness, loss or disappearance of evidence, frequent stay order from higher courts, make extremely difficult for the prosecution to prove the charges. Under such conditions the interests of public remain unprotected.

During my field investigation I went through documents that total staff of the Bureau was of 1,271 among them only 1006 posts were active. The remaining 65 posts and positions were in vacant. The staff was employed following two methods: deputation and direct recruitment through the Public Service Commission (PSC).These methods were followed for the Gazetted Officers (Bureau of Anti-Corruption) Recruitment Rules, 1983. Most of the highest raking posts were being filled through deputation from the administrative cadres. According to recruitment rules 50% of the anti-corruption officers were supposed to be directly recruited through the PSC. My informants from experts group and a retired bureaucrat mentioned that efficient and high morally committed people were not generally posted or appointed in BAC. While an officer gets promotion, the authority used to fill up the vacancy without considering integrity and personal honesty of the concerned employee.

In addition, views have been expressed them that most of the officers do not consider the post as rewarding. Rather they suffer from a feeling of alienation and frustration due to its poor and negative public image across the country. Their job was temporary and transferable in nature, so they usually failed to have expertise within a short period of tenure. Some junior level officers of BAC commented "The higher ranking officials, who were posted on deputation, did not have much familiarity with highly specialized kind of job of investigating corruption charges. The officer in deputation usually tried to avoid the intricacies of court and inspection. But surprisingly when some of them became used to their assigned functions, they

were transferred to other organizations, thus hampering proper functioning of the Bureau."[1] One senior government official noticed that it was good practice to assemble skilled people from various services except police department as it lost its credibility for being corrupted".

One mid level BAC official expressed his resentment over the police personnel of 'Constable' or even 'Inspector' working as investigation officers of BAC, because of their unskilled and corrupt attitudes. Sometimes the police personnel of BAC used their office to harass other public officials, extorting money and threaten for corruption cases. According to the BAC high level official and other professionals, there should be fresh recruitment of skilled personnel having a high moral value and a sound educational background. Some of them thought that granting high salary and allowances would attract efficient and honest personnel. "Proper training and motivation is also needed," said one training expert of government training institute.

The BAC officers repeatedly demanded training to enhance their work performance. Unfortunately there is no specific training institute which could facilitate their job. They remarked that people were working just on the basis of their day to day practical experiences. One BAC official expressed his own dissatisfaction with the quality of the service he was performing at the Bureau. Furthermore the Bureau suffered from absence of modern technology and equipment, especially information technology. Until today the BAC has virtually no fax, telex, or computer network. There were also no facilities to tape interrogations.

5.6 Performance Review

A measure of the effectiveness of the Bureau in combating corruption is successful prosecution of cases in court. Therefore I will try to gauge the performance of the BAC comparing the number of complaints, case investigation, cases trial and the final verdict.[2]

TIB Fact-Finding (2001) study revealed that during the period 1994-2000 the number of complaints (minus backlog) was approximately 31,746. This means that on an average 4,535 complaints were taken each year. On the other hand, the number of complaints (including backlog) was as high as 70,201. During the period of 7 years, only 1,373 persons were

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[1] Interviewed with junior level BAC officials who viewed these opinion, October 2005.
[2] These data have been assembled using BAC documents, interviews with concerned people and studies on BAC by TIB (2001) and Hassan (2000).

punished, while 1,822 persons were acquitted from charges. Among those convicted, almost everybody applied for appeal to the higher court. Therefore, a large number of corruption cases got postponement, stay order, or were quashed. Since the punishment is quite lenient and rate of acquittal is relatively high, the risk factor for corruption is rather low in Bangladesh.

Table 1: Disposal of Complaints by Inquiry

Year	Allegations			Disposal of Complaints	F.I.R/Cases		Inquiry Filled		
	B.F Previous Year	Allegation received	Total		Number	Percentage	Num	percentage	Pending Allegation
1996	5917	4219	10036	3387	427	12.61%	2960	87.39%	6749
1997	6749	4381	11130	4227	698	16.51%	3529	83.49	6903
1998	6903	3034	9837	4629	11202	24.20%	3509	75.80%	5208
1999	5208	2829	8037	3126	598	19.13%	2528	80.87%	4911
March 2000	4911	866	5777	556	282	48.56%	286	51.43%	5221

Source: BAC documents and scanning of Bangladeshi newspapers

Table 2 Disposal of Cases through Investigation

year	No. Of Cases			Disposal of Cases	Charge Sheet		Inquiry Filed		Pending Case
	B.F Previous Year	F.I.R Lodged	Total		Number	Percent	Number	Percent	
1996	2891	427	3318	585	355	60.68%	230	39.32%	2733
1997	2733	698	3431	646	457	70.74%	189	29.26%	2785
1998	2785	1120	3905	813	550	67.65%	263	32.34%	3092
1999	3012	598	3610	883	600	67.95%	283	32.04%	2727
Till March/ 2000	2727	282	3009	203	149	73.39%	54	73.39%	2806

Source BAC and scanning of Bangladeshi newspapers

Table 3: Trial of Cases at Court

Year	No of cases		Total	Disposal of Cases(percentage)
	B.F(Previous year)	Charge Sheet Submitted		
1996	4491	355	4846	55.46
1997	4388	457	4845	63.79
1998	4370	550	4920	52.63
1999	4540	600	5120	57.52
March/2000	4723	149	4872	67.60

Source BAC and scanning of Bangladeshi newspapers

The above figures display a grave scenario.[1] The above tables show that working of BAC was not satisfactory. From 1996 to March 2000, the percentage of cases filed against number of complaints received was 12.61, 16.51, 24.20, 19.13 and 48.56 respectively. In contrast, the percentage of acquittal against those charge filed for the same year were as high as 55.46, 63.79, 52.63, 57.52%, and 67.60% respectively. These figures clearly demonstrate that the Bureau encounters with numerous difficulties at the enquiry, investigation, sanction and prosecution stages, where the case are piling up every year. However few BAC officials stated, there had been continuous improvement in the performances, but it could not be considered as satisfactory from the people's point of view. Due to its huge number of pending cases, handled with limited resources, the Bureau has virtually failed to work as an effective watchdog agency. Few ex-officials of the Bureau commented, "Intricacies and overlapping of procedure, abruptly changing internal circular by the top authority, prolonged cases for years, and there was hardly any accountability"[2]. Allegations of corruption against BAC officials have also tarnished their moral authority and image. Few BAC officials, and the rest all of the informants state that "the prime condition is that the people of BAC, who are controlling

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[1] The Bureau never published annual report or any kind of document for reviewing activities. In that case I had to depend on discursive materials from BAC, interviewing officials along with other concerned personalities for making an account of its performance.

[2] Comments extracted from Discussion with the ex-BAC officials who are now absorbed by the newly formed ACC in Dhaka.

corruption must be free from corrupt practices. But if they remain in corruption themselves, it is absolutely impossible to make it an effective organization in curbing corruption."[1]

5.7 Political Face of BAC

"The corruption or graft cases are filed only to be put off" made comment by one editor of national daily.[2] He also stated that BAC has clearly become a political tool to harass the opposition. Since 1991 after the restoration of democracy, nearly 200 graft charges have been filed against politicians including Presidents, Prime ministers, ministers and MPs. Most of the corruption charges from 1991 to 2004 were either at the inquiry, investigation or trial stage. Some more cases received a stay order by the High Court. Only 9 convictions took place, in which ex President Ershad and a few Ministers were found guilty (TIB: 2003, 43). By this time, Ershad was found guilty of only three corruption charges out of 17. He received 5 years imprisonment and was fined TK 50 Million (US$ 1. m) for misuse of power during his presidency. The rest of the 14 cases were under trial by the lower court. At the end of 2006 General Ershad was trying to escape from the corruption charges by extending voting support with the ruling BNP government in the next election 2007.[3] Similarly, ruling BNP government (2001-2006) has withdrawn corruption cases filed by the BAC against its Ministers, MPs and leaders during Awami League (AL) rule of (1996-2001).[4] In addition after taking power, BNP government (2001-2006) has published" white paper" against past AL government and filed 25 corruption charges against the ex- prime minister Sheik Hasina, her ministers and MP's for alleged offences of abusing state power, favoritism, kick-backs, and bribes. In December 2001, BAC filed corruption charges against Sheik Hasina and six other officials for misappropriation of US$ 120.69 million in a purchasing deal for eight MIG- 29 planes from Russia. However, Hasina got a stay order from the high court and termed the BAC initiatives as politically motivated[5] the same story occurred with AL government, which filed 69 cases against previous BNP (1991-1996) government's Ministers and MP's in 1996.

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[1] BAC officials and members of the 'expert community' expressed this view with the author in Dhaka, October-November, 2005.

[2] *The Daily Star* (renown English daily in Bangladesh) editorial comments on 19 April 2002.

[3] In assurance of political support to the ruling BNP in 2007 election, General Ershad got exemption from 3 more corruption charges in between August and October 2006.

[4] According to the Criminal Procedure Code, article 494, any government can release any person from case lodged by the government itself. One estimated 60,000 cases withdrawn by the BNP government for political consideration.

[5] *Independent*,(English daily in Bangladesh) 13 March, 2003

The significant cases lodged by the BAC against the then Prime Minister, Khaleda Zia and her cabinet members alleged irregularities and nepotism in police sub- inspectors recruitment; abuse of resources in her cantonment house renovation case and air bus purchasing deal with France during 1991-96 rule. Khaleda Zia and Home Minister were accused of recruiting 747 sub-inspectors from supporters or relatives of ruling party members. In September 2000 Khaleda Zia along with 2 former ministers and 7 officials were charged with receiving kickbacks of Tk 1.7 billion (US$ 8.32 m), allegedly paid during the purchase of two French Airbus. The then prime minister Khaleda Zia, her son Tareq Rahman and brother Sayeed Iskandar were also accused in various corruption cases. However, the High Court Bench dismissed some of these charges. And in 1991, when the BNP came to power BAC filed cases against almost all ministers of the previous Ershad government. It is noted that all these cases filed by the BAC had been halted at one or another stages during the last 15 years. Consequently, the corruption cases against top ranking politicians and bureaucrats have been prolonged indefinitely and the trial is being hampered. Interestingly, and ironically, all the accused in these cases have blamed the BNP, or the AL and or the Jatio Party (JP) for bringing the cases against them out of 'political vengeance'.

There are seldom any instances of corruption charges initiated to the members of the ruling party. It becomes a standard practice for the ruling party to engage BAC for lodging corruption cases against previous government. This means the ruling party always immune from prosecution as long as they hold power. In this backdrop, BAC failed to envisage equal treatment to the party in opposition. As for, political executives needs prior sanction from the prime minister, there was no instance of filing corruption cases against ruling party executives. [1]Most of the respondents argued that "The ruling party's influence on BAC greatly hampered its performances of tackling corruption problem in Bangladesh."[2] A TIB (2001) study further revealed that "ruling parties have used the bureau for political motives to investigate corruption cases against opposition". In analyzing responses 64.29% believe that ruling party uses the Bureau as a weapon to suppress the opposition. In addition, 55.36 % of respondents expressed their dissatisfaction and 46.43% feel that the Bureau is unable to maintain its neutrality" (TI 2004: 65).

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[1] The courts do not have jurisdiction to review the action against ruling PM, President and Ministers.
[2] Comments extracted from an informants during field study in Dhaka, 2005.

6. A Comprehensive Anti-Corruption Strategy

The present chapter will discuss some key points for making suitable strategy in combating corruption of Bangladesh. The Bureau of Anti-Corruption, which was directly engaged in eradicating corruption, had a very poor and negative image, of being corrupted. Since corruption is intertwined with so many aspects of the state and society observers termed it as a "terrible complex phenomenon" that should be dealt with a variety of strategies (Ralf, Babainti, 1996: 372). According to the empirical data and scholarly literatures claimed for remedial in formulating effective strategies that inlcudes: a) establishing independent anti-corruption commission; b) increase transparency in government institutions; c) establish exemplary leadership at the top. However, during my field work, I gathered data/ information in support of the effective strategy but some of the strategies were not as effective as believed.

6.1 An Independent Anti-Corruption Agency

Establishment of a permanent, powerful and politically independent anti-corruption commission has been found to be an effective strategy in Singapore, Hong Kong, Australia, and Chile (see appendix 2). However, these models of CPIB, and ICAC for anti- corruption agencies were not found effective and replicable to other developing countries. Both the devices were originated considering the indigenous demand and commitment of the political authority to reduce corruption drastically. The empirical data represent from BAC staffs and expert groups repeatedly emphasized in forming independent anti-corruption agencies to foster its drives against corruption. Although ACC is formed after dissolving BAC, it becomes dysfunctional due to its lacking of functional independence. Most of the informants urged to keep the organization out of the executive and political influences and includes a three pronged strategies of investigation, prevention and education. Similarly demands stressed for separating it from police control so that agency must itself be incorruptible. There should be a strong judicial system and internal prosecution unit comprising skilled lawyers and retired judges. An ex bureaucrat termed BAC as corrupt itself and said "I personally believe BAC was an executive office under another executive office, so it can not work independently"[1]. He suggested to formed an independent organization like CPIB or ICAC which directly accountable to parliament. But an eminent lawyer commented that "there is no

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[1] A retired bureaucrat opined while I talked to the matters during field visit in Dhaka, November 2005.

need for independent commission, if there is strong prosecution system. Otherwise it would be used as an instrument to harass people. He further claimed that establishing an office of the Ombudsman would be much more effective to control corruption. One ruling party MP also shared these views.[1] Another MP from the opposition suggested ensuring accountability from the top. There is of no need to add more organizations, if there is no preventive measure, and education on ethics, civil rights and duties.[2] Most of the interviewees felt the need to establish an effective independent organization. About the defunct role of the ACC, most of the informants agreed upon that only political and bureaucratic maneuver deactivated the newly formed commission. Continued public pressure, civil society, donor agencies and other professional raised demands in constituting ACC *in lieu* of BAC but, "Only civil society and donor's initiatives would not be functional if there is no political commitment", asserted academics and journalists.[3]

6.2 Transparency

Increasing transparency in government and independent civil service would be another effective strategy. Zimmerman,J.F (1994) argued the importance of establishing an open government, a "glass house" for reducing official misconduct, a supportive device for its detection and a promoter of moralistic political culture. Zimmerman specified the strategies of disclosing information and open up decision making process of the government. Although transparency in the government is reducing the opportunities for corruption, the present study found that there is hardly a "glass house" government in Bangladesh. "Decision making process is generally blurred which enhances bureaucratic discretion that provide opportunities and incentives for corruption" expressed some academics and NGO officials.[4] For reducing corruption, large number of informants believed that "punish the big fish" as an example would turn corruption into a "high risk, low reward" activity. In Bangladesh bureaucratic corruption has become pervasive, because the lack of fear of punishment among the corrupt officials (Khan, 1998). Very rarely they are dismissed from service. A lawyer and civil society personality also suggested that an active media will be an effective deterrent. "Abolition of Public Secrecy Act 1923 and government officer's disclosure of personal

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[1] Interviewed with and eminent lawyer and Member of the Parliament (MP) of the ruling party BNP in October 2005.
[2] Views gathered during discussions with an opposition MP of AL on the issue of incorruptible political leadership as well as preventive measures of anti-corruption agencies.
[3] Most of the informants shared the same observation during field work in Dhaka, 2005.
[4] Member of the academics and NGO officials shared the view with the author in Dhaka, October, 2005

property will help to establishes transparent government and reduce the opportunities of corruption",[1] commented by an ex- bureaucrat.

Few informants also urged separating civil service from political influence. They claimed for independent civil service based meritocracy may strengthen checks and balance and curb the abuse of power. Qua, Jon S. T. (1989) argued for high salaries of bureaucrats, because low salaries motivated officials to abuse power. However, a large number of academic disagree with this proposition. Robert Klitgaard (1988) noticed that if nothing else changes in the bureaucratic system, a salary increase will not make much difference .Several studies revealed that high salaries are not an effective strategy and there is no linkage between high salaries and official probity. For Example, Scandinavian countries are renowned for official honesty but none of their government paying competitive market salaries like Singapore.

6.3 Leadership Commitment

Political commitment only can make sure the success of any anti-corruption strategy (Quah, 1995, 1999). Anti-corruption agencies must be incorruptible through the supervision of political leaders who are not corrupt themselves. For example, Lee Kuan Yew and governors of Hong Kong took uncompromising attitudes against corruption. Similarly the efforts of some Asian countries have been curtailed due to the lack of political will (Quah 1999). In Bangladesh, almost every respondent has stressed the point of political commitment. Both political parties have prioritized anti-corruption efforts but unfortunately they are reluctant to do any drastic measure in curbing corruption. The ACC was set up with the pressure from civil society and donor's initiatives but still it is dysfunctional due to the lack of commitment of the government. The ED of TIB and other professionals shared the same view that in the lack of sincerity of ruling leadership, the newly established ACC failed to achieve its task. The ACC still lacks operational rules, and personnel recruiting "organigram" due to political and bureaucratic unwillingness. The ACC chairman also posses the same opinion: "we are helpless; government is not providing necessary support in making rules and financial assistances".[2] Some observers pointed out that "from the very beginning of its inception the government was trying to tarnish its effectiveness by appointing partisan commissioners. Still the commission largely depends on governmental approval in budgeting and operational

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[1] Interviewed with Ex-bureaucrats during field work
[2] Interviewed with the ACC chairman during field work in Dhaka

rule".[1] Still operational procedures are subject to government intention, and powers of arrest of ACC are conditioned by the courts, and parliamentary committee monitoring not included with its function.

7. Conclusion

Corruption is the most discussed and perplexing consequence of poor governance in Bangladesh. The meaning of corruption is much wider than simply taking a bribe in the country. It takes place both at political and administrative levels and TI's perception ranking as most corrupt nations in the world generally has prompted local people, civil society organizations and donors to create a zero tolerance against corruption. On this backdrop, renewed thought was concentrated to activate the institutional and legal-enforcement methods in which BAC was functioning for curbing corruption. But the BAC failed to meet the people's expectation and it was dissolved in the end of 2004 after the formation of Anti-Corruption Commission (ACC). The present study mainly tries to explore why the BAC has proved ineffectual in combating corruption. It normally works in sectors where corruption intensity is very high. But the bureau has reportedly failed to perform its responsibility due to loopholes in the judicial system, ineffective laws, administrative and political interference and moreover its lack of functional independence. In addition other causes were: lack of transparency in its work, weak and unprofessional investigations, inordinate delay in handling cases, corrupt attitudes of the BAC personnel, stay orders of the higher courts, lack of effective prosecution, lack of modern equipments and logistics and working as a vehicle of political vendetta against opposition political leaders.

Unlike the ICAC of Hong Kong and CPIB of Singapore, the BAC has no independence and specific corruption prevention activities other than operational duties. Effectiveness of this organization largely depends on successful prosecution in court. The weak prosecution and large number of acquittals prove it was inefficient in combating corruption. As it was created by an act of parliament, a large number of laws, rules and ordinances were quite adequate and powerful legal instruments for combating corruption (see appendices 3 & 4). And for its effectiveness it supposed to be accountable to the parliament and provided with privileged of full independence in performing its duties. Unfortunately, since its foundation it has been

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[1] Extracted views from the interview of the field study

working under the direct control of the Prime Minister Office (PMO). BAC has seldom initiated cases against ruling party members and the officers of senior or middle level due to mandatory prior sanction from the PMO, which made them immune from corruption charges. Stapenhurst and Langseth (1997) suggest that for successful operation an anti-corruption agency must posses: political backing from the highest level of government; political and operational independence; adequate powers of access to documentation and witnesses; a leadership, which is publicly perceived as being highest integrity. And for effective functionality, the head of the organization may be recruited from the political executives or amongst superior court judges, considering the integrity and devotion of the concerned person. For example, in Singapore anti-corruption agency of is part of the office of the Prime Minister. This is considered the reason of its success in operation. Such an agency is not to be transplanted to other developing countries like Bangladesh because of varying socio-political and cultural context. But comprehensive anti-corruption strategies along with independent agencies can play a pivotal role in combating corruption while ensuring rule of law, accountability of the government, adequate financial and administrative transparency and above all political commitment. Otherwise all the programs and strategies will prove to be ineffective in anti-corruption initiatives.

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Internet Resources

ADB OECD Anti-Corruption Action Plan for Asia and the Pacific
http:// www.oecd.org/daf/ASIAcom/ActionPlan.htm.
Regional Strategies and International Instruments to Fight Corruption
http://www.adb.org/Documents/Conference/Combating_Corruption

Transparency International Documents
http://www.transparency.org

World Bank Study on Country Analytic Work,
http://www.countryanalyticwork.net
Anti-Corruption Policies and Programs' frame Work for Evaluation
http://ww.papers.ssrn.com/so/3/papers.cfm

Appendix 1

ORGANIZATIONAL CHART OF BUREAU OF ANTI-CORRUPTION (HEAD OFFICE)

DIRECTOR GENERAL

- **DIRECTOR (Admin & Estt. & Bank)**
  - Dy. Director (Est.)
    - A.D (Admin. & Estt)
      - A.O. (Admin)
      - A.O. (Estt.)
  - Dy. Director (Admin.)
    - A.D.(Accu)
      - Sr. Accunt
      - PACO (Dhaka Court)
  - Dy. Director (Bank)
    - A.C.O
    - PACO
    - INSP
    - A.I
- **DIRECTOR (Task Force)**
  - Dy. Director (TF1)
    - A.C.O
    - Inspector
    - Asstt. Inspector
  - Dy. Director (TF2)
    - A.C.O
    - Inspector
    - A.I
  - Dy. Director (TF3)
    - A.C.O
    - Inspector
    - A.I
  - Dy. Director (TF4)
    - A.C.O
    - Inspector
    - A.I
- **DIRECTOR (Dhaka, Mymensingh)**
  - Dy. Director (Metro) H.Q
  - Dy. Director (Dhaka) H.Q
  - Dy. Director (Mym) H.Q
  - Dy. Director (Mym)
- **DIRECTOR (Chittagong & Comilla)**
  - Dy. Director (Ctg) H.Q
  - Dy. Director (Comilla) H.Q
  - Dy. Director (Ctg) Regional
  - Dy. Director (Comilla) Regional
- **DIRECTOR (Rajshahi, Khulna, Barishal & Rangpur)**
  - Dy. Director (Raj) H.Q
  - Dy. Director (Khulna) H.Q
  - Dy. Director (Barisal) H.Q
  - Dy. Director (Rangpur) H.Q
  - Dy. Director (Raj) Regional
  - Dy. Director (Khulna) Regional
  - Dy. Director (Barisal) Regional
  - Dy. Director (Rngpur) Regional
- **DIRECTOR (LAN)**
  - Dy. Director (LAN)
    - A.C.O
    - Inspector
    - A.I

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Appendix 1

ORGANIZATION CHART OF BUREAU OF ANTI-CORRUPTION

SET-UP UNDER A REGIONAL DEPUTY DIRECTOR

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                    ┌─────────────────────────┐
                    │    DEPUTY DIRECTOR       │
                    └─────────────────────────┘
                                 │
┌──────────────┐                 │
│   A.C.O.     │─────┐   ┌─────────────────┐
└──────────────┘     │   │     DACOS        │
                     │   └─────────────────┘
┌──────────────┐     │            │
│  P.A.C.O.    │─────┤            ├──────┤ Inspector    │
└──────────────┘     │            │
                     │            ├──────┤ A.I.         │
┌──────────────┐     │            │
│  Inspector   │─────┤            ├──────┤ A.S.I.       │
└──────────────┘     │            │
                     │            ├──────┤ Office Asstt.│
┌──────────────┐     │            │
│   A.I.       │─────┘            └──────┤ Constabele   │
└──────────────┘
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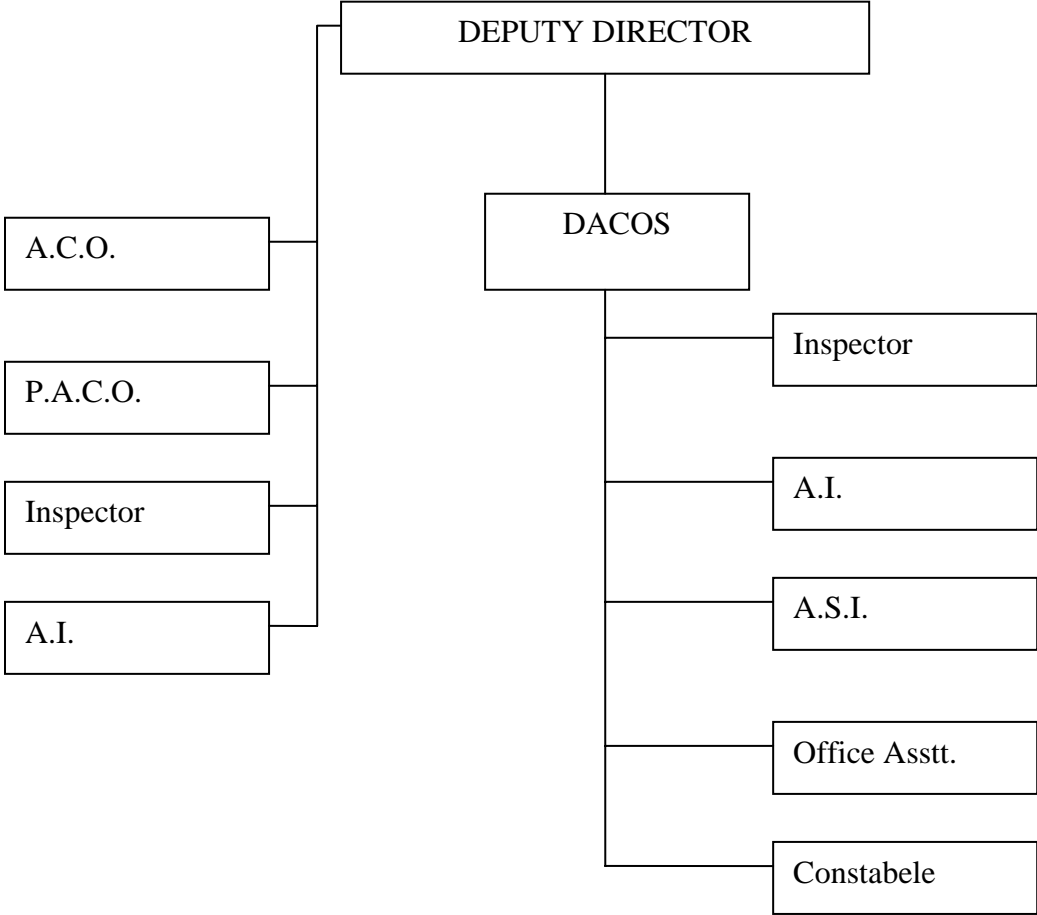
Class 1 officers: DG to ACOs / DACOs / PACOs / AD.
Class 2 officers: Inspectors

D. D.	Deputy Director
A. D.	Assistant Director
A. C.O.	Anti Corruption Officer
P.A.C.O.	Prosecuting Anti Corruption Officer
A. I.	Assistant Inspector

Appendix 2
Anti-Corruption Agencies in Asian countries

Anti-Corruption Agencies in the Asia- pacific and South Asia		
Country	Anti-Corruption Agency	Year Established
Australia (New South Wales)	Independent Commission Against Corruption (ICAC)	1998
Peoples Republic of China	Supreme People's Procuratorate (SPP); Central Disciplinary Inspection Committee (CDIC)	1978 1978
Hong Kong-China	Independent Commission Against Corruption (ICAC)	1974
India	Central Bureau of Investigation (CBI); Central Vigilance Commission (CVC)	1963 1964
Indonesia	Kopkamtib (National Security Agency)	1997
Bangladesh	Bureau of Anti-Corruption (BAC) Anti-Corruption Commission (ACC)	1957 2004
Pakistan	National Accountability Bureau (NAB)	1999
Singapore	Corrupt Practices Investigation Bureau (CPIB)	1952
Republic of Korea	Board of Audit and Inspection (BAI) Commission for Prevention of Corruption (CPC)	1963 1993
Philippines	Presidential Commission against Graft and Corruption	1994
Taiwan	Anti-Corruption Department, Ministry of Justice Investigation Bureau	1989
Thailand	Counter Corruption Commission National Counter Corruption Commission	1975 1997

Appendix 3

Anti-corruption Laws and Rules in Bangladesh

1. The Prevention of Corruption Act, 1947

2. The Prevention of Corruption (Amendment) Act, 1967

3 The Prevention of Corruption (Amendment) Act, 1992

4. The Anti-Corruption Act, 1957

5. The Anti-Corruption Rules, 1957

6. The Anti-Corruption (Amendment) Ordinance, 1958

7. The Anti-Corruption Laws (validation) Ordinance, 1958

8. The Anti-Corruption (Amendment) Ordinance, 1960

9. The Anti-Corruption (Amendment) Ordinance, 1962

10. The Anti-corruption (Amendment) Ordinance, 1973

11. The Anti-Corruption (Tribunal) Ordinance, 1960

12. The Criminal law (Amendment) Act, 1958

13. The Criminal Law (Amendment) Act, 1967

14. The Criminal Law (Amendment) Ordinance, 1978

15. The Criminal Law (Amendment) Ordinance, 1979

16. The Criminal Law (Amendment) Ordinance), 1987

17. The Criminal Law (Amendment) Ordinance, 1974

18. The Criminal Law Amendment Ordinance (Sanction for Prosecution)-Rules, 1977

19. The Anti-Corruption Commission Act, 2004

Appendix 4

According to the basis of different Anti–Corruption Laws and Rules some offences that might provide clear juridical indications of corruption. Following the Anti-Corruption Act, 1957 the list of offences are given below.

a. Offences punishable under Anti-corruption Act, 1957(Act-xxvi of 1957)
b. Offences punishable under the Prevention of Corruption Act (Act ii of 1947)
c. Offences punishable under sections-120-B,161, to 169, 186, 188, 189, 201, 217, 218, 332, 379 to 382, 403 to 409, 411, 414, 417 to 420, 465 to 468, 471, 474, 477-A and 511 of Pakistani Penal Code (Act XLV of 1860)
d. Offences punishable under the Control of Essential Commodities Act, 1956 (Act 1 of 1956)
e. Offences punishable under the Hording and Black Market Act, 1948 (Act XXIX of 1948)
f. Offences punishable under the Prevention of Smuggling Act, 1952 (Act No.LVIII of 1952)
g. Offences punishable under the Essential Articles (Price Control and Anti-Hoarding) Act 1953 (Act XXII of 1953)
h. Offences punishable under the Imports and Exports (Control) Act 1950 (Act XXXIX of 1950)
i. Offences punishable under (Smuggling of Food grains) Act 1950 (Act LXXVI of 1950)
j. Offences punishable under the Official Secrets Act, 1923 (Act-XLX of 1923)
k. Offences punishable under the Bangladesh Passport Order, 1973 (P.O. No 9 of 1973)
l. Offences punishable under section 156 of the Customs Act, 1969(Act IV of 1969)
m. Offences of 'misconduct' under the Public Office (Disqualification) Order, 1959 (President's Order no. 3 of 1959)[i]
n. Offences of 'misconduct' under the Elective Bodies (Disqualification) Order, 1959 (President's Order No. 3 of 1959)
o. Offences punishable under the Foreign Exchange Regulation Act, 1947 (Act no. VII of 1947)
p. Attempts, abetments and conspiracies in relation to or connected with offences mentioned in (a) to (o) above
q. Grave offences as defined by clause (4) of Article -2 of the Bangladesh scheduled offences special tribunal order 1972 (Presidential order 50 to 1972)
r. The guest order of 1948 No, PMH/AC-41/72-371, Dated 28 September 1972

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[i] Schedule (m) and (n) added by notification published in" Dhaka Gazette " dated 28.11.59