



National Integrity Systems
Transparency International
Country Study Report

Bangladesh 2003

Lead Consultants

Alan Doig and Stephanie McIvor
Fraud Management Studies Unit
Teesside Business School
Middlesbrough
TS1 3BA
UK

Chief Researcher

Professor Muzaffer Ahmad

Member, Board of Trustees
Transparency International Bangladesh

Report Authors

M. Farid

Consultant
Transparency International Bangladesh

Assisted by

Shamaila Mahbub

Research Associate
Transparency International Bangladesh

Muhammad Anwarul Amin

Research Associate
Transparency International Bangladesh

With valuable advice from

Mr. Manzoor Hasan

Executive Director
Transparency International Bangladesh

Mr. Ahmed Farid

Former Secretary
Government of Bangladesh

Acknowledgements

I would like to extend my gratitude to the following individuals for all their support:

Dr. Shahnaz Karim and Nuzhat Farid for their tremendous editorial assistance

Sydur Rahman Molla, Research Officer, Transparency International Bangladesh

Md. Abdul Alim, Research Associate, Transparency International Bangladesh

Md. Imam Uddin, Media Outreach Relations Officer, Transparency International Bangladesh

The *National Integrity Systems TI Country Study Report Bangladesh 2003* was made possible with the funding of the UK Government's Department for International Development.

All material contained in this report was believed to be accurate as of October 2003.

Every effort has been made to verify the information contained herein, including allegations. Nevertheless, Transparency International does not accept responsibility for the consequences of the use of this information for other purposes or in other contexts.

© 2004 Transparency International

Transparency International Secretariat

Otto-Suhr-Allee 97-99

10585 Berlin

Germany

<http://www.transparency.org>



Contents

List of Tables	5
List of Figures	5
Abbreviations	6
Executive Summary	8
Country Overview	9
Corruption Profile	13
Background	13
Causes of Corruption	14
Types of corruption	14
Impact of Corruption	17
The National Integrity System	18
Executive	18
Legislature	21
Electoral Commission.....	23
Political Parties	23
Supreme Audit Institution	24
The Judiciary	26
Civil Service	29
Police and Prosecutors	32
Public Procurement.....	34
Ombudsman	36
Investigative/Watchdog Agencies	37
Media	41
Civil Society.....	43
Regional and Local Government	44
Anti-corruption Activities	46
Progress With Government Strategy	46
Present Government Strategy	46
Status of Government Initiatives	47
Donors.....	49
Donor Anti-corruption Initiatives	49
Priority Areas or Areas of Possible Donor Support.....	51
Discussion of Key Issues	53
The NIS	53
Endnotes	56
Bibliography	58
Legislation	61

List of Tables

Table 1 Prime Ministers in Post Independent Bangladesh	9
Table 2 Requirements for promotion	13
Table 3 Government Toshakhana - Deposit Register	20
Table 4 Government Toshakhana – Disposal Register.....	20
Table 5 The status of Audit reports submitted to Parliament in Post Independent Bangladesh	25
Table 6 Quota system in government service	30
Table 7 Types of corruption	39
Table 8 Physical Harm to Journalists (1996-2000)	42
Table 9 Number of newspapers	43
Table 10 National Media Reach.....	43
Table 11 International Development Cooperation for Governance in Bangladesh.....	51

List of Figures

Figure 1 Causes of corruption (in percentage) in Police Administration	15
Figure 2 Cases disposed of in courts 1994-2000	38

Abbreviations

ADB	Asian Development Bank
ADP	Annual Development Programme
ARD	Alternative Dispute Resolution
ASP	Assistant Superintendent of Police
AL	Awami League
BAC	Bureau of Anti-corruption
BCS	Bangladesh Civil Service
BNP	Bangladesh Nationalist Party
BOI	Board of Investment
BTV	Bangladesh Television
BWDB	Bangladesh Water Development Board
CAG	Comptroller & Auditor General
CFAA	Country Financial Accountability Assessment
CIDA	Canadian International Development Agency
CPI	Corruption Perceptions Index 2002
Cr. Pc	Code of Criminal Procedure
CSP	Civil Service of Pakistan
DANIDA	Danish International Development Agency
DFID	The UK Department for International Development
EC	Election Commission
ERD	Economic Relations Division
FIMA	Financial Management Academy
GDP	Gross Domestic Product
IACC	Independent Anti-Corruption Commission
ICB	International Competitive Bidding
ICS	Indian Civil Service
IFJ	International Federation of Journalists
IGP	Inspector General of Police
IMED	Implementation, Monitoring and Evaluation Division
IMF	International Monetary Fund
I-PRSP	Interim Poverty Reduction Strategy Paper
LGC	Local Consultative Group
LGED	Local Government Engineering Department
LIB	Limited International Bidding
MSS	Manabik Shahajay Saangstha

NGO	Non Government Organisation
NCBs	Nationalized Commercial Banks
NORAD	Norwegian Agency for Development Cooperation
NIS	National Integrity System
PA & AS	Pakistan Audit and Account Service
PAC	Public Accounts Committee
PARC	Public Administration Reform Commission
PFS	Foreign Service of Pakistan
PMO	Prime Minister's Office
PP	Public Prosecutor
PSC	Public Service Commission
RAJUK	Rajdhani Unnayan Kartripakha
RIGA	Reforms in Government Audit
RPO	Representation of the People Order
SCBA	Supreme Court Bar Association
SIDA	Swedish International Development Cooperation Agency
SOEs	State Owned Enterprises
SPP	Special Public Prosecutors
STAG	Strengthening the Office of the Comptroller & Auditor General
TIB	Transparency International Bangladesh
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development

Bangladesh

Executive Summary

Although since independence in 1971, laws and institutions have been put in place and procedures for governance have been developed, both at the central and local levels, poverty alleviation, service delivery and systemic corruption remain challenges for good governance.

The decade's positive points are as follows: peaceful transition to democracy, emergence of civil society, multi-party politics, formation of a non-party Caretaker Government for impartial handling of general elections, development of relatively control-free print media, macro-economic stability, progress in efforts to separate judiciary from the executive branch of the government, establishment of local self-governance and efforts of donors, establishment of watchdog agencies to curb corruption and formation of public administration reforms committees.

Corruption, lack of transparency and accountability in public life continue to be a burden on the economy. The decade's negative points also include: deterioration of law and order, non-governance, lack of implementation of election pledges, political instability, abuse of governmental power and lack of access for public's redress for human rights violations. Parliamentary sessions have been disrupted due to repeated opposition party boycotts. The Executive and Judicial branches of Government are yet to be separated and the bureaucracy remains somewhat politicized. Administrative reforms such as the formation of an independent anti-corruption commission are yet to be undertaken. A large number of state owned enterprises remain to be privatized.

Country Overview

Bangladesh is a small country in terms of area with only 147570 square Kilometers. It has a population of 123.1 million people with a literacy rate of 32.4%. The average life expectancy is 61 years. The GDP in 1999-2000 at current market price was Tk. 2370.86 billion. Per capita GDP at current market price was Tk 18270¹. Bangladesh is a multi-party, pluralistic democracy, with a unitary form of government. The country's Parliament called *Jatiya Sangsad* - is a unicameral house comprising 300 directly elected members.

Parliamentary Democracy was re-established in 1991 upon the ousting of the autocratic military government by a mass movement. The change in the form of Government meant that all powers previously vested in the President under a Presidential form of government were transferred to the Prime Minister under a Parliamentary form of Government. The party holding majority in the Parliament forms the Government. If the Prime Minister ceases to retain the support of a majority of the Members of Parliament, he/she is required either to resign from office or advise the President in writing to dissolve the Parliament.

Democracy Post Independent Bangladesh

Successive parliamentary elections since 1991 were some of the most remarkable events. These elections ensured the re-emergence of parliamentary democracy in place of the oligarchy/military dictatorship which forcibly seized power in the 1970s and 1980s. With the advent of successive parliamentary elections, the democratic process has once again provided a process of peaceful transfer of power, as witnessed by the formation of governments alternately by Bangladesh National Party (BNP) in 1991, Awami League (AL) 1996 and BNP again in 2001. This sovereign Parliament created under Article 65 of the Constitution has nurtured and sustained the democratic system.

Since the achievement of independence in 1971, Bangladesh has experienced both Parliamentary and Presidential forms of Government at different times. A number of notable changes have taken place since 1971: in 1975 the civilian government was overthrown and for the first time a military regime took power. In 1981 a change of military leadership took place through a coup d'état and the new leadership continued until 1990. But the military-turned-civilian administration held two parliamentary elections in 1986 and 1988, respectively. The two parliaments of 1986 and 1988 were 'rubber stamp' parliaments under a Presidential form of Government. But deeper analysis reveals that the parliamentary activities were performed by a legislature which was constitutionally 'lame and tame'². After the fall of the military dictatorship in 1990, the parliamentary form of Government was restored. So far the country has had eight parliaments.

Table 1 Prime Ministers in Post Independent Bangladesh

Name of the Prime Minister	Party	Name of the Parliament
Sheikh Mujibur Rahman	Bangladesh Awami League	1 st
Mohammad Mansur Ali	Bangladesh Awami League	1 st
Shah Azizur Rahman	Bangladesh Nationalist Party	2 nd
Mizanur Rahman Chowdhury	Jatiya Party	3 rd
Moudud Ahmad	Jatiya Party	4 th
Kazi Jafar Ahmad	Jatiya Party	4 th
Begum Khaleda Zia	Bangladesh Nationalist Party	5 th
Begum Khaleda Zia	Bangladesh Nationalist Party	6 th
Sheikh Hasina	Bangladesh Awami League	7 th
Begum Khaleda Zia	Bangladesh Nationalist Party	8 th

The President is the Head of the State. The Prime Minister is the Head of the Government and the Chief Executive. The legislative powers are vested in the Parliament. The Constitution delineates the judiciary's composition, powers and functions. The higher judiciary has followed judicial activism in hearing public interest litigation. The separation of the lower judiciary and the executive is an item on the Government's agenda but is yet to be done.

The Election Commission is a fully independent body. It has conducted a series of free and fair elections which brought different parties to power by turn. General elections are held under a constitutionally appointed Caretaker Government. There are no rules to regulate party funding for elections. Complaints of irregular fund-raising and expenditure are reported frequently in the local media.

The Comptroller and Auditor General (CAG) submit audit reports to the President through Prime Minister to be placed with the Public Account Committee (PAC) of the Parliament. The CAG's freedom of operation is constrained by different administrative procedures. The Parliament has 48 committees. Such committees are not always formed in time which interferes with their oversight functions. Ministries also do not respond in time to the PAC's directives. Donors have recommended that the Government make parliamentary committees more transparent and strengthen their oversight role³.

Permanent civil servants are recruited by the Public Service Commission and allocated to 29 cadres. The civil bureaucracy is a principal arm of the Executive. There are allegations of political interference in the recruitment and functioning of the civil servants. Civil servants do not enjoy the confidence of people on account of inefficiency and corruption. The Public Service Reforms Commission has recommended a number of improvements in the accountability and transparency in their service delivery.

There is a central police force of approximately 100,000 personnel controlled by the Ministry of Home Affairs. The police have not only failed to maintain law and order but have been identified as extremely corrupt. The Police Commission 1988 has recommended measures for reforms: better service conditions, pay structure, promotion prospects and training.

The Bureau of Anti-corruption (BAC) is the main agency responsible for controlling corruption but it has not made an impact as it does not have freedom of operation. It is run out of the office of the Prime Minister and is subject to political influence. There is a serious need for the creation of an Independent Anti-corruption Commission.

Different classes and categories of people comprise civil society in Bangladesh. It, along with NGOs, has played a pro-active role in the growth of democratic and Anti-corruption awareness, and also in the promotion of human rights, transparency, accountability, poverty alleviation and gender parity. Members of civil society are also involved in monitoring government agencies and their service delivery system.

The media's freedom is guaranteed by the Constitution but restricted by several laws, rules and regulations. The media has been active in exposing corruption in many instances. Incidents of mistreatment of journalists by the authorities and threats or attacks by corrupt elements have been reported.

The country needs clean politics and a corruption-free administration in order to achieve economic growth. Political parties need to act more responsibly and make a distinction between the interest of the party itself and the Government. NGOs, including Transparency International Bangladesh (TIB), have mounted Anti-corruption campaigns and published many reports advocating transparency and accountability. The Government has also announced a reform program but it is not moving fast enough. The World Bank, UNDP and other donors have suggested strategic prioritization of issues and a medium term action plan by the Government to address governance issues. Poor-governance and corruption are two major problems which deserve immediate action. Institutionalization of the rule of law, good governance, and Anti-corruption measures including creation of an independent anti-corruption commission are imperative.

The NIS in Bangladesh

The following is an appraisal of the National Integrity System (NIS) in Bangladesh. This identifies the strongest to the weakest components, and an examination of the factors behind their relative strengths and weaknesses.

The following appear to be in a stronger position:

- Civil Society
- Election Commission
- Parliament
- Higher Judiciary

These four components do not directly support each other but the ways they have functioned over time have exhibited an indirect commonality in their roles.

They each have stable structures, consistency in approach and function, commitment to values such as democracy, plurality and accountability.

Areas for Future Emphasis

Civil Society, a central pillar of NIS, needs to be further strengthened by creating a stronger network amongst its components through public discussions, with the print and electronic media, professional bodies and through educational and cultural programs. Their efforts will be reinforced if civil society lobbies in Parliament to enact appropriate laws to establish accountability, transparency, decentralization, address corruption and structural reforms.

The Election Commission should be fully supported by all organs of the government and also the public in order to empower it further in its efforts to conduct free, impartial and transparent elections, both for the parliamentary and local government bodies.

Parliament must operate within an environment of pluralism, democratic norms, and cooperation between the Treasury Bench and the Opposition. Most importantly, its Statutory Committees such as Public Accounts Committee (PAC) must be established in order to effectively oversee the service deliveries of the various departments. Additionally, the PAC must exert pressure on the government agencies to act with greater responsibility and accountability. Moreover, the Audit institutions such as the office of the Comptroller and Auditor General (CAG) need to be substantially strengthened in order to service the PAC effectively.

The Higher Judiciary, i.e. Supreme Court receives a high rating because it has maintained its independence and followed judicial activism. It also hears writ petitions including *certiorari*, *mandamus*, *injunction*, *prohibitions* and *habeas corpus* brought by aggrieved individuals. Moreover it has also checked many actions of human rights violations by the authorities.

Government should take the following initiatives

Government must follow the conflict of interest rules at all levels. It must also break the constraint of non governance, and bring in transparency and accountability within its own administration. This will demonstrate its full commitment to the interest of the nation and the people.

The principle of checks and balances, which is integral to democracy, should be practiced in full by the government. If this is practiced, then all government bodies will function in a responsible, transparent and accountable manner.

Bureaucracy must embrace the noble cause of public service unequivocally and eschew the fast track of corruption for material gains.

Internal accountability and transparency within the political parties in Bangladesh is meagre. Politicians give priority to personal or party interests over national interests. Once

elected political parties tend to treat Government apparatus as an extension of their own political party machinery. Lack of democratic process and values give rise to intolerance both within and between political parties which in turn result in political uncertainty. This impedes the investment climate and leads towards a slow pace of development. A World Bank study reveals that "The country continues to be mired in political dissension that has led to the loss of nearly 200 work days in the past five years and a whole month loss in 1999 through hartals or general strikes which close down the formal economy"⁴. Political parties should instill within their own organizations democratic principles to promote a democratic political culture within the wider society. The leadership should train their party members to behave in a highly responsible and ethical manner. Only this will allow them to run a clean administration when their party assumes power.

A clear distinction should be made between the political party itself and the government formed by it. The party should not treat the government as an extension of their political apparatus.

Corruption Profile

Background

Evidence indicates that corruption has assumed serious proportions and it has infected every nook and corner of the society. This is not an isolated phenomenon but is part of a deeper malaise. Since the independence of Bangladesh in 1971, the civil service has doubled in size but at the same time it has given up on its old virtues of honesty, integrity and austerity. It has become known for its conspicuous consumption and ostentatious living, which greatly depends on ill-gotten income. Simultaneously, the quality of public service has also declined. One of the reasons put forward for such 'petty' and 'grand' corruption is the low level of income of government official at the lower echelon and lack of accountability at the upper end of the civil administration.

Over the past few decades, key institutions, in particular education, have been consistently downgraded. This substandard education system has further attributed towards recruitment of less qualified/competent individuals into the civil service. Another reason being interference of politicians with the work of government servants. Often political leaders and bureaucrats act together to manipulate purchase deals or construction contracts in favor of a particular bidder. The level of corruption varies depending on how influential a position the particular civil servant holds (Khan, 1997). A World Bank study reveals that political pressure and favoritism are considered as important prerequisites for promotion within the civil service.

Table 2 Requirements for promotion

Categories of civil servants	% of civil servants who believe that:	
	Gifts and bribes are necessary for promotions	Political pressure and favoritism are necessary for promotions
Class I	22	37
Class II	4	18
Class III	6	24
Class IV	10	57

Source: Bangladesh: Improving Governance for Reducing Poverty, the World Bank, 2002

A weak accountability mechanism and prevalence of poor governance encourage corruption. If the system of governance is not developed, political and administrative corruption is likely to proliferate. Transparency International's Corruption Perceptions Index of 2002 rated Bangladesh as the most corrupt country from among 102 countries. While addressing the launch of Corruption Perceptions Index 2002 (CPI), Peter Eigen, Chairman of Transparency International states that "Political elites and their cronies continue to take kickbacks at every opportunity. Hand in glove with corrupt business people, they are trapping whole nations in poverty and hampering sustainable development. Corruption is perceived to be dangerously high in poor parts of the world, but also in many countries whose firms invest in developing nations". A significant proportion of the population of Bangladesh still lives below the poverty level. In spite of a large allocation of funds earmarked in every budget for poverty alleviation the achievement to date has been modest. A big portion of the money earmarked for poverty alleviation comes as foreign aid and grants, but almost 75% (Abul Barkat 2000) is misused and the poverty alleviation targets have not been met.

A World Bank Country Procurement Assessment report was quoted in a 2001 newspaper as stating: 'Files do not move in government offices without bribes. Bribe-taking has almost become as legitimate as taking salaries'⁵. According to News Scan Analysis of Transparency International Bangladesh of 2002, the government has incurred a financial

loss of around US\$ 757.2 million, which is 1.85% of the GDP (gross domestic product) of 1999-2000 due to corruption⁶.

Causes of Corruption

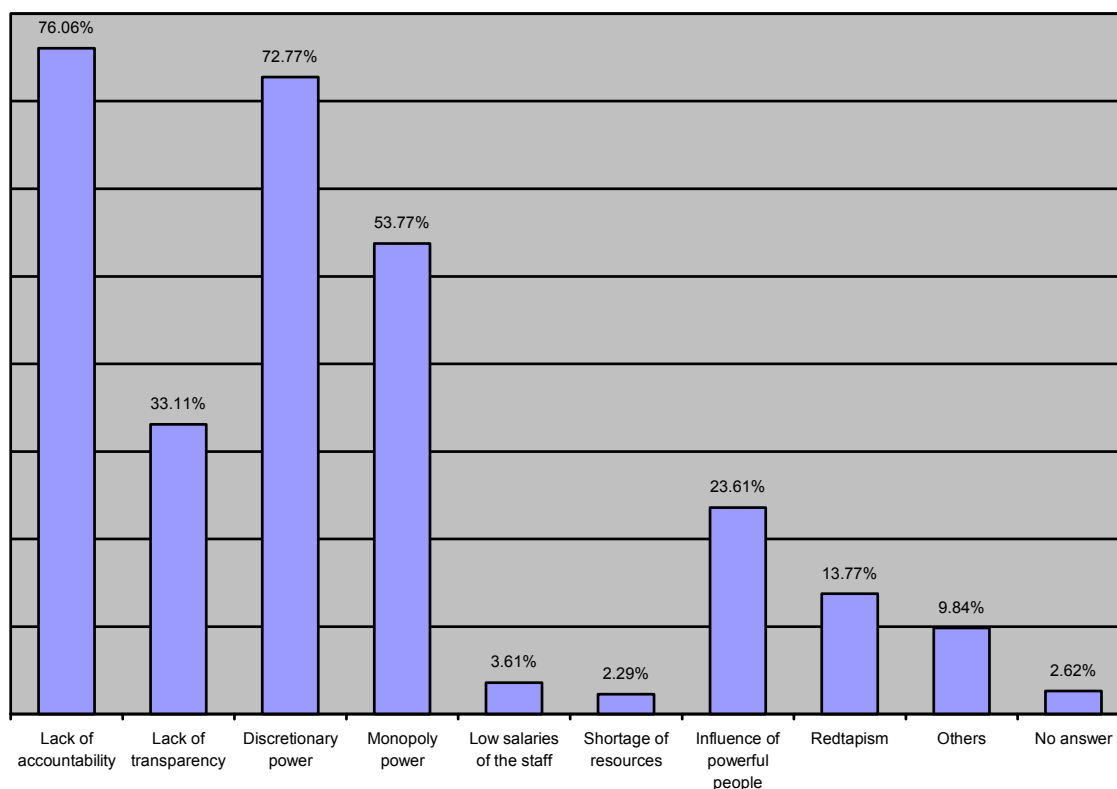
Corruption is all pervasive in Bangladesh. Though corruption has been a part of our politico-administrative heritage, there is little denying the fact that after independence the tentacles of corruption have engulfed the entire society (Khan, 1998). Major causes of corruption in Bangladesh, among others, are:

- poor socio-economic conditions;
- poor service condition of the public sector including low incentive package, poor opportunity for career advancement;
- extensive discretionary power on the part of public officials with limited accountability gives rise to corruption;
- multiplicity of laws, rules etc. and weak enforcement of these laws often encourages corruption;
- key watchdog agencies lack adequate, well-trained and skilled staff to undertake their responsibility in an appropriate manner;
- existence of patron-client relationship reinforces corrupt practices in public dealing;
- absence of effective commitment to moral values at the top⁷; and
- lack of political will.

Types of corruption

The types of corruption can be classified into the following categories:

Commission payment for awarding contracts; kickbacks out of the deals and deposits in foreign currencies abroad; extending undue privileges, offering very expensive gifts and hospitality; misuse of the State resources ; misappropriation of public funds, suppressing the evidence of crime and non -prosecution of criminals on payment of bribes, extortion and bribery, favoritism in appointments, transfers, postings and promotions of public servants on receipt of some gratifications, irregularities in procurement or construction contracts or different public deals to further personal interests of individuals and the like. In 2002, Transparency International Bangladesh conducted a National Household Corruption survey of 3030 households (rural and urban) to determine citizens' experience of corruption and their perception of its prevalence. Of the respondents who sought police help over a period of a year, 76% percent respondents identified lack of accountability as a major cause of corruption.

Figure 1 Causes of corruption (in percentage) in Police Administration

Source: National Household Corruption Survey 2002, Transparency International Bangladesh

How corruption has grown over time and what actions were taken to control it in the past will be apparent from the various Acts passed and regulations made in this regard. In the wake of the World War II, there was an enormous increase in the incidence of corruption due to a severe food shortage. To deal with this phenomenon the Prevention of Corruption Act of 1947 was enacted to prevent and eliminate "bribery and corruption of public servants". This Act is supplemental to the Penal Code. Section 5 of the Act prescribes certain punishment in respect of criminal misconduct on the part of a public servant. When a person, who is not public servant, abets a public servant in the commission of an offence under section 161 or 165 of the Penal Code he can also be charged under section 5(3) of the Prevention of Corruption Act 1947 read with section 161 or 165 of the Penal Code and can be tried together in a joint trial. A public servant is said to commit the offence of criminal misconduct if he accepts or attempts to obtain any "gratification" or any "valuable thing" from any person or "dishonestly or fraudulently misappropriates" any property entrusted to him or by "corrupt or illegal means" or otherwise "abusing his position" obtains or attempts to obtain any "valuable thing or pecuniary advantage" etc. These laws and regulations did not prevent corruption in the past on account of weak implementation or interferences by the executive and a variety of other factors.

Even today, corruption and lack of accountability continue to be a burden on society. The Bureau of Anti-Corruption (BAC) is the principal organization engaged in checking corruption in Bangladesh. The main job of this organization is to collect information and initiate enquiries and investigations for launching suitable prosecutions against corrupt elements. The Bureau has no specific corruption prevention activities other than its operational activities. There are no particular rules and regulations regarding education and awareness responsibilities in the existing Anti-corruption Act and Anti-Corruption manual.

The effectiveness of the Bureau and all officers thereof ultimately depends on successful prosecution of cases in court. The weak prosecution and large number of acquittals prove

that this is not the case. Civil society and donors have been vociferously demanding concrete action by the Government and sweeping changes in politics and administrative reform to curb corruption. In this regard, The Task Force Report of the Centre for Policy Dialogue has made a number of recommendations:

- The Bureau of Anti-corruption (BAC) should be independent of executive control and given the opportunity to work independently;
- The provision of seeking permission of the Prime Minister before instituting cases in courts against mid-level and top-level officials should be dispensed with;
- The BAC should be empowered to decide the course of action on the basis of findings, and investigate public servants, politicians, or bureaucrats of any rank and status.

The donor agencies have expressed serious concern over the wide-spread corruption in Bangladesh and urged the Government to mount a vigorous campaign against it. In aid negotiations the donors have made it a point that in many sectors continued assistance will depend on more effective anti-corruption measures by the Government of Bangladesh. Consequently, in the Memorandum for Bangladesh Development Forum 2002-2003, the Government has made a submission that "It has decided to establish an independent Anti-Corruption Commission" but it is yet to take a shape. The donors are exerting pressure to see to it that anti-corruption measures receive the focus they deserve. They have formed a local consultative group (LGC) in Bangladesh chaired by the World Bank to interface positions of the donors vis- a vis the Government. For their anti-corruption efforts to fully succeed, the donors need to synchronize their programs with that of the Government. There is also a need for a greater synergy in the programs of all ministries within the Government.

A TIB household survey conducted in 1997 revealed that corruption has become a systemic problem in Bangladesh. Some of it is routine, petty corruption and some is grand corruption indulged in by a nexus of public servants, businessmen and political personalities. Thus, different groups and classes are involved in perpetrating corruption in society . To appreciably reduce the volume of corruption, an integrated package of actions is required .This may include on the one hand financial, judicial and structural reforms in the administration, better pay scales, status, and incentives and on the other hand, swift and decisive action against anyone guilty of corrupt practices.

Adequate measures against corruption are a long felt need of the people. This could not have been ignored by the political parties and hence, was included in their election pledges.

In the face of strong public opinion and pressure from the development partners, the Government has announced its decision to establish an Independent Anti-Corruption Commission to replace the present Bureau of Anti-corruption. The Government is reportedly in the process of drafting a bill for the possible Independent Anti-corruption Commission. The government has formed a high-powered Inter-Ministerial Task Force to determine an effective strategy to prevent corruption. A White Paper on the corruption of the previous government has also been published, which contains description of several corruption cases involving the former ruling party.

The public still feels sceptical about the matter as no evidence for any action against its own party men is available for similar offences. Government says that investigation of the alleged cases of corruption, identification of the corrupt individuals and trial of the corruption cases are in progress. However, if the investigation or the prosecution is selective, only involving one class of people while sparing others, this will create reservations in the minds of people.

So far, Government has not announced a timetable to implement its anti-corruption policy. The Government must design a plan of action to combat corruption and devise a definite timetable for implementing its anti corruption policy and program. The investigation and prosecution should be done by the Independent Anti-Corruption Commission in a non - discriminatory manner. Therefore, creation of the Independent Anti-Corruption

Commission should receive the highest priority if the Government really means business. The proof of the pudding is in the eating.

Impact of Corruption

Commenting on the impact of corruption on development a report of the International Development Committee (22 March 2001)⁸ says: "Corruption has a devastating impact on the poorest people in society by denying them access to public services since they are frequently unable to pay the necessary bribes. The quality of services and the efficient allocation of resources are both adversely affected by corruption. Corruption also deters foreign direct investment, with resulting impact on economic growth". Corruption has adversely impacted on Bangladesh society in many ways. It has contributed to poor governance and the resultant disaffection of the people with the service providers. It has stunted the growth and development of the country by diverting scarce resources from productive sectors, to line pockets of dishonest officials. According to the National Household Corruption Survey 2002 conducted by TIB, 2.13% of those who got admission, over a period of one year, had to resort to giving donations.

Further, corruption deprived the masses of essentially needed services to create a hiatus in society by increasing the chasm between different segments of the people and reinforcing backwardness and poverty of the masses. On account of corruption of the individuals involved, often the import of hazardous, low grade food-stuff, unfit for human consumption, has taken place. Inferior machinery and construction material have also been brought in, causing the collapse or rapid depreciation of plants or infrastructure, causing financial losses and regression of development work. The Annual Development Programme (ADP) normally allocates funds for the building of minor bridges, but many such bridges collapse due to design faults, corrupt practices, and lack of supervision. *The Independent* published an editorial on 28 December, 2002 on the collapse of one such bridge over the river Dashani, on the Nurundi-Chandraknoa road in Jamalpur Sadar Upazila. Enquiry revealed that low quality construction material was used. This was a project undertaken by the Local Government Engineering Department (LGED) during the 2001-2002 financial year, and it was covered by the ADP of the previous budget. Although the original estimated cost for the construction of the bridge as per design was Tk 76 lakh (US\$ 1,31,034), the engineering firm which received the work order made a contract with LGED at a lower estimated cost of Taka 59 lakh (US\$ 1,01, 724). The lower budget was made possible due to bad design and inferior quality material, which 'escaped' the attention of those who supervised the work on behalf of LGED. The collapse resulted in the rebuilding of the bridge, which meant increased overall costs and doubling of construction time.

All these intertwined factors have severely disrupted the entire delivery system of the State, making it inefficient and oppressive, thereby defeating the goal of a just society for all the people. Besides, the poor and the weak are denied due services because of the malpractices of the greedy and the corrupt. The baneful effects of corruption are evident from the unprecedented wave of crime, violence, and insecurity gripping society today. Had the law enforcement agencies not been so corrupt, this situation would not have arisen. Corruption has brought down the ethical and moral standards of society by rewarding the corrupt while discouraging the better elements who would uphold the noble principles of honesty, integrity and hard work. By corroding the moral fibre and tarnishing the country's image, corruption has disturbed the stability and compromised the future of society.

The National Integrity System

Executive

The President, the Prime Minister and the Cabinet constitute the 'Executive' of Bangladesh. The Members of Parliament elect the President and, the President appoints the Leader of the House, the Prime Minister. All executive actions of the Government are taken in the name of the President. The President is the Constitutional Head of the State without any executive power. In all matters except the appointment of the Prime Minister and the Chief Justice, the President has to act upon the advice of the Prime Minister.

The Prime Minister is the Chief Executive and the Head of the Government. The Prime Minister is required to keep the President informed on matters of domestic and foreign policy. The Prime Minister and the Ministers are responsible to the Parliament and Ministers are also individually responsible to the Prime Minister. The Cabinet, comprised of elected and appointed Ministers, is collectively responsible for executive decisions. Matters of concern to more than one ministry are placed in the Cabinet after inter-ministerial consultations.

The Executive is organized into Ministries, which are divided into Divisions. A politically appointed Minister heads each Ministry, with a permanent civil servant, usually a Secretary, who serves as the Ministry's administrative head and works under the policy guidelines provided by the Minister. There are currently 37 Ministries and 49 Divisions of the Government with over one million public employees and a total wage bill of approximately 4.2 percent of Gross Domestic Product (GDP) and 46 percent of total revenue expenditure.

During incumbency, the President, the Prime Minister and the Ministers enjoy immunity from prosecution with respect to acts committed during their tenure. Citizens can sue the Government for infringement of their civil rights in accordance with the Constitution. According to Article 102 of the Constitution, the High Court Division may make an order (1) directing a person performing any function in connection with the affairs of the Republic or of a local authority to refrain from doing that which he is not permitted by law to do or do that which he is required by law to do; or (2) declaring that any act done or proceeding taken by a person performing functions in connections with the affairs of the Republic or of a local authority has been done or taken without lawful authority and is of no legal effect. In reality, there are few examples of citizens bringing suits against the Government to enforce their fundamental rights.

There are no procedures for monitoring of assets for Ministers or submission of statements of wealth of Ministers. However, during the general election to the Parliament, every contesting candidate must submit to the Returning Officer a detailed statement of all the election expenses and the sources of funding. The Election Commission can investigate matters relating to election of the candidates. The Prime Minister may approve an open enquiry against any minister regarding any irregularities if committed.

There are procedures for monitoring the assets, including disclosure provisions, for high Government officials:

- When a person is recruited as a government servant, he/she has to declare his/her assets if their total value is Tk 10,000 (US\$ 172.41)⁹ or above. He/she also has to declare (1) location of assets; (2) types of jewelry owned and (3) may also be asked to provide information regarding assets at any time. In accordance with Government Servants (Conduct) Rules 1979, each government servant has to submit his or her list of assets annually in December of each calendar year. In practice, such disclosure is not enforced and voluntary disclosure remains rare.

- The Prime Minister is the approving authority for the issuance of notice for submission of statement of wealth to officers drawing scale of Tk. 9,500-12,100/- (US\$163.79- US\$208.62) of the National Pay Scale of 1997.
- The Principal Secretary of the Prime Minister's Secretariat may approve the issue of notice asking for submission of statement of wealth to all Class-I officers drawing pay below scale of of Taka. 9,500-12,100 (US\$163.79-208.62) of the National Pay Scale of 1997 or officers entitled to such scale due to revision of scale for submission of statement of assets and liabilities.

There are rules and regulations concerning gifts and hospitality for Ministers and high-level officials. Ministers and high officials have to report to the Cabinet Division all gifts received and deposit them at a centre called the 'Toshakhana'. In accordance with the procedures for valuation and registration of gifts received by members of the Executive, the Cabinet Division enters the gifts in the two registers which are updated from time to time. Some gifts can be disposed of at public auctions; very valuable gifts are displayed at the national museum or placed in banks for safekeeping. Recipients can retain gifts valued under Taka 1000 (US\$17.2). Upon valuation, recipients have the option to purchase certain gift items from the Government.

A brief description of Toshakhana Evaluation Committee and its Responsibilities:

The Cabinet Division is the custodian of the Toshakhana and is responsible for collection, fixation and preservation of the gifts. It is assisted by a Toshakhana Evaluation Committee, which constitutes of the following members:

- Joint Secretary, Cabinet Division – Chairman
- Joint Secretary, Finance Division – Member
- Joint Secretary, Industries Division – Member
- Financial Adviser, Cabinet Division – Member
- Deputy Secretary, Cabinet Division – Member-Secretary

The Toshakhana Evaluation Committee shall meet periodically and review the manner of collection and preservation of gifts. The committee shall determine the price of gift articles. At the time of determining the price the Committee may obtain the help of renowned organizations that deal with the gift items. A declaration of the price prevailing at the places where the gift is received shall be obtained from the recipient. The Committee shall make recommendations regarding disposal of gifts. In addition, it recommends improvements about the manner of preservation and custody of gifts and maintenance of Toshakhana. The Committee shall recommend manner of disposal subject to depreciation if kept for a longer period or being unused. It shall determine the present value in consultation with a renowned commercial firms dealing in gift item. These articles shall be disposed by public auctions and the sale proceeds deposited in the Government account. The Committee may, for special reason to be recorded in writing, with the approval of the Cabinet Secretary, transfer such gifts, which are likely to suffer depreciation or which could be otherwise utilized for official purposes, to any appropriate government offices for official use. Provided that gifts of historical value, antiques, precious arts and gifts shall not be transferred to any government office for official use.

Storage and disposal of gifts

All gifts deposited at Toshakhana are preserved. Special attention is given to those gifts that are of historical importance and are less likely to deteriorate if kept for a long time. If necessary, expert help may be obtained for their maintenance. Very expensive items are kept in particular place such as the annex of the National Museum or in an iron vault. Other items may be displayed in adequately guarded show cases. If the committee considers the security of the storage facility at the Toshakhana inadequate, the Committee

may place them in the lockers of reputed banks or have them insured against pilferage at Government expense.

Maintenance of Account

There are two registers known as Deposit Register and Disposal Register. The Deposit Register is comprehensive and includes entries of all gifts with their prices and brief description. Against each entry in the Deposit Register there shall be the signature of the Secretary countersigned by the Chairman of the Committee.

Table 3 Government Toshakhana - Deposit Register

Serial No.	Date	Name, designation and address of the depositor	Name, designation and address of the person from whom the present was received and also the occasion	Brief Description of the gift/present and quantity	Estimated Value	Signature of the Section Officer - in - Charge	Signature of the Secretary and Chairman	Location	Remarks

Table 4 Government Toshakhana - Disposal Register

Serial No.	Date	Serial No. as in Deposit Register	Reference of the Order for Disposal	Description of the Gift/Present	Estimated Value	Price Received	Chalan No. and Date of the Sale Proceeds	Signature of the Secretary and the Chairman	Remarks

Although there are conflict of interest rules applicable to Ministers and officers, the rules are not strictly followed by them while making decisions in cases in which they have pecuniary/personal interests.

The Bangladesh Civil Service (BCS) has 29 cadres. These officers are recruited through competitive examinations held by the Public Service Commission. Others are recruited through promotion, secondment, lateral entry and contract. Forty percent of the recruitments are done on the basis of merit, while others are taken on a quota system or via direct departmental recruitment.

The civil servants are governed by the Government Servants' (Conduct) Rules. There are a total of over one million personnel. Civil servants are required to be non-partisan, but a tendency to assert political influence on the bureaucracy and politicize the administration is a recurrent phenomenon. Political interference has often vitiated the process of recruitment, posting, transfer and promotion of officers.

The Public Administration Reforms Commission (PARC) was set up in 1997 to recommend policies and programs to improve the level of efficiency, effectiveness, transparency and

accountability of the public organizations. Some of these are interim, short term and some are longer-term measures. A number of committees have been appointed by the Government to examine and implement these recommendations. Members of civil society have indicated that implementation of these policies must receive highest consideration of the authorities in order to stem the tide of corruption and modernize the administration.

Legislature

Bangladesh has a Parliament with 300 Members elected by adult franchise every 5 years. The legislative powers are vested in the Parliament. The '*Jatiya Sangsad*' (House of the Nation) is unicameral and is formed by political parties elected to the Parliament. The *Jatiya Sangsad* has its own procedures which are executed by an elected Speaker and Deputy Speaker. The Legislature makes decisions by majority vote. It also forms standing committees, such as, the Committee on Public Accounts, to oversee specific areas of governance.

One-tenth of the Ministers may be comprised of appointed ministers who are non-Parliamentarians. The Cabinet members are collectively responsible to the Parliament. The Ministers are responsible individually to the Prime Minister and the Parliament for the work of their respective ministries.

The main responsibility of the Members of Parliament is to engage themselves in the legislative process of the Parliament. In reality, some individual members spend only 5% of their time in the law-making process. Parliamentarians spend considerable time in pursuit of interests related to their constituencies and certain activities outside the Parliament such as frequent visits to the Secretariat and Government offices for diverse reasons including, among others, lobbying for diverting funds to their respective constituencies and postings/transfers of officials personally known to them. As a result there is often a quorum crisis in the Parliament.

The Parliament has its own rules of procedure, which include conflict of interest rules. The Rules of Procedures of the Parliament under Rule 188(2) provides that, "No Member shall be appointed to a committee who has a personal, pecuniary or direct interest in any matter which may be considered by that committee". However, these rules are also not aggressively enforced with respect to Parliamentarians. Since Independence, Eight Parliaments have been formed. The present Parliament is the Eighth Parliament, which has held six sessions so far.

The President can summon, prorogue and dissolve the Parliament upon advice of the Prime Minister. The President can address the Parliament and raise matters for discussion if required. Prior to enactment, all proposed legislation or 'bills' have to be submitted to the President for his assent. The President may return any proposed bill to the Parliament for reconsideration within 15 days of its submission. However, if the Speaker certifies a bill as a 'Money Bill' then the President may not return it without his assent. The only requirement for a bill to be considered a 'Money Bill' is a certification by the Speaker, notwithstanding the actual content of such bill. For example, certain controversial bills (relating to peace negotiations in the Chittagong Hill Tracts area) were certified as 'Money Bills' and accordingly received expeditious assent from the President. In this manner, the ruling party can get almost any bill signed into law by the President, which he/she could otherwise have withheld from passage.

The validity of actions and proceedings undertaken in Parliament are immune from prosecution in a court of law. Various governments/administrations have pledged transparency and accountability of governmental actions. However, they remain largely unfulfilled and human rights violations and abuse of governmental power remain areas which require redress. National strikes led by opposition parties have also negatively impacted upon the economy and disrupted governance. Civil society and donors have been advocating sweeping changes in politics and administrative reforms to curb corruption.

The Finance Minister presents the budget to the House. A separate demand needs to be made with respect to the grant proposed for each Ministry. These demands are placed in the Parliament on the recommendation of the President. No demand for such grants is

permitted except on the recommendation of the President. Discussion and voting is also required for each demand.

There are significant categories in the public expenditure that do not require legislative approval. Government funding of certain financial and non-financial parastatal sectors, paid from the Consolidated Fund, are expenditures, which do not require Parliamentary approval. In accordance with Article 87 of the Constitution, a statement of the estimated receipts and expenditure of the government for each financial year has to be presented to the Parliament. Public funds are divided into two main parts: the 'Consolidated Fund' and the 'Public Account' of the Republic. Under article 84(1) of the Constitution, "All revenues received by the government and all loans raised by the Government, and all moneys received by it in repayment of any loan, form part of one fund to be known as 'Consolidated Fund'. All other public moneys received by or on behalf of the government are credited to the 'Public Account' of the Republic (Article 84 (2)).

The Government provides funds to the State Owned Enterprises (SOEs), such as, non-financial parastatal and financial parastatal sectors, from the Consolidated Fund. In Bangladesh there are 41 SOEs with approximately 200 subsidiary enterprises. The SOE expenditures are not shown in the budget.

In accordance with the Constitution, the elected members of the Parliament approve the budget annually. All public expenditures however are not declared in the annual budget. Government funding of certain parastatal sectors, paid from the consolidated fund, are expenditures which do not require Parliamentary approval. The budget is not referred to any Committee and is dealt with by the House in the following stages: (a) general discussion on the budget as a whole, (b) discussion on demands for grants and appropriations in respect of charged expenditure, (c) voting on demands for grants relating to other expenditure.

The Sixth Parliament, elected in April 1996 lasted for the briefest period in the history of the country. In the midst of political instability, it could not function beyond four months. The current parliament is the Eighth Parliament, which has held six sessions to date. The recent parliamentary history has seen acrimonious confrontations between the Government party and the Opposition. During the Seventh Parliament, the Opposition did not attend the parliament for a considerable time on the grounds of alleged partiality of the Speaker and his reluctance to give them the floor on many occasions. Frequent boycotts of the Parliament by the opposition party had a negative impact on the growth of a healthy parliamentary tradition. The Parliamentary system would work better if there were greater understanding and mutual accommodation between the Government and the Opposition.

Public Accounts Committee

The Constitution provides for a Public Accounts Committee (PAC) of the Parliament to be set up to review the CAG's audit reports and hold hearings on reports submitted to it. However, historically the PAC has not been formed in a timely manner, resulting in a backlog of audit reports due to be debated. In the last seven Parliaments the PAC has only been formed five times. One PAC committee was formed on an ad hoc basis. The Eighth Parliament has begun its sixth session, and more than a year has elapsed since the formation of this Parliament, but the PAC is yet to be constituted.

There is an enormous backlog in hearing of the audit objections by the PAC. From 1971-72 to July 2002, out of the 770 audit reports submitted to the President and the Parliament only 18.3% have been discussed. This means that 81.6% of the reports submitted to the PAC are yet to be discussed. Other than 1996 and 2001, the Committee was active throughout the period from 1997 to 2000. The highest (33) and the lowest (17) number of meetings that took place were in 1997 and 2000 respectively. A positive note is that the PAC of the 7th Parliament met 103 times and was able to recover Tk. 227 crores (US\$ 39.14 m) and adjusted Tk. 929 crores (US\$ 160.17 m).

The Ministries do not respond promptly to PAC's recommendations. They have taken 12-16 years in many cases to take initial action responsive to the CAG's audit observations. The CAG's staffs have also been negligent in some cases by delaying settlement. A Complaint

Cell has been set up in the office of CAG to take on a deterrence function. The Cell has the authority to take disciplinary action against officers or staff of the CAG found to be involved in irregularities. No institutions have been established to supervise or monitor implementation of the PAC's recommendations.

Electoral Commission

The Election Commission (EC) in Bangladesh is an independent body formed in accordance with Article 118 of the Constitution. The EC has a full-fledged Secretariat of its own to execute its orders and decisions. The EC is headed by a Chief Election Commissioner appointed by the President for a term of five years. If necessary, the President has the authority to appoint additional Commissioners. When the EC is comprised of several Commissioners, the Chief Election Commissioner acts as Chairman of the EC. The Election Commission is independent in the exercise of its functions and subject only to the Constitution and other applicable laws of the land. As per Article 119 of the Constitution, the Election Commission is charged with the following responsibilities:

- holding elections to the office of President
- holding elections of Members of Parliament
- delimiting parliamentary constituencies
- preparing electoral rolls and
- carrying out such other functions as prescribed by law.

The Election Commissioner(s) are not eligible for service of the Republic after their service with the EC. The President may remove the Commissioner on grounds of incapacity or gross negligence only in a manner identical to the Constitutional procedures employed in the removal of a judge appointed to the Supreme Court.

Article 58B of the Constitution provides that no elected government can be in office during the conduct of parliamentary elections. During such time the Constitution provides for a neutral 'Caretaker Government' to be appointed to oversee the election. In 2001, such a Non-Party Caretaker Government administered the country for three months preceding elections and oversaw the conduct of peaceful and fair elections. The institution of this form of transition has enhanced the credibility of the nature of the political process of Bangladesh. Two highly competitive elections were held under caretaker governments in 1991 and 1996.

Political Parties

The electoral law, regulations and procedures provide the essential framework and the mechanisms for the holding of elections. The Representation of the People Order (RPO) 1972 is the main legal instrument regulating the election process. So far there have been two amendments to this Order.

The current election regulations, set forth in the Representation of the People Order 1972, only require disclosure of campaign funds of individual candidates. For the 2001 election, the then President promulgated an Ordinance with the approval of the Caretaker Government, which called for limiting political party expenditure. Party candidates are required to file a 'return of election expenses' within 15 days of publication of the election results. A report states that only 74 candidates complied with the requirement after the elections held in 2001¹⁰.

Currently there are no disclosure rules applicable to political party funding. Substantial donations and their sources are not typically made public. Reports of extortion from business and other sources to raise campaign funds have been published in local media. No official reports or audits of campaign financing or expenditures are prepared by any independent institutions nor are such reports presented to Parliament.

The contesting political parties are required to maintain by law with a scheduled bank, proper accounts of its income and expenditure from the day the election schedule is

announced until completion of election in all the constituencies. There are no current requirements for a public declaration of the accounts of political parties. It should be further noted that the new changes made in the laws are weak. This coupled with weak monitoring and enforcement of legal requirements, the political parties do not feel the need to comply with expenditure rules. Complaints regarding violation of fund raising and campaign expenditure are frequently reported in the local media.

Political parties are encouraged by the EC to register with it. Incentives such as coverage in the state-run media, reservation of the election symbol and purchase of the electoral rolls are provided by the EC to encourage registration. Only one major party has registered with EC to date.

The two major parties, Bangladesh Nationalist Party (BNP-formed Government three times) and the Awami League (formed Government once) have each been in office since the democratic reforms of 1990. Coalitions of large and small parties have also become the norm in the 1990s. The Sixth Parliament, elected in April 1996, was the briefest parliamentary session in the history of Bangladesh. In the midst of political instability, it lasted less than four months which led to new elections in June of 1996.

Political Party Registration

A formal legal framework for registration and regulation of political parties can be considered essential in establishing their legal entity and extending them state support to conduct their activities. A well organized and accountable political party can uphold the spirit of representative democracy in Bangladesh. The EC makes a non-mandatory provision for registration of political parties willing to compete in the elections and has offered some incentives in return. A registered party would enjoy some privileges such as reservation of election symbol, coverage by state-run media and purchase of the electoral roll. With the exception of one party, the Jatiya Party, none of the major political parties have registered with the Election Commission.

A Policy Brief on "Governance" prepared in August 2001 by the task force of the Centre for Policy Dialogue, Dhaka, stated that the political parties in our country raise considerable funds from a variety of sources, including business people associated with them. Numerous allegations are also made that party 'activists'- sometimes little more than thugs - visit businesses to demand contributions. Party funds are used for a variety of purposes. Based on some reports in the media, these funds have been used for illegal activities, including organizing election-related violence or intimidation efforts, buying votes or influencing voters in various ways. It is widely known that the political parties violate the ceiling on expenditure during the elections and the requirements of the existing legislation. Election rules permit a mayoral candidate to spend maximum of Tk 500,000 (US\$ 8,621) and a ward commissioner candidate Tk 50,000 (US\$ 862) for all activities related to election. But compliance of this rule is very rare. In most cases, the candidates submit false estimates of election expenditure. Quoting campaigners of different parties, a daily newspaper¹¹ states, "On an average, commissioner candidates spend more than Tk 20,00,000 (US\$ 34,483) each and a mayoral candidate more than Tk 10000000 (US\$ 1,72,414) ". The findings of a survey conducted by the Power and Participation Research Centre (and reported in the media) on the recently concluded Union Parishad election (25 January- 16 March, 2003) reveal that the influence of money in elections prove to be a major factor in getting elected. A winning chairman of Union Parishad has spent, on average, Tk. 6,80,000¹² (US\$ 11,724). In Bangladesh, the use of black money or muscle-flexing often dampens voters' enthusiasm. Raising of funds through illegal means is also a concern. A World Bank report states that, "Election, the outcome of which depends on extortion and the use of muscle power, naturally encourage a system of patronage"¹³. Therefore, some measures need to be identified immediately, and developed to introduce a stronger legal regime governing political party funding.

Supreme Audit Institution

The office of the Comptroller and Auditor General (CAG) is the supreme audit institution of Bangladesh. This office was established in 1973 under the Constitution. The Auditor

General is appointed by the President for the function of conducting audits of all the expenses of parastatal bodies, authorities, and offices of the Government. The Auditor General is required to submit reports to the President to be presented to the Parliament.

The CAG is appointed from very senior officers of the Audit and Accounts cadre who, upon retirement at the age of 57 or earlier, is appointed to the constitutional post of the CAG and holds this office until he attains the age of 60 years. Article 129(2) of the Constitution stipulates that the Auditor General shall not be subject to direction or control of any other person or authority. Nor can he/she be removed from office except in the like manner and the like ground as a Judge of the Supreme Court.

Independence of the CAG is enshrined in the Constitution. Nonetheless, the independence of the CAG's office is severely constrained by the operation of the Rules of Business of the Government under which CAG is subject to the direction and control of the Finance Ministry. The recruitment for the filling of posts at the CAG's office is subject to direction and control of both the Finance Secretary and the Establishment Secretary.

Recently, the function of Government Accounting has been separated from Auditing and the responsibility of accounting transferred to the jurisdiction of the Ministry of Finance. Earlier, the CAG was responsible for preparing and maintaining the finance and appropriation accounts of the Government. From the second half of 2002, the CAG's office has been divested of this responsibility. The CAG's responsibility now is to audit the above-mentioned accounts and provide an opinion on these accounts.

It is interesting to note that although the CAG's budget is a charged expenditure, which is not subject to vote in the Parliament, the budget of this office is subject to the same scrutiny as that of any other Ministry or Government agency. In accordance with the Constitution, the CAG provides his/her report to the President to be presented to the Parliament. Under the Rules of Business, the CAG has to submit the report to the President through the Prime Minister. This unprecedented practice pre-empts the independence and objectiveness of the reports prepared by this office. It further compromises the CAG in fulfilling its obligation to provide timely and truthful reports on government operations to help the Parliament exercise its oversight role on the public administration's financial discipline.

At this time there is a paramount need to give the CAG unfettered scope to discharge his/her constitutional obligation (under Articles 127-132) to serve the Parliament's oversight function.

A Performance Audit has also been introduced by the Performance Audit Directorate. Officers attached to the office of the CAG can be removed subject to the due process requirements of the Government Servants' Conduct Rules.

The introduction of performance audit has added a new dimension in ensuring transparency and accountability in public administration. But so far only one performance audit report (from a total of five submitted to the President) has been discussed in the Public Accounts Committee of the seventh Parliament¹⁴

Table 5 The status of Audit reports submitted to Parliament in Post Independent Bangladesh

Name of the report	Submitted	Discussed	Pending
Annual	690	120	570
Special	75	20	55
Performance Audit	5	1	4
Total	770	141	629

Source: CAG office, 1 August, 2002

The CAG's office has an important role in identifying the administrative and financial irregularities and corruption in the public offices. It carries the actual audit work of 22, 885 administrative units through its 10 subordinate Audit Directorates. The scope of the CAG's

audit is narrowly focused. Such office normally conducts audits on the overall financial management performance issues of state entities. Of late it has decided to undertake audits on the internal controls of Government organizations. The Audit supervision is reportedly very weak and lacks initiatives to improve the quality of audits.

Some weak links in the institutional chain of the establishment and management of CAG's organization could be strengthened by a number of measures suggested. The CAG is implementing three development projects in order to provide better training for its staff and modernization of the audit methodology. It is encouraging to see creation of the projects for (i) Strengthening the Office of the Comptroller & Auditor General (STAG), (ii) Reforms in Government Audit (RIGA) and (iii) Enhancing training facilities of Financial Management Academy (FIMA). The above projects are being supported by the Government and Donors to train and upgrade the skill and capability of the personnel of the office of the CAG. It has been found from studies that reform programs need to be more focused and placement of trained officers should be made in such a manner so that the training is gainfully utilized afterwards. One criticism of the audit conduct by the CAG's office is that its emphasis is on the conformity of the existing rules and regulations as opposed to inefficiency, ineffectiveness, waste or the justification of particular undertakings. Foreign aided projects do not come under the CAG's jurisdiction. A move to get them under it is seriously voiced but not yet implemented.

A major weakness in the CAG's audit has been consistent delays, which largely impaired the image of the institution as a 'major informant' to the Parliament and key player in the oversight function. Inordinate delay in submitting audit reports to the Parliament was widely discussed and criticized as an important issue in their inability to perform. Previously there remained a backlog of several years in the preparation of audit reports, making the reporting largely ineffective. Notwithstanding the systemic weaknesses and considerable workload, reporting by the CAG is now up to date after clearance of a substantial backlog. See also the previous section on Legislature, under the heading Public Accounts Committee, for the work and effectiveness of the PAC, set up to review the CAG's audit reports.

The office of the Comptroller and Auditor General has an important role in identifying the administrative and financial irregularities, and the occurrences of corruption in the public offices. The office mainly conducts regularity and compliance audits. In this type of audit, vouchers and records of the financial transactions of public officials or organizations are verified.

The Judiciary

Historically, the independence of judiciary has been stressed time and again in Bangladesh. In the original 1972 Constitution (under Article 22) the independence of Judiciary was clearly emphasized. It provided that the State must ensure the separation of the Judiciary from the Executive organs of the State. In January 1975, a one-party dictatorship was introduced through the Fourth Amendment of the Constitution which postponed parliamentary democracy. The Judiciary was also a victim of such authoritarianism. Major changes were made in Part VI of the Constitution which impacted the tenure, power, and function of the Supreme Court. After this Amendment, the entire system relating to judiciary of the country was revised to legitimize the newly-established dictatorial regime. For example, the terms of Article 95 were changed with the following words: "The Chief Justice and the other judges shall be appointed by the President." The original provision directed only the Chief Justice to be appointed by the President, while the other judges would be appointed by the President 'after consultation with the Chief Justice.'

In January 1988, some changes were made with respect to the Judiciary through the Eighth Amendment of the Constitution. This Amendment provided for the Supreme Court to have its permanent seat in the capital city of Dhaka, while the High Court Division would have permanent branches in various district headquarters composed of such a number of judges as the Chief Justice of Bangladesh would decide, with the Chief Justice confirming such powers and responsibilities on those branches. Further, the Chief Justice would

regulate the rules and procedures of these branches. Subsequently, the Tenth Amendment Order restored most of Articles 94 to 113 delineating the composition, powers, jurisdiction and functions of the Supreme Court, and appointment, powers and functions of its judges to the original version of the 1972 Constitution. As a result of the Twelfth Amendment of the Constitution in September 1991, the country's Executive system was changed from a Presidential to a Parliamentary one, but the judicial system remained the same as under the Tenth Amendment Order.

In accordance with Article 94 of the Constitution, the judiciary of Bangladesh is divided into two categories: (a) The Supreme Court and (b) The Subordinate Courts. The Supreme Court is comprised of the Appellate Division and the High court Division. The Supreme Court consists of the Chief Justice of Bangladesh and such number of judges as the President may deem it necessary to appoint to each Division. The Chief Justice and the judges to the Appellate Division sit only in this Division and the other judges sit only in the High Court Division. There is a Supreme Judicial Council to inquire into the capacity or conduct of the judges of the Supreme Court.

The Supreme Court also has the jurisdiction to hear public interest litigation and other writ petitions and issue necessary orders to ensure justice to the victims of civil rights violations including certiorari, mandamus, injunction, prohibition and the habeas corpus. Effective judicial activism has been practiced over the years in some public interest litigation. People look upon the Supreme Court as the upholder of the rule of law and protector of liberties when the citizens' rights and liberties are infringed upon.

The Supreme Court is empowered to review legislative enactments and Executive actions with a view to ensuring their compatibility with the spirit of the Constitution. The courts do not have the jurisdiction to review the actions of the Prime Minister or President while they are in office. Ministers' actions within Parliament are also not subject to review. Individuals can bring civil right actions against the Executive. The Constitution of Bangladesh envisions an independent Judiciary having the final authority to declare any laws or governmental actions as void if they are not found consistent with the Constitution.

At present the independence of the Judiciary remains subject to various constraints. Recently, ten newly appointed additional judges of the High Court took oath of office (27 April, 2003) amid protest by a section of lawyers. The Supreme Court Bar Association (SCBA) condemned the appointment of certain controversial persons as additional judges. During the course, the demand for the confirmation of former 11 additional judges, who were recommended by the Chief Justice, was ignored. The Bar members termed the trend of appointment of High Court judges as politicization of the Judiciary¹⁵. A rule was issued by a bench of the High Court Division on 4, May, 2003, asking the government to explain why the non-appointment of additional judges should not be declared illegal.

A backlog of cases and corruption also continue to plague the judicial system, thus further reducing the effectiveness of delivery of justice to ordinary citizens. While addressing a workshop titled "Alternative Dispute Resolution (ARD): In Quest of a New Dimension in Civil Justice Delivery System in Bangladesh" on 31 October 2002, the Law, Justice and Parliamentary Affairs Minister Moudud Ahmed informed that nearly one million cases are now pending with different courts in the country. Of the 9,68,305 pending cases, 3,44,518 are with judge courts, 3,95,905 with magistrate courts, 1,27,244 with the High Court Division and 4,946 with the Appellate Division of the Supreme court¹⁶.

The Government has made a commitment to separate the judiciary from the Executive, but its implementation remains to be undertaken. There are several reform projects by donors underway to increase capacity building, computerization of the courts and case management process and reviewing the Alternative Dispute Resolution methods.

All political corruption cases from the year 1991 to 2000 are either at inquiry, investigation or trial stage. Between 1991 to April 2001 a handful of convictions took place: one former President and a few Ministers were found guilty in 9 anti-corruption cases¹⁷.

Lower Judiciary

Articles 114 through 116 of the Constitution set forth provisions dealing with subordinate courts. The President makes the appointment of judicial officers in accordance with the Constitution and such appointments are merit-based. The appointees are protected from removal without relevant justification.

Although the Constitution states the independence of the lower courts, in reality, they have not been able to hold their own and assert their independence against interference by the Executive. The Lower Courts therefore do not enjoy a high reputation of impartiality and incorruptibility. One TIB survey¹⁸ has identified lower courts as the second most corrupt institution in the country after the police.

In order to give lower Judiciary due independence and empower it to act without interference, separation of Judiciary from the Executive is considered indispensable. The present Government has pledged a separation of the Judiciary from the Executive within a specific deadline. However, this deadline has been extended a number of times. Thus the Judiciary is still part of the Executive although efforts are underway to provide for an independent Judiciary. There are also reports of influence by the Executive in decision-making in the lower courts.

Rule of Law

The Constitution of Bangladesh declares that Bangladesh is a democratic country where fundamental human rights are observed. The Articles 26 through 47 of the Constitution guarantees the rights of the citizens. Article 26 emphatically states that all laws inconsistent with fundamental rights are void. Article 27 says: all citizens are equal before law and are entitled to equal protection of law. Article 28 forbids discrimination on ground of faith, race, caste or gender. The Articles 31, 32 and 33 offers everyone protection of law, personal liberty and safeguards as to arrest and detention. Freedom of thought and conscience is guaranteed under Article 39.

Individuals can bring legal actions against the Government for infringement of their civil rights. The courts can review actions of the Executive, the enactments made by the Parliament and Government decisions upon receipt of plea from any aggrieved party.

The Supreme Court has been active and ordered to set free many individuals allegedly detained without lawful authority. Not only that, on many an occasion, the Court has castigated the Executive and issued rules directing them to do or not to do certain things.

In spite of this there are reports of frequent violation of the citizens' rights and liberties by police on orders of the Executive. Every now and then many persons are allegedly held under Section 54 of the Code of Criminal Procedure (Cr. Pc) and detained illegally on untenable grounds. There are reports of torture, rape and death while one is in such custody. For the common people getting legal remedy is far from easy as this is complicated, expensive and time-consuming. The police have been found ineffective and indifferent in protecting the ordinary people and tend to succumb to pressures of the influential persons to act at their behest often at the cost of the poor and the weak. In the face of the pathetic performance of the police force and its inability to arrest the deteriorating law and order situation, the Government called in the armed forces to conduct a coordinated operation called the "Operation Clean Heart" with police and other law enforcing agencies to curb the crimes. This operation brought down the crime rate. But there were reports of arbitrary arrests, torture, many custodial deaths and other violations of human rights. This caused a lot of concern.

On 16 March 2003 while addressing the fourth Women Lawyers' Congress of Bangladesh the Chief Justice of Bangladesh observed that "The potentials of the law as an equalizer of opportunities and a guarantor of human rights are yet to be fully realized." He also said that the sanctity of laws and the legal system has eroded in the face of aggression¹⁹.

A visiting team of Euro Parliament in February 2003 had the impression that there are 'some restrictions on freedom of press' and 'tortures on journalists.' It expressed reservations about the recently passed indemnity law that puts the acts of the joint forces

between 16 October, 2002 and 9 January, 2003 above civil law. The delegation maintained that "this indemnity law casts a doubt on the real nature of the system of Government". The delegation was also critical of the "persistent denial to create independent bodies to protect human rights, to fight systematic and wide spread corruption or to enquire into misadministration (Ombudsman)" and urged the Government to act fast to set up a Human Rights Commission, office of Ombudsman, an Independent Anti-corruption Commission and other institutions that can make a difference.

The World Bank Country Director in Bangladesh observed that Bangladesh Government did not effectively "explain itself" in "defining its image". This seems to be the general impression. The Bangladesh Government could claim credit for being able to close down the mammoth SOE – The Adamjee Jute Mills, a behemoth with 36,000 workers many thousands of them redundant, with a golden handshake – a bold step which saved the State a recurring financial loss to the tune of billions of Taka and also achieving a measure of macro economic stability. But achievements like these were not enough to refurbish its image abroad. The media has consistently focused on the pervading corruption, non governance, deteriorating law and order, continuing violence, restrictive press laws, harsh treatment to journalists, procrastination in introducing promised reforms and passage of unacceptable acts like the Indemnity Act, which indemnifies some arbitrary arrests by security forces and torture/custodial deaths. A widely circulated views paper of Dhaka, *The Weekly Holiday* in its editorial on 28th February 2003 stressed the need for the "delivery of reforms and proactive governance whether or not those hurt or help." To fully establish the Rule of Law in Bangladesh, these reforms and a turn around in the situation are immediately required.

Civil Service

The predecessors of the Bangladesh Civil Service were the British Indian Civil Service (ICS), followed by the Civil Service of Pakistan (CSP). The Foreign Service of Pakistan (PFS), Pakistan Audit and Account Service (PA&AS), other Central Superior Services of Pakistan, and erstwhile East Pakistan Civil Service – were regarded as efficient and effective in dispensation of their business. They were called upon to perform limited functions, mostly regulatory, which were relatively easy. But in Bangladesh, the civil servants are required to carry out huge and complex development work to develop the country and satisfy the needs of the people.

Critics of the civil service argue that the most civil servants in Bangladesh are impervious to public sensitivities, highly bureaucratic and self-serving, and increasingly incapable of managing a modern government within a pluralist democracy. Nevertheless, even those critics recognize that many in the civil service are competent, but cannot render their best because of unhealthy service conditions and built-in contradictions and hindrances in the management of the system.

Bangladesh largely follows a close entry system where Class-I level officers are recruited directly at the entry level through open competitive examinations into 29 cadres and other services. However, there is limited scope for promotion to Class-I posts from the supporting staff. Cadre service comprises general administration and functional and professional streams where personnel are recruited under the Bangladesh Civil Servants Recruitment Rules, 1981. The Public Service Commission (PSC) oversees recruitment on the basis of equality of opportunity as envisaged in the Constitution of Bangladesh. However, a quota system partly offsets recruitment on merit.

At middle and upper management levels, and in case of specialized positions, 10% of the positions can be held from the outside. The ranking structure of Class-I officials from lowest to highest are as follows: Assistant Secretary, Senior Assistant Secretary, Deputy Secretary, Joint Secretary, Additional Secretary and Secretary.

The recruitment rules for the Bangladesh Civil Service (BCS) are not entirely based on merit. The appointment procedures of Bangladesh include:

- Direct Appointment

- Appointment by deputation
- Ad hoc appointment
- Part-time appointment
- Appointment by absorption
- Appointment by lateral entry
- Appointment on contract
- Seasonal Appointment
- Re-appointment

For the posts of Class-I and II, 45% of the government servants are recruited on merit. The others are recruited in accordance with a quota system. For Classes III - IV there are no provisions to recruit employees on merit.

Table 6 Quota system in government service²⁰

Types of quota	For Class I & Class II officers	For Class III & Class IV employees
	(%)	(%)
Merit	45	-
Orphan & Retarded	-	10
Freedom Fighters	30	30
Women	10	15
Tribal	5	5
Ansar & VDP members	-	10
General	10	30
Total	100	100

Note: Ansar is part of the law enforcing agency and VDP are Village Defence Parties.

There are also rules requiring political independence of the Civil Service. However, there are no rules to prevent incidents of nepotism and cronyism. Civil Servants are primarily non-partisan and maintain neutrality under elected governments. There is evidence of some political interference and politicization of the civil services. In limited cases, the Government has nullified, from time to time, appointments which have been politically motivated

Rules governing Civil Servants' conduct provide for registration of gifts received in an official capacity. Currently there are no rules limiting the acceptance of hospitality.

There are no restrictions on post public service employment. Some restrictions do apply however for holders of constitutional posts such as, Comptroller and Auditor General, Chief Election Commissioner and judges.

There are procedures governing the criteria for administrative decisions for granting permits, licenses, bank loans, building plots, tax assessments, etc. Such procedures are published and accessible to the public. There are no formal independent complaint mechanisms for public officials to complain and seek a remedy within the Government. Public servants can make complaints to an Administrative Tribunal which acts in a similar manner to a court. No specific protections are in place with respect to whistleblowers. In practice, whistle blowing is rare due to the threat of sanctions by their superior officers. Currently, members of the public can complain by reporting incidents to the press, high officials or legislators. Alternatively the public can seek redress in the courts.

There are administrative checks and balances on decisions of public officials as approvals for actions require the consent of a hierarchy of officers in the bureaucracy. Major

decisions made by officers also require the consent of the relevant Minister or review in the cabinet.

Public Administration Reforms

The Public Administration Reform Commission (PARC) was set up in 1997 to recommend policies, programs and activities to improve the level of efficiency, effectiveness, accountability and transparency in the public organizations. The Constitution of Bangladesh provides for a parliamentary form of government and a non-partisan neutral bureaucracy. Bangladeshi civil servants are required by their conduct rules to maintain political independence in their personal conduct. When political decisions on policy issue are handed over by a political minister for implementation, the bureaucrats are required to implement such decisions without themselves becoming a party to any political aspect of such a political decision. They are required to follow the rule of law and if there is a conflict, Government servants are supposed to maintain their neutrality to the extent possible.

There are procedures and criteria for administrative decisions to be published. The public has a right to access these rules and regulations. It is also possible to go to court if there is a departure from the application of these rules or if there is a bias. However, there could be cases where exercise of discretion by the official functionaries could mean gain for someone and loss for another. There are also marginal areas where provisions are available to seek redress in the courts in order to seek justice.

There is no independent complaint mechanism such as a council or a body where one could go to complain and seek remedy within the Government hierarchy except going to the next higher authority with the complaint. The civil servants may however go to an Administrative Tribunal which is virtually the same as a court for lodging complaints. In the past, the Civil Service Association has sometime made resolutions on various issues concerning service matters but this does not amount to whistle blowing.

Bangladesh does not have an Ombudsman as yet and it is not known if and when such an institution will come into being. It is also unclear as to how complaints would be made to such an office. As of now any affected citizen can petition to higher functionaries of the Government to look into any complaint in addition to exercising his/her right to go to court in applicable cases.

The Government Servants' (Conduct) Rules, 1979 and the Government Servants' (Discipline and Appeal) Rules, 1985 ensure protection of an official from removal without relevant justification. Contravention of any of these rules of "The Government Servants (Conduct) Rules, 1979" is construed as misconduct within the meaning of the Government Servants (Discipline and Appeal) Rules, 1985 and a government servant found guilty of such contravention will be liable for punishment."

Civil servants are required to be non- partisan but political interference has often vitiated the process of recruitment, postings, transfers and promotions of civil servants. A publication of the Centre for Research and Information (Bangladesh Awami League, April 2002) titled '*Corruption during Khaleda Zia's Regime*' states the irregularity in the procedure and nepotism in recruitment of sub-inspectors in the police department during the BNP (Bangladesh Nationalist Party) government tenure from 1991 to 1996. The Bureau of Anti-corruption (BAC) filed a case on December 21, 1996 followed by the submission of the charge sheet on June 2, 1998. The accusation against the then Prime Minister Begum Khaleda Zia and Home Minister Abdul Matin Chowdhury was that they appointed 745 sub-inspectors in the police department during their regime (1991-1996). It was done by cancelling the final appointment procedure of 287 sub-inspectors which had started during the Caretaker Government of Justice Shahabuddin Ahmed. It was further alleged that BNP supporters or relatives of ruling party members were recruited in the process. However, the High Court Bench dismissed the case after hearing the arguments on 14 May, 2002.

It is a matter of concern that over the years the civil bureaucracy has earned an unsavory reputation for insensitivity to service ethics, self-centeredness, opportunism, rent- seeking and other corrupt practices. What gives them impunity is the lack of adequate transparency and accountability in the system. The Anti-corruption Act, among others,

establishes criminal and administrative sanctions for bribery. The watchdog agency, the Bureau of Anti- corruption has proved ineffective in checking the rampant corruption in the bureaucracy. To address this situation the creation of an Independent Anti-corruption Commission has been discussed.

To improve their performance, several Governments have appointed from time to time a number of committees and commissions to review its service delivery. The United Nations Development Program prepared a report in 1993 on the Public Administration Sector Study²¹ in Bangladesh. The World Bank prepared a report in 1996 titled 'Government That Works- Reforming the Public Sector'. The Government set up the Administrative and Service Reorganization Committee as well. The present service structure of Bangladesh Civil Service (BCS) was created by implementation of the recommendations of the Pay and Services Commission Report of 1977. It has also been recognized that it is imperative to make the initial recruitment to the Government on the basis of merit only. In addition, once appointed, the career advancement of the civil servants should be on "merit, efficiency, integrity, training and service records".

It will not suffice merely to improve the efficiency and organization of the civil service. Simultaneously the basic moral and ethical issues concerning corruption need to be addressed. The magnitude of the menace of corruption revealed by the TIB country survey, 1997 is still relevant. The study noted that corruption is a massive systemic problem in Bangladesh, affecting every sector of service-delivery including the police, health-care, education, land administration, tax collection, journalism, municipal services, public transport and telephone services. Public views were sought on the kind of activities which constituted corruption. 58% of households considered Police station to be most corrupt, while, 19% of households considered Courts to be second most corrupt. An overwhelming majority of respondents (96.3%) expressed that no help could be obtained from the police without money or influence. The respondents identified the following as perceived reasons of corruption: 76% of the households indicated 'get rich quick' to be the reason, 58% indicated 'moral degradation', 51% indicated 'lack of accountability', and 32% indicated 'inadequate salary'.

The necessity for meritorious recruitment and promotion is imperative for changes to occur in this sector.

Police and Prosecutors

The principle task of the police administration is to maintain law and order in the country, but also have some direct and indirect responsibility of containing corruption. The recent years have witnessed a growing concern regarding the role of law enforcing agency in maintaining law and order situation in the country. The despicable law and order situation, without any doubt has placed the police role at the core of scrutiny of the concerned civil society. A series of accusations against them has further deteriorated their image as a custodian of people's safety. A number of evidences substantiate the involvement of a large section of police in the arbitrary exercise of power. Very often their wrongdoing overshadows their good deeds.

The number of police has not grown at the same rate as the country's population. The police force has a combined strength of over 100,000 personnel. In terms of proportion, there is only one police officer for every 13 thousand persons.

The Ministry of Home Affairs controls the police administration, and appointments and transfers of all police officers above the rank of Superintendent. The Inspector General of Police (IGP) is the highest ranking police officer. The IGP is not independent and can be transferred/removed by the Government either at the expiration of his/her term or prior to the completion of the tenure. A recent example would be the appointment of a new police chief (on April 22, 2003) in order to replace the incumbent IGP prior to the completion of the latter's term of office.

At the District level, the Superintendent of Police oversees the field operation of the police force and maintains liaison with the Deputy Commissioner. There is an Officer-in-Charge of the police station at each *Thana* (sub-district).

There are three entry points in the recruitment process of the Police department: (i) Assistant Superintendent of Police (ASP), (ii) Sergeant and (iii) Constable. Direct recruitment is made at the level of sergeant and constable. Job vacancies are advertised through the leading newspapers for the post of sergeant. The Assistant Inspector General of police receives applications for this post. A candidate who qualifies in the physical test is eligible to sit for the written examination. The examination board consists of one Deputy Inspector General of Police and two Superintendents of Police. They prepare a district-wide list of qualified candidates, then successful candidates are given appointments.

The Assistant Superintendent of Police is recruited through the Public Service Commission and placed in the police cadre. Remaining appointments are made through promotion. Under the present system, the field level officers do not have the opportunity to be promoted to the higher ranks of the department. All the higher level posts are exclusively reserved for those officers recruited through BCS examination and allocated to Police cadre. This procedure often gives rise to frustration among the field level officers who feel that there should be some provisions for the meritorious field level officers to move to higher ranks. With respect to recruitment at field level, it is alleged that political affiliation and corruption are given priority over the educational/physical qualifications of the candidates resulting in recruitment of less qualified persons.

Article 7 of the Police Act V of 1861 provides relevant grounds on which the superiors could dismiss or remove a subordinate. The Inspector-General, DIG, Assistant DIG and Superintendent of Police (Head of the police at the district level) have the authority to dismiss or suspend a subordinate on grounds of incompetence, negligence of official duty or any other offences.

The government also has the authority to remove a high police official from his post at any time. According to the Dhaka Metropolitan Police Ordinance 111, 1976, the Government recruits a Police Commissioner to discharge responsibilities under the Ordinance. The Commissioner of Police is not independent. Often political influence is a consideration in his appointment.

Public Prosecutor

To administer criminal justice, every administrative district has a Public Prosecutor appointed by the Government from members of the District Bar. They are not independent.

With respect to other cases which are tried in the criminal courts of Magistrates, a police officer, i.e. the Court Inspector, prosecutes the accused. The Court Inspectors are not always qualified enough in terms of knowledge of law and skill for prosecution. Frequently, the Public Prosecutors do not take serious interest in pursuing their cases, resulting in frequent adjournments, long delays and acquittals of criminals and charge-sheeted officials. Defective investigation and weaknesses in establishing cases are also responsible for this. The Ministry of Law, Justice and Parliamentary Affairs has led an initiative to improve the situation and enable the public prosecutors to seriously pursue criminal cases. In connection with this initiative, the Government had been examining the idea of creating a permanent cadre of Public Prosecutors for appointment in each district.

There is only one 'Police Security Cell' to handle police corruption. It is located in Dhaka and headed by an Assistant Inspector General of Police. This cell mostly collects corruption complaints against police officers. Officers appointed to this cell have the authority to review the actions of police officers in the rest of the nation as well.

Civil society does not have a role in the anti-corruption mechanisms applicable to police.

The Anti-Corruption Act is the primary legislative instrument used by police or public prosecutors to investigate and prosecute corruption or bribery cases. The Police Officers' Ordinance of 1976 is also used to take action against officers accused of corruption. Penalties under this Ordinance can range from demotion to dismissal from the force.

Over the last few years (1997-2001) punitive actions were taken against 84,919 police officers/ employees accused of corruption and other offences (statistical information of Police security cell as of Dec.23, 2002). Between 1 October, 2001 to 30 September 2002,

punitive measures have been taken against 19 thousand members of the police force. 157 have been dismissed. They range from Additional IG to Constable. There is no provision for private to private corruption to be punishable by law in Bangladesh.

The police are responsible for maintaining law and order. But, allegations against the police have been made by the public for malfeasance such as extortion, bribery, custodial torture/death/rape, arbitrary arrest under Section 54 of the Criminal Procedure Code, lapses in recording legitimate public complaints and apathetic investigations. Gradual increase of the reported cases of custodial rape in police custody has severely undermined the human rights situation in the country. On 10 October, 1996, a police patrol brought Sabina (not actual name), a 17 year old girl, to the police station for interrogation and brutally raped her. Unfortunately, those police officers were acquitted of the charges. However, an appeal before the High Court Division against this judgment was filed by the Government²². All these have created a negative perception about the police. Many police officers have been prosecuted for these offences during the past 5 years but the position has not improved perceptibly.

There is political interference in the day to day administration of the police. The Government used the army to support the police in a recent nation-wide anti-crime drive. Although well-received by the majority of the public, there were reported incidents of harassment, torture and extra-judicial killings in custody. Upon completion of the joint army-police "Operation Clean Heart", enhanced recruitment, training and increased scrutiny of the police administration are being undertaken by the Government as it tries to take steps towards improving the law and order situation in the country.

The Police Reform Commission of 1988 has recommended many reforms in the police force. One of the recommendations of the '88-'89 commission was as follows: "The commission believes that the financial expenses on police be considered as essential ingredient of social development deserving no less priority than other development agencies like education, health, agriculture etc. Police requirements should be integrated in to national development planning effort so that its genuine needs do not go by default. This will also ensure planned, well co-ordinated unprevent of policing in the country²³." Major General (ret'd) Ibrahim in *Breaking the Cycle of Impunity* has stated that less than one fourth of commission's recommendations, made 12 years ago, have been implemented. Two of the most salient recommendations - that is, education and training of the police and pay allowance, have been ignored²⁴.

Public Procurement

The delay in public procurement can be perceived from an Implementation Monitoring & Evaluation Division (IMED) study of 148 cases in FY 1998 (see World Bank, *Bangladesh Financial Accountability, 2002*), where the average time from inviting bids to awarding a contract was 14 months, resulting in higher costs, delayed benefits, non-participation of good firms, and increased scope for corruption. Decisions have to go through an Assistant Secretary, Deputy Secretary, Joint Secretary, Additional Secretary and Secretary and, if they are over Tk 250 million, to a Cabinet Committee for purchase. Even in public corporations, which are nominally autonomous, contracts over Tk 50-100 million have to get Ministry approval. There is no legal framework for procurement, nor any central agency laying down procurement policy or supervising procurement standards.

For cutting delays and achieving efficiency, transparency and accountability the Government of Bangladesh has decentralized financial powers. The departmental heads were advised to place advertisements in national dailies calling for bids in each case where the taka amount of deliverable goods/services exceeds Tk 1,00,000 (US\$ 1724). Departmental heads were cautioned to avoid giving tenders by slanting specifications.

To make a level playing field for all bidders during procurement of bulk items for the public sector, rules and regulations have been formulated by the Government. The External Resources Division of the Ministry of Finance has issued some guidelines in this regard. The Procurement department of the concerned Ministry also has standard rules to follow.

All major procurements are required to be widely advertised in the major national newspapers for information to be conveyed to the private sector suppliers. Sealed tenders or quotations are invited from the pre-qualified/listed contractors/suppliers for the specified items to be supplied. Tender documents can be purchased from the relevant agency. Notification is issued on the date and time the tender will be received in the presence of the tenderer or his/her representative. Tender documents include among others contract data, specifications, tender form, quantity and form of agreement.

Tenderers are required to comply with conditions and specifications stipulated in the document and quote their rates. The tenders usually state that the authority "reserves the rights" to "accept or reject" any offer without assigning any reason. There are several loopholes in the system. Although the rules for public procurement makes it obligatory to conduct a major procurement of goods and services through competitive bidding, the process is often manipulated. There are no strictly laid down formal rules for sole sourcing.

In practice, the application of procurement rules is not always applied in a transparent manner. A provision for technical and financial evaluation forms part of the exercise. The credibility and technical competence of a supplier/bidder/contractor is decided by the executing agency. A Government Task Force Report in 1999 identified the procurement of goods and services including award of contracts by the government as a key area prone to corruption.

Under a Norwegian grant the Hindustan Paper Manufacturing Limited was required to supply 8630 tonnes wood-free printing paper priced at Tk. 227.56 million. HPCL supplied only 3733.99625 out of contracted 8630 tonnes. Moreover many bundles contained less than specified quantity of sheet and many sheets were smaller. Initially the National Curriculum and Textbook Board complained to HBCL about the irregularities. It informed that no payment will be made if no acceptable explanation is received. It also said that 10 percent less payment would be made for such irregularities. But later NCTB made payment in full upon management decision for printing paper supplied and thus caused a loss of Tk. 5.7 million to the government (Daily Star; 21 Feb., 2001)

The assets, incomes and life styles of public procurement officers are not monitored. All procurement decisions when taken are made public but the process of reaching such a decision is not known to public. There are no clear cut, formally laid down procedures to request review of the procurement decision. For example, if the authority reserves the rights to 'accept' or 'reject' any tender without 'assigning any reason' then no redress is available to any party who feels that the bid has been unjustly rejected due to manipulation of some interested party.

There are no rules and procedures to prevent nepotism/conflict of interest in public procurement. Malpractice, payments of a bribe to procure a contract is a cognizable offence but so far it is not known if any supplier/contractor has been criminally prosecuted for payment of bribe to obtain a supply order/ contract. There are of course instances of black-listing of companies for supply failures or non-conformation with the tender specifications. No black-listing has been reported on the issue of bribery. It is worth mentioning that vast supplies of goods and services are procured by the public agencies from listed contractors. For continuing the business with a department, it is unlikely that a contractor would publicly challenge the Government's decision or seek redress in a court of law.

Depending on the volume of the transaction, there are different levels of approving authorities. If the total value of contract exceeds Tk 50-100 million, it requires the relevant ministry's approval, whereas contracts over Tk 250 million have to be approved by the relevant Cabinet Committee. There have been inquiries, investigations and also prosecutions against high officials, former ministers or defence service officials for alleged offences of favoritism or kick-backs. Most of these inquiries have taken place against politicians of the previous regime by the ruling party. On December, 11, 2001, the Bureau of Anti-corruption (BAC) filed a case against the former Prime Minister and the Leader of the Opposition Sheikh Hasina and six other officials. It was alleged that Hasina along with the other accused caused the public exchequer to lose Tk 700 crore (US\$120.69 million) in a deal for eight MIG-29 planes from Russia in 1999. The charge sheet of the case was filed

with the Chief Metropolitan Magistrate Court. The Leader of the Opposition was granted bail by a Dhaka Special Court on February, 2003. However, further proceedings in connection with the Mig-29 purchase deal was stayed by the High court, which also issued a rule on March 2003 asking the government to show cause as to why the proceedings of the cases should not be quashed. Hasina filed an application seeking for quash of the proceedings alleging that filing of the case was politically motivated²⁵. There are seldom any instances where the ministers or mentors of the party in power or officers close to them have been prosecuted for malfeasance during the act of procurement or awarding the contracts. It is a standard practice to call upon the Bureau of Anti-corruption or Director General of Forces Intelligence to investigate the allegation of corruption by functionaries of the former Government. The charges are often framed against them without affording them due scope to defend themselves whether they have committed the offence or not.

The assets, incomes and life styles of public procurement officers are not monitored. Conspicuous consumption is open, unabashed and for all to see. Except for some low level officers, no one, in the absence of a political vendetta, has been prosecuted.

Improving Public Procurement

The Economic Relations Division (ERD) of the Government of Bangladesh has provided guidelines for procurement of goods and works financed under project aid to ensure that economy, efficiency, fairness and transparency in procurement are followed by all executing agencies. In case of International Competitive Bidding (ICB), the normal procedure for procurement of goods, civil works, supply and erection, turnkey and other types of contracts is to be followed by the executing agencies. In case of Limited International Bidding (LIB), procurement procedures are identical to ICB and bids are invited preferably from an agreed short list of at least three qualified bidders from different countries.

To upgrade the procurement system, the Government has taken up a project captioned 'Public Procurement Reforms', with World Bank assistance, to be implemented over a three year period from May 2002 by Implementation, Monitoring and Evaluation Division (IMED). The Government has decided to create a Central Procurement Policy unit in IMED, which will be responsible for framing public procurement rules and procedures and setting up standard bidding contract documents. The reforms include procurement approval process, delegation of powers and appeal procedures of procurement auditing. Such reforms will definitely improve procurement management of the Government.

Ombudsman

Article 77 of the Constitution of Bangladesh provides that Parliament may by law establish the office of the Ombudsman. Once established, the Ombudsman shall have the power to investigate any action taken by a Ministry, public officer or statutory public authority and such other powers and functions as may be prescribed by the Parliament. To fulfil the Constitutional obligation, the Government enacted the Ombudsman Act in 1980.

Although the Government has made some headway by passing the Ombudsman Act into law, the Act as it stands now falls short in certain areas: (i) the text of the Act sets standards which would render the Office useless in fighting major corruption, (ii) its definition of "public officers" does not seem to include actions of public functionaries such as Ministers or Members of Parliament, (iii) the Ombudsman lacks prosecutorial power and (iv) there are no provisions for an independent budget for the Office.

The institution of Ombudsman is regarded as one of the means of ensuring accountability in the government sector. It was seen as a welcome development in Bangladesh where the constitutional provision for it was made during the 1970's. Unfortunately, the office of the Ombudsman has not yet been created nor has any Ombudsman been appointed.

According to the Act, Ombudsman shall be appointed by the President on the recommendation of Parliament. A person of known "*legal or administrative ability and conspicuous integrity*" will be recommended for the post. He shall hold office for three

years and may be reappointed for another term. The Ombudsman may appoint officers and other employees to assist him in the discharge of his functions. The categories of officers and other employees who may be appointed by the Ombudsman and their terms and conditions of service are left to the discretion of the Ombudsman.

Under the Act, The Ombudsman can be removed from office by a resolution backed by two thirds of the total number of members of Parliament on misconduct or physical incapacity. The Ombudsman would be required to prepare an annual report concerning the discharge of his functions and such reports would have to be presented to the Parliament.

As part of its electoral commitment, the Government of Bangladesh has requested the relevant ministries to put forward certain proposals in terms of the legal framework and amendments that would be required to establish the office of Ombudsman. No concrete steps have yet been taken to establish such an Office. In February 2002 the present Government formed an Eight-Member Ministerial Committee to review the Act of Ombudsman, one year has elapsed but not a single meeting has yet been held.

The deficiencies in the Ombudsman Act of 1980 need to be taken into account. First, the Act requires that there should be an identifiable action on part of a public official. Second, it requires that there should be a complainant who submits a grievance to the Ombudsman. Third, the complainant must have personally suffered injustice in consequence of the action or fourth, there must be 'undue personal benefit' from the action. Each limb of the Act's test sets an incredibly high standard and creates an almost insurmountable hurdle. For example, the issue of 'standing' alone as to who would be the complainant in a procurement corruption case brings the weakness of the Act in issue. It could be legally sound for the defendants, the public officials in this case, to argue that an ordinary concerned citizen or NGO does not have sufficient nexus with the case to establish standing. Furthermore, proving that such a citizen or NGO was adversely affected by the action would be a substantial evidentiary burden.

Importantly, the Act also fails to capture cases where ordinary citizens face neglect, incompetence or arrogance from public officials, i.e., maladministration in the absence of corruption. It is reasonable to expect protection from such instances of maladministration by the public and remains a shortcoming of the Act in its current form.

The Act also currently does not envisage a possible overlap with the proposed mandate of the Independent Anti-Corruption Commission (IACC). Alternatively the Government could combine the two institutions and do away with jurisdictional competition between them.

The necessity of the office of the Ombudsman can hardly be over emphasized. In Bangladesh transparency and accountability of the Government functionaries are almost non-existent. There is also no institution worth mentioning which works as watchdog and makes the administration accountable for corruption, maladministration, administrative excesses, and administrative inaction and metes out administrative harassment in view of the prevailing situation in the country in respect of public complaints against public servants and public functionaries.

Investigative/Watchdog Agencies

There is a special investigative or watchdog agency in Bangladesh, namely, the Bureau of Anti-corruption. The Bureau of Anti-corruption (BAC) is the principal organization engaged in checking corruption in Bangladesh.

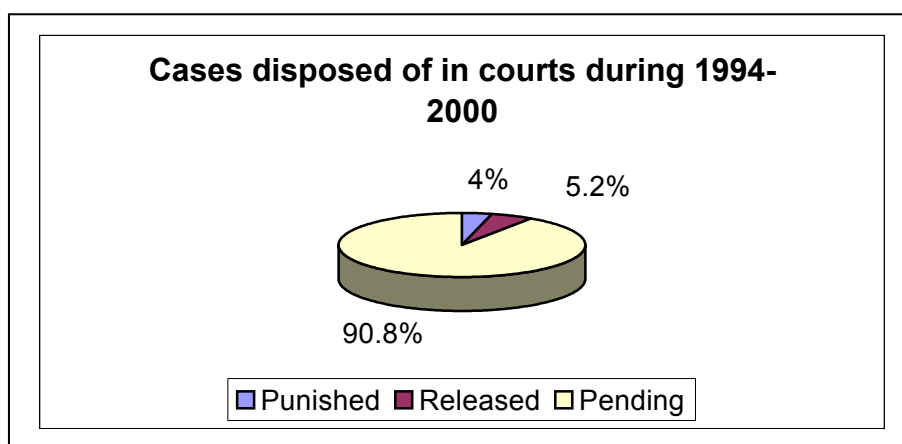
Corruption took a devastating shape at the end of World War II, due to severe food shortages. Promulgation of an anti-hoarding and profiteering law in 1944 was the first initiative to check corruption during the British colonial rule. On March 11, 1947, the Prevention of Corruption Act 1947 was enacted. In 1957, an ad hoc organization named the Bureau of Anti-corruption was set up in the then East Pakistan and on 1 April 1957 the Anti-corruption Act 1957 was enacted.

The Bureau of Anti-corruption (BAC) was vested with the responsibility to combat corruption after the independence of Bangladesh in 1971. In post-independence period most of the activities of the central special police force were vested in the Bureau. Under

the Presidential form of Government, the bureau was under the direct control of the President's office. Since the introduction of the Parliamentary system of government in 1991, the BAC has remained under the control of the Prime Minister's office.

The main job of this organization is to collect information, initiate enquiries and investigations for launching suitable prosecution against corrupt elements.

Figure 2 Cases disposed of in courts 1994-2000



The Bureau of Anti-corruption has no specific corruption prevention activities other than its operational activities. There are no particular rules and regulations regarding education and awareness responsibilities in the existing Anti-corruption Act and Anti-corruption Manual. Effectiveness of the Bureau and all officers thereof ultimately depends on successful prosecution of cases in court. The weak prosecution and large number of acquittals prove that this is not the case at any rate. Every year the rate of conviction is so meager that dishonest people commit crime with impunity.

According to TIB's Fact-Finding Report on the Bureau of Anti-corruption (BAC), during the period 1994-2000 the number of complaints with the Bureau (minus backlog) was 31,746 which meant, on an average, 4,535 complaints were received every year. The number of complaints (with the backlog) was 70,201. Only 1,373 persons were sentenced, while 1,822 persons were acquitted. Since the punishment rate is poor and rate of acquittal is comparatively high the risk factor for corruption is rather low. The reasons behind the low conviction and high pending rates are: defective charge-sheets, weak prosecution, stay orders of courts, lack of preservation of evidence, among others.

The types of corruption can be classified into the following categories: commission payment for awarding contracts; kickbacks out of the deals and deposits in foreign currencies abroad; extending undue privileges; offering very expensive gifts and hospitality; misuse of State resources; misappropriation of public funds; suppressing the evidence of crime and non-prosecution of criminals on payment of bribe; extortion and bribery, favoritism in appointments, transfers, postings and promotions of public servants on receipt of some gratifications; irregularities in procurement or construction contracts or different public deals to further personal interests of individuals and the like. TIB's News Scan Analysis report of 2002 has identified 10 types of corruption, of which abuse of power has been rated as the topmost.

Table 7 Types of corruption

Types of Corruption	Number	%
Abuse of Power	1336	48.1
Bribery	441	15.9
Asset Stripping	382	13.8
Fraud	341	12.3
Extortion	163	5.9
Refusal to provide services	39	1.4
Nepotism	37	1.3
Influence Peddling	16	0.6
Misuse of resources	6	0.2
Public Procurement	3	0.1
Unknown	14	0.5
Total	2778	100.1

Source: News Scan Analysis 2002, Transparency International Bangladesh

It is widely believed that corruption has become a systemic problem in Bangladesh. Some of it is routine, petty corruption and some is grand corruption indulged in by a nexus of public servants, businessmen and political personalities. Thus, different groups and classes are involved in perpetrating corruption in the society. To reduce appreciably the volume of corruption, several actions will be required. This may include on the one hand, financial, judicial and structural reforms in the administration, better pay scales, status, and incentives, and on the other hand, swift and decisive action against any person guilty of corrupt practices.

There are no specific rules and regulations regarding education and awareness responsibilities in the existing Anti-corruption Act and Anti-corruption manual. The effectiveness of the Bureau and all its officers ultimately depends on successful prosecution of cases in court.

In several instances, prima facie cases of corruption have resulted in lack of conviction due to improper investigation and weak case development. There is one Special Public Prosecutors (SPP) at the Anti-Corruption Bureau. Such SPP is contractually hired to assist the Director General on legal matters. Generally, the Director (Law) and the SPP are retired District Judges. The Bureau has no control over the Public Prosecutors as they are appointed by the Law Ministry.

The Bureau has not been able to create any impact because it is a Government Department having no independence of action. The BAC has enough powers through the Acts, Rules and regulations under which the BAC operates. These are quite adequate and powerful legal instruments for BAC to discharge its functions. But what is lacking is its independence. To be effective, BAC must be independent of executive control. The countries which have achieved success in controlling corruption have agencies free from political interference and executive control. The agencies in those countries were created through legislation. The head of the organization, or where there is a Board the members thereof, are appointed for fixed and guaranteed tenure and are responsible and accountable directly to the Legislature through concerned committees. But in Bangladesh the BAC is controlled and administered by the Executive organ of the Government, the officers of the higher grade such as the Director General or the Director are transferable in an ordinary manner. Its activities are not at all transparent nor is it accountable to the representatives of the people. It is mandatory to obtain prior clearance from the Prime Minister's Office (PMO) for deciding the course of action to be followed after investigations

are complete. For its effectiveness the BAC should have unfettered powers to decide the course of action on the basis of its findings of an investigation against a public servant, if the case be quashed or referred to department for departmental action or be sent to a court of law for initiating criminal proceedings.

According to TIB's Fact Finding Exercise on the Bureau of Anti-corruption (BAC), December 2001, the total sanctioned manpower of the bureau is 1,271. However, during that period the total manpower was 968. The manpower of the Bureau of Anti-corruption is employed through two methods: deputation and direct recruitment (through the Public Service Commission). These methods are followed on the basis of the Gazetted Officers (Bureau of Anti-corruption) Recruitment Rules, 1983. Most of the top posts at the Bureau of Anti-corruption are currently being filled through deputation. Although according to recruitment rules, 50% of the District Anti-corruption Officers/Anti-corruption Officers should be directly recruited through the Public Service Commission.

Inspectors, who generally rise from the ranks, sometimes even from that of constable are the investigation officers of BAC. They are unskilled, usually recruited from the police, which are already tainted as the most corrupt department. Sometimes they use their office to harass other public officials, extort money from them, and threaten them and rope them in an anti corruption case.

The appointees are protected from removal without relevant justification. The Bureau organizes an annual meeting and prepares an annual report. This report is used only for internal purposes of the Bureau. There is no system to submit reports of the watchdog agencies to the Legislature. However, some information may be presented to Parliament indirectly, for example, if the Bureau provides relevant statistics and information to a Minister who has made a specific inquiry. Such Minister can present the Bureau's information to the Members of Parliament during the questions and answer sessions.

The public can complain to the agency without fear of recrimination. There have been cases of people failing to provide all information in the application due to lack of knowledge regarding application procedures. All of the anti-corruption agencies have complained regarding lack of sufficient independence or financial or human resources for doing their job adequately.

According to information available on 19th March 2001, there were 45 cases under enquiry, investigation, and trial against the former President, Prime Minister and Ministers, while there were 106 similar cases against former Members of Parliament. Of the 106 cases, 57 involved a number of Members of the previous Parliament. Following the change of government in 1991, corruption cases were filed against some Ministers/MPs of the previous government. The story was repeated in 1996 after the coming to power of a new government. What is significant is that all these cases had been stalled at one stage or another during the last 10 years. Consequently the corruption cases against top-ranking persons have been prolonged indefinitely and the trial processes are being hampered. A significant amount of time is wasted in obtaining prior permission of the Prime Minister's office at different stages (inquiry, filing of cases, submission of charge-sheet). In addition, cases are stalled due to courts' stay orders.

TIB undertook a sample survey²⁶ on 'Influences of the Ruling Party on the Bureau' during 25 October-21 December, 2000. The survey revealed that the ruling parties have used the Bureau for political motives to investigate corruption cases against the Opposition. In analyzing the responses 64.29% respondents believe that the ruling party uses or is inclined towards using the Bureau as a weapon to suppress the opposition. In addition, 55.36% of respondents expressed their dissatisfaction with the Bureau and 46.43% respondents feel that the Bureau is unable to maintain its neutrality.

The failure of the prosecution to get a verdict in favour of the BAC is mainly due to two reasons. Firstly, weak framing of the cases at the investigation stage due to inadequate or faulty information and secondly, weak pleading of the cases at the courts, which reflects the inability and lack of commitment of the Public Prosecutors (PP). Non-availability of PPs because of their preoccupation with other cases in court delays the disposal of cases. Moreover, delay in filing the charge-sheet and trial of the case results in loss or

disappearance of evidence, and disappearance or even death of witnesses, thus making it extremely difficult for the prosecution to prove the charges.

Trials of the accused in the cases filed by the BAC are held in the court of Special Judges who are actually District and Session Judges. The Judges remain overburdened with cases other than those of BAC and they in fact, work part-time for BAC cases. Similar is the case with the prosecution, since the BAC has no PP of its own. The bureau has to depend on government PPs working in courts of the District and Sessions Judges who are not always available for the purpose of BAC's cases.

There is a mandatory requirement of obtaining prior clearance from the PMO for deciding the course of action to be followed after investigations are complete. For its effectiveness the BAC should have full and unfettered powers, after conclusion of an investigation against a public servant, bureaucratic or political, of any rank and status, to decide the course of action on the basis of its findings, if the case be quashed or referred to department for departmental action or be sent to a court of law for initiating criminal proceedings. Further, the standard of investigating officials and their work methods are not up to the mark. Since initiation of Anti-Corruption cases against government servants from mid to the highest level and against political office holders needs prior permission of the Prime Minister there is no instance of filing any corruption case against a political office holder belonging to or supporting the party in power. Corruption charges are brought against political personalities only when they quit the party in power or are in an opposition party after a poor showing in national election. That means the corrupt elements in the party in power remain immune from prosecution so long they remain with the party in power and their chances of being tried for corruption will arise only when their opponents get into power. Such being the situation, equal treatment is not being meted out by the laws of Anti-corruption and the fundamental right as enshrined in the Constitution that 'all citizens are equal before law...' is missing, thus has resulted in loss of respect for the law. Moreover, even if a genuine case is filed against a political personality of the opposition party it is treated as a politically motivated one.

Media

The Media in Bangladesh has a turbulent past. At the time of the liberation war and many times prior to that, newspapers and journalists faced persecution and close-downs. After Independence, in 1974, the newspapers were again arbitrarily closed down by the autocratic government except for a few Government- owned or pro-Government papers.

Article 39 of the Constitution guarantees the fundamental rights of every citizen which includes freedom of the press. Although the Constitution guarantees freedom of press, the guarantee clause does not mean absolute freedom of the press. Article 39 of the Constitution states that "the freedom of press is guaranteed" subject to "any reasonable restriction imposed by law, national security, and friendly relations with foreign state, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence."

Under the law, every citizen has the right to access all information save affairs of the state security, relationships with other foreign countries and such matters of extreme sensitivity. But the colonial attitude of concealing information still persists. The Bangladesh press is governed by at least 25 restrictive laws. These restrictive laws date from 1923 to 2003. In the year 2002 'Reporters Without Borders' published a worldwide index of countries according to their respect for press freedom. Bangladesh's rank was 118th among 139 countries.²⁷

The First Caretaker Government in 1990 repealed Sections 16-18 of the Special Power Act relating to pre-censorship on any newspaper, closing down of any newspaper and compelling a journalist to divulge his source. There is still an indirect censorship over the media. Most print journalists practice self-censorship to some degree, and are reluctant to criticize politically influential persons either in the government or in the opposition. However some journalists do take initiatives to critique the Government. Many journalists cite fear of possible harassment, retaliation or physical harm as a reason to avoid reporting sensitive stories.

The secret services have reportedly been instructed to monitor more closely foreign journalists entering the country with tourist visas. Bangladesh embassies are now required to submit to the Ministry of Foreign Affairs all visa requests on behalf of foreign journalists. In the last five years, there have also been extensive reports of threats, harassment, physical harm and penalties brought to local journalists investigating corruption and misuse of power by the political parties and the Government.

Media ownership is spreading among big business houses. The national newspapers have published frequent reports alleging violence on reporters in the form of physical assault, threats, forced entry into homes, filing of false cases, eviction, attempted kidnapping, bomb explosions etc. "Not a single day goes by without the press reporting an assault or death threat against a journalist," stressed the Advisory Editor of the daily *Ajker Kagoj*. On 25 January 2001, the henchmen of former lawmaker Mr. Joyal Hazari in Feni district attempted to kill Mr. Tipu Sultan, correspondent of United News of Bangladesh. His four limbs were so seriously injured that he was unable to walk or write.²⁸

Table 8 Physical Harm to Journalists (1996-2000)

	1998	1999	2000	2001	2002	Total
Death	2	0	2	2	2	8
Threat	6	12	7	35	119	179
Arrest/Detention	0	3	11	4	43	61
Attack	6	9	6	87	11	119
Case Filed	5	4	13	24	75	121

Source: Cooperation Council for Human Rights of Bangladesh '96, '97, '98, '99, '00

A number of noted journalists were arrested under section 54 of the Criminal Procedure Code recently and were detained on various charges. The High Court declared the detention illegal and ordered their release. The IFJ noted that the Bangladeshi authorities appear to be instituting one standard for foreign journalists and another for national journalists in Bangladesh. Newspapers with small circulation are dependent on government advertising awarded by Department of Film and Publication and therefore are not in position to be either transparent or analytical. Apart from this, sufficient funding is required for smooth running of newspapers, which big business houses can normally provide. Consequently these newspapers to a large extent are under the influence of those business houses.

At present a large part of the media, particularly the electronic media is controlled by the Government. As a result the ruling party often gets undue coverage of their events at the cost of the opposition parties. The publicly-owned media are: BTV, Radio Bangladesh, and Bangladesh *Sangbad Sangstha*. They do not cover views critical of the Government. The media does carry reports on corruption, particularly in the print media. Journalists of most private media were prevented from entering the Parliament building on 22 March during deliberations on a new bill on "public safety." Crews from- ATN Bangla and Channel-I (private television stations) could not access the Parliamentary session. There is a public demand for giving autonomy to the state owned media Bangladesh Television (BTV) and *Bangladesh Betar* (Radio). But as yet the Government has not given them autonomy. The major political parties had made a joint declaration that they would uphold freedom of the press and repeal constrictive regulations, when they are in power. It was one of the election pledges of ruling BNP and main opposition party Awami League.

The media licensing authorities do not use transparent, independent and competitive criteria and procedures. The law provides for a transparent process, however in reality they often act in a partisan way. The government uses advertising contracts as a means to exert influence over the press. But the freedom of press is mentioned in the Constitution under Articles 26-33 on fundamental rights.

Table 9 Number of newspapers

Newspapers	From Dhaka	Outside Dhaka
Daily	104	185
Daily English	9	4
Weekly:	144	109
Fortnightly:	40	2
Monthly:	58	6
Quarterly:	8	

Source: Audit Bureau Circulation Report 2001 of Department of Film and Publications

Table 10 National Media Reach

Medium	Urban		Rural		National		
	1995	1998	1995	1998	1995	1998	2002
Radio	41%	42%	35%	38%	36%	39%	29%
Television	64%	69%	24%	34%	31%	42%	61%
Newspapers		32%		10%	11%	15%	26%
Magazines		16%		2%		4%	8%
Cinema	20%	22%	11%	16%	12%	17%	16%

Source: National Media Survey, 1995, 1998, 2002/survey results of 2002 has been partially released by the BCCP

Civil Society

The common members of different strata of society form the civil society of Bangladesh, which includes organized professional groups or unorganized people e.g. the rural poor. The vast majority of Bangladeshi people irrespective of their class, religion, ethnicity and culture represent the civil society of Bangladesh. Civil society aims at creating a situation where people can live in peace, honor and dignity without any fear or favor.

Civil society cooperates with state functionaries for achieving objectives such as a free and fair election and peoples' participation in the decision making process of administration at all levels. Civil society strives for transparency in governance, accountability of state functionaries, realization of human rights, alleviation of poverty, illiteracy and gender discrimination. Civil society aims at improving quality of life, upholding moral values and character building of Bangladeshi youth. The Government of Bangladesh also has these as objectives but civil society steps in when government fails to meet people's expectations.

The public does not have access to information and documents from the authorities. The Officials Secrets Acts of 1923 still hinders the free flow of information.

Citizens' groups do not regularly make submissions to the legislature on proposed legislation. In Bangladesh, the Government may consider the views of experts and some members of civil society during the period of formulating new or revised laws. The present education system does not take into account integrity issues or corruption or bribery. Such issues are not addressed in school text books. TIB is planning to be involved in

incorporating some lessons on these issues. The University system is offering courses on ethics, especially in MBA programs.

One reason for lack of transparency and accountability is that members of the public do not have access to information and documents from the public authorities, who do not generally cooperate with civil society groups. There are only occasional complaints and desultory protests by citizen's bodies or business groups. There is no standing lobby of citizens' groups to make submissions to the Parliament for enactment of the proposed legislation. It may however be pointed out that whenever civil society has been able to articulate views vociferously, the State has responded appropriately. For example, the Environmental Act (Act XXXVI of 2000) aims at preserving and protecting open spaces, play fields, orchards and natural water reservoirs. Under Pressure from the Bangladesh Environment Movement, several structures built by private individuals, companies, and even parastatal bodies were demolished by the Government Housing Authority (RAJUK), as these were erected in violation of the environment laws. Further, as a response to the demands of civil society, laws have been passed against oppression and crimes such as acid throwing.

Regional and Local Government

The regional administrative bodies are the organs of the national Government. They are: Administrative Divisions, Administrative Districts and *Thana/Upazilas* (sub districts). There are 4 Divisions, 64 Districts, 507 *Thanas/Upazilas*, and 4484 Unions in the country. The line ministries have directorates or departments at the Divisions, Districts or Upazilas. Officials are either posted from the head offices or locally recruited as per rule.

Bangladesh has a long standing tradition of Local Governments. These are: *Zila Parishad*, *Upazila Parishad* and *Union Parishad*. Chairman and Members of these bodies are elected by the local people.

The rural area of Bangladesh is divided into 4,495 *Union Parishads*. These are the most fundamental local government administrative units. The Election Commission announced the holding of the *Union Parishad* Elections for 4,228 Unions from January to March 2003. Elections in 267 Unions could not be held on account of litigation. Of the 4,495 Unions where elections were held, a total of 19, 800 candidates contested for the posts of Chairmen and Members. There were 61.5 million registered voters on the election rolls. To conduct polling all over the country 39,372 polling centres were established. Large scale participation took place at the grassroots level for the election of the Chairmen and Members of the *Union Parishads*. The media reported enthusiastic campaigning by a good number of women candidates for the posts of Chairmen and Members to the local councils.

At the same time it was disappointing that from the moment the voting began, reports of ballot paper snatching, forcible occupation of vote centres, bomb blasts, firing of lethal arms, assaults, murder and even death of public and some security personnel were received from distant areas of the country. An impact study of the *Union Parishad* elections is necessary to analyze the measures which the Government/ EC could take in the future to minimize such incidents.

Under the existing system there are five types of recruitment to local bodies, namely direct recruitment, recruitment by promotion, recruitment by transfer, recruitment by temporary appointment and recruitment by deputation. Vacant positions of the various units of local government are filled up by one of these methods as determined by the respective service board or appointing authority or government.

For the purpose of filling up vacancies, all Class I, II and III posts have been classified as 'A', 'B' and 'C'. A vacant post may also be filled up by the transfer of a member of the service holding a similar post on comparable pay in a Local Council. Any Local Parishad may appoint temporary class IV employees on a work charge basis to meet urgent requirements. Provision has also been made for part-time or temporary appointment of class I and class II employees with prior government approval for a specific period.

The Government may, from time to time, specify that certain posts in the Local Council Service shall be filled up by deputation from the national government. Salary contributions

towards leave salary and pension are paid from its fund. Government servants thus deputed are to accept all responsibilities and obligations attached to the post. However, they continue to be treated as government servants during the period of deputation. Secretaries of the *Zila Parishads*, Chief Executive Officers of City Corporations and a large number of *Pourashavas* are also deputed from the Government.

A member of a class I service may be transferred within the country, class II within the division and class III within the district. In all disciplinary matters, members of the Local Council Service are guided by the Bangladesh Local Council Servants (Efficiency and Discipline) Rules, 1968. On the other hand, in all disciplinary matters; members of the national government are guided by the Government Servants (Conduct) Rules, 1979

According to the Public Relations Officer of Dhaka City Corporation there are no clear criteria restricting the circumstances in which city/town councils can exclude the press and public. There is no legal requirement that meetings of city/town councils be open to the press and public. But, if the authority thinks that the result or discussions should be disseminated among the public and the press, they invite the public and the press. The decision is made by the authority at its discretion.

As for anti-corruption watch at the districts or regions, the Government has the agency of the Bureau of Anti-corruption in each of the district to deal with corruption at a local level. The Bureau of Anti-corruption has a branch in each administrative district. The Bureau undertakes legal measures after identifying corruption in government, semi-government and autonomous organizations in the districts. They follow the existing laws, rules, regulations and orders of the Bureau in carrying out their duties and obligations. They also follow the circulars and orders issued by the head office from time to time.

Anti-corruption Activities

Progress With Government Strategy

Various ministers have repeatedly stated that the Government is putting together an anti-corruption strategy to fulfill its election pledge to reduce corruption among its other priority agenda. It was stated that a decision had been taken to establish an independent anti-corruption commission to replace the existing Bureau of Anti-corruption. Reportedly, a draft bill is under process for such an independent anti-corruption commission. A high-powered inter-ministerial task force has been formed to determine an effective strategy to combat corruption. The present Government has published a White Paper (2002) in three separate volumes on the corruption of the previous Government. The White Paper contains description of several corruption cases involving the former ruling party (Awami league). Most of the published cases covering a period of five years (1996-2001) are supported by documents, which were printed to prove the allegations of corruption. Similarly, the present main opposition party (Awami League) has published a book about incidents of corruption by the BNP (Bangladesh Nationalist Party), during their ruling period (1991-1996).²⁹

However, its actions against its own party men for similar offences are yet to be seen. Investigation, prosecution and trial of the corruption cases are reportedly in progress. It is generally felt that for the success of anti-corruption campaign, any appropriate programming for implementation of the strategy will be a good idea. However, it is not yet known if any timetable has been fixed for the systematic implementation of an anti-corruption strategy.

If Bangladesh had been able to sustain the economic growth of the 1980s poverty alleviation would have taken place, which would have benefited the rural economy. On the contrary, some evidence would suggest that level of severe poverty declined very slowly over the latter half of the 1990s from 38.5% in 1995/96 to 37.5% in 2000. Urban poverty has actually increased in the latter half of the 1990s. A direct consequence of this has been the fact that the total population living below the (upper) poverty line remained virtually unchanged from 1991, that is, at around 63 million in 2000.³⁰ Bangladesh remains one of the poorest countries in the world with gross national income of around \$50 billion (2001). This is equivalent to an average of \$380 per person.

Where and why did Bangladesh get derailed? A number of reasons can be put forward: lack of institutional reform, severe confrontational politics, including criminalization of politics, deterioration of the law and order situation, and high levels of pervasive and endemic corruption. These factors have given rise to fiscal deficit and put pressure on foreign currency reserves and caused a drop in investment (both domestic and FDI), a very high level of dissatisfaction of citizens in terms of service delivery institutions, dysfunctional watchdog agencies, and deterioration of the financial institutions. So it seems that Bangladesh, in spite of its high potential and a reasonable track record, has come up short with respect to its governance goals.

The challenge for Bangladesh is to dismantle this brick-wall because the magnitude of loss will keep on increasing if remedies are not found to improve the state of governance.

Present Government Strategy

The Government came to power with a resounding people's verdict (more than two thirds majority in the Parliament) to build a prosperous Bangladesh free from major dimensions of poverty, corruption and violence, establish the rule of law and promote human rights.

The present Government made a commitment in their election manifesto to curb and battle corruption. As part of fulfilment of its election commitments, the Government, soon after assumption of office, moved to plan and implement measures embracing all the

important areas of reforms. Some have specific timetables but most of them have no specific timetable for implementation.

The Government formed five Secretaries' Committees to prepare reports on administrative reforms, improvement of the law and order situation, poverty reduction, human resource development and macroeconomic management. It adopted a '100-days in office' program to address 25 broad categories of issues identified for implementation in the reports of the five Secretaries' Committees. The program included among others, recovery of illegal arms, arrest of identified miscreants, opening of closed educational institutions, issuance of guidelines for procurement under suppliers' credit, opening of more exchange houses abroad by the Nationalized Commercial Banks (NCBs), formation of law and order committees, judicial enquiry into the bombing incidents in public gatherings, initiating the process to repeal the Public Safety Act, framing of Money Laundering Prevention Act and improvement of the port services.

In order to bring the economy back on track, the government has been undertaking reforms in areas of governance including financial and banking sectors, energy, telecommunication, the State Owned Enterprises, administration of justice, mobilization of resources and rationalization of government expenditure. To enhance the financial and economic management capacity of the Ministry of Finance and line ministries, the Government is taking up the Financial Management Reform Programme with DFID and Dutch assistance. The World Bank endorses the Government's program but stresses that such a program should be complemented by strategic prioritization and a medium-term action plan. It also emphasises the need to restore the rule of law as the first priority in Bangladesh, and that it is imperative that the legal underpinnings for anti-corruption measures are in place.

The Government's strategies are in their initial stage. A significant amount of work is yet to be done. The following are some indication of the government's reform to improve good governance: steps are on way to set up a National Human Rights Commission, an Anti-Corruption Commission, formulation of rules for a separate Judicial Service Commission, a Judicial Pay Commission, creation of an executive magistracy and judicial magistracy.

The present Government claims that its '100-day program' has been implemented. A law and order monitoring committee, comprising of Cabinet Ministers and senior government officials as members, has been formed to review the law and order situation every week and take appropriate measures. Such a committee works under the direct supervision of the Prime Minister. Similar law and order committees have been formed at District and Papilla levels to ensure rule of law and provide safety and security to the citizens. However, there is a large gap between the programs on paper and their actual implementation process.

Status of Government Initiatives

The National Human Rights Commission

The Government had a plan to set up a National Human Rights Commission by end of 2002 but, wasn't successful in meeting the deadline. Steps are underway now to set up a National Human Rights Commission. The Government has formed a Ministerial Committee to reassess the proposed bill. The Committee has met 13 times and finally decided to table the bill in the coming session of Jatiya Sangsad.

The Office of Ombudsman

The Government published a gazette notification to make the Ombudsman Act, 1980 effective from 7th January 2002 as well as re-enforcing the government's commitment to establish the Office of Ombudsman at the earliest. In February 2002 the Government formed an Eight-Member Ministerial Committee to review the Ombudsman Act, but not a single meeting has been held to date.

Separation of Judiciary

The separation of Judiciary from the Executive is a constitutional requirement. The government has been undertaking necessary measures for a strong and independent judicial system and separating it from the executive. The Government has formed a Ministerial Committee in order to undertake such a separation. The Government has repeatedly taken additional time from the Supreme Court of Bangladesh and the Committee has met 13 times since its inception. A set of rules for the constitution of separate Judicial Service Commission and Judicial Pay Commission have been drafted but they are yet to be finalized.

Separation of Audit and Accounting Functions

The present Government issued an order to separate the Government's accounting function from Auditing and has transferred the accounting responsibility to the Finance Division of the Ministry of Finance with effect from 1 July 2002.

Public Administration Reforms

The Public Administration Reforms Commission (PARC) was set up in 1997 to recommend policies, programs and activities to improve the level of efficiency, effectiveness, accountability and transparency in the public organizations. The PARC made three types of recommendations: interim, short and long term. A Cabinet Committee and a Secretaries' Committee have been formed to scrutinize the PARC report and make recommendations for their implementation. On the basis of recommendations of the Secretaries' Committee, different actions have been taken. One of them is that e-government and information technology should be introduced in phases in all offices, including those at the field level. Both the Committees will continue to scrutinize the PARC recommendations with priority and implement them in phases.

Poverty Reduction

All development plans of Bangladesh have attached high priority to poverty reduction as one of the major targets. A number of innovative poverty reducing programs have been launched by the Government and NGOs. As a result, the incidence of poverty has declined significantly by nearly twenty percentage points during the last three decades. Available poverty indicators suggest that the rate of poverty reduction was highest during the first half of the nineties. However, poverty has remained a pervasive feature of the country, as about sixty five million people still live below the poverty line. Currently, the Government has prepared an Interim Poverty Reduction Strategy Paper (I-PRSP), which will embody poverty trends, economic growth and poverty reduction strategies, an action plan, and financing and instruments for poverty monitoring and assessment. The Paper has been formulated on the basis of broad-based consultations, thus making it a home-grown and country-owned document. The Government remains firmly committed to this new strategy for poverty reduction and economic growth.

Until this year, the country's medium-term plan has been formulated as a five-year plan. This plan is now proposed to be replaced by a three-year Rolling Plan that will be updated each year with the preparation of the Annual Development Program (ADP). The Rolling Plan is currently under preparation.

Anti-corruption Commission and Strategy to Combat Corruption³¹

The Government has made some visible progress in setting up an independent anti-corruption commission to replace the present Bureau of Anti-corruption. The "Independent Anti-corruption Commission" bill was placed in the Parliament on July 10, 2003. On September 9, 2003 TIB arranged a roundtable that put forward some amendments to the draft and called for early adoption of the bill. Similar voices were raised by other civil society organizations and the donor community. The bill was eventually passed on February 17, 2004, following which a selection committee was formed on May 9, 2004 headed by a Judge of the Appellate Division of the Supreme Court. As per provisions of the

act, the committee has recommended a list of six persons to the President who is expected to select three Commissioners including Chief of the Commission. At this writing, the President sought Prime Minister's views on the matter. In any case, contrary to a TIB recommendation to ensure civil society representation, as per available information the commission is going to be composed of retired government officials only. Apart from the appointing authority, the Government has also retained full financial control of the commission. It is difficult, therefore, to comment whether it will be truly independent and to what extent it will be effective. Nevertheless, the development is generally considered to be a step forward.

Earlier, a White Paper was published on the corruption of the previous Government. The Government claims that investigation of the alleged cases of corruption, identification of the repeatedly alleged corrupt individuals and trial of the corruption cases are in progress. In any event perception of high level of corruption within important Government institutions persists.

Donors

The Donor Agencies have expressed concern over the wide-spread corruption in Bangladesh and urged the Government to mount a vigorous campaign against corruption, including the appointment of an Ombudsman and an Independent Anti-corruption Commission.

Bilateral and multilateral donor agencies present in the country are, among others:

- The World Bank
- The UK Department for International Development (DFID)
- United States Agency for International Development (USAID)
- Asian Development Bank (ADB)
- International Monetary Fund(IMF)
- United Nations Development Program (UNDP)
- United Nations Children's Emergency Fund (UNICEF)
- Danish International Development Assistance (DANIDA)
- Canadian International Development Agency (CIDA)
- Swedish International Development Cooperation Agency (SIDA)
- NORAD (Norway)
- European Union
- AusAid (Australia)
- Germany
- Switzerland/SDC
- Netherlands

Donor Anti-corruption Initiatives

Following are a few anti-corruption initiatives supported by donors in Bangladesh:

- The World Bank is preparing a National Institutional Review for a better understanding of the constraints in implementing institutional reforms. Several corruption-related studies, initiated by the Bank, are also expected to lead to an anti-corruption strategy for the country. In addition, the Bank is helping the

government to prepare a judicial reform project, a Financial Accountability Assessment; reviewing procurement systems, among others.

- The Country Financial Accountability Assessment (CFAA) is being jointly supported by UNDP and the World Bank.
- The need for a major overhauling of the public administration is widely recognised in order to accelerate and sustain growth and address issues like poverty reduction, human development and social and gender equity. Donors have also addressed various aspects of public administration reform. For example: DFID has released a total of UK £ 2.4 m to train and reorient senior BCS (Bangladesh Civil Service) officers in modern approaches to public management through combined job-based organisational development initiatives and training.
- Modernisation of the accounting system of Bangladesh Water Development Board (BWDB) was supported by Canadian International Development Agency (CIDA) through staff training and computerisation to ensure reliable and easily accessible accounting data.
- The Ministry of Foreign Affairs (Netherlands) has supported a BWDB Procurement Revision Mission.
- Support to NGOs involved in anti-corruption activities, such as Transparency International Bangladesh.
- Donors have assisted in promoting integrity and curbing corruption in public sector service delivery systems through grassroots participation of recipients of public service.
- Auditor-General's office in Bangladesh:
 - DFID has provided help to increase the capability of the office of the Comptroller and Auditor General to provide audit functions to the government.
 - UNDP has supported a project for strengthening the office of the Comptroller and Auditor General with a view to enhance the capacity of the CAG's office for quality auditing.
 - NORAD has assisted a visit of Comptroller and Auditor General, Bangladesh to Norway. The goal was to exchange experience in auditing and develop collaboration between the office of the Comptroller and Auditor General of Bangladesh and the office of Auditor General, Norway.
- ADB is assisting in strengthening the institutional capacity of the Bangladesh Bureau of Statistics to foster a way towards compilation of reliable, relevant and timely national accounts/estimates.
- Promotion of good urban governance is being sponsored by ADB to enhance the management capabilities of Dhaka City Corporation.
- Donors have adopted activities covering education sector to improve education management resource management.

Governance has become a major issue for the development partners and it is being reflected at the various Government of Bangladesh-Donor meetings. The donors are insisting on specific targets to be met in the area of governance reform prior to disbursement of funds. This could initiate genuine changes but without adequate political will some of these exercises could just amount to 'window-dressing'. Therefore, sustainable reform measures would require participation of all the stakeholders within a time-bound framework.

Table 11 International Development Cooperation for Governance in Bangladesh

Assistance by area of Governance	International Development Partners
Financial Management Reform	ADB, DFID, IMF, Netherlands, UNDP, World Bank
Transparency, Accountability and Anti-Corruption	ADB, Canada/CIDA, Denmark/DANIDA, DFID, IMF, Netherlands, UNDP, USA/USAID, World Bank
Access to Information, Media	Canada/CIDA, Denmark/DANIDA, DFID, Norway/NORAD, Sweden/SIDA, UNDP
Human Rights and Democracy	Australia/AusAID, Denmark/DANIDA, DFID, Norway/NORAD, Sweden/SIDA, Switzerland/SDC, UNDP, UNICEF, USA/USAID, World Bank
Access to Justice, Judicial Reform and Rule of Law	ADB, Canada/CIDA, Denmark/DANIDA, DFID, Germany, Netherlands, Norway/NORAD, UNICEF, USA/ USAID, World Bank
Institutional Capacity Building / Sectoral Strategies	ADB, Canada/CIDA, Denmark/DANIDA, DFID, UNCDF, UNDP, World Bank
Local Governance, Decentralisation and Rural Development	ADB, Denmark/DANIDA, DFID, Netherlands, Norway/NORAD, Switzerland/SDC, UNCDF, UNDP, UNICEF, USA USAID
Support to Civil Society Organisations	DFID, European Union, Netherlands, Norway/NORAD, Sweden/SIDA, Switzerland/SDC, UNICEF. USA/USAID, World Bank
Parliamentary Democracy	Canada/CIDA, DFID, European Union, Germany, Netherlands, Norway/NORAD, Sweden/SIDA, Switzerland/SDC, UNDP, USA/USAID
Electoral Processes and Voter Education	Canada/CIDA, Denmark/DANIDA, DFID, European Union, Germany, Netherlands, Norway/NORAD, Sweden/SIDA, Switzerland/SDC, UNDP, USAID.
Public Administration Reform	DFID, World Bank
Support to Private Sector	Canada/CIDA
Gender & Women's Empowerment	Canada/CIDA, Denmark/DANIDA, Germany, Norway/NORAD, Sweden/SIDA, Switzerland/SDC, UNDP, UNICEF, USA/USAID
Child Rights	Denmark/DANIDA, Netherlands, Norway/NORAD, UNICEF, USA/USAID

Source: LCG sub group on governance in Bangladesh

Coordination of Donor Programs

A well developed donor co-ordination mechanism would lead towards a potential/constructive utilization of donors' initiatives. There is a local consultative group (LCG) chaired by the World Bank in Bangladesh. The consultative group holds regular meetings of the local donor representatives. In addition, there are several sub-groups which meet on a regular basis. There are smaller groups within each sub-group. Sub-groups are chaired by donor countries and the chair rotates annually.

Priority Areas or Areas of Possible Donor Support

The following areas require immediate attention in terms of future research and donor support: weak recruitment policy of the public officials and prevalence of quota system, lack of performance monitoring mechanism of Ministries/Divisions and Departments, separation of Judiciary from the Executive, lack of independence from Executive control of the Bureau of Anti-corruption, absence of a complaint mechanism for the general public to

seek redress against any maladministration, lack of laws on political party funding and weak enforcement and monitoring mechanisms of election rules and regulations, poor service condition and low salary structure which encourage public officials to engage in corruption, and the fact that key watchdog agencies lack adequate, well-trained and skilled staff to undertake their responsibility in an appropriate manner. Donors also feel that existing rules, regulations and procedures for procurement of goods and services need to be updated and made more transparent. Rules should also be enacted and enforced to ensure disclosure of election funds from political parties. There is an urgent need to improve on the structure and performance of the existing anti-corruption institutions.

This report identifies the following issues relating to possible anti-corruption initiatives as requiring donor support: supporting the government in establishing and developing strong accountable local government institutions, supporting non-governmental actors and enabling public services in ensuring that development objectives are met, improving the legal and judicial environment for better access to justice, strengthening the institutional capacity of watchdog agencies, and supporting civil society in governance and public awareness activities.

Among these, certain areas relating to possible anti-corruption initiatives be identified in terms of forming the basis for potential donor prioritization, sequencing, cooperation and coordination. The Government of Bangladesh must design a plan of action to combat corruption and devise a definite timetable for implementing its policy and increase awareness through extensive public education in relation to the dreadful effect of corruption. Immediate appointment of an Ombudsman needs to be ensured and an independent anti-corruption commission needs to be set up. A code of conduct also needs to be drawn up for the elected officials. Laws restraining the freedom of media need to be repealed and rules regarding political party funding to ensure electoral transparency need to be introduced. Procurement rules need to be strengthened and updated to make the process transparent and reduce the scope of corruption.

For the full fruition of their anti-corruption efforts, Donors need to synchronize action with that of the government in all the above areas. Within the Government also a synergy among the multi-pronged action programs of the Ministries or inter-ministerial coordination is necessary. It seems that two kinds of interface are required: synergy in the anti-corruption measures of all Ministries and interface of the donor's action with that of the Government.

Discussion of Key Issues

The NIS

There is a wide gap between the existence of NIS and the actual performance of the agencies concerned. The major concern over NIS is that it does not have enough of a preventive action dimension. The contour of the NIS would come to a sharper focus if the preventive function is juxtaposed against the current status of its components.

Bangladesh is a small country in terms of area with only 56,977 square kilometers and having an immense population of 130 million people. The population growth rate is 2.17% per annum (1981-1991 census) with a literacy rate of 32.4%. Life expectancy is 60 years. The GDP at 1999 market price was Tk 1737.62 billion. Per capita GDP at 1999 market price was Tk 13554. (Statistical Pocket Book 1999)

The intelligentsia and the research groups have made an appraisal of the NIS in Bangladesh to identify the strongest and the weakest components, as well as those in between them, in order to underpin the factors behind their relative strength and weakness. Civil Society, the Election Commission, the Parliament and the Higher Judiciary are deemed to occupy a relatively strong position on account of their commitment to democratic values, accountability and transparency, stability in approach, continuity in their functioning and demonstrated performance.

The impression ratings have a subjective element though, as they are based on the views expressed in different forums from time to time by the intelligentsia and research groups. In the absence of any other more reliable benchmark backed by a reliable database to help an appraisal of the structural strengths/weaknesses and performance of the components of NIS, we would make the suggestion that further research in order to confirm the 'impressionistic' hypothesis.

Civil Society

Civil Society is a central pillar of the National Integrity System of Bangladesh. Though diffused and unstructured, it is the mirror which reflects the concerns and aspiration of the nation. A number of innovative poverty reducing programs have been launched by the Government and the NGOs. As a result, the incidence of poverty has declined significantly by nearly twenty percentage points during the last three decades. Civil society played a historical role in envisaging an independent Bangladesh and also conceptualized the shape of things to come after the achievement of independence in 1971. Its vision has been to help the process of the emergence of a vibrant, democratic society under good governance with transparency and full maintenance of accountability. The constitution enshrines the values of democracy, safeguarding of human rights, separation of power, among others, and it also ensures the stability and continuity of such ideals. These ideals have remained unrealized.

The Daily Star, an influential local English daily ran a column on March 14, 2003 under the caption, "Good governance is elusive like a golden deer. "After all the movements and sacrifices (of people), it was their expectation that democracy will be established together with good governance. After three decades of independence, the question today is, how much of the aspiration have been fulfilled?" Commentating on the current scenario, it adds, "The hard realities are that under none of the governments has terrorism stopped nor corruption reduced, rather the opposite has occurred. Rampant corruption has taken route [sic] in every sector of the administration and good governance is a far cry."

With a view to finding a remedy to this situation, a number of professional groups have tried continually to put up resistance against corruption. Lawyers' groups such as *Ain-o-Shalish Kendra* have encouraged public litigation against infringement of their rights. Women's organizations have also protested against oppression. Intellectuals have sensitized people on effects of corruption on the overall development of the country. The

cumulative efforts of all these groups have created pressure on political parties to acknowledge the evils of criminalization of politics.

Since its formation in 1996, Transparency International Bangladesh (TIB) has been campaigning against corruption. It has formed six citizens' groups which are working against corruption. These groups are monitoring the services of government institutions. TIB is providing support in different ways in order to strengthen their capacity to monitor the services of government organizations.

There are other organizations in Bangladesh who are also campaigning for good governance. These are Democracywatch, Manabik Shahajay Saangstha (MSS), Manusher Jonno, Bangladesh Unnayan Parishad and various chambers, among others. It may be mentioned that for obvious reasons, the business community has not taken any concrete action against corrupt practices, although they continue to raise their concerns.

Election Commission

The Election Commission has conducted three successive General Elections under the interim non-party Caretaker Government. These elections were considered transparent and impartial by the people of Bangladesh and a host of foreign observers, who witnessed the entire process. This was possible because the Caretaker Government took firm action against the lawless elements so that the Election Commission could conduct country wide polls in a calm environment. Encouraged by the absence of coercion, voters, particularly women, exercised their franchise fully, even in the rural areas. This was a welcome change from the previous elections held under the military regimes which were characterized by manipulation and vote rigging. The Election Commission has earned credit for holding fair elections and has been instrumental in the restoration of Parliamentary democracy. In addition; it has arranged to conduct elections to local councils in the urban and rural areas where millions of people have enthusiastically participated.

The Election Commission should be fully supported by all organs of the government and the public in order to augment further its efforts to conduct free, impartial and transparent elections, both for the parliamentary and local government bodies.

Parliament

Bangladesh has a unicameral Parliament- called *Jatiyo Sangsad* with of 300 MPs directly elected for a period of 5 years. Since independence elections to eight parliaments have been held. The present Parliament which is the 8th Parliament has so far held 6 sessions.

Parliament must operate within an environment of pluralism and democratic norms-cooperation between Treasury Bench and the Opposition. It has in total 48 standing committees concerning the ministries and also concerning the parliament itself. Most importantly, its statutory committees such as the Public Accounts Committee (PAC) must be established in order to effectively oversee the service deliveries of the various departments. Additionally, the PAC must exert pressure on the Ministries and the government agencies to act with greater responsibility, transparency and accountability. Moreover, the Audit institutions such as the Office of the Comptroller and Auditor General (CAG) needs to be substantially strengthened in order to effectively perform its constitutional duties.

The Prime Minister (PM) and the Cabinet are collectively responsible to the Parliament. Parliament through the PAC, which is formed by the ruling party and the opposition, oversees specific areas of governance, including financial discipline. Currently, the media and civil society have strongly criticized the delay in the formation of the PAC, as six sessions of the eighth parliament have elapsed. This has hampered the oversight role of the Parliament. Despite this, the Parliamentary system is still showing signs of vigour as evident from the passage of numerous legislation and the heated debates with intervening boycotts by the Opposition. For all that, the Parliamentary system is considered a relative success due to its continuity in operation and its stability. Different groups have suggested that the Opposition should be treated with more consideration and a spirit of accommodation by the Government side to encourage bipartisanship/multipartisanship.

Another important point to note is that the political parties who form government should make a distinction between the government and the political party itself. The Government cannot be treated as an extension of the party apparatus but as an integral part of the State structure- the executive, the legislature and the judiciary.

Higher Judiciary

The Constitution has clearly emphasized the independence of the Judiciary. The Higher Judiciary, i.e. Supreme Court receives a high rating because it has maintained its independence and has followed judicial activism through public interest litigations. The Supreme Court presides over the judicial system and enforces compliance with the Constitution. It hears writ petitions including certiorari, mandamus, injunction, prohibitions and habeas corpus brought by aggrieved individuals.

Moreover, the Supreme Court has censured many instances of executive excess and also checked many actions of human rights violations by the authorities. It has issued orders to ensure justice to the victims of civil rights violations and, from time to time ordered to set free many individuals detained without lawful authority. The people look upon the Supreme Court as the guarantor of the Rule of Law and the protector of rights and liberties of the citizens. It would earn more appreciation if the Supreme Court could support the lower courts to be more independent and supervise them to be more efficient and honest.

The most immediate pressing concern is the image of the Judiciary, which has lately been questioned. The image of the Judiciary could be protected and enhanced by creating more public awareness of the working of the courts, ensuring transparency of proceedings, closer supervision, monitoring and evaluation of judges' performance, frequent inspection of the lower courts by the higher courts and clear guidelines on sanctions for misconduct of court officials. On March 5, 2003 the Prime Minister directed the appropriate parliamentary committee to set a timetable for the separation of the lower Judiciary from the Executive. Implementation of this directive would certainly go a long way towards achieving the long term goals.

Performance of Certain Government Bodies

The Executive, Civil Service, Anti-Corruption Agencies and Public Procurement have not been adjudged as giving a very satisfactory performance. It can be said that at the most they have just managed to maintain a status quo to satisfy the dictates of the government of the day which did not allow them to follow the dictates of their own conscience or conform to norms of the rule of law. Driven by exigencies of the moment, devoid of commitment to the higher values and, in the absence of accountability, they tend to succumb to the corruption trend of the day only for deriving material benefits out of their official positions. Their failure to deliver services transparently has caused deep frustration among the people, who generally find little difference between the administration of one regime and another. The best way to climb out of this quagmire is to empower the Parliament to operate vigorously through all its standing committees, to oversee the performance of the agencies of the government and nudge them to be more responsible and honest in their service deliveries. It is imperative that the Ministries, the departments and related agencies meticulously follow the conflict of interest rules, to be above board. It is generally perceived that the overriding powers of the executive, which emboldens/tempts it often to bypass the conflict of interest rules, needs to be tempered by an effective legislature to create the needed checks and balances.

Endnotes

- ¹ Bangladesh Bureau of Statistics, *Statistical Pocket Book of Bangladesh 2000*. (Dhaka: Bangladesh Bureau of Statistics, January 2000).
- ² Hye, Hasnat A., *Governance-South Asian Perspective*. (Dhaka:UPL 2000), p. 63.
- ³ World Bank, *Bangladesh Financial Accountability for Good Governance, A World Bank Country Study*. (Washington, D.C: The World Bank, 2002), p. 69.
- ⁴ World Bank, *Taming Leviathan, Reforming Governance in Bangladesh, An Institutional Review*. (Washington, D.C: The World Bank, March 2002).
- ⁵ Daily Jugantar, 9 January 2001.
- ⁶ Transparency International Bangladesh, *News Scan Analysis 2002*. (Dhaka: Transparency International Bangladesh, March 2003).
- ⁷ Public Administration for 21st Century (Volume I). (Dhaka: Public Administration Reform Commission, June 2000).
- ⁸ International Development Committee, *Fourth Report on Corruption, (Volume I)*. (London: International Development Committee, House of Commons, 22 March 2001), p. vi.
- ⁹ \$1= Tk 58.
- ¹⁰ Fair Election Monitoring Alliance, *Observation Report on Bangladesh Parliamentary Elections, 01 October 2001*. (Dhaka: Fair Election Monitoring Alliance, June 2002).
- ¹¹ The Daily Star, April 17, 2002.
- ¹² The Observer, May 7, 2003.
- ¹³ World Bank, *Corruption in Bangladesh: Costs and Cures*. (Washington D.C: The World Bank, 7 April 2000).
- ¹⁴ Transparency International Bangladesh, *Fact-Finding report on Standing Committee on Public Accounts Committee*. (Dhaka: Transparency International Bangladesh, September 2002).
- ¹⁵ Daily Star, 28 April, 2003.
- ¹⁶ The Daily Star, 1 November, 2002.
- ¹⁷ Transparency International Bangladesh, *Fact-Finding Report on Bureau of Anti-corruption*. (Dhaka: Transparency International Bangladesh, December 2001).
- ¹⁸ Transparency International Bangladesh, *National Household Corruption Survey*. (Dhaka: Transparency International Bangladesh, December 2002)
- ¹⁹ The Daily Star, 17th March 2003.
- ²⁰ Public Administration Reform Commission, *Public Administration for 21st Century (Volume I)*. (Dhaka: Public Administration Reform Commission, June 2000) p. 30.
- ²¹ U.N.D.P (1993) Public Administration Sector Study (PASS) (This study originated from widespread concern about the deterioration in public sector performance, and a perception that principles of accountability and transparency were not adhered to. The recommendations of the study were presented in two categories, those proposing consolidation, and others requiring reform. The latter are geared to developing a more responsive, transparent and accountable administrative system.
- ²² UNDP, *Human Security in Bangladesh, In Search of Justice and Dignity*. (Dhaka: UNDP, September 2002).
- ²³ The Daily Jugantor, 1st March, 2000

- ²⁴ Major General (ret'd) Ibrahim in *Breaking the Cycle of Impunity*. Online at: http://www.odhikar.org/pub/Pub4_12.htm [Accessed 24 June 2003]
- ²⁵ The Independent, 13 March, 2003.
- ²⁶ Transparency International Bangladesh, *Fact-Finding Report on Bureau of Anti-corruption*. (Dhaka: Dhruvo Marketing & Communication, December 2001).
- ²⁷ Reporters Without Borders publishes the first worldwide press freedom index, 2002. Online at: http://www.rsf.org/article.php3?id_article=4116 [Accessed 24 June 2003].
- ²⁸ Reporters Without Borders, *Henchmen of a ruling party MP broke the hands and legs of an independent journalist*. (Protest letter, 01 February, 2001). Online at: <http://www.rsf.org/rsf/uk/html/asia/cplp01/lp01/010201.html> [Accessed 24 June 2003].
- ²⁹ Centre for Research and Information, Bangladesh Awami League, *Corruption during Khaleda Zia's Regime*. (Dhaka: Centre for Research and Information, Bangladesh Awami League, April 2002).
- ³⁰ "The Investment Climate, Governance and Inclusion in Bangladesh". Speech delivered at the Bangladesh Economic Association, Dhaka, January 2002.
- ³¹ This part of the report was updated in August 2004.

Bibliography

- Ain o Shalish Kendra, *Human Rights in Bangladesh 2001*. (Dhaka: Ain o Shalish Kendra, 2002).
- Aisa Digest. (Dhaka: 12 March, 2003).
- Audit Bureau Circulation Report 2001*. (Dhaka: Department of Film and Publications).
- Bangladesh Bureau of Statistics, *Statistical Pocket Book of Bangladesh 2000*. (Dhaka: Bangladesh Bureau of Statistics, January 2000).
- Bangladesh Bureau of Statistics, *Statistical Year Book of Bangladesh 2000*. (Dhaka: Bangladesh Bureau of Statistics, June 2002).
- Centre for Policy Dialogue, *Policy Brief on Governance - CPD Task Force Report*. (Dhaka: Centre for Policy Dialogue, 20-22 August 2001).
- Centre for Research and Information, Bangladesh Awami League, *Corruption during Khaleda Zia's Regime*. (Dhaka: Centre for Research and Information, Bangladesh Awami League, April 2002).
- Choudhury, D., *Constitutional Development in Bangladesh, Stresses and Strains*. (Dhaka: University Press Limited, 1995).
- Daily Star, 21 February, 2001, '1997 Textbook scam: BAC sues ex-NCTB chief, 3 others' (source of Hindustan paper mill scam)
- Economic Relations Divisions, *A National Strategy for Economic Growth and Poverty Reduction*. (Dhaka: Economic Relations Divisions, April 2002).
- Fair Election Monitoring Alliance, *Observation Report on Bangladesh Parliamentary Elections, 01 October 2001*. (Dhaka: Fair Election Monitoring Alliance, June 2002).
- Haque, A N M Gaziul, *Mass Media Laws and Regulations in Bangladesh*. (Singapore: Asian Media Information and Communication centre, 1992).
- Hasan, Manzoor [Executive Director, Transparency International, Bangladesh], "A Clear Choice for Bangladesh: Transparency or Corruption, A Vision for the Future", paper presented in a seminar, January 2003.
- Hye, H. A., *Governance: South Asian Perspective* (Dhaka: UPL 2000).
- Ibrahim [Major General (ret'd)] in Odhikar, *Breaking the Cycle of Impunity*, (Odhikar Monograph Series), p. 12. (Dhaka: Odhikar, 2001). Online at: http://www.odhikar.org/pub/Pub4_12.htm [Accessed 24 June 2003].
- International Development Committee, *Fourth Report on Corruption (Volume I)*. (London: International Development Committee, House of Commons, 22 March 2001)
- Khan, M M., *Political and Administrative Corruption: Concepts, Comparative Experiences and Bangladesh Case*. A paper prepared for Transparency International Bangladesh, Dhaka: 1998
- Khan, Md. Abdur Rahim, *Bangladesh Police Regulations*. (Dhaka: Koshrose Publication, 1998).
- Khondaker Md. Abu Bakar, *The Anti-corruption Laws*. (Dhaka, January, 1999).
- Mahbub ul Haq Human Development Centre, *Human Development in South Asia 2000*. (Dhaka: University Press Limited, Published for Mahbub ul Haq Human Development Centre, 2000).
- Mass Line Media Centre, *Networking Seminar, Sagbadik Nirjaton*. (Dhaka: Mass Line Media Centre, 26 May 2001).

- Miah, S. Rahman, *Police Regulations and Guide*. (Dhaka: New Warsi Book Corporation, November, 2000).
- Ministry of Finance and Ministry of Planning, *Memorandum for Bangladesh Development Forum 2002-2003*. (Dhaka: Ministry of Finance and Ministry of Planning, Government of the People's Republic of Bangladesh, 13-15 March, 2002).
- Norwegian Agency for Development Cooperation, *NORAD's Good Governance and Anti-corruption Plan 2000-2001*. (Norwegian Agency for Development Cooperation, February, 2000).
- Office of the Comptroller and Auditor General, *Annual Report*. (Dhaka: Office of the Comptroller and Auditor General, 2001).
- Patwari, S.U., *Sarkari Bidhi-Bidhan*. (Dhaka: Siraj Book Syndicate, January, 2002).
- Pope, Jeremy, *Confronting Corruption: The Elements of National Integrity System, TI Source Book 2000*. (Berlin: Transparency International, 2000).
- Prime Minister's Office, *White Paper*. (Dhaka: Prime Minister's Office, 2002).
- Public Administration Reform Commission, *Public Administration for 21st Century (Volume I)*. (Dhaka: Public Administration Reform Commission, June 2000).
- Rahman, G. S., *Laws Relating to Press in Bangladesh*. (Dhaka: Bangla Academy, 1985).
- Rehman, Sobhan, *How bad Governance Impedes Poverty Alleviation in Bangladesh*, (OECD Development Centre Technical Paper No 143) 1998.
- Reporters Without Borders, *Henchmen of a ruling party MP broke the hands and legs of an independent journalist*. Protest letter, 01 February, 2001. Online at: <http://www.rsf.org/rsf/uk/html/asia/cplp01/lp01/010201.html> [Accessed 24 June 2003].
- Reporters Without Borders, *The first worldwide press freedom index*. (2002). Online at: http://www.rsf.org/article.php3?id_article=4116 [Accessed 24 June 2003].
- Siddiqui, Kamal, *Local Government in Bangladesh*. (Dhaka: University Press Limited, 1995)
- "The Investment Climate, Governance and Inclusion in Bangladesh". Speech delivered by Nicholas Stern, Chief Economist and Senior Vice President, World Bank, at Bangladesh Economic Association, Dhaka, January 2002.
- Transparency International Bangladesh, *Fact-Finding Report on Bureau of Anti-corruption*. (Dhaka: Dhruvo Marketing & Communication, December 2001).
- Transparency International Bangladesh, *Fact-Finding report on Standing Committee on Public Accounts Committee*. (Dhaka: Dhruvo Marketing & Communication, September 2002).
- Transparency International Bangladesh, *Fact-Finding Report on the Office of the Comptroller and Auditor General*. (Dhaka: Dhruvo Marketing & Communication, 2002).
- Transparency International Bangladesh, *National Household Corruption Survey*. (Dhaka: Transparency International Bangladesh, December, 2002).
- Transparency International Bangladesh, *News Scan Analysis 2002*. (Dhaka: Transparency International Bangladesh, March, 2003).
- Transparency International Bangladesh, *Report on ParliamentWatch, (Eighth Parliament: First, Second and Third Session)*. (Dhaka: Transparency International Bangladesh, 22 August, 2002).
- Transparency International Bangladesh, *Survey on Corruption in Bangladesh*. (Dhaka: Transparency International Bangladesh, 1997).
- Transparency International, *Corruption in South Asia, Insights & Benchmarks from Citizen Feedback Survey in Five Countries*. (Berlin: Transparency International, December, 2002).

Transparency International, *Global Corruption Report 2001*. (Berlin: Transparency International, 2001).

UNDP, *Human Development Report, 2002*. (New York: UNDP, 2002).

UNDP, *Human Security in Bangladesh, In Search of Justice and Dignity*. (Dhaka: UNDP, September, 2002).

UNDP, *Public Administration Sector Study (PASS)*. 1993.

World Bank and the Asian Development Bank, *Bangladesh Public Expenditure Review*. (Dhaka: The World Bank and the Asian Development Bank, June, 2002).

World Bank, *Bangladesh Education Sector Review*. (Washington D.C: The World Bank, 2002).

World Bank, *Bangladesh Financial Accountability for Good Governance, A World Bank Country Study*. (Washington, D.C: The World Bank, 2002).

World Bank, *Bangladesh Health and Population Sector Program, Aide-Memoire*. (The World Bank, 2000).

World Bank, *Bangladesh Improving Governance for Reducing Poverty*. (Washington D.C: The World Bank, 2002).

World Bank, *Bangladesh Public Expenditure Review*. (Washington DC: The World Bank, 1996).

World Bank, *Corruption in Bangladesh, Costs and Cures*. (Washington D.C: The World Bank, 7 April, 2000).

World Bank, *Government That Works - Reforming the Public Sector*. (Dhaka: The University Press Limited, 1996).

World Bank, *Poverty Trends in Bangladesh during the Nineties*. (World Bank, Discussion draft, November, 2001).

World Bank, *Taming Leviathan, Reforming Governance in Bangladesh, An Institutional Review*. (Washington, D.C: The World Bank, March, 2002).

Legislation

Anti-hoarding and profiteering law in 1944

Bangladesh Civil Servants Recruitment Rules, 1981

Code of Criminal Procedure 1898

Constitution of the People's Republic of Bangladesh. (As modified up to 31st May 2000).

Dhaka Metropolitan Police Ordinance 111, 1976

Environmental Act XXXVI of 2000

Gazetted Officers Bureau of Anti-corruption Recruitment Rules, 1983

Government Servants (Conduct) Rules, 1979. (Dhaka: Government of the People's Republic of Bangladesh).

Government Servants (Discipline and Appeal) Rules, 1985. (Dhaka: Government of the People's Republic of Bangladesh).

Joint Drive Indemnity Act, 2003

Local Council Servants Efficiency and Discipline Rules, 1968

Officials Secrets Acts of 1923

Ombudsman Act 1980

Penal Code. (Dhaka: Government of the People's Republic of Bangladesh, 1998, As Modified up to 30th September 1991).

Police Act V of 1861

Police Regulations Bengal, 1943 (Volume I). (Dhaka: Government of the People's Republic of Bangladesh, 1997).

Prevention of Corruption Act of 1947

Prevention of Money Laundering Act, 2002

Public Safety (Special Provisions) (Repeal) Act, 2002

Public Safety Act 2000

Representation of the People Order, 1972. (Dhaka: Ministry of Law, Justice and Parliamentary Affairs, Government of the People's Republic of Bangladesh, As modified up to the 8th August , 2001).

Rules of Business, 1996. (Dhaka: Government of the People's Republic of Bangladesh, Revised up to March 2000).

Rules of Procedure of Parliament of the People's Republic of Bangladesh. (As modified up to 30th September, 2001).

Special Power Act 1974