

U4 Expert Answer



Overview of corruption within the justice sector and law enforcement agencies in Bangladesh

Query

What are the main reasons for corruption within the justice sector and law enforcement agencies of Bangladesh?

Purpose

To inform the design of a new justice sector reform project in Bangladesh with a focus on anti-corruption

Content

1. Corruption in the judiciary and its causes
2. Corruption in law enforcement and its causes
3. References

Summary

The justice sector and law enforcement are consistently referred to as two of the most corrupt sectors in public administration in Bangladesh. Corruption in these sectors have severe detrimental consequences – it erodes the rule of law, denies citizens access to a fair trial, creates opportunities for unlawful detentions and other human rights violations, undermines economic and social development and fosters an environment of impunity.

This query focuses on the main components of the justice sector and law enforcement - judiciary and the police. Corruption in both these areas are rampant,

their manifestations and causes are complex. This query examines the main causes of corruption in both these areas.¹

It finds that there are similar causes for corruption in both the judiciary and law enforcement. These include political influence, inadequate legal provisions against conflict of interest, unclear guidelines on appointments and transfers, poor implementation of laws, lack of transparency and access to information and inadequate accountability and disciplinary measures.

Lack of resources is also found to be a major cause for corruption. Inadequate salaries, poor working conditions, inadequate budgets, unreasonable work loads and lack of training opportunities all contribute towards eroding the morale and ethical standards of members of the judiciary and the police force and create incentives for corruption.

¹ For a detailed look at the various types and points of corruption in the judiciary, please see: M.S. Islam, Politics-Corruption Nexus in Bangladesh: An empirical study of the impact on judicial governance. Similarly, for the Police: International Crisis Group, Bangladesh: Getting Police Reform on Track. Please see references section for links.

Author(s): Farzana Nawaz, Transparency International, fnawaz@transparency.org

Reviewed by: Gareth Sweeney, Transparency International, gsweeney@transparency.org

Date: 12 February 2012 **Number:** 316

U4 is a web-based resource centre for development practitioners who wish to effectively address corruption challenges in their work. Expert Answers are produced by the U4 Helpdesk – operated by Transparency International – as quick responses to operational and policy questions from U4 Partner Agency staff.

www.U4.no

1 Corruption in the judiciary and its causes

The judiciary in Bangladesh is divided into two parts – the Supreme Court and the lower courts. The Supreme Court has two parts – the appellate court and the high court. The latter hears original cases and reviews lower court decisions. The lower court is divided into criminal and civil courts and extends over 64 districts. The criminal courts in turn contain a two-tiered system – session courts and magistrate courts. Session courts handle trials for offences punishable by more than 10 years of imprisonment, while magistrate courts have sentencing authority of up to seven years ([Transparency International, 2007](#)).

In Transparency International's Global Corruption Barometer 2010 (a cross-country survey that collects the general public's views on and experiences of corruption) citizens gave the judiciary a score of 3.5 on a 5-point scale (1 being 'not at all corrupt' and 5 'extremely corrupt') ([Transparency International, 2010](#)). These findings are corroborated by the findings of a household survey conducted by Transparency International Bangladesh in 2010 which found judiciary to be the sector most affected by corruption – 88% of all households who sought judicial services reported being subjected to corruption and harassment. The level of corruption was found to have increased between 2007 and 2010 and the rate of corruption was higher in urban areas (90.5%) than rural areas (86.2%) ([Transparency International Bangladesh, 2010](#)).

Similarly, Global Integrity's 2010 Integrity report - which compared accountability and integrity systems in 31 diverse countries - found that in Bangladesh judicial independence, fairness and citizen access to justice is "weak" (score of 69 out of 100).² The worst performing indicators in this category were whether "in practice" judgments in the criminal system followed the law and whether judicial decisions were enforced by the state, both being classified as "very weak" (score of 50 out of 100) ([Global Integrity, 2010](#)). On the private sector side, business executives surveyed in the World Economic Forum's Global Competitiveness Report expressed that

² According to the Global Integrity measurement system, a score below 60 is considered to be "very weak", between 60 and 70 is considered to be "weak", 70 – 80 is considered to be "moderate", 80 – 90 "strong" and 90+ is considered to be "very strong".

the judiciary in Bangladesh does not operate independently. According to a 2010 report by the US Department of State, in the lower courts, where cases are first heard, corruption is perceived to be a severe problem ([Business Anti-Corruption Portal, 2012](#)).

Corruption in the judiciary can take the form of bribery, nepotism, embezzlement of funds, trading of influence and deception. According to the household survey of TI Bangladesh, bribery is the most prevalent form of corruption in the judiciary. Among the households who received services from the judiciary, 59.6% had to pay a bribe. Incidence of corruption varies depending on the level of court – 68.9% had to pay a bribe in the magistrate court, 58.4% in the civil court and 73.6% in the high court. The TI Bangladesh report found that the average amount of bribe paid in the high court is the highest (12,761 taka or approximately 153 USD), while the average amount of bribe paid in the magistrate court is 6,598 taka (approximately 80 USD) and the civil court is 6,178 taka (approximately 74 USD).

Bribes were paid for a variety of reasons: 56.3% households paid a bribe for expediting the hearing of a trial, 32.7% for influencing the verdict of trial, 22.2% for collecting documents, 6.3% for deferring the date of hearing and 1% for hiding documents. Corruption and harassment also occur at various points of interaction with the judicial system - 39.7% of households reported being harassed by lawyers, 24.5% by staff of the court, 16.9% by lawyers' assistants and 2.7% by brokers ([Transparency International Bangladesh, 2010](#)).

Main Causes of Corruption in the judiciary

The judicial system in Bangladesh suffers from lack of adequate funding, poor salary allocations for judges, lack of disciplinary and accountability mechanisms and lack of transparency, all of which contribute to corruption in the sector. The judiciary also lacks independence from political influence which leaves it vulnerable to manipulation and use for corrupt purposes and undermines anti-corruption efforts in the sector.

Some of these main causes of corruption are discussed below:

Absence of a balanced combination of positive and negative incentives against corruption

A combination of positive incentives against corruption, such as adequate salaries, good working conditions

and career development opportunities and negative incentives such as punishment are necessary to mitigate the risk of corruption in the judiciary. However, these incentives are largely missing in the judiciary in Bangladesh.

a) Low salaries, benefits and training opportunities

Judges are poorly paid, and receive very little benefits. The starting basic salary per month of an entry level judge is 6,800 taka or less than 100 U.S.D., which is inadequate for a decent standard of living and sustaining a family. It is reported that poor salary and service benefits often lead newly recruited judges to leave the service. The Bangladesh Judicial Service Association has demanded an increase in their salary structure with a judicial allowance for officers with long years of service. A pay commission was formulated in 2007 by the direction of the Supreme Court to investigate the issue of inadequate salary and benefits, however, their recommendations have yet to be taken up by the government.

At the same time, most judges face unreasonable workloads. In a 2010 research report it was found that the judge-to-case ratio is around 1: 868, provided all officers are equally distributed on the existing cases and all the vacancies are filled. In fact, the workloads are not equally distributed and many vacancies exist. For example, it was found that only twenty-seven Metropolitan Magistrates in the Dhaka Metropolitan Magistracy were working on 115,533 pending cases. The Joint District Judge working in the Land Survey Tribunal in Dhaka was handling 3000 cases. At the same time, around 15 new cases were being filed every day.

Little opportunity exists for judges to receive higher education, training or intellectual development. Judicial officers also do not have access to scholarships from foreign governments/agencies which are usually available to other civil servants. Because of the complicated permission procedure, many judges / potential judges are discouraged from doing research or publishing articles. Judges also have to pass through numerous hurdles if they wish to supplement their meagre income through legal means such as teaching part-time at universities. Permission is often denied without giving any reasons (Islam, 2010).

b) Lack of disciplinary action against errant judges

Article 96 of the Constitution stipulates that a Supreme Judicial Council composed of the Chief Justice and the next two senior judges shall prescribe a code of conduct for the judges and in cases of gross misconduct by a judge, the council shall undertake an inquiry. If the inquiry finds the judge guilty of gross misconduct then the judge shall be removed from office by presidential order. However, in practice it has been alleged that the formation of Supreme Judicial Council often relies on external pressure. In terms of imposing penalties on offenders, the Supreme Judicial Council (and other similar judicial disciplinary agencies) was found to be only somewhat effective, receiving a score of 50 ("very weak") out of 100 in a 2007 Global Integrity assessment of the judicial sector (unfortunately, more updated information on this indicator is not available) (Global Integrity, 2010).

Performance evaluation can be another mechanism to enforce accountability and prevent corruption in the judiciary. The Annual Confidential Reports (ACRs) are written by senior judges on their subordinates. In theory, these reports are meant to create deterrents to indulging in bad practice and corruption. Serious breaches of its standards could lead to criminal or disciplinary investigation (UNAFEL, no date). However, it has been found that the ACR can itself be a source for corruption. Senior judges can use their influence to manipulate junior colleagues into following their wishes. At the same time, ACRs often do not reflect actual cases of corruption by judicial officers if they follow the directions of the ACR-writing judges (Islam, 2010).

c) Poor working conditions and lack of security

Due to the limited amount of funds allocated, the courts suffer from lack of basic necessities, such as stationery and other office supplies. It has been reported that these shortfalls are often met by bench assistants and office staff. To cover these expenses, court officers can condone or overlook demands for money from the litigants by lower level court staff.

One of the major problems facing judicial officers of Bangladesh is insufficient security. Only a few official residences are provided with police guards, albeit minimal in number. Officers, who reside in their own private residences, are not provided with official protection. Judges often receive death threats and there have (Islam, 2010).

The combination of the lack of positive incentives, adverse working conditions and lack of consistent enforcement of punishment combine to erode morale and ethical standards among the staff of the judiciary and create opportunities and incentives for corruption.

Collusion between different actors of the judicial system

It has been alleged that judges and magistrates stay in regular contact with other elements of the justice system that are also prone to corruption. For example, clerks responsible for registering, filing and processing court orders extort money from litigants to provide information or to extract favours from magistrates in criminal courts. Similarly, lawyers, who were found to be one of the groups most responsible for soliciting bribes, transmit a portion of their earnings to the magistrates or judges. This collaboration between the different types of actors sustain corruption in the judiciary and the justice system as a whole and undermine reform efforts ([Transparency International, 2007](#); [Transparency International Bangladesh, 2010](#)).

Poor case management and access to information

An archaic system of case management leads to unnecessary opacity. Lack of access to information such as case status and case data combined with a large backlog of cases create opportunities for court clerks and judicial officers to harass clients or ask for bribes. Bribery becomes the mechanism to move a case forward ([Transparency International, 2007](#)). Experts have expressed the opinion that a transparent and automated case management system is vital to instil accountability and reduce corruption in the judiciary in Bangladesh ([Parven, no date](#)).

Recently, some progress seems to have been made in this area. In 2011 the Supreme Court launched an initiative to make court case information more accessible to the public. Building upon the Court's efforts to display the list of pending cases on the internet, information on these Supreme Court cases will now be available to clients via mobile phone SMS ([UNDP, 2011](#)).

Poor regulation of conflict of interest and asset disclosure

According to a 2010 report from Global Integrity, extremely weak conflict of interest regulation is an important cause for the ineffectiveness of the Bangladesh judiciary. While the law provides guidelines

regarding gifts and hospitality, no restrictions or rules are prescribed regarding members of the judiciary entering the private sector after leaving the government.

Regulation regarding transparency of the assets of judicial officers is also lacking. Article 14 of the Code of Conduct of the Judges of the Supreme Court states that "A judge should disclose his assets and liabilities if, asked for, by the chief justice" ([Global Integrity, 2007](#)). Recently the Chief Justice of the Supreme Court disclosed his assets and this action was followed by two dozen senior judges. This information, however, is not publicly available ([Transparency International Bangladesh](#)).

The law does not require independent auditing of the asset disclosure forms of members of the national-level judiciary and there is no requirement for making the asset disclosures public. There are also no provisions in law to allow citizens access to asset disclosure information of the judiciary which hampers their ability to hold the judiciary accountable ([Global Integrity, 2007](#)).

Lack of judicial independence

Judicial independence can be hampered by issues such as partisan political influence in appointments, postings, promotions and transfers which leads to inefficiency, compromises the professionalism of the judiciary, creates vested interests and erodes moral and ethical standards. Some of these causes are discussed below.

a) Appointment of judges

Partisan political appointments of judges has been cited as a significant reason for judicial corruption and inefficiency. The Constitution nominally provides independence of the Supreme Court, however, there have been wide ranging criticisms about the nature and extent of de facto independence. The Constitution stipulates that the president should appoint the Supreme Court judges after extensive consultation, no clear guidelines exist on the process of consultation or the qualification of the judges. For example, Article 95 of the Constitution, which entrusts the president with the power to appoint the chief justice (the most prestigious position in the country's judicial system) falls short of explaining the consultation process for the appointment and leaves room for political manoeuvring. The Ministry of Law, Justice, and Parliamentary Affairs also retains, in the name of the President, the authority to decide the number of judges who will be appointed to the Supreme Court.

Similarly, the Constitution also does not clearly specify the qualifications needed for appointment of judges in the appellate and high court divisions of the Supreme Court. It only dictates that a person can not be qualified for appointment as a judge unless he or she is a citizen of Bangladesh and has practiced law in the Supreme Court for at least ten years, has held judicial office in the country for at least ten years, or has other such qualifications as may be "prescribed by law". In 1977 a constitutional amendment was made to stipulate that Parliament shall enact a law for specifying qualifications for judges' appointments. However, none of the successive regimes has done so. Experts have alleged that is ostensibly to keep control over judicial appointments ([Freedom House, 2011](#); [Global Integrity, 2010](#)).

A recent example of controversy regarding appointments to the Supreme Court can be found in the appointment of Chief Justice A.B.M. Khairul Haque who was appointed by President Zillur Rahman in September 2010. It was alleged that in selecting Haque the president superseded two more senior judges of the Appellate Division. The Supreme Court Bar Association, headed by members affiliated with opposition parties, condemned the selection ([Freedom House, 2011](#)). Similar controversies arose in other appointments to the Supreme Court. In April 2010, Ruhul Quddus Babu was appointed to the Supreme Court. He was one of nine people accused in the 1988 murder of a leader of the student wing of the political party Bangladesh Jamaat-e-Islami. The charges against all nine accused were dropped shortly before his appointment was announced, which elicited strong opposition by the Supreme Court Bar Association. The Chief Justice at the time, Mohammad Fazlul Karim, refused to administer the oath to Ruhul Quddus Babu.

Some experts have expressed concern that politically motivated judicial appointments have increased in recent years. For example, it is alleged that among the 45 Supreme Court judges recruited by the previous Bangladesh Nationalist Party (BNP)-led alliance government, more than one-third were affiliated with the ruling alliance and at least one-third of the 17 judges appointed by the current government have been involved in Bangladesh Awami League's (current ruling political party) political activities ([Global Integrity, 2010](#)).

The Code of Criminal Procedure Ordinance, which came into effect on 1 November 2007, stipulates that the Supreme Court should appoint all lower court judges and judicial magistrates and hold them

accountable for their actions. Previously these appointments were made by various ministries. This move was widely welcomed by civil society organisations and lawyers as a first step towards ensuring judicial independence. However, doubts still remain about the practical improvement in the independence of the lower courts ([Freedom House, 2011](#)).

b) Appointment of public prosecutors

According to the Asian Human Rights Commission, Bangladesh has a longstanding tradition of appointing ruling party-affiliated lawyers as public prosecutors. It is alleged that, following the practices of the past, the current government has replaced the entire group of public prosecutors with members or genuine supporters of the governing party and has made politically motivated appointments to the Office of the Attorney General. The Asian Human Rights Commission stipulates that these appointments ensure that the judicial process serves the interests of the government and perverts the course of justice ([The Asian Human Rights Commission, 2009](#)).

c) Postings and promotions

The Secretariat of Law, Justice and Parliamentary Affairs plays a key role in the promotion and transfer of judicial officers. It has been alleged that this ensures that the judiciary will not take a strong stand against government misdeeds. Premature transfers and bad postings are used to exert political pressure on the judiciary. At the same time, these mechanisms can be used to reward favoured officers ([Islam, 2010](#)).

d) Interference in judicial processes

Direct interference in the judicial decision-making process is not uncommon. In 2009, the government began an initiative to investigate politically-motivated cases filed against politicians and others under the code of criminal procedure, regular penal code, and the Anti-Corruption Commission Act. A committee was set up under the leadership of the Minister for Law, Justice, and Parliamentary Affairs to review applications for such cases. By March 2011, the committee had withdrawn 4,687 cases, most of which involved members of the ruling party. The committee also dropped twelve corruption cases against the Prime Minister as well as other cases filed against senior party leaders, known party supporters, and their relatives. At the same time, the committee has been reluctant to drop criminal charges filed against opposition party

leaders and has refused to withdraw charges against journalists and human rights activists ([Freedom House, 2011](#)).

Intolerance of public criticism of the justice system

Numerous examples can be found of the judiciary using the Contempt of Court Act to stem criticism of judicial decisions. Experts have claimed that the Act is ill-defined and vague and has been broadly interpreted to persecute journalists and organisations critical of the judiciary.

In 2010 two journalists of the daily newspaper *Amar Desh* were convicted of contempt of court for writing a piece that detailed how opposition politicians were regularly denied bail previously granted by the High Court or were deprived of their right to be lawfully questioned by the police. The journalists were subsequently sentenced to jail. In another instance, Asaf-ud-Daula, a former government officer and founding editor of *The Bangladesh Today* newspaper, faced a “contempt of court” charge for making remarks questioning the court’s neutrality at a presentation at the Bangladesh National Press Club. In August 2010, Asaf-ud-Daula decided to offer an unconditional apology and was exonerated, with the agreement that he would not make any derogatory comment about the court in the future ([Global Integrity, 2007](#)).

After the publication of the National Household Survey in 2010 which found the judiciary to be the most corrupt sector in Bangladesh, the court issued arrest warrants against Iftekhar Zaman, Executive Director of TI Bangladesh and two more representatives of TI Bangladesh. They were accused of tarnishing the “image, honour and reputation of the judiciary”. The warrants were later dismissed on a technicality. ([Global Integrity, 2010](#)) TI Bangladesh has called for the judiciary to make itself more open to fair criticism from the media and civil society for the sake of its own credibility and to restore public trust ([Transparency International Bangladesh, 2011](#)).

2 Corruption in law enforcement and its causes

According to the TI Bangladesh 2010 survey, law enforcement agencies were found to be the second most corrupt sector in Bangladesh – 79.6% of households who received services from law

enforcement agencies were subjected to corruption and harassment. The incidence of corruption was higher in rural areas than urban areas (84.4% vs. 73.1%). Of the households who received services from law enforcement agencies, 68.1% of them were compelled to pay a bribe. The average amount of bribe paid was 3,352 taka or 40 USD ([Transparency International Bangladesh, 2010](#)). According to a recent Transparency International regional report on South Asia, the police in Bangladesh were found to be the highest bribe collectors in South Asia ([Transparency International, 2011](#)).

The law enforcement apparatus is divided into various branches according to function, such as the local (thana) police, traffic police, the Rapid Action Battalion (RAB), etc. The TI Bangladesh 2010 survey found that out of the total number of households who received services from law enforcement agencies and faced corruption, 91.2% of the corruption was perpetrated by thana police. 5.7% was perpetrated by traffic police and 3.2% by the Rapid Action Battalion. Some of the main reasons for paying a bribe were - lodging a complaint (74.7%), to avoid arrest (38.1%), properly lodging charge sheets (11.4%) and to avoid torture (11.1%).

Main causes of corruption in law enforcement

A 2006 study by the Asian Development Bank points to several reasons for the pervasiveness of corruption in the law enforcement system of Bangladesh. The report finds that more than half of the respondents from the police pointed to poor facilities as the main cause of corruption, while 13.9% stated that lack of effective transparency and accountability procedures coupled with monopoly of power is the main cause of corruption. Political use of the police (13.9%) and lack of punishment (9.4%) were also identified as causes of corruption. On the other hand, civil society respondents pointed to lack of a transparency and accountability mechanisms and monopoly of power as the main causes of corruption in the police. They also emphasised political use (20.0%) and lack of punishment (16.0%) as important causes of police corruption ([Asian Development Bank, 2006](#)).

Some of these causes are examined below.

Political use of the police force

It is claimed that in Bangladesh there is a long tradition of the elected government using the police force as a

tool to maintain and control their power in the political arena. Postings, promotions and transfers are frequently used to adjust police force assignments to coincide with the plans of the political bosses (Islam, 2010). These claims are echoed in the 2010 Global Integrity Report on Bangladesh which found that nepotism, bribery and political considerations are often observed in the Police department recruitment process.

Due to these mechanisms of exerting political influence, the police are often compelled to carry out illegal commands and harassment. Opposition party members, journalists, union leaders, and political activists are often subjected to warrantless arrest and brutal physical torture (Freedom House, 2011). Local human rights organisation, Odhikar, claimed that in 2010 127 people were killed extra-judicially (Odhikar, 2010). According to Human Rights Watch, the bodies of those who are killed by RAB and the police regularly have physical marks and injuries indicating that they were subjected to torture (Human Rights Watch, 2010).

Bribery and corruption within the police force

Experts claim that chains of bribery and collusion between different levels of officers exist within the police administration with benefits of corruption being shared between different levels. These relationships are responsible for creating new avenues of corruption and undermining reform efforts (Islam, 2010).

Recruitment and postings are also sources of corruption within the police force. Police officers desiring to be transferred to a particular station often have to pay the officer-in-charge a large sum of money (5 to 10 lakh taka or 6 to 10 thousand U.S.D.). Bribery is also demanded for suitable postings and promotions. There is a perception that no one in the police force can pass the basic training courses without giving bribes. In a survey 75% of police personnel said that they had to pay bribes to the training authority to pass the course. (Asian Development Bank, 2006) Observers note that admission bribes for constables and sub-inspectors range between 60,000 and 100,000 taka (870 to 1,450 USD). It has been also alleged that political leaders engage in selling entry positions to the police force in exchange for bribes or trading of influence. Bribes are lucrative not only for politicians, but also for bureaucrats in the ministries of Home Affairs and Establishment, which often have the final word on appointments, transfers and promotions (International Crisis Group, 2009).

Inadequate budgetary allocations

Insufficient budgetary allocation is also claimed to be a significant cause of corruption. For instance, various office equipment are needed to conduct the affairs of a thana (local police office). However, because of inadequate funds, 90% of these items are procured from those who use police services (Asian Development Bank, 2006). Similarly, budgetary allocations for investigation processes are inadequate. To conduct and complete an investigation, the investigative officers are compelled to either spend their own money (in many cases, it runs into a large amount) or recover it through demanding bribes (Islam, 2010).

Poor salaries and working conditions

According to a 2009 report by the International Crisis Group, salaries in the law enforcement system are abysmal, even by local standards and lead to low morale. Pay raises and promotions are infrequent and do almost nothing to improve the lives of officers or promote competency in the force. Salaries for even gazetted (higher ranked) officers are among the lowest in the civil service. For example, the monthly pay and allowances of the IGP, the highest ranking officer in the force, amounts to 23,000 taka (333 USD); at the very bottom of the pay scale, the monthly salary of a police constable is only 5,410 taka (78.50 USD) (International Crisis Group, 2009).

Police officers and constables work 13-18 hours a day, which is almost double the working hours of other government employees. On average, an officer in charge of a metropolitan police station works 18 hours a day, an officer in charge of district and thana level stations works 15 hours. In all the police stations assistant sub-inspectors and constables work 13-16 hours a day (Transparency International Bangladesh, 2004). This is largely due to the fact that the total number of police officers hired is inadequate for the population. In 2009, the total number of the police force in Bangladesh was 123,197 for a population of 140 million people giving a police-population ratio of 1:1,138. In comparison, in India the ratio is 1:728, 1:625 in Pakistan and 1:249 in Malaysia (Islam, 2010). The salary structure of police is like that of other government employees in that they do not receive remuneration for extra work (Transparency International Bangladesh, 2004).

Lack of training

The quality of training received by members of the law enforcement body is poor and this is particularly true for

lower level officers and constables. Each recruit goes through either six months or one year of basic training. Constables receive six months of physical and weapons training at various training schools around the country. Interviews with numerous active and retired senior officers revealed that the curriculum used for constable training is inadequate. As a result, the junior ranks generally have a weak grasp of police procedures and the proper use of force when dealing with criminals or crowds.

Higher ranking police officers receive over a year of training, including academic course work. However, critics have pointed out that it focuses too heavily on the study of law, with not enough attention given to subjects such as counter-terrorism, criminology, human rights, management and investigations. A training budget of 0.06 per cent of total police spending and inexperienced and unqualified trainers also compounds the problem ([International Crisis Group, 2009](#)).

It has been observed that lack of proper training and motivation leads to lower police morale and inability to grasp their role as public servants, which, in turn makes them more vulnerable to manipulation by political forces and corruption ([The Daily Star, 2006](#)).

Lack of accountability

According to Article 14 of the Citizen Charter of the Bangladesh Police, if a citizen does not receive their entitled services from the thana and/or has complaints against any member of the police department then he/she can lodge a complaint to a higher authority. In that case, the higher authority is obliged to investigate the matter within 15 days and inform the complainant accordingly. As part of reform initiatives, a complaints handling mechanism was recently introduced on the Bangladesh Police website where complaint forms are available for free. However, in real life this mechanism has not been found to be very effective. In fact, it is alleged that often the police do not act on complaints if they do not receive bribes ([Global Integrity, 2010](#)).

It is stipulated by law that the Anti-Corruption Commission (ACC) can investigate and prosecute corruption committed by law enforcement agencies. However a recent government initiative to amend the Anti-corruption Act 2004 to enact a provision to make it mandatory to obtain prior approval of the Government in case of any possible action against corruption by public officials could curtail this capacity of the Commission. In the face of strong opposition by TIB and the media the amendment was withheld. Final

decision was pending at the time of this writing ([Transparency International Bangladesh](#)).

Every law enforcement agency can also take departmental or ministerial action against corrupt practices of their officials. For example, under the Home Ministry, there is a Counter Intelligence Unit (CIU) in the police headquarters which is responsible for collecting information against corrupt police officials across the country and taking necessary actions. However, in practice this system is found to be only partially effective due to political interference ([Global Integrity, 2010](#)).

On June 22, 2010, the government of Bangladesh formed the National Human Rights Commission (NHRC) under the provision of National Human Rights Commission Act, 2009. The NHRC has been established in accordance with international conventions and the UN Paris Principles to ensure that it is a truly independent, neutral and service-oriented organization ([National Human Rights Commission Bangladesh](#)). The Human Rights Commission provides a mechanism to bring complaints against human rights violations and has the potential to become an important avenue to prosecute police abuses.

3 References

Transparency International. 2007. *Global Corruption Report: Corruption and Judicial Systems*.
http://www.transparency.org/publications/gcr/gcr_2007

Transparency International Bangladesh. 2010. *National Household Survey*.
http://www.ti-bangladesh.org/research/Executive_Summary_23122010_FINAL.pdf

Global Integrity. 2010. *Global Integrity Report: Bangladesh*.
<http://www.globalintegrity.org/report/Bangladesh/2010/>

Business Anti-Corruption Portal. 2012. *Bangladesh Country Profile*.
<http://www.business-anti-corruption.com/country-profiles/south-asia/bangladesh/corruption-levels/judicial-system/>

Freedom House. 2011. *Countries at the Crossroads 2011: Bangladesh*
http://www.freedomhouse.org/sites/default/files/inline_images/BANGLADESHFINAL.pdf

The Asian Human Rights Commission. 2009. *The State of Human Rights in Bangladesh 2009*.
<http://material.ahrchk.net/hrreport/2009/AHRC-SPR-001-2009-Bangladesh-HRReport2009.pdf>

Islam, M. 2010. *Politics-Corruption Nexus in Bangladesh: An empirical study of the impact on judicial governance*.
<http://www.ahrchk.net/pub/pdf/ALRC-PUB-001-2010-BN-Politics-Corruption.pdf>

Global Integrity. 2007. *Bangladesh: Integrity Indicators Scorecard*.
<http://report.globalintegrity.org/Bangladesh/2007/scorecard/44>

UNAFEI. no date. *Ethics and Codes of Conducts for Judges, Prosecutors and Law Enforcement Officials*.
http://www.unafei.or.jp/english/pdf/RS_No80/No80_34RC_Group1.pdf

Parven, K. No date. *Court Management Information System (CMIS) in Bangladesh: IT as a tool of justice*
http://www.jatibd.org/Court_Management-6.doc

UNDP. 2011. *Supreme Court Cause List at Fingertips*.
<http://www.undp.org.bd/info/events.php?d=3&newsid=944&t=In%20News>

Transparency International Bangladesh. 2011. *Policy brief on Amendment of ACC Act.*
http://www.ti-bangladesh.org/research/Policy_brief_ACC_15_2_11.pdf

Asian Development Bank, 2006, *Strengthening the Criminal Justice System*;
<http://www.adb.org/Documents/Books/Strengthening-Criminal-Justice-system/strengthening-criminal-justice-system.pdf>

Odhikar. 2010. *Human Rights Report 2010*;
http://www.odhikar.org/documents/2010/English_Reports/Annual_Human_Rights_Report_2010_Odhikar.pdf

Human Rights Watch. 2011. *World Report 2010*.
<http://www.hrw.org/world-report-2010>

International Crisis Group. 2009. *Bangladesh: Getting Police Reform on Track*.
http://www.crisisgroup.org/~media/Files/asia/south-asia/bangladesh/182_Bangladesh_Getting_Police_Reform_on_Track.ashx

Transparency International Bangladesh. 2004. Working Paper on Police Stations (available upon request)

Transparency International. 2010. *Global Corruption Barometer*.
http://www.transparency.org/policy_research/surveys_indices/gcb/2010

Transparency International. 2011. *Daily Lives and Corruption: Public Opinion in South Asia*.
<http://www.ti-bangladesh.org/research/South%20Asia%20-%20GCB%20revised%20Version.pdf>

The Daily Star. 2006. *Bangladesh Police: Existing Problems and Some Reform Proposals*, by Sheikh Hafizur Rahman Karzon <http://www.thedailystar.net/law/2006/10/02/index.htm>