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BANGLADESH PARLIAMENT IN A WORKSHOP OF PARLIAMENTARIANS ON  
CURBING CORRUPTION IN SOUTH ASIA

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Hon'ble Chairman  
Distinguished Speakers and Colleagues  
Ladies and Gentlemen

Assalamu Alaikum,

1. It is a matter of great pleasure for me to be present in this inaugural session of the workshop for Parliamentarians on Curbing corruption in South Asia. In view of the prevailing socio-economic situation in Bangladesh the subject selected as the theme of the workshop has a timely demand to be addressed. Personally I am very much happy to see that such an important event is being held in Dhaka. I, on behalf of Bangladesh Parliament and on my own behalf, thank the Global organisation of Parliamentarians against Corruption (GOPAC) for taking this initiative.
2. Being the workshop of Parliamentarians, as Speaker I have an obligation to speak a little about Parliament and Parliamentary democracy and how corruption can be curbed through Parliamentary democracy.
3. Looking back to origin and institutionalization of democracy, we can not but remember the Greek City states and three philosophers namely Socrates, Plato and Aristotle in the West and Confucius in the East who influenced the society for good Government and good Governance.
4. It was the great 16th President of America Abraham Lincoln who characterised a Government of the People, by the People and for the People. This concept of Government was based on the wills of the People for the happiness of the People through a Parliament where the Government is accountable for its governance, be it good and mal-governance. And Parliament comprises of Parliamentarians elected by the

people through an electoral process, free, fair and impartial conducted by an independent body known as Election Commission.

5. Good Government entails a Government which is accountable for all its acts which are to be transparent according to laws legislated by Parliamentarians and executed by the executives who are appointed by the Government through a process of public examination. These executives assist the Government to perform the function bonafide as per laws, bye-laws, regulations, rules within a system which is in the impersonal functioning of the state.
6. If this system of impersonal functioning of state is derailed, by abuse or misuse of power, corruption arises.

7. **What is Corruption?**

Corruption is the abuse of entrusted power for personal gain or for the benefit of a group to which one owes allegiance. It involves behaviour on the part of officials in the public sector, whether politicians or civil servants, in which they improperly and unlawfully enrich themselves or those close to them by the misuse of the public power entrusted to them.

**Corruption may be divided into two categories:**

- (1) *petty corruption* practised by public servants who may be grossly underpaid.
  - (2) *ground corruption* of high public officials who make decisions involving large public contracts.
8. Corruption occurs in all countries, regardless of levels of social and economic development. It is most likely to occur where public and private sectors meet, and especially where public officials have a direct responsibility for the provision of a public service or the application of specific regulations or levees.

For corruption to take place, the following elements must be present: a public official, discretionary power, a misuse of that public power by the public official, and a benefit (whether in money or in kind) resulting to that official. There are two general cases: the first where services or contracts are provided "according-to-rule", the second where transactions are "against-the-rule". In the first situation, an official receives private gain illegally for doing something which he or she is ordinarily required to do by law. In the second situation, the bribe is paid to obtain services which the official is prohibited from providing (for example, granting contracts that would not otherwise be awarded). Each situation requires different solutions.

9. **Sources of Corruption:**

The sources of corruption are numerous and complex. Poverty, some say, is at the root of the problem; without poverty there would be no corruption. However, even if poverty is an underlying cause, it cannot be the only one. If poverty were the cause of corruption, then it would be hard to explain why industrialized countries are beset by scandals, very few of which involve anyone who might be categorized as poor. For example, the highest ranking American Politician to have been brought down by sleaze was Vice-President Spiro Agnew, who was forced to resign his office in 1973 because of allegation of bribery. Even the World Bank President WOLFOWITZ was obliged to resign for corruption. So, was the moral and ethical corruption of President Nixon in Watergate case which led to his resignation because of Senate enquiry. Even Mr. Tony Blair, last P.M. of the U.K. is being questioned for raising fund by promise of elevating some to House of Lords. So, poverty is not the only cause of corruption.

10. Corrupt leaders unquestionably deepen the poverty of their people. Public expenditure decisions are fuelled by private gain and subsidized by bribes

- (d) reforms that overlook those at the top and focus only on the "small fry": if the law is applied unfairly and unevenly, it soon ceases to have any legitimacy or deterrent effect;
- (e) the failure to establish institutional mechanisms that will outlive the leaders of the reforms;

**14 To devise the ways and means to curb corruption.**

**(A) Accountability and transparency of the government to the Parliament.**

- (I).** The office of the Prime Minister shall become vacant if he ceases to retain the support of the majority Members of Parliament. There may be no confidence motion against the Prime Minister by the Parliament.
- (II).** To oversee the activities of the Ministers, the Parliament appoints Standing Committees of Parliament. There are about 48 Standing Committees which oversee the action of, the Ministries and acts as watchdogs. After the proceeding in the Standing Committee of any matter, the Committee makes recommendation, which the government is generally obliged to abide by.
- (III).** The Rules of Procedure of the Parliament make also the government accountable through the Parliamentary Standing Committees and other different methods. The Ministers are made responsible under Rule 42 by way of questions by the Member of Parliament and answer to the question by the Ministers. There are starred written Questions which are to be answered in writing. After the Question by the Member of Parliament and answer to the Question by the Minister, Supplementary Questions are asked and the Ministers are obliged to answer.
- (IV).** There is provision in the Rules of Procedure for discussion on a matter of public importance arising out of answer to a Question. This is known as half an hour discussion under Rule 60 of the Rules of Procedure.

- (V). There is provision for motion for adjournment under Rule 62 on a matter of public importance. So the motion for adjournment relates to a matter of public importance which is another way of accountability.
- (VI). Discussion on matter of public importance for short-duration under Rule 68. Any member desirous of raising discussion on matter of public importance may give notice to the Secretary not less than two days before the date on which he intends to raise the discussion. The members who have given the notice are allowed to make statement and the Minister shall reply in short. This is also a way of accountability of Minister to the Parliament.
- (VII). Calling attention to matter of public importance under Rule 71 is another method of government accountability. The member will give notice for calling the attention of a Minister to any matter of urgent public importance and the Minister will make a brief statement. After the statement of the Minister, a supplementary question may be asked and the Minister will answer to such supplementary question. Usually three notices are accepted for the Ministers to make statements. Besides, fifteen members are allowed to read their notices. Though the Minister does not reply immediately to their fifteen notices, the official of the Ministry notes down the substance of the notice for reply to the House in the beginning of the next session. This is also a way of accountability to the Parliament by the Ministers.
- (VIII). The Members are allowed to raise Point of Order in matters relating to corruption after the question and answer period or one hour thirty minutes on Wednesday after Prime Minister's answer.
- (B) Bureau of Anti Corruption (Anti Corruption Commission) to curb corruption by resorting to Prevention of Corruption Act, Anti-Corruption Act, Criminal Law amendment Act, Special Powers Act and Penal Code through:

- (a) Recruitment and training of Anti-Corruption officials having knowledge of law and finance;
  - (b) Efficient decision making power to catch the big fishes who are committing grave offences with large deal and leaving petty offences to small legal body for disposal.
  - (c) False and frivolous complaints are to be ignored and those complainants are to be taken to task under section 211 Penal Code for false and frivolous complaints.
  - (d) Good prosecuting staff with adequate knowledge of law and unquestionable integrity.
  - (e) Ensuring fair trial by honest judges keeping in view the maxim- Audi Alteram partem, meaning-- nobody should be punished unheard and that the case should be proved beyond reasonable doubt.
- (C) If awareness is created among the people to do away with the corruption.
- (D) If socio-economic conditions are improved by Government the level of Corruption will surely come down and in course of time, it is likely to be non-est.

15. Another way of accountability of the government action is by way of moving Writ petition under Article 102 of the Constitution of the People's Republic of Bangladesh. And the Writs are Habeas Corpus, Mandamus, Prohibition, Certiorari and Quo-warranto.

*The High Court Division may, if satisfied that no other equally efficacious remedy is provided by law-*

*(a) on the application of any person aggrieved, make an order-*

*(i) directing a person performing any functions 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 to do that which he is required by law to do; or*

*(ii) declaring that any act done or proceeding taken by a person performing functions in connection 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,. or*

*(b) on the application of any person, make an order*

*(i) directing that person in custody be brought before it so that it may satisfy itself that he is not being held in custody without lawful authority or in an unlawful manner,. or '*

*(ii) requiring a person holding or purporting to hold a public office to show under what authority he claims to hold that office.*

If all these functions are carried legally by the elected representatives with the help of executive officials, the Democracy is institutionalised and no organ of the State can either override or overlap the functions of the others. Consequently, there will be an established *process through which all acts of the State will be done fairly and squarely and every citizen shall enjoy the privileges and benefits of democracy, which is the modern concept of Good Governance of democratic state or democratic welfare state in which there will be accountability and transparency of every spheres of administration And RULE OF LAW will prevail.*

16. Accountability and transparency of the government acts, Parliament and Parliamentary Standing Committees to act as watchdog, to legislate anticorruption laws, to enforce the Anti corruption laws against the big fishes committing grave offences with large deal, creating awareness among the people, improving socio-economic conditions of people, to abide by the Rule of Law, Commitment at the top and elimination of the corrupt bureaucracy are SINE QUA NON of curbing corruption in

South Asian countries whose socio-economic-political problems are similar.

17. To conclude I quote the western pre-Christ wisest philosopher Socrates "To seek to be wiser than the law is the very thing which is by good laws forbidden" .

Thus President Abraham Lincoln's concept of a good Government will come true and corruption will not only be curbed but it will wither away soon.

Thank you distinguished delegates, ladies and gentlemen.