

'Independent' Character of the Anti-Corruption Commission under the Influence and Control of the Ruling Political Government of Bangladesh: A Need to Amend the Law

Dr. Md. Abdur Rahim Mia*

Abstract

The establishment of an independent and effective Anti-Corruption Commission (ACC) in Bangladesh is essential for good governance and sustainable development. Although it was formed under the Anti-Corruption Commission Act, 2004, its full independence and impartiality have been repeatedly questioned due to the political will of the government, the limitations of the existing law, and administrative interference. The political government in power in Bangladesh continues to have a significant impact on how the ACC operates. Potential executive influence has been made possible by issues including appointment processes, administrative control, financial dependence, and legal restrictions incorporated into the governing statute. These structural constraints raise important concerns about whether the ACC can actually operate as an independent watchdog or if it is still, in reality, influenced by political influences. The government tries to prevent the process against the leaders of the ruling party and continues the legal proceedings against opposition leaders by appointing like-minded individuals as Chairmen and Commissioners. The ACC is viewed as a mechanism used by the government to stifle critics and opposition members, and it is criticized for being under the influence of the ruling party. The ACC's ability to act freely is severely limited by the need for annual budget approval, which makes it financially dependent on the government. To find out the constraints and limitation of the ACC, research on ACC's independence and neutrality is a welcome inclusion. To truly be independent, the ACC needs legal reforms, including complete operational and financial independence, a non-partisan appointment process for leadership, and protection against political interference. Therefore, this article aims to provide practical recommendations for legislative and institutional changes that can enhance the credibility and functional independence of the ACC.

Keywords: Anti-corruption Commission, Independent, Political influence, Government

* Professor, Department of Law, University of Rajshahi, Rajshahi-6205.

1. Introduction

The Anti-Corruption Commission Act (ACCA), 2004 established the Anti-Corruption Commission (ACC) in Bangladesh as a statutory authority with the main goal of preventing, investigating, and prosecuting corruption. Despite its formal mandate of independence, the ACC is considered to be largely ineffective in achieving its goal because of governmental control over it. Structural, financial, and political pressures often turn the commission into an executive-dependent entity, restricting its ability to independently investigate high-level corruption and reducing public trust. Accusations of political appointments, use to suppress the opposition, and failure to take action against those in power have turned the ACC into a toothless institution that fails to function independently.¹ The ACC is widely criticized as a politicized entity, often acting as an instrument for the ruling party rather than an independent watchdog. Political and bureaucratic influence makes the institution beholden to the government. While the ACC often takes swift action against opposition party leaders and activists or government critics, it is inactive in the case of ruling party leaders and activists or influential corrupt individuals. Political considerations have consistently influenced the anti-corruption agenda since the ACC's establishing, and current laws and organizations are frequently utilized to intimidate political opponents.² In turn, partisan political influences encourage a culture

¹ Jon S.T. Quah, 'Minimizing Corruption in Bangladesh: Is this an Impossible Dream?', *Dhaka University Law Journal*, Centennial Special Issue, Vol. 32(1), Dhaka, 2021, p.102; Dr. Akash Mazumder and P. K. Karker, 'Weaponizing Accountability: Allegations of political bias in the ACC', available at <https://dailyrepublicbd.com>, last accessed on 14 July 2025; Nurul Huda Sakib, 'Anti-Corruption Commission and Political Government: An Evaluation of Awami League Regime (2009-2012)', available at <https://web.archive.org>, last accessed on 27 December 2013; Manzoor Hasan, 'Public sector corruption in Bangladesh: political and bureaucratic', available at www.academia.edu, last accessed on 13 February 2026.

² Sofia Wickberg, *Overview of corruption and anti-corruption in Bangladesh*, Issue 353, Transparency International, Dhaka, 7 November 2012.

of impunity and sustain corruption.³ Investigations and prosecutions of corruption cases involving influential political figures are delayed or covered up. Previous governments have been accused of using the ACC as a vehicle for political vendettas.⁴ Political intervention or influence has created a crisis of trust in the commission among the general public. Therefore, the demand to complete freedom of the ACC from political or governmental influence has long been an agenda of ACC reform. Basically, the ACC cannot be fully independent and impartial without political will in addition to strict enforcement of the law.

Concerns about the Commission's independence from political influence, especially from the ruling government, have been voiced by academics, decision-makers, and members of civil society. In this sense, 'independence' refers to both legal and institutional aspects as well as functional ones, such as decision-making autonomy, protection from outside intervention, and the capacity to investigate corruption cases objectively regardless of party affiliation. The ACC's operations are still heavily influenced by Bangladesh's ruling political administration. Issues including appointment procedures, administrative control, financial reliance, and legal limitations included in the governing statute have all contributed to potential executive influence. These structural limitations raise significant questions about whether the ACC can truly function as an unbiased watchdog or whether political influences still have an impact on it. By examining the legal framework and practical realities of the ACC in Bangladesh, this study aims to critically assess its 'independent' nature. It also makes the case that the existing legal safeguards are insufficient to protect independence and emphasizes the need for additional changes to improve the Commission's efficacy, accountability, and autonomy. In the end, it seeks to offer useful suggestions for institutional and legislative modifications that

³ Salahuddin Aminuzzaman, Shahzada M Akram, Shammi Laila Islam, *ANTI-CORRUPTION AGENCY STRENGTHENING INITIATIVE ASSESSMENT OF THE BANGLADESH ANTI-CORRUPTION COMMISSION 2016*, TIB, Dhaka, 2016, p.20.

⁴ Dr. Akash Mazumder and P. K. Karker (2025), '*Op.cit*'.

would improve the ACC's credibility and operational independence in accordance with global norms. This article is analytical in nature. Both primary and secondary sources have been reviewed in this article. Primary data includes government policies, statutory laws and judicial decisions. Secondary data includes various reports of non-governmental organizations as well as papers, newspapers, journals and articles.

2. Scope of Political and Administrative Corruption under the Political Shadow of the Government of Bangladesh

Political corruption is clarified as the abuse or ineffective use of authority by a public official with the intention of obtaining any unlawful or extralegal advantage and depriving others of their legitimate gain, whether it be monetary or otherwise.⁵ Political corruption in Bangladesh has many facets and political government has financial interest on it for managing party activities. The prominent ones are:⁶

- (i) Receiving cash or other benefits in exchange for contracts or project awards for one's own or another party's funds.
- (ii) Giving party men projects in return for their support before, during, or after elections.
- (iii) Refusing to award a tender to the lowest, most competent, or experienced bidders because of their perceived or actual political affiliation.
- (iv) Pressuring contractors to pay more for goods or equipment from preferred businesses or individuals; pressuring them to pay for political rally subscriptions; pressuring them to hire preferred but inexperienced individuals; pressuring them to join their own political party or frontline group, etc.

⁵ Mohammad Faruk Khan, 'Addressing political corruption is a new reality in Bangladesh, *The Daily Star*, 18 April 2008; TIB, *Bangladesh: Overview of corruption and anti-corruption with a focus on the health sector*, Transparency International. Dhaka, 31 March 2015.

⁶ *Ibid.*

- (v) Altering the project's profile to meet personal political demands, which results in losses to public funds; and
- (vi) Utilizing state machinery, such as the police, NBR, ACC, etc., to harass legitimate bidders for failing to comply with illegal requests.

When politicians and political decision-makers—such as heads of state, ministers, and other high-ranking individuals tasked with creating and carrying out laws—engage in corruption, it is referred to as political corruption.⁷ On the other hand, bureaucratic corruption happens in public administration and frequently hinders the provision of services. Every day, citizens deal with this bureaucratic corruption, sometimes referred to as petty corruption, in governmental offices, police stations, and hospitals, among other places.⁸ In reality, Bangladeshi politicians and administrators collaborate closely to maintain corrupt practices.⁹ In Bangladesh, politicians manipulate the bureaucracy's operation to serve their interests by using ACC procedures and design.¹⁰ In a research study,¹¹ it is stated that,

'---A patronage system that frequently circumvents competitive procedures in the awarding of significant contracts due to personal relationships with influential decision-makers is a major contributing factor to corruption

⁷ Manzoor Hasan, *PUBLIC SECTOR CORRUPTION IN BANGLADESH: POLITICAL AND BUREAUCRATIC*, University Prepared for the Victory Day Commemorative Seminar under Bangladesh Institute of International and Strategic Studies, BRAC, Dhaka 13 December 2007, p.6; Manzoor Hasan (2026), 'Op.cit'.

⁸ *Ibid.*

⁹ A S Haque, and M T Rahman, 'From Domination to Alliance: Shifting Strategies and Accumulation of Power by the Bureaucracy in Bangladesh', *Public Organization Review, A Global Journal*, Vol. 3 Issue 4, 2003, pp. 403-418; F Jahan, *Public Administration in Bangladesh*, working paper, Centre for Governance Studies, BRAC University & BRAC Research & Evaluation Division, Dhaka, 2006.

¹⁰ Manzoor Hasan, *Op.cit*, p.6.

¹¹ Abidur Rahman et al, 'The Political Nexus: How Politics Fuels Public Sector Corruption in Bangladesh', *Saudi Journal of Humanities and Social Science*, Issue 10(5), Middle East Publishers, Dubai, United Arab Emirates, 2025, p.224.

in Bangladesh. Civil personnel are pressured by politicians to follow unlawful and unfair directives. They even threaten to remove the officials from office or transfer them, which makes them violate their moral principles and the public good. In the face of such pressure, even honest bureaucrats frequently feel helpless, while others conspire with politicians to profit from unethical activities. The system weakens the government. Additionally, this system compromises the impartiality and openness of the ACC's operations.'

Administrative corruption is an extension of political corruption, and corruption in Bangladesh's public sector is intimately linked to the acts of political leaders. Another research study¹² stated that:

'--Numerous politicians exert pressure on officials to obey them and carry out unlawful directives. Additionally, a lot of bureaucrats frequently comply with orders out of fear of losing their employment or facing other disciplinary actions like transfers. Because corrupt officials are protected by their political connections, this mutually advantageous arrangement compromises accountability.'

In Bangladesh, there were many high-profile corruption cases across various sectors like banking, education, health, power etc., reported to the newspapers, such as Salman F Rahman Case,¹³ S Alam Group Case,¹⁴ Hallmark Case,¹⁵ under Banking Sector; 'tadbir'

¹² H Zafarullah and N A Siddiquee, 'Dissecting public sector corruption in Bangladesh: issues and problems of control', *Public Organization Review*, 1, 2001, PP. 465-486.

¹³ Staff Reporter, 'Salman F Rahman: 'The architect of default culture.', *The Daily Star*, 15 August 2024; J N Alo and S P Prince, 'How Salman F Rahman makes billions with free bank money', *The Business Standard*, 14 August 2024; Abidur Rahman et al (2025), 'Op.cit', p.230.

¹⁴ Staff Reporter, 'NBR tightens grip on S Alam Group, summons bank accounts', *The Daily Observer*, 16 August 2024; S Sakib, 'S Alam Group took Tk 180b from Union Bank', *The Prothom Alo*, 29 September 2024; Staff Reporter, 'A whopping Tk1.09 lakh crore poured into six bank accounts of S. Alam Group', *The South Asian Times*, 9 September 2024; J Shah, 'S Alam's debt amounts to Tk 1000b, Tk 260b deposited in the bank', *The Daily Prothom Alo*, 9 September 2024; Staff Reporter, 'Notorious S Alam Group: The most powerful oligarch',

related case,¹⁶ Motiur Rahman Case,¹⁷ Benzir Ahmed Case,¹⁸ Asaduzzaman Khan Kamal Case,¹⁹ Hawa Bhaban Case,²⁰ under Bureaucracy; Summit Group Case,²¹ Niko Case,²² under the Power

The Mirror Asia, 28 June 2024; Staff Reporter, 'SC issues status quo on probe into S Alam Group's money laundering allegations', *The Business Standard*, 23 August 2023; S Rahman, 'What is the true value of S Alam Group's assets?', *The Mirror Asia*, 28 August 2024.

¹⁵ S Hossain, 'Who did Hallmark's Tanvir hold liable in deposition', *The Prothom Alo*, 21 March 2024; S Salman, 'Tanvir, wife among 9jailed for life over Sonali Bank-Hallmark scam', *The New Age*, 19 March 2024; Staff Reporter, 'Hallmark scam: Md Tanvir, chairman Jasmine get life in prison', *The Business Standard*, 19 March 2024; J A Manik, 'It was Hawa Bhaban plot,' *The Daily Star*, 26 October 2009.

¹⁶ M Anisuzzaman, 'Administrative Culture in Bangladesh: The Public-Bureaucrat Phenomenon'. In M. M. Khan and S. A. Hosein (eds.), *Bangladesh Studies: Politics, Administration, Rural Development and Foreign Policy*, Centre for Administrative Studies, Dhaka, 1985; F Arfina Osman, 'Bangladesh politics: Confrontation, monopoly and crisis in governance', *Asian Journal of Political Science*, Issue 18(3), 2010, PP.310-333.

¹⁷ Staff Reporter, 'Goat scandal: ACC probing Motiur graft allegations', *The Daily Ittefaq*, 23 June 2024; Z Islam & M Suman, 'Matiur thrived on insider trading. *The Daily Star*, 7 July 2024; A Habib, 'Matiur's stock scandal just the tip of the iceberg, *The Daily Star*, 25 June 2024; Staff Reporter, 'Salman F Rahman: 'The architect of default culture.', *The Daily Star*, 15 August 2024.

¹⁸ S Islam and E H Bappi, 'Fear forced Hindus to sell their land to ex-IGP Benazir', *The Daily Star*, 12 June 2024; R Karim, 'Benazir's wealth: Unseen until now?', *The Business Standard*, 27 May 2024.

¹⁹ S A Rony, 'Former ministers, MPs fall under ACC's scrutiny', *The Daily Messenger*, 18 August 2024; M Abdullah, 'ACC launches probe against Asaduzzaman Khan, *The Daily Dhaka Tribune*, 15 August 2024; Staff Reporter, 'ACC sues ex-home minister Asaduzzaman, his family for graft', *The Business Standard*, 9 October 2024; K Ahmed, 'An IGP's eye-watering corruption takes the lid off patronage politics, *The Daily Star*, 28 May 2024; Staff Reporter, 'Father-son duo sets record in embezzlement', *The Daily Sun*, 15 September 2024.

²⁰ P K Sarker, 'The Dark Prince and his 'Hawa Bhaban,' *The Daily Dhaka Tribune*, 22 May 2023; Staff Reporter, 'Hawa Bhaban boys on list of 25-plus', *The Daily Star*, 14 January 2009; S B Kabir, 'An Example of Tarique Zia's Treason', *The Bangla News* 24, 24 April 2023.

²¹ AI Raana, 'Aziz Khan: The power kingpin under Hasina's reign', *The Business Post*, 14 December 2024; Staff Reporter, 'Tk 390 cr corruption at three power plants: TIB', *The Business Standard*, 11 May 2022; J Islam. 'Ousted AL regime's oligarch and Summit Group's rise', *The Daily Sun*, 10 September 2024.

sector; Mohibul Hasan Chowdhury Nowfel Case,²³ Dipu Moni case,²⁴ under Education Sector ; Zahid Malek Case²⁵ under Health Sector; Saifuzzaman Chowdhury case ²⁶ and The Janata Tower Case,²⁷ under other sector. Following an examination of these news items, a research article²⁸ reveals how political elites use their position for personal benefit, establishing networks of patronage, and how political power and influence contribute to the crime of corruption. Other research findings demonstrate how political authority can obstruct anti-corruption activities and justice because prominent individuals frequently employ slow-moving tactics to avoid accountability.²⁹ Corruption in public institutions is strengthened by this environment of impunity, which permits corrupt behavior to spread unchecked. The political government of Bangladesh has a propensity to suppress criticism of the government and conceal instances of corruption by its political activists, such as bureaucrats or political leaders.

²² A D Gupta, 'Niko Corruption: How a deal facilitated by Tarique's cronies cost Bangladesh over \$1.06 billion', United News of Bangladesh, 4 January 2024; M Ghani, 'The fascinating Niko Graft case: a case study in how personal greed can take precedence over national interests', *The Dhaka Tribune*, 11 November 2018, 2018; Iftekharuzzaman, 'Political contents of corruption and anti-corruption in Bangladesh', *The Daily Star*, 13 September 2020; S B Kabir, 'An Example of Tarique Zia's Treason', *The Bangla News* 24, 24 April 2023.

²³ S Chowdhury and S Ghose, 'Premier University: Education minister's forceful takeover', *The Daily Prothom Alo*, 20 September 2024.

²⁴ M Mostafa, 'Web of corruption of minister's men', *The Daily Prothom Alo*, 27 January 2022; Staff reporter, 'Dipu Moni used to sell post of VC for 2 crores and principal for 50 lakhs', *The Daily Bangladesh*, 21 August 2024.

²⁵ Staff Reporter, 'Massive corruption: Former Health Minister Zahid Malik possess huge wealth worth crores of taka', *The Country Today*, 8 September 2024; Staff Reporter, 'ACC has traced 6053 percent of the land of Zahid Malek family', *The Daily Kaler Kantho*, 16 September 2024.

²⁶ Staff Reporter, 'Bangladesh frees Hasina rival Khaleda Zia from house arrest', *Al Jazeera*, 6 August 2024.

²⁷ Staff Reporter, 'SC upholds HC rule in Janata Tower case', *bdnews24.com*, 12 November 2008.

²⁸ Abidur Rahman et al (2025), '*Op.cit*', pp.224-242.

²⁹ Iftekharuzzaman (2020), '*Op.cit*'; S B Kabir, 'An Example of Tarique Zia's Treason', *The Bangla News* 24, 24 April 2023; M Ghani (2018), '*Op.cit*'.

According to a research released by Berlin-based Transparency International (TI), Bangladesh is ranked 13th among the world's most corrupt nations in the Corruption Perceptions Index (CPI) 2025.³⁰ According to TI, Bangladesh is 'losing control of corruption,' as it was placed 14th among the most corrupt countries last year'.³¹ A recent survey by the Bangladesh Bureau of Statistics (BBS) also shows that nearly 1 in 3 people reported paying bribes for essential public services. With a sample of over 84,000 individuals across the country, this is not a fringe issue but a national crisis.³² Because just 1956 cases (2.33%) of the 83895 cases were filed by the ACC between 2020 and 2025, corruption in Bangladesh is seen as a low risk, high return activity. This figure indicates that there are fewer corruption cases filed than complaints received. In 2024, the ACC selected to conduct investigation into 1,894 of the 15,842 complaints that were filed in 2024. This represents a startling 11.95% acceptance rate, which is more than twice as high as the number from 2023.³³

3. Role of the Government and Political Commitment

In Bangladesh, the ACC has never been independent from the political government. Theoretically, everything appears to be OK, but the government always exercises 'shadow control over the ACC'.³⁴ The ACC has not yet been granted full independence by any

³⁰ Staff Reporter, 'Bangladesh ranks 13th in corruption', *The Daily Sun*, 10 Feb 2026.

³¹ TBS, 'Bangladesh's position in the Corruption Perceptions Index (CPI) 2025 presents a mixed but ultimately worrying picture', TBS Report 2025, available at www.tbsnews.net/bangladesh, last accessed on 10 February 2026; Transparency International (TI), a Berlin-based organization, released the Corruption Perceptions Index (CPI) 2024, which ranks Bangladesh as the 14th most corrupt country out of 180. See, Senior Staff Reporter, 'Bangladesh ranks 14th among world's most corrupt countries', available at www.jagonews24.com, 11 February 2025.

³² Mamun Rashid. 'Can Bangladesh get rid of corruption?', *The Daily Star*, 18 October 2025.

³³ Mamun Abdullah, 'ACC breaks records in 2024, but conviction rates, politics cloud progress', *The Dhaka Tribune*, 30 April 2025; Dipan Nandy, '243 govt officials accused in graft cases since Aug 5', *The Daily Star*, 11 July 2025.

³⁴ Iftekhharuzzaman, 'Anti-Corruption Commission: How can it be truly effective?', *The Daily Star*, 15 February 2019.

government, nor has it been able to function well enough to be trusted by the public. The truth is that, despite being established by the government, the ACC's role is to hold the government accountable. As a result, successive governments have seen the ACC as a component of their executive wing, and the ACC has also seen itself as a government entity.³⁵ ACC has always been influenced and controlled by political and administrative authorities in Bangladesh.³⁶ This political interference and control promotes inertia in the performance of the ACC. So, it can obviously be said that the ACC is not so much succeed to fight the corruption of Bangladesh

Political will is the ongoing dedication of political leaders to passing anti-corruption laws and programs to deal with the underlying causes of corruption in the entire country.³⁷ The ACC has not yet been granted complete autonomy by any government, nor has it been able to function well enough to be trusted by the public. In actuality, the ACC's function is to hold the government responsible even though it was created by the government. As a result, the ACC has viewed itself as a government agency and succeeding governments have viewed it as a part of their executive branch. Vested interests in positions of power have the potential to overpower and even undermine the leadership due to their lack of political will.³⁸ It would therefore become more difficult to look into people in positions of power in the current government. Politics is about investment, elections are viewed as a zero-sum game where the winner may abuse power for personal gain, and political intervention is usually connected to a "its our turn" mentality.³⁹

³⁵ *Ibid.*

³⁶ Salahuddin M Aminuzzaman, Shahzada M Akram, Shammi Laila Islam (2017), '*Op.cit.*'

³⁷ Jon S.T. Quah, *Combating Asian Corruption: Enhancing the Effectiveness of Anti-Corruption Agencies*, Carey School of Law, University of Maryland, 2017, p.7.

³⁸ Iftekharuzzaman, 'Can we expect an effective ACC?', *The Daily Star*, 23 February 2010; Shadhan Kumar Das, *Anti-Corruption Commission of Bangladesh: Diagnosis of a Fading Hope*, An Unpublished MPhil Research Paper, International Institute for Social Studies, The Hague, The Netherlands. November 2013.

³⁹ Iftekharuzzaman (2010), '*Ibid.*'

Before expanding its district and human resources offices, the ACC needs to receive government approval.⁴⁰

3.1 Political Control over the ACC Activities

Political influence or control interferes with the ACC's daily operations. According to a number of ACC officials, they had to think about the political ramifications of filing a corrupt case.⁴¹ Information from within the ACC is frequently leaked by party supporters prior to the commencement of any proceedings against a suspect.⁴² Therefore, the ACC's independence has been compromised by the politicization of its daily operations and Commissioner appointments. This has generated major concerns about the ACC's ability to try corruption matters impartially. The ACC must possess the bravery and fortitude to prosecute corrupt individuals without prejudice or favoritism, and without being swayed by any kind of political interference or intervention.⁴³ According to a powerful minister TIB spoke with, the ACC should operate inside the government's structure as it is a part of the executive branch.⁴⁴ The ruling parties and powerful individuals constantly attempt to control the system of government for their personal gain, preventing the institutions from operating freely and efficiently. In light of this issue, one researcher stated that,⁴⁵

“For their personal gain, many of the leaders of the ruling party are dishonest and do not want it to become independent. Because they are afraid of ACC's independence, they don't want to ruin their future. Therefore, the political commitment rather than the institution is the fundamental issue.”

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² Staff Reporter, ‘ACC sets record in giving clean chits’, *The Daily Star*, 1 January 2016.

⁴³ Salahuddin M Aminuzzaman, Shahzada M Akram, Shammi Laila Islam (2017), *Op.cit.*

⁴⁴ Iftekhharuzzaman *The Anti-Corruption Commission: How can It be Effective*, Transparency International of Bangladesh (TIB), Dhaka, 2006.

⁴⁵ Shadhan Kumar Das (2013), *Op.cit.*, p.17.

In reality, neither the main opposition nor the ruling party took any action to fulfill their pre-election pledges; instead, the ruling party attempted to manipulate the appointment process in order to place "their own people" in the most important positions.⁴⁶ According to analysts, the ACC was rarely able to consider the accusations of corruption made against those in positions of authority, especially politicians, bureaucrats, and businesses connected to or affiliated with the ruling parties. Without the government's approval, even the commission had, for the most part, failed to launch an investigation or bring any legal action against influential groups.⁴⁷ Although ACC is meant to be politically unbiased, there were times when it didn't seem to be.⁴⁸ The general public believes that there are many examples of political influence. In this sense, political interference undermining the independence of ACC is demonstrated by two case studies.

- (i) The Padma Bridge Scam case study illustrates how the government played the role of patron and ACC became a client. Both the ACC's initial investigation and the World Bank's inquiry report implicated the Minister in the scam. Under pressure from the administration, the ACC deleted his name from the charge sheet despite their supposed independence. Due to their political appointment, the Chairman and Commissioners are loyal to the ruling party.⁴⁹
- (ii) The Hallmark-Sonali Bank Scam attracted a lot of public attention when the Hallmark Group duped loans totaling Tk. 35,470 million (\$422 million). Because of the purported involvement of a high-ranking official, there is a serious impropriety in the sanctioning and disbursement of a state-owned bank, even though Hallmark's name is not on the charge sheet. The incidents clearly show how the government

⁴⁶ *Ibid.*

⁴⁷ Solamain Salman, 'ACC not yet free from influences', *The New Age*, 28 November, 2024.

⁴⁸ Shadhan Kumar Das (2013), *Op.cit.*

⁴⁹ Nurul Huda Sakib, 'Why have anti-corruption efforts failed in Bangladesh?', available at <https://blogs.lse.ac.uk>, last accessed on 3 October 2019.

plays a neo-patrimonial role, undermining ACC's independence by pressuring ACC to defend the party's reputation in general and its alleged corrupt leaders in particular.⁵⁰

From the above arguments, it is clear that past governments tried to hold control over the ACC through inserting some provisions into the Anti-corruption laws.

3.2 Political Victimization by the Political Government Using the ACC

The ACC's independence is frequently questioned in Bangladesh due to allegations of political victimization and perceived selective enforcement rather than a lack of legal authority. Key informants in a study have a common viewpoint that the government has been utilizing the corruption issue as a weapon against political opponents or those who hold different opinions, and that it depends on the ACC for this purpose.⁵¹ According to the TIB executive director, there have been times when the ACC has allowed itself to be used as a weapon to harass political opponents or organizations that disagree with the ruling party.⁵² As a result, the ACC has often acted as a guardian and enabler of corruption rather than as a potent anti-corruption body. It has been noted that the majority of those with partisan affiliation who are the subject of an investigation are members of the political opposition, whereas just a small number are members of the ruling party.⁵³ Because of this political influence,

⁵⁰ Shadhan Kumar Das (2019), *Op.cit.*

⁵¹ Md. Rezwanul Kabir, Mst. Taskin Ara Taznin Bithi, Tanzima Aktar Jyoti, Tabassum Rahman, 'A Unique Study of Corruption in Bangladesh', *Saudi Journal of Humanities and Social Sciences*, Scholars Middle East Publishers, Dubai, United Arab Emirates, 2021, p.23, available at <https://saudijournals.com>, last accessed on 10 December 2025.

⁵² Staff Reporter, 'Appoint ACC leadership above political, bureaucratic influences: TIB', *The Business Standard*, 31 October, 2024; Md. Rezwanul Kabir, Mst. Taskin Ara Taznin Bithi, Tanzima Aktar Jyoti, Tabassum Rahman, 'Ibid'.

⁵³ Syeda Naushin Parnini, 'Governance Reforms and Anti-Corruption Commission in Bangladesh', *The Romanian Journal of Political Science*, Vol 11, No 1, the Romanian Academic Society (SAR), 2011, available at <https://www.sar.org.ro/polsci>, last accessed on 12 February 2026.

one ACC official claimed during interview that the previous Bureau of Anti-Corruption Commission was more competent than the present ACC, as the current ACC is more willing to press cases against opposition leaders.⁵⁴ The ACC has become so politicized that, in spite of a blatant accusation of corruption against a former minister, the ACC failed to act impartially by filing a case against him.⁵⁵

Newspaper assessments indicate that there is a tendency to provide "final reports" following investigations into members of the ruling party (political workers and leaders), indicating that there was insufficient evidence of corruption, while charge sheets are issued to political opponents.⁵⁶ For example, a review of data on ongoing investigations against 36 powerful individuals revealed that only three of them belonged to the ruling party, while 16 of them were against members of the opposing political parties.⁵⁷ This has generated major concerns about the ACC's ability to try corruption matters impartially. In Bangladesh, accusations of political persecution through anti-corruption agencies typically focus on the Anti-Corruption Commission (ACC). Three key findings—such as the disproportionate targeting of opposition leaders, the deliberate timing of cases (e.g., before elections), and uneven enforcement across political groups—form the basis of the "political victimization" theory. For instance, Khaleda Zia was the target of several corruption prosecutions brought by the ACC, including the well-known Zia Orphanage Trust case⁵⁸ that resulted in her conviction. Her party's (BNP) supporters contend that the prosecution and case were timed to coincide with political unrest and that enforcement was stricter than in cases involving members of the ruling party. This case is presented as an illustration of

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ Staff Reporter, 'The ACC does not find corruption information against pro-government people', *The Daily Prothom Alo*, 9 December 2015; Staff Reporter, 'ACC sets record in giving clean chits', *The Daily Star*, 1 January 2016.

⁵⁷ *Ibid.*

⁵⁸ *Begum Khaleda Zia Vs the State and another* (2018/2019) 12 SCOB [2019] HCD.

political motivation through selective prosecution. Despite these incidents, ACC officials assert in interviews that the government does not influence or utilize them in any manner.⁵⁹ In Bangladesh, the government typically brings politically motivated lawsuits against the opposition, which are either dropped or overturned when the opposition seizes power.⁶⁰

4. Independence of ACC under the Laws of Bangladesh

The Bureau of Anti-Corruption (BAC), which was established during the Pakistan era, was in charge of anti-corruption initiatives prior to the creation of the ACC. However, the BAC's lack of independence, inefficiency, and political meddling drew harsh criticism. The BAC continued to function after Bangladesh gained independence in 1971, but it was unable to successfully combat corruption. In 1987, the President's secretariat took charge of BAC; in 1991, the Prime Minister's Office took over.⁶¹ Up until 2004, all BAC personnel were on deputation from the police. The primary obstacles to the BAC's autonomous character were lack of political support, political pressure and lobbying, bureaucratic meddling, and political sanctuary for the accused.⁶² In place of BAC, the ACCA established the ACC in 2004. The Bangladeshi government created the ACC as an impartial organization to look into and prosecute corruption under the ACCA. The ACC Rules were then drafted in 2007 by the then-caretaker administration to give its anti-corruption campaign new momentum. Despite being a legally designated 'independent' commission, the ACC has not been able to win over the public's trust.⁶³ The government amended the 2004 Act in 2013,

⁵⁹ Solaiman Salman (2024), 'Op.cit'.

⁶⁰ "Withdrawal of political cases: Rule of law stripped away". *The Daily Star*. 10 March 2014. Retrieved 30 January 2017.

⁶¹ TIB, *Durniti Daman Bureau: Prodhanmantir Karjalay* (Bureau of Anti-Corruption: Prime Minister's Office), Transparency International of Bangladesh, Dhaka, 2001; Shadhan Kumar Das (2013), 'Op.cit'.

⁶² Mohammad Shahjahan Chowdhury, 'ANTI-CORRUPTION STRATEGIES IN BANGLADESH: MAJOR ISSUES AND CHALLENGES', *SUST Journal of Public Administration*, Vol. 1, No. 1 December 2008, p.3.

⁶³ Dr. Akash Mazumder and P. K. Karker (2025), 'Op.cit'.

requiring the commission to have government approval before looking into or prosecuting government personnel. The Anti-Corruption Commission (Amendment) Ordinance, which was passed in 2025, drastically reorganized the ACC to provide greater power, responsibility, and representation. While the government has legal tools and institution in place, the effectiveness of ACC's role is hindered by political intervention and a lack of accountability for high-level officials. A 'righteous' political strategy that prioritizes the public good over partisan advantage is necessary for effective corruption control.

4.1 The Anti-Corruption Commission Act (ACCA), 2004

Although the intension of the ACCA was to establish the ACC as an independent institution,⁶⁴ the ACC has failed to gain public trust as an independent commission in the past two decades.⁶⁵ Moreover, the perception has been firmly established in the public mind that the ACC has in many cases been used as a tool of the ruling class to harass political opponents or otherwise disgruntled people.⁶⁶ An ACC must be independent in order to succeed and to establish credibility. Investigations and prosecutions of corruption offenses may be compromised if an ACC is reliant on a certain government agency or department.⁶⁷ The ACCA expressly allows the Commission to rely on the government for funding and financial authority.⁶⁸ Additionally, it specifies that the government would set the Commission's budget and organizational structure, which limits the Commission's independence.⁶⁹ Additionally, it permits the government to step in and address issues that might occur as a result of the ACCA's ambiguity on the Commission's authority and

⁶⁴ Preamble, *The Anti-Corruption Commission Act, 2004*.

⁶⁵ Helal Uddin Ahmed, 'Reforming the ACC', *The Daily Financial Express*, 30 September 2024; Dr. Akash Mazumder and P. K. Karker (2025), 'Op.cit'.

⁶⁶ Md. Rezwanul Kabir, Mst. Taskin Ara Taznin Bithi, Tanzima Aktar Jyoti, Tabassum Rahman (2025), 'Op.cit'.

⁶⁷ Nurul Huda Sakib (2019), 'Op.cit'.

⁶⁸ Section 25, *The Anti-Corruption Commission Act, 2004*.

⁶⁹ Section 30, *Ibid*.

duties.⁷⁰ Therefore, if legal gaps are not closed, the Commission's operational independence cannot be completely guaranteed.

4.1.1 Qualification and Appointment of the Commissioners and Other Officials

A Selection Committee consisting of 5 members is established by the ACCA to suggest candidates for Commissioner appointments to the ACC.⁷¹ In the existing law, the Selection Committee only has the function of making recommendations for the appointment of Commissioners. It is only a selection committee; it may review the responsibility and activities of the Commissioners as well as reviewing the activities of the ACC at regular intervals. In that case, it is necessary to change the current name of the committee. In the past, there was a clear influence of the ruling political party in the appointment of Commissioners on the recommendations of the Selection Committee. The selection procedure is incomprehensible, confidential, and occasionally the selection committee's existence is not made public. In actuality, the choices made thus far since the ACCA was passed and the Commission was established have supported the widespread belief that the Prime Minister made the choices. The Selection Committee's formal recommendations were secured, but the members' permission was influenced so that they agreed to what the Prime Minister wanted.⁷² The selecting committee occasionally tries to appease the government and carry out its directives.⁷³ Despite the fact that the Chairman and Commissioners are appointed through a formal process, there are a number of issues that allow for political consideration. Article 48(3) requires the President to follow the Prime Minister's

⁷⁰ Section 36, *Ibid.*

⁷¹ Section 7, *Ibid.*; Five members are: (1) a Judge of the Appellate Division of the Supreme Court nominated by the Chief Justice; (2) a Judge of the High Court Division of the Supreme Court nominated by the Chief Justice; (3) the Auditor General and Comptroller of Bangladesh; (4) the Chairman of the Public Service Commission; and (5) the most recently retired Cabinet Secretary among the retired Cabinet Secretaries.

⁷² Shadhan Kumar Das (2013), '*Op.cit.*'

⁷³ *Ibid.*

recommendations. On the Prime Minister's recommendation, the President initially appointed each member of the Selection Committee. As a result, the selection process is opaque, confidential, and occasionally the selection committee's existence is hidden from the general public. In reality, the choices made thus far since the ACCA was passed and the Commission was established have supported the widespread belief that the Prime Minister made the choices. The Selection Committee's formal recommendations were secured, but the members' permission was managed so that they agreed to the Prime Minister's wishes.⁷⁴

The ACCA states that persons with 20 years of experience in five professions– law, administration, education, judiciary and law enforcement– are eligible to become Commissioners.⁷⁵ It would also be better, if one or two commissioners would be selected from (a) financial institutions, (b) accounting and auditing professions and (c) government or private institutions engaged in good governance or anti-corruption activities. This will result in greater diversity and development of expertise in the practical activities and perspectives of the ACC. It is also to be noted that the minimum period of experience as a qualification criterion should be changed from 20 years to 15 years. This will create an opportunity to make the ACC more dynamic and agile by appointing one or more relatively younger Commissioners. According to the ACCA, the ACC is composed of three Commissioners.⁷⁶ Considering the scope of work of the ACC, it is very difficult for two Commissioners to effectively supervise all matters. Above all, it is necessary to increase the number of Commissioners to strengthen and enrich the leadership of the ACC with a multi-dimensional and multi-professional combination. Furthermore, participation from the judiciary, Parliament, and civil society is crucial for a multi-stakeholder

⁷⁴ Shadhan Kumar Das (2013), '*Op.cit*', p.17.

⁷⁵ Section 8, *The Anti-Corruption Commission Act*, 2004.

⁷⁶ Section 5(1), *Ibid*.

monitoring mechanism to keep an eye on the ACC's operations.⁷⁷ However, there was no such structure in the ACCA.

4.1.2 Dominance of Administration

The government has control over the Secretary, Director General, and Director of the ACC. They are accountable to their parent organizations because they were appointed as deputed high officials at the second-tier leadership, which may have an impact on ACC's independence.⁷⁸ At the ACC, 23 out of 43 high officials work on deputation, with administrative officers holding key roles like director general and director. Retired senior secretaries make up two of the commission's three members, including the chairman. The administration employs seven director generals who perform their duties by delegation.⁷⁹ All eight ACC wings—aside from the legal wing—are dominated by administrative officials.⁸⁰ The ACC now has 32 directors, 12 of whom come from other ministries, including the ministry of public administration.⁸¹ Since 2009, every ACC chairperson nominated has come from the administration. Commissioners are dominated by administrative officials as well.⁸² The appointment of the agency's secretary follows a similar procedure. According to section 16 of the ACCA, the commission will select a secretariat. However, the government appointed all of the secretaries who visited the ACC. The commission did not nominate a secretary in compliance with the Act. The majority of the ACC's senior officials, including the secretary, are appointed from the bureaucracy, which will now oversee all of the organization's financial and administrative activities, including the investigative

⁷⁷ Shahadat Hossain, 'ACC reform drive stalls as key proposals dropped from ordinance', available at www.tbsnews.net/bangladesh, last accessed on 26 December 2025.

⁷⁸ Shadhan Kumar Das (2013), 'Op.cit', p.19.

⁷⁹ Selim Zahid, 'Anti-Corruption Commission dominated by admin officers', *The Daily Prothom Alo*, 15 Mar 2022.

⁸⁰ The ACC's seven wings—administration, special investigation, investigation-1, investigation-2, money laundering, prevention, training, and ICT—are led by officials holding the positions of extra secretary and joint secretary.

⁸¹ *Ibid.*

⁸² ACC Official Record.

process. The Commission shall appoint the Secretary of the Commission, according to Section 16 of the ACCA.⁸³ At the time, it was believed that elevating the Secretary to the rank of Chief Accounts Officer would likely weaken the Chairman's position as Chief Executive.⁸⁴ Bureaucracy is the biggest barrier to an efficient anti-corruption mechanism. Although political influence is frequently addressed, bureaucratic domination is just as important.⁸⁵ The administrative bureaucracy, which essentially serves as a gatekeeper by deciding who will and won't be examined, appoints the majority of senior Anti-Corruption Commission personnel. For this reason, the ACC has never been able to serve as an efficient watchdog. A commission's independence and structure are determined by the appointment or dismissal of its officeholders. If an accountability system is in place outside of the government and the appointment process ensures consensus support for an appointee through parliament rather than the government, there will be less opportunity for abuse or partisan conduct.⁸⁶ The task of choosing and appointing the ACC leaders should be divided among several organizations. This didn't happen in the ACC instance. In addition to selecting its own leadership, an ACC need to be able to employ its own staff. Because political factors are taken into account when choosing Commission members and other officials, there have been cases of the Commission acting partisan.

4.1.3 Financial Independence

The ACC currently depends heavily on government funding. According to section 25 of the ACCA, the Government must set aside money every year to pay for the Commission's costs. As a result, the government has provided and will continue to provide funding for the ACC. The Commission is in charge of allocating and utilizing the monies that are available. It should have the authority to determine how to allocate and use the funds that are available to

⁸³ Section 16, *The Anti-Corruption Commission Act*, 2004.

⁸⁴ Mohammad Faruk Khan (2008), '*Op.cit*'.

⁸⁵ *Ibid*.

⁸⁶ Helal Uddin Ahmed (2024), '*Op.cit*'.

it.⁸⁷ Subject to both internal financial management and an external audit by the Comptroller and Auditor General, the Commission must determine how to use the budget after receiving it.⁸⁸ Like any other institution that uses public funds, the ACC is subject to accountability by the Public Accounts Committee of Parliament. In this sense, the Commission's administrative authority is also constrained. The Government will determine the Commission's finance and organizational framework, as stated clearly in article 30 of the ACCA. This clause may definitely have a negative effect on the ACC. Another major flaw in the Act is its opacity regarding the status of the Chairman and other Commission members. The ACCA just specifies that the government will choose the honorarium, allowances, and other benefits for the Chairman and Commissioners.⁸⁹ Bangladesh has not yet passed any legislation that would outright forbid the use of black money or establish a particular legal framework for resolving and avoiding conflicts of interest for decision-makers at different levels who are in positions of power or are in charge of making decisions that affect the public interest.

4.1.4 Establishing Investigation and Prosecution Unit

Section 32 A of the ACCA states that the ACC must adhere to section 197 of the Code of Criminal Procedure, 1898 whenever it files a case against a judge, magistrate, or government employee.⁹⁰ As a result, the ACC will have to obtain the prior approval of the Government as a condition for filing a case against the above-mentioned persons. This provision is discriminatory and contrary to the independence of the ACC. The High Court Division of the Supreme Court has already declared section 32A unconstitutional and void.⁹¹ The Norwegian Agency for Development Cooperation

⁸⁷ Iftekharuzzaman (2010), '*Op.cit*'.

⁸⁸ Salahuddin M Aminuzzaman, Shahzada M Akram, Shammi Laila Islam (2017), '*Op.cit*', p.73.

⁸⁹ Section 13, *The Anti-Corruption Commission Act*, 2004.

⁹⁰ It was inserted in 2013 by the *Anti-Corruption Commission (Amendment) Act*.

⁹¹ *Human Rights and Peace for Bangladesh v. Hon'ble Speaker, Bangladesh Jatiyo Sangsad*, HCD, 67 DLR 191.

(NORAD) evaluated Bangladesh's anti-corruption efforts in 2011 and concluded that the ACC demonstrated a significant lack of capability in its implementation challenge to investigate and to bring charges.⁹² In a similar vein, the 2014 evaluation of Bangladesh's national integrity system revealed that the ACC lacked field-level officers with credibility and expertise, and those who were hired had insufficient training. Additionally, the ACC's ability to investigate and prosecute cases was inadequate and required enhancement.⁹³ According to a more recent assessment, the ACC officers were inexperienced in looking into corruption cases, and it typically took them three years to finish an investigation because they lacked the knowledge needed to handle the problems of property conversion, corruption in the banking industry, and property detention.⁹⁴ According to the ACC's 2018 evaluation, the lawyers it chose lacked the qualifications and expertise needed to serve as public prosecutors.⁹⁵ The ACC's conviction percentage has fluctuated between 72% in 2020 and 48% in 2024, which is not surprising.⁹⁶ Although the ACCA prescribes the formation of a permanent prosecution unit,⁹⁷ this unit has not been formed despite the passage of a long time. Since its establishment, the ACC has been conducting cases in court with temporary lawyers appointed on a contract basis by the government.⁹⁸ If a permanent prosecution unit is formed following the provisions of the law, it will increase the institutional efficiency of the ACC in the long run and it will be helpful in ensuring the accountability of the lawyers conducting the cases. It is also true that it is not possible to replace all contractual

⁹² Norwegian Agency for Development Cooperation, Joint Evaluation of Support to Anti-Corruption Efforts: Bangladesh Country Report (2011) 31; Jon S.T. Quah (2021), '*Op.cit*', p.102.

⁹³ Salahuddin Aminuzzaman and Sumaiya Khair, National Integrity System Assessment Bangladesh 2014, Transparency International Bangladesh, 2014, p.176; Bangladesh ACC, Annual Report 2017 (2018) 84; and Bangladesh ACC, Annual Report 2018 (2019) 84; Jon S.T. Quah, *Ibid.*

⁹⁴ *Ibid.*

⁹⁵ Jon S.T. Quah (2021), '*Op.cit*', p.102.

⁹⁶ ACC Web Page.

⁹⁷ Section 33, *The Anti-Corruption Commission Act*, 2004.

⁹⁸ Bangladesh ACC, Annual Report 2016 (2017) 31.

lawyers with permanent prosecutors overnight. In this instance, the law can be partially implemented by first appointing a small number of permanent prosecutors (10% to 20%), and then replacing 10% to 20% of the contractual lawyers with regular prosecutors annually.

The ACCA was passed on 23 February 2004. But even after 22 years since the formation of the Commission, its own prosecution unit has not been formed as per Section 33 of the ACCA. Nor have rules been made on the process by which its own prosecution unit will be formed. No government has taken the initiative to form a prosecution. Every government that comes to power appoints its party lawyers as public prosecutors. Since they are party-government-supported lawyers, they have a party mandate. They follow that mandate and are active in protecting their party members in conducting trials against ministers, MPs, bureaucrats, businessmen, politicians and officials. Therefore, if a permanent, efficient and independent prosecution unit is formed, the trial process will be effective and fruitful.

4.2 The Anti-Corruption Commission (Amendment) Ordinance, 2025

The Ordinance introduces sweeping amendments to the existing legal framework governing the country's premier anti-corruption body. A High Court judge, the Comptroller and Auditor General, the PSC Chairman, and legislative representatives make up the selection committee, according to this Ordinance. According to the Ordinance, there shall be a minimum of one female commissioner and one commissioner with advanced knowledge of information and communication technology (ICT). The President will designate one of the commissioners as chairman. By renaming and reorganizing the search body, the Ordinance also restructures the screening process for commissioner appointments. A "Visiting and Selection Committee (VSC)" can be taken the role of the previous "search committee" under the ordinance and significantly altered its makeup. By eliminating section 32(A) of the ACCA—a contentious provision that needed government approval before bringing legal

action against judges and other officials – the Ordinance strengthens the ACC. The ACC will now be able to file cases without the government's previous consent.⁹⁹ The government will give the ACC a certain budget under the amended legislation. The ACC has operational financial flexibility since, once allotted, it does not require government approval from authorized heads to spend. Additionally, the bill shortens commissioners' terms from five to four years and guarantees at least one female commissioner. However, the underlying issue of institutional reliance on political power is unlikely to be resolved by these superficial adjustments.

Though the Anti-Corruption Commission (Amendment) Ordinance, 2025 has addressed many weaknesses of the ACCA and tried to mitigate those weaknesses, but still, it has many negative aspects. The Ordinance did not address all issues relating to governmental control over the activities of the ACC. The appointment process for the ACC chairperson and commissioners remains vulnerable to political manipulation. Instead of the opposing party leader in the Parliament, the Speaker now has the power to propose opposition party representatives to the ACC Selection Committee for the purpose of selecting the Chairman and Commissioners. As a result, the ruling party's power has grown and the Selection Committee's efficacy has decreased. The government's long-standing use of the ACC to intimidate opponents and support the governing party shows that it is unwilling to alter its methods. The President, rather than the Chief Justice, has been tasked with appointing an impartial person with experience in good administration and anti-corruption to the committee. The creation of a "Review Committee," which is crucial for guaranteeing ACC accountability, has been purposefully disregarded despite the fact that it was unanimously approved by all major parties and the administration was aware of this. The review section, which might have permitted regular evaluations of the ACC's performance, has been disregarded by the administration. The executive and bureaucracy-controlled structure from the previous period has been maintained in place of a robust and

⁹⁹ Ahasan Uddin Bhuiyan, 'Draft ACC Ordinance fails to do away with political influence', *The Daily Observer*, 8 November, 2025.

democratic search committee, and the clause to disclose the names of shortlisted candidates has not been included. It has been disregarded to set a maximum number of deputed bureaucrats to the ACC, particularly those nominated from administrative service. The Ordinance makes no mention of the ACC's status as an independent, autonomous organization.

4.2.1 Present Status of the Anti-Corruption Commission (Amendment) Ordinance, 2025 and the Commission under ACCA, 2004

The Anti-Corruption Commission Ordinance and fifteen other ordinances that were introduced at the 13th Parliament's first sitting on March 12, 2026, are not being passed in the current session. It has been suggested that they be examined, strengthened, and then reintroduced as new measures rather than being tabled as bills right away in Parliament.¹⁰⁰ As a result, they will lapse after a specified period. The Constitution states that any ordinance must be approved within 30 days of being placed in Parliament, otherwise it ceases to have effect.¹⁰¹ So, the ACC 2025 ordinance automatically lapses and has no continuing legal validity, reinforcing the idea that true legal reform requires parliamentary legitimacy—not just executive action. To validate the ACC Ordinance, the government must reintroduce it as a bill, or issue a new ordinance, or abandon the reform altogether. After issued the Ordinance, the government has not yet started the official process of creating a search body to name a new commission after the chairman and two commissioners of the Anti-Corruption Commission (ACC) resigned on March 3, 2024.¹⁰² This has sparked worries about potential institutional stagnation at the leading anti-graft organization in the nation. Since the ACC Act does not explicitly outline a substitute decision-making process, it is still unclear who has the power to decide on important

¹⁰⁰ Staff Correspondent, 'Interim govt's 133 ordinances: which are dropped and which remain', *The Daily Prothom Alo*, Dhaka, 02 April 2026.

¹⁰¹ Article 93, *The Constitution of Bangladesh*.

¹⁰² Dipan Nandy, 'Leadership void risks stagnation at ACC', *The Daily Star*, 12 March 2026.

issues like approving cases, authorizing investigations, and starting enforcement proceedings in the absence of commissioners.

5. Independent Character of Anti-Corruption Commissions across Different Countries

Analyzing the independent character of anti-corruption commissions in various nations can help determine what makes these organizations successful—or unsuccessful. In general, independence means being free from political meddling, particularly when it comes to employment, funding, investigations, and prosecutions. Although no ACC is entirely free from political context, the most successful ones—such as Singapore's CPIB and Hong Kong's ICAC—combine strong political resolve with legal independence. ACC efficacy drastically decreases when governments erode legal safeguards or meddle in appointments and operations.

5.1 Hong Kong's Independent Commission Against Corruption (ICAC) and Singapore's Corrupt Practices Investigation Bureau (CPIB)

A closer examination of the independence of Singapore's CPIB¹⁰³ and Hong Kong's ICAC reveals why these organizations are sometimes referred to as "the most effective anti-corruption bodies in the world." However, their independence is not absolute; rather, it is meticulously crafted through institutional, legal, and operational safeguards.¹⁰⁴

The Independent Commission Against Corruption Ordinance created ICAC in 1974. It has a specific statutory role and functions independently of the main police system. Legal separation from law enforcement minimizes conflicts of interest and shields investigations from internal meddling. ICAC's operational autonomy is strong. It has access to financial documents, can make arrests, search, take property, and start investigations without prior

¹⁰³ See, [https://en.wikipedia.org/wiki/Independent_Commission_Against_Corruption_\(Hong_Kong\)](https://en.wikipedia.org/wiki/Independent_Commission_Against_Corruption_(Hong_Kong)), available at 20 February 2026.

¹⁰⁴ See, <https://www.gov.hk/en/about/aboutthk/factsheets/docs/icac.pdf>, available at 20 February 2026.

authorization. In fact, these abilities enable ICAC to take independent action, particularly in high-level corruption cases. The division of ICAC into three distinct functional departments—Operations or investigation, Corruption Prevention, and Community Relations—prevents power concentration, promotes internal responsibility, and fortifies institutional integrity. While avoiding direct political control over day-to-day operations, ICAC has robust oversight mechanisms that guarantee accountability. There is no room for direct government intervention in this situation. The Hong Kong government provides funding for ICAC, which benefits from comparatively stable and secure budgets. Budget cuts caused by political pressure are less likely when there is financial stability. Additionally, it has autonomous personnel and recruitment systems.

In 1952, CPIB was founded in accordance with the Prevention of Corruption Act. A closer look into CPIB's independence finds a model organization with robust legal authority and a unique constitutional guarantee, but complete independence is still largely dependent on the political system.¹⁰⁵ Administratively, the Prime Minister's Office is in charge of CPIB. Direct access to the highest level of government is thus guaranteed. It also implies that CPIB and the executive are not fundamentally distinct, which may restrict complete independence. CPIB may ask the Singaporean President for permission to conduct an investigation if the Prime Minister declines. It ensures that even senior officials can be looked into and serves as a check against executive meddling. It has the ability to start investigations, apprehend suspects, carry out searches, confiscate evidence, and access bank and financial records. These authorities enable CPIB to carry out its daily operations on its own. CPIB has the power to look into political figures, ministers, and high-ranking public personnel. High-ranking officials have already been prosecuted for corruption in Singapore. This shows not only theoretical authority but also practical independence. CPIB has a professional and merit-based hiring process and is supported by the

¹⁰⁵ See, https://en.wikipedia.org/wiki/Corrupt_Practices_Investigation_Bureau, available at 20 February 2026.

government through steady resource allocation. Consequently, professionalism and sufficient resources lessen susceptibility to manipulation. The leadership of Singapore has continuously upheld a zero-tolerance stance against corruption. Therefore, political commitment greatly reinforces its efficacy and independence.

6. Suggestions for Establishing Independent ACC

While the 2025 Ordinance addresses some flaws, it does not address others. As a result, structural flaws, legislative restrictions, and operational inefficiencies continue to raise concerns about the ACC's dependence.¹⁰⁶ Discussing weaknesses in chapter 4 of the article researcher wishes to place the following suggestions for establishing independent ACC:

- (i) Though many structural difficulties have been removed by the ACC 2025 Ordinance, but this Ordinance now automatically lapses and has no continuing legal validity.¹⁰⁷ To validate the ACC 2025 Ordinance, the government must reintroduce it as a bill or issue a new Ordinance with accommodation of the following suggestions (ii-x).
- (ii) Political influence can still affect the ACC chairperson and commissioner nomination process. The government is unwilling to change its policies, as seen by its long-standing use of the ACC as a tool to support the ruling party and threaten opponents. The opposition party's representation on the ACC Selection Committee, which selects the Chairman and Commissioners, should take the place of the speaker in addition to the Ordinance provision. A provision mandating the disclosure of the identities of shortlisted candidates ought to be included in the law. Section 8(1) of the ACCA should be modified as follows: A minimum of fifteen (15) years of experience in one of the following fields – law, education, administration, judiciary, law enforcement, financial institutions, accounting, or auditing – or in a public or private organization engaged in good governance or anti-corruption initiatives is required to become a Commissioner.
- (iii) All political parties unanimously agreed that the establishment of a "Review Committee" was necessary to guarantee the ACC's

¹⁰⁶ Md. Abdullah Al Mahmud, 'Key Reforms Proposed for the Anti-Corruption Commission in Bangladesh', available at <https://www.linkedin.com>, last accessed on 11 February 2025.

¹⁰⁷ See, Chapter 4.2.1.

accountability, and both the government and the ACC were aware of this.¹⁰⁸ This article proposes renaming the current “Selection Committee” to “Selection and Review Committee” with an expanded mandate to assess ACC performance biannually.

- (iv) Specific Law must be passed in order to permanently put a stop to the practice of legitimizing black money. The law should address bribery and corruption in the private sector. A comprehensive Corruption Prevention Strategy must be put into place, including ethical education at all levels, from primary to high school, including anti-corruption content in textbooks.
- (v) A Citizens Advisory Committee of representatives from the court, Parliament, and civil society could be established in order to establish a multi-stakeholder oversight mechanism and monitor the ACC's functioning.
- (vi) Contractual prosecutors should be gradually replaced as part of the initial implementation of the Permanent Prosecution Unit. Automating all facets of ACC operations, including case management and investigations, must be prioritized. Employees at ACC are advised to have their own training facility. In order to conduct an investigation into any problem involving a minimum of 5000 individuals, the ACC must establish its own law enforcement organization and form its own investigation team. Competitive examinations will be used to recruit this army. Members of this organization will receive specialized training to prevent corruption in all its forms.
- (vii) The ACC should have twelve directors General instead of just eight, and the following twelve sub-divisions should be established under them: (1) Administration, Finance, and Human Resources; (2) Prevention and Mass Communication; (3) Information Technology; (4) Training, Research and Development; (5) Legal and Prosecution; (6) Investigation-1; (7) Investigation-2; (8) Special Investigation; (9) Money Laundering; (10) Covert Investigation-1; (11) Covert Investigation-2; and (12) Internal Discipline.
- (viii) The creation of the Ombudsman's office, which has the authority to conduct investigations and take appropriate action, will allow citizens to speak with the Ombudsman about their concerns.
- (ix) Government agencies and educational institutions should adopt codes

¹⁰⁸ Staff Correspondent, ‘ACC LAW AMENDMENT: TIB slams govt for omitting strategic recommendations’, *The New Age*, 30 October 2025.

of ethics to help people develop a feeling of "rightness" rather than a materialistic mindset.

- (x) In order to give deserving and honest individuals the opportunity to join government agencies, there should be an impartial and equitable hiring process.

7. Conclusion

The perceived selective enforcement, political influence, and strategic use of cases, which give the image of political victimization, raise concerns about the ACC's independence in Bangladesh rather than a lack of legal power. Its credibility as an impartial anti-corruption organization is weakened by this discrepancy between its official independence and day-to-day operations. The article explores how anti-corruption initiatives are undermined by institutional weaknesses and political entrenchment. The ACC's independence may be compromised by political interference, making it more difficult for it to prosecute instances involving powerful individuals or political parties. Due to the lack of political will of all prior governments that have used the ACC as an attack dog against their political rivals while in power, the ACC has thus far failed to fulfill the intended duty as an impartial watchdog. Additionally, the ACC is a paper tiger since neither government has given it the funding or staff it needs to impartially implement anti-corruption laws free from political interference. The lack of political commitment that underlies ongoing legal, administrative, and operational obstacles to strengthen the ACC is the primary reason why the prospect of an independent and effective ACC in Bangladesh is decreasing. To establish an independent and effective ACC in Bangladesh, it is not enough to amend the law again, but political will is most needed. Only if the government allows the ACC to function as an impartial institution outside its control, will the rate of corruption in the country decrease and good governance be established.