

# **Theory and Practice of Understanding Corruption in Pakistan**

## **Case Study of National Accountability Bureau, KPK**

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### **Abstract**

The factors of governance and good governance are pivotal for social and economic development. However, these factors seem dilapidated in Pakistan, as the image of Pakistan is bad in the comity of nations. Corruption is generally the plausible output of such conditions. For being rampant in the country, acceptability toward corruption has increased over time. This paper focuses on the understanding of corruption in the country with specific reference to anti-corruption agency in the country.

Data were collected through semi-structured interviews with National Accountability Bureau and studying policy documents. Thematic analysis was used to analyze the interviews. The results show that many officers lack proper understanding of the phenomenon. Rather, many officers explained the phenomenon in term of recovering the public money that was looted by corrupt people. Furthermore, the officer were indifferent on definitions of integrity violations and corruption, as sometimes the definition of corruption was described too broad, and other times too narrowly.

With respect to most and least frequent types of corruption, it was revealed that illegal monetary benefits and illegal use of authority are considered among the major forms of corruption. With respect to least recurring types of corruption in NAB-KP, the issuance of Statutory Regulatory Ordinance (SRO) is considered as least occurring. The research shows different reasons behind the prevalence and mechanisms for its curtailment. At the end this research suggests some policy recommendations and further directions for future research in the field.

### **Keywords**

Corruption, integrity violations, National Accountability Bureau, Pakistan

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## **Introduction**

In Pakistan, corruption is perceived as endemic because among many developing countries Pakistan is always featured as the highest in the rankings that are produced by international organizations (Kaufman *et al* 2005, Transparency International 2004). This is also evident from a recent perception survey of Transparency International (2012) which ranked Pakistan as 139th in the comity of nations on the scale of corruption-free-governance. No doubt, the perception presented by Transparency International can be contested but within Pakistan, the same has gained momentum amplifying the notion that public administration of Pakistan is plagued with corruption. Even though hard evidence of corruption's incidence is difficult to obtain, but different surveys, news reports, historical accounts and case studies indicate that corruption is pervasive in Pakistan at all levels (Pellegrini, 2007). Corruption has become a way of life in Pakistan (Islam, 2004), which consequently made institutes in Pakistan extremely inefficient (Abbasi, 2011). This has led to a general impression that practice of corruption has increased in volume over time and there is less evidence that people feel guilty about it (Javaid, 2010). The prevalence of corruption on such a wide scale can be stated through Ehtisham's (2009) apt expression: "From policemen on the beat to highest ranks, from legal clerks to judges, from minor revenue officials to senior administrators, from storekeepers to high-ranking engineers, all government and private agencies are involved in corruption." Thus an average Pakistani national witnesses corruption every time he encounters bureaucracy – from paying bills, registering births, reporting a crime, getting an electricity connection, trying to get children admitted to a school, to recording the sale of a house; the embracing of corruption at such large scale speaks of severe implications for public at large.

## **Concepts and definitions**

The concept of corruption is considered as complex, complicated and difficult to grasp (Huberts 2010). The reason is there are different ideas of what constitute corruption. However without deeper understanding of the phenomena it is difficult for the policy makers and researchers to suggest concrete measures for its control. One scholar uses an interesting analogy to describe the phenomena. According to him the concept of corruption is "like an elephant, even though it may be difficult to describe, it is generally not difficult to recognize when observed" (Tanzi 1998: 08). There are some agreements regarding some behaviour that connote corruption, but no one has ever presented a one line definition of corruption (Johnston 1996).

From wide range of different understandings the following perspectives of corruption can be derived:

- 1) Corruption is an exchange of mutual benefits and reward that occurs voluntarily and takes place by mutual agreement (Park, 2003 cited in Rabl and Kuhlmann, 2008).
- 2) Corruption is violation of norms. In other words, it is immoral behaviour (Van Duyne, 2001) which includes deviation from legal norms (Khan, 1996) or moral values (Huberts, Jurkiewicz and Maesschalch, 2008).
- 3) Corruption is abuse of power, in which actors utilize the authority, position for personal benefits and interests (Tanzi, 1995; Khan, 1996,).
- 4) Corrupt actors form an intimate, close, and hidden community in which they secretly agree on the illegal aims and advantages of their exchange relationship (Ru"gemer, 1996).

For its many different aspects and dimensions, defining corruption is complex. To get a complete grasp on corruption, it is important to distinguish between definitions which are

conventional and those which are functional. Conventional definitions are used in particular context while functional definitions have universal application. Ideally, one should define corruption in both conventional and functional sense (Simpson, 1977). For instance, McMullan (1996) define corruption as “a public official is corrupt if he accept money or money’s worth for doing something that he is under duty to do anyway, that he is under duty not to do, or to exercise a legitimate discretion for improper reasons” (McMullan, 1996). A bit broader definition is forwarded by Lasthuizen, Huberts, and Kaptein (2002). According to them corruption involves a “behaviour on the part of officials in the public sector - politicians, civil servants, police officers - who improperly and unlawfully enrich themselves, or those associated with them, by misusing of the public power entrusted to them.” A brief definition is the abuse of public office for private gain. This research paper is going to employ the working definition of corruption presented by anti-corruption agency in Pakistan, “corruption involves behaviour on the part of office holders in the public and private sectors, in which they improperly and unlawfully enrich themselves and/or those close to them, or induce those to do so, by misusing the position in which they are placed”. Putting it simply, corruption is the misuse of entrusted power for private benefits (NACS, 2002).

### **Typologies of corruption**

Since corruption takes many forms and there is a lack of consensus on adopting a universal definition of corruption, this has also made it difficult for researcher and scholars that which behaviours to include or exclude in the concepts of corruption to get a clear understanding of them. From the literature different classification are elaboration by different researchers. For instance, Weber (1964) developed a typology of corruption on the basis of subjective intentions that have or expect the individuals such as gaining power and influence, economic and business success, self-enrichment, social motives, opportunism, etc. Corruption can be active or passive taking into consideration who is the person that has the power of decision making or to whom is requested. A basic categorization considers political corruption, economic corruption and public administration corruption.

Corruption takes many forms, and some of the examples are: Klitgaard (1998) identified bribery, extortion, fraud, trafficking, embezzlement, pilferage, kickbacks, speed-money, nepotism, favouritism and cronyism as different forms of corruption. While William Pierce (1981) categorized corruption as theft of materials, misuse of time on the job, bribery, misuse of officer, conflicts of interest. Vargas-Hernandez (2013) elaborated the following forms/types of corruption: bribery, collusion, embezzlement of public funds and theft, fraud, extortion, abuse of discretion, favouritism, clientelism, nepotism, the sale of government by public officials, patronage. The empirical typology developed by Barker and Roebuck (1974) comprised of corruption of authority, kickbacks, shakedowns, the fix, protection of illegal activities, opportunistic theft, internal pay-offs etc., are most often used in the literature. In this research we do not intend to concentrate only upon the more serious forms of unethical behaviour, but also less serious forms of behaviour will also be included, such as misuse of authority and resources (Office Vehicles, Perks and Privileges etc.).

### **From corruption to integrity violations**

From the above typology of corruption it can be inferred that the concept of corruption offers important but limited view on unethical conduct especially within an organization. It is worthwhile to know about specific types of corruption such as bribery and extortion but it is also important to discover other type of violation such as discrimination and misuse of public resources etc. therefore we need to use an extended concept of corruption that is integrity

violation. As Huberts and Lasthuizen (2014 :12) appropriately that “umbrella concepts limit the possibilities for expanding our knowledge about unethical behavior (content, causes, effects, solutions).” Therefore in this research our focus is on integrity violation which is a broader concept of corruption. In other words it encompasses more types of unethical behavior than corruption.

It is also pertinent to note that integrity can be attached with individuals (Klockars, 1997) as well as with organization (Kaptein & Wempe 2002). However, like corruption the concept of integrity is also debatable (Huberts, 2007; Lasthuizen, 2008). Nevertheless, integrity can be defined as characteristic or quality that refers to accordance with the relevant moral values and norms (see Huberts, Kaptein and Lasthuizen; 2007). Whereas, ‘value’ is a belief that contribute to judgments about what is good, right, beautiful or admirable. The ‘norms’ show whether something is good or bad, right or wrong, beautiful or ugly. In other words ‘value’ and ‘Norm’ show that “what is the right thing to do” (see Huberts et al., 2007). This infers that it is advantageous to use integrity violation rather than few types of corruption for identifying unethical/misconducts/immoral behaviors in an organization. In succeeding section the different types of integrity violations are discussed.

### **Typology of integrity violations**

In many researches integrity violations are distinguished by different types and in different organizations. For instance, in many organizational researches the employees’ wrong behaviors are covered by wide range of actions. These include withholding of efforts to disobeying orders to drug abuse in work place. However, a demarcation can be drawn that whether misbehaviors are directed toward organizations or toward other employees (see Wilks, 2011). In many researches wrong behavior labeled with nomenclatures. For instance, ‘deviant behavior’ (Robinson and Bennett, 1995); ‘non-complaint behavior’ (Puffer, 1987) and ‘immoral behavior’ (Jones, 1991).

Different researchers (such as Heidenheimer et al, 1989, Anechiarico and Jacob, 1996, Caiden, 1998) developed different typologies of corruption. However, a more specific studies on Police organization presents different typologies of integrity violation. Based on these studies a new typology of integrity violation was developed by Huberts (1998), primarily focuses on police organizations. According to that typology nine different types of behaviors are identified. These are:

- Corruption
- Fraud and theft
- Dubious promises and gifts
- Questionable sideline activities and jobs
- Misuse of information
- Discrimination
- Misuse of power
- Waste and abuse of resources
- Crime (in private time)

This typology was later validated by Lasthuizen (2008) for standardized survey in the field of ethics and integrity, and the typology of Huberts et al., (2007) was further improved to be used for police organizations. Since this typology has been validated in few researches, therefore in this study this typology was used to further explore misconduct and deviant behaviors in the context of Pakistan.

## **Controlling corruption: Anti-corruption Strategies and agencies**

Experiences in different countries have demonstrated that there is no single model that could determine the ways to minimize the risks of corruption across the globe. Rather, a wide range of diverse models are available from contemporary practices and historical experiences that show different methods of minimizing the menace of corruption. Nevertheless, all the tools of controlling corruption are country specific.

The available literature on anti-corruption strategies can be analysed from two perspectives. The first perspective is, what different institutions/researchers suggest for fighting corruption, and the second is, learning from the experience of others that how did they combat corruption and have become model and ideal for the rest of the world. These two perspectives are as follows.

### **a) Institutions or researchers' perspectives:**

There exist at least three schools of thought on corruption prevention and reduction. These schools of thought are eloquently explained by McCusker (2006). First is *Interventionism*, in which the relevant authorities wait for corrupt act to occur and then intervene to capture and punish the offender. Second is *Managerialism* which advocates the reduction or elimination of opportunities for corrupt actions by establishing appropriate systems, procedures and protocols. Finally *organisational integrity* argues that targeting individuals in the anti-corruption efforts is less likely to be successful than targeting the organisational context in which individuals operate. They involve the integration of an organisation's operational systems, corruption control strategies and ethical standards so that a norm of ethical behaviour is created. Another World Bank study by Shah and Huther (2000) suggests that anti-corruption programs can influence corruption through four mechanisms- reducing the number of transaction involving public officials, reducing the scope for gains from each transaction, increasing the probability of paying a penalty or increasing the penalty from corrupt behaviour. Later Huberts (1998) has also distinguished six strategies for controlling corruption. These are *Economic* – which emphasises, inter alia on paying higher civil service salaries. *Educational* – that aims at altering the attitudes and values of the populace and civil servants alike via training and education campaigns and engagement of the media. *Cultural* – it must be ensured that the behaviour and attitudes of those in power are subject to stringent codes of conduct and their behaviour filters down to civil servants. *Organisational or Bureaucratic* – one must strengthen the internal control systems such as auditing to detect corrupt activity, and staff rotation to reduce the propensity for individuals to establish themselves in entrenched corruption. *Political* – increasing in transparency in terms of the monitoring of party finances and more broadly, a clearer and more definite separation of powers in terms of the judiciary and the state. *Judicial or repressive* measures – that advocates harsher penalties for corrupt practices but also the creation of independent anti-corruption agencies.

A multi-layered and holistic approach for combating corruption was proposed by Transparency International which is named as pillars of National Integrity System (NIS), which operates from “the conviction that all of the issues of contemporary concern in the area of governance...needs to be addressed in a holistic fashion” (Pope, 2000). The multi-layered approach of the Transparency International comprises of a) an Elected Legislature b) the Role of Executive c) an Independent Judicial System d) the Auditor-General e) the Ombudsman f) independent Anti-Corruption agencies g) Public Service to Serve the Public h) Local Government I) an Independent and Free Media j) Civil Society k) Private Corporate Sector l) International Actors and Mechanisms. The NIS is not a passive tool, neither it is necessarily

dependent on existing pillars or on specific combination of pillars; the pillar identified above must be integrated as far as possible (McCusker, 2006).

### **b) Learning from other countries' experience**

Jon S T Quah (2003) article explains six best practices that were adopted by those four- Singapore, Hong Kong, China and Republic of Korea- countries that are ranked best in Asia. These practices are 1), do not rely on the police to curb corruption, i.e., never let the police to handle the task of controlling corruption. This would be like give candy to a child, expecting that it would not be eaten. Instead, a separate agency dedicated solely to the task of fighting corruption should be established to deal effectively with corruption in all government departments, including police. Singapore and Hong Kong took 15 and 26 years respectively, to learn this importance lesson. 2) Implement comprehensive Anti-Corruption Legislation; the legislation should specify clearly the powers of the Director and officials of the Anti-Corruption Agency responsible for implementation and these legislations should be reviewed periodically to remove loopholes or to deal with unanticipated problems by introducing amendments or if necessary, new legislation. In Singapore the Prevention of Corruption Act (POCA) specified the powers of directors and official fighting corruption. For amending the legislation, the good example is of Republic of Korea, which included an innovative chapter on the protection of whistle-blower. 3) provide Anti-Corruption with adequate staff and funding; all these four countries have allocated a huge amount for Anti-Corruption agency, because they are targeting corruption with three pronged strategy i.e. *investigation, education and prevention*, which requires more funds and manpower. 4) Cut red tape to minimise opportunities for corruption; in Republic of Korea, many government regulations have created opportunities for corruption, but the Regulatory Reform Committee (RRC) in 1998 was established to make the Republic of Korea more business friendly by eliminating unnecessary or irrational economic and social regulation that hindered business activities. 5) Reduce opportunities for corruption in 'wet' public agencies; vulnerable or 'wet' government agencies must review their procedures periodically to reduce opportunities for corruption. 6) punish the guilty to make corruption a high risk, low-reward activity; it means that to perceive corruption as a high risk, low reward activity, the government must publicized the corrupt practices of civil servants, politicians to the media and also inform the masses about the corresponding punishment. The good example for this practice can be found in Hong Kong, where detection and punishment are 35 times more likely than Philippines and that is why corruption is less serious problem in Hong Kong than Philippines.

Besides that there are some individual state efforts and experiences, for instance, Malaysia, Singapore and Hong Kong. It must be kept in mind that it took decades in implementing the right policies there. It is not only the government efforts that led that happened but in fact the role of opposition in parliament, for instance in case of Malaysia, always played a critical role in moulding and amending the legislations to make the Anti-Corruption agency more independent/autonomous, effective and powerful. Mansoor (1979) explains few factors in favour of Malaysia, because of which they succeeded in reducing the instances of corruption. First is comparatively 'good civil service pay', second is, the difference in the nature of the transition from colonial rule to independence. Thirdly, Malaysia had a bureaucratic tradition that is closer to the Weberian model; fourth factor is the presence of a relatively well-informed, large, professional, educated class; relatively independent judiciary; and relatively free press. The fifth factor is that Malaysia has always had a political opposition, whereas in political repression in many Southeast Asian countries have prevented the opposition from articulation publicly the issue of corruption.

## Anti-Corruption Agencies

Since 1990s, more than 30 countries have established some form of anti-corruption agency (ACA) or commission as key tactic in their efforts to fight corruption (USAID, 2006). All these anti-corruption agencies are mandated to adopt procedures that engage in prevention, detection or punishment of corruption. The need for establishing anti-corruption emanates from Article 6 of the United Nations Convention against Corruption that requires that each signatory country establish a body (department) dedicated to the prevention of corruption. Theoretically the impetus for establishing anti-corruption agency should arise from the government; however, there are certain other motives that also need to be considered. For instance, pressure from international community for establishing such agencies. The lack of commitment (from political government) makes the agencies less effective. Because of this commitment element some agencies are performing well in pursuance of corruption while others are less effective and successful.

While reviewing the literature it becomes evident that some of the successful anti-corruption agencies has brought dramatic improvements in pursuing corruption. However, some analyst portrayed anti-corruption agencies as “more failures than successes” (Pope, 2000). This is also evident from the fact that among the African states, almost every country has an anti-corruption agency but only four out of thirty six countries were rated by Transparency International for reducing corruption (Transparency International, 2007). Another researcher, Kuria (2012) noted that the most of the corrupt countries, as per Transparency International’s Corruption Perception Index (CPI), are having centralised anti-corruption agencies. In addition, the researcher observes that none among the 10 “Least Corrupt” countries follow such a strategy.

From the available literature, it is revealed that there are five success stories on anti-corruption agencies. These include, Rwanda (see Ankomah, Hanson, 2009), Singapore (Quah, 1989), Hong Kong (Lethbridge, 1985), Botswana (Doig and Riley, 1998) and Bulgaria (Heilbrum, 2004). It is pertinent to note that one should think wise before recommending and adopting the anticorruption agency model as an anticorruption strategy. The effectiveness of anticorruption agencies can vary remarkably from one case to another, as it depends on the contextual factors of the country (Trinh, 2014). Among these five countries, the examples of Hong Kong and Singapore are widely quoted in the literature. The Hong Kong established Independent Commission Against Corruption (ICAC) in 1974, whereas, Singapore established Corrupt Practices Investigation Bureau (CPIB) much earlier in 1952 to implement the Prevention of Corruption Ordinance (POCO). The successes of ICAC and CPIB in curbing corruption in Hong Kong and Singapore respectively have been analysed in many researches (Quah, 2003; 2006; 2008). John S.T Quah (2008) eloquently describes the histories and different elements of these anti-corruption agencies.

The USAID (2006) summarizes some of the successful factors for anti-corruption agencies (including ICAC and CPIB). These are: *cross-agency coordination*- which focuses on cooperation from sister organizations; *focus*- on prevention and monitoring government implementation of anti-corruption policy; *accountability*- to keep standard, judicial review, public complaints and oversight; *independence*- that include independent appointment and removal procedures for top officials; *powers*- comprise on strong research and prevention capabilities, can access documents and witnesses, can freeze assets etc.; *staff*- should be well trained, sufficient in number with highly specialized skills etc.; *enabling environment*- economic stability of the country, and corruption is not fully entrenched in the system, i.e., some sectors in the country are clean; *complimentary institutions*- with adequate laws and procedures, free and active media and rule of law.

The above description presents different perspectives on corruption. It has been learned that this phenomena of corruption and its causes varying from country to country. However one needs to identify the key factors and conditions of the phenomena in its own specific context that are based on in-depth national studies (Khan et al., 2012). Since this research is on Anti-Corruption Agencies in Pakistan, therefore, in the next section describe it in the context of Pakistan.

### **Corruption control agencies**

When societies are confronted with the problem of corruption a general response to this problem is the establishment of anti-corruption agencies. Meagher (2005) explains that different countries adopt different approaches toward this end. Since the focus of this research is on anti-corruption agency in Pakistan, i.e., National Accountability Bureau, the procedures adopted in NAB are similar with Hong Kong. NAB is considered as an apex institution against corruption in Pakistan and which amalgamate all powers of previous anti-corruption agencies in the country since independence. In addition to that, NAB has the authority to take investigation of corruption in its ambit, even if it is under investigation with any other agency.

Undeniably, corruption is considered as detrimental for the society as whole (Klitgaard, 1988). However, it becomes more severe when general public attitudes start changing and accepting this menace. In Pakistan the general perception is that acceptability is increasing toward corruption (Javaid, 2010). In Pakistan anti-corruption agency are not often researched in this context. The case study of NAB has been researched with the intention to inquire from organization and its officers whether the increase in acceptability of corruption among general public is also reflected/translated in their organization or not. In addition to that to explore what do they consider as corruption and how do they prosecute them.

### **Method**

The central aim of this research study was to find the perceptions on corruption, integrity violation, typologies and how these were prosecuted by the agency for the control of corruption and integrity violation. It was determined that the best responses on these concepts and issues could be attained from qualitative tools (Interviews).

Therefore in this research we conducted interviews with different rank officers and officials. Prior to starting interviews we approached the Director General, Head of the department (NAB) with authorization letter from PIDE requesting for accessing information related to policy documents and interviews with the staff of NAB KP. The letter explained purpose of the study and guaranteed anonymity and confidentiality of information, because of the sensitivity of the subject matter. This was also demanded by the respondents to not disclose their identities. The respondents/ Interviewee were assured that no one will have access to the confidential information they shared with us. However, some of the interviewees were even reluctant to allow voice recording, therefore, for their comfort all the points were recorded in writing. It was taken care that every rank officer be provided opportunity to share his/her experiences and to reflect openly to the posted questions.

In this research, a total of 15 officers' interviews are included. Majority of the officers were in the rank of Assistant Directors, followed by Deputy Directors. It was taken care that both the experienced and newly recruited officers be included in the interviews.

For the selection of the officer, a snow-ball sampling technique was adopted, based on willingness of the officers. This technique helped in identification of more experienced officers in NAB. Since this

technique is non-probability sampling therefore, the results of these findings cannot be generalized to the whole NAB-KP or overall the department in the country. Nevertheless, the findings from this explorative study can be used as base for other future researches.

## Results

### Understanding of corruption and integrity violations

This information was gathered through formal and informal interviews with officers. The focus was to record their understanding, that how do they understand, define corruption and integrity violations, also how they comprehend the NAB's definition of corruption. In other words, the intention was to see whether NAB officers have also leniency toward corruption as the general public have in Pakistan (see Javaid, 2010). Since the word corruption is more comprehensible therefore, corruption word was use more frequently as compared to integrity violations during the interviews. It is also pertinent to note that officers were inquired about definition of corruption, in their own understanding as well as comprehension in NAB. Hence, two different types of definitions were recorded. The findings on corruption and integrity violations are as follows.

Since the aim of the establishment of National Accountability Bureau (as mentioned in preamble of the NAO 1999) was to recover the looted money from corrupt officers and individuals, mostly the officers defined corruption in terms of looted money. As one interviewee defined corruption as, *“looting of public money, adopting various modus operandi to that end. Money is between the state and state property, anybody engaged in looting that through illegal procedures including misuse of authority.”* Another interviewee mentioned that *“general perception about corruption is looting of money.”* However, few interviewees contended this definition and approach, rather extended it and connected it with injustice. For instance, one interviewee mentioned that *“corruption is perceived as looting money, but that is not a sound approach... injustice, in my opinion, is actual corruption...”* Similarly, one interviewee extended the definition to destruction, as he mentioned that *“corruption is actually fasaad fil arz, meaning thereby any activity which brings disaster to those living on earth...the definition of corruption that comes to my mind is that of fasaad, destruction...”*

The understandings about corruption seem to be limited among officers in National Accountability Bureau (NAB) and mostly the officers defined it in terms of few types rather than describing the behaviours. For instance, one interviewee mentioned that *“Corruption may include simple embezzlement...and appointment of employees on nepotism is another example of corruption”*. Another interviewee mentioned that *“corruption in NAB's law encompasses illegal gratification, misuse of authority, building assets on income generated from illegal sources, issuance of SROs which gives illegal tax benefit, cheating people at large...”*

When the prevailing definition of NAB was explored from the officers, their focus was more personal benefits of government officers. For instance, one interviewee mentioned that *“I think that any act executed by a serving government officer to his own end and anybody assisting in that encompasses the very definition of corruption...”* Similarly another interviewee mentioned that *“the duty of a government officer is to serve the public, and while disrupting the very basis of routine work and twisting that in the direction of his own benefits generate the very idea of corruption...”*

The interviews with few officers reveal that they are confusing the concepts of corruption and integrity violations. For instance, in their opinion, not fulfilling the duty or not doing it appropriately, and even staying silent is corruption in their perception. For instance, it was mentioned that *“if a responsibility is entrusted to you by the government and you do not carry that out as an appropriate action, it will be counted under corruption. If allocated funds are used for a purpose other than the specified one, it also comes under umbrella term of corruption...”*

Another interviewee elaborated that *“corruption is not limited to give and take of money to administer something wrong, but even trying to stay silent on it is again corruption.”* However, this is also conflicting with earlier responses on definitions in which the focus was on looted money as corruption.

The most comprehensive definition was recorded in a focus group discussion with newly recruited officers. According to them, *“corruption is misuse of authority to gain monetary benefits as well as it entails use of influence... any act taken place against set law and procedures, either done to gain monetary benefits or not shall be treated as corruption.”*

In another focus group discussion it was learnt that NAB’s focus in terms of corruption is there on the government officer or a private person who has looted or embezzled public funds. Recovery of the looted amount is what constitutes NAB’s definition of corruption. Most of corruption deals with looted funds of Government treasury. However, there are two cases where funds other than government treasury are also considered; these are willful default of banks, and cheating people at large.

Similarly, appointments made without considering merit may not damage public funds at that time but its consequences will be visible after sometime as he may be inefficient and may not be doing his work properly.

From the above definitions it can be inferred that officers sometime extend the meaning corruption and at times define it too narrowly. Since the mandate of the organization is recovering looting money, therefore, those behaviours are considered as corruption where monetary transactions occurred, whereas, many other types of behaviours that do not involved money are not taken as serious. What this mean is that there is a difference in the official definition of corruption and the one offered by NAB officers. Even within the NAB officers, different people define and understand corruption in different way. When there is a difference/disagreement of definition or lack of understanding about the definition it may have serious implication for investigation and prosecution.

### **Understanding of typologies of corruption and integrity violations**

This section describes briefly the opinions of officers on typologies of corruption and integrity violations. The intention was to see which types of behaviour are considered as corruption and which are not.

In most of the interviews the interviewees mentioned to refer to section 9 of the National Accountability Ordinance, 1999, rather than elaborating the types of corruption. Nevertheless, in many interviews the terms illegal gratification, embezzlement, misappropriation, and cheating public at large were the frequently mentioned types of corruption. All these types of corruption are discussed in afore mentioned section 9. For instance, one interview mentioned that *“other than misuse of authority, illegal gratification is also one major type of corruption...”*

An important point that mentioned during the interviews was that one type of corrupt behaviour can be related to other types of corruption. For instance one interviewee stated that *“kickbacks are also included under the head of misuse of authority which could either emanate from nepotism or favoritism”*. A question may arise that whether imposing too many types of corruption on a case increase the punishment for the offence? The answer is simply ‘no’. The reason is that as per NAB law, all types of corruption are considered as same and thereby same punishment is awarded. An important point that needs to be added is that all 12 offences that describe in section 9 of NAO are the different types of corruption do not deal with types of corruption only, as the last one includes assistance or abetment in practicing corruption as well thereby otherwise meaning to facilitate corruption.

Since the organization is dealing in recovering the looted money of the public, therefore, illegal monetary benefits are considered among the major forms of corruption beside other non-monetary ones. In a focus group discussion, the respondents mentioned that *“monetary benefit and illegal use of authority are two major forms of corruption. Corruption could be*

*intellectual in nature as well, mostly prevailing in academia and breach of trust is yet another form of corruption to be addressed, be that in public or private capacity.”* Similarly in another group discussion, it was stated that there are different angles to corruption and misuse of authority is the main root cause of corruption. In their opinion, *“it is also corruption if such laws are not introduced which can bring a good change to the society as there are hidden motives behind such indifference, inaction and lethargy.”*

### **Understanding on anti-corruption mechanisms**

This section elucidates the responses recorded from different interviewees with respect to anti-corruption mechanisms and problems associated in the process. It was revealed that NAB is not working under any ministry, therefore autonomous in nature. The anti-corruption mechanism of NAB is usually divide into three portions; firstly complaint verification; secondly inquiry and lastly investigation where we have the power to arrest. With respect to sources of information regarding corruption, section 18 of NAO (1999) identifies three sources; complaint, on record like sue motto and emanating from the department itself.

Based on that, complaints can be directly lodged at NAB. When a complaint is reported, a small brief is prepared in that direction which includes name of the complainant and that of the department or an individual against whom the complaint has been reported so far. The brief is then put up by Deputy Director to Additional Director and ample reasons are given by Deputy Director to explain as to why the complaint may be processed further. The brief then is put up to Regional Board of Directors where collective decision is taken. The final decision taken is actually the result of brainstorming of 5 or 6 individuals eventually filtered through a number of questions asked and answers replied. Amount of funds involved is an aspect that we cannot ignore while taking mutual decision. However, the amount may be subjected to change while looking at different regions. To add further, it is not important for NAB to categorize cases under specific types as mentioned in section 9, for its internal proceedings. However, as a matter of observation, at least every case will pertain to 4 or 5 types, simultaneously. The penalty imposed at the end of the day does not differ from type to type, but section 10 categorically says that punishment will be given or penalty will be imposed when charge against any type of corruption is established.

During the interviews with officers it was learnt that though enforcement is an important aspect of anti-corruption mechanism; however there are two other sides to it, that's awareness and prevention. More recently NAB got approved a proposal for inducting a chapter on anti-corruption in syllabus of students enrolled in educational institutions. The interviewees added that *“one cannot stop others from doing wrong if they does not even follow religion in letter and spirit, however the idea that one shall not tell others to stop doing wrong because others will not pay a heed to it is altogether a pessimistic view and hence awareness about corruption must be created among different sections of the society.”*

The NAB operations can be divided into three portions; firstly complaint verification (CV); secondly inquiry and lastly investigation where NAB has the power to arrest. At times the evidence available at CV stage is ample enough to interrogate the accused. During enquiry, record and bio data of the accused is sought from different related departments. All cases are properly discussed with Director General on weekly basis. Before third stage, there are two options available to the accused: voluntary return (VR) and plea-bargain (PB). The VR can also take place by applying to the DG if the accused accepts his crime and he shows willingness to return the looted public money to the Government Exchequer. Whereas, the

plea-bargain takes effect after the accused is under arrest. Here, plea-bargain differs from VR because after PB has been availed, service of the convict is no more there, and however, he is not imprisoned anymore and therefore is declared free. After availing VR, there is no punishment imposed, but worth mentioning here that VR is given as an option by the officer to the accused, but in case of a serving government officer, VR is avoided so that he may be punished through plea-bargain and to create deterrence in mind of the accused/convict to avoid looting public money in future. Ideas like that of VR and PB have been taken from anti-corruption laws of developed countries of the world.

In many interviews, the rationale behind the VR was revealed, and interviewees objected the prevailing perceptions (see Javaid, 2010) about these VR and PB policies of the organization. For instance, one interviewee stated that *“the basic philosophy behind the use of Voluntary Return is that it takes place at preliminary stage during inquiry, and if recovery takes place through it, then three purposes are fulfilled.*

- I. *Firstly, the essential objective of recovery is achieved;*
- II. *Secondly, speedy recovery takes place without going through prolonged stages of investigation, and*
- III. *Lastly department’s officers are relieved off a lengthy and tedious task of investigation, and by the time case reaches the court and the time period which it takes while in trial is also saved.”*

In addition to that many interviewees were of the view that *“punishment will not return public money back to the government treasury, therefore NAB exercises voluntary return through which the accused returns the looted amount on his own and his job, perks and privileges are protected.”* In response to question on selection of cases for VR and PB, many officers were of the view that *“it is NAB policy that serving government officers are not served with VR but cases with type of corruption under cheating public at large is facilitated with VR so that public money may reach its due owner. We do not serve VR in case of serving government officer but serve him with plea bargain, so that he is punished and money is returned.”* However, there are some exceptions to this policy owing to embedded social and political setup in the country.

From the above discussion and information it can be inferred that the mechanism for anti-corruption adopted by NAB is praiseworthy in the view of the officers. Particularly, the offer of VR was supported by most of the NAB officers on ground of saving time and money sources while achieving the essential objective of recovery. These anti-corruption mechanisms are lauded by many other developing countries (including China). The officers in NAB defended their procedures of VR and plea-bargain, that it helps in recovering the looted public money with least efforts.

### **Most Prevalent Types of corruption cases prosecuted in NAB**

This section elucidates and analyses the findings from interviews with respect to most prevalent types of corruption in NAB KP. This section also reveals the possible reasons and causes of the corruption. The primary objective of the organization as mentioned in the preamble to the law is to recover the looted amount of public, and its enforcement is then secondary to that primary objective. Therefore, most the types of corruption this organization deals with is monetary in nature and that to recovery it in the national exchequer.

With specific reference to KP, many officers in NAB mentioned that *most of the cases involve land revenue, departmental complaints related to construction of roads, and fraud in mudariba based on cheating people at large.* For instance, an interviewee stated that *“cases under assets accumulation are frequently dealt with, and then cases pertaining to misuse of authority take a second slot...Misuse of authority can either take place in domains of*

*procurement or appointments....Cases under cheating people at large are also frequently marked to NAB, for example mudariba case, and such cases take place due to embezzlement and misappropriation.”* The reasons for receiving such kind of complaints under cheating people at large are that rules and regulations that have been framed so far but its implementation in letter and spirit is shaky in nature, and coupled with officers in hierarchical structure who pursue team work to get desired results is simply the rhyme and reason for preponderance of such cases. Furthermore, greed and status consciousness are also responsible in this regard. The gap between salaries and the authority given is wide and it needs to be set in the light of position of the officer. Coupled with that is the copy syndrome effect which any intelligent man is sharp enough to perceive, absorb and use it.

Interviewees mentioned that it is really hard to prove the illegal gratification even when caught red-handed, coupled with the existing judicial system in the country. It was explained during the interviews that *“cases of illegal gratification do not stand because when raided and caught red handed, the one who is about to receive the amount suddenly takes a U-turn and he says that he wants to throw the money back but other one does not accept it. To tackle this, a magistrate is also accompanied to the court so that NAB remains vigilant on technical knowhow of the judiciary system.”*

Some complaints were recorded against the judicial system in the country that rendered the efforts made by NAB fruitless, as one interviewee stated that *“the core issue here is that if our courts punish and impose a penalty on the convict, High court or Supreme Court acquits the convict, thereby rendering all our efforts useless and fruitless. Arrest on our part is a very strong privilege; at least it brings damage to reputation of the accused thereby creating deterrence.”*

With respect to least recurring types of corruption in the context of NAB-KP, is the issuance of Statutory Regulatory Ordinance (SRO). Statutory Regulatory Orders are issued to benefit one individual or a party, once it is benefitted by the targeted; it is then rescinded the other day. It clearly beckons at legalizing something which is illegal in essence, and therefore the officer issuing that particular SRO is to be held responsible for it. These sorts of corruption cases are more frequent in Sindh.

## **Conclusion and Discussion**

From the interviews with officers in NAB, it was revealed that the primary objective of the formation of NAB was recovery of looted money in retrospective of 1999 military coup, and economic sanction being imposed on Pakistan in the wake of 1998 nuclear detonations. Two different questions were posited to the interviewees first, their understanding of corruption; and second in their perception what the organization (NAB) see as corruption. It was revealed that corruption is the looting of public money by adopting different mechanisms. Very few interviewees related that to the misuse of public office for private gains. Since it is mentioned in their preamble to recover the looted money from corrupt people, therefore the defining corruption in these lines make some sense. In addition to that few interviewees related this concept with injustice and *fasaad* (disaster/destruction) and considered these as actual corruption. Those interviewees, who could not define it properly, mentioned few types of corruption while defining it. For instance, the types of corruption are embezzlement, nepotism, illegal gratification and cheating public etc.

The lack of understanding among the majority of interviewees is visible from the fact that sometime the term was defined too broadly while at times too narrowly. In addition to that the interviewees confused the concept of integrity violations and corruption. For instance, not fulfilling the duty or not doing it appropriately is corruption.

Since the organization is dealing in recovering the looted money of the public, therefore illegal monetary benefits and illegal use of authority are considered among the major forms of corruption. With specific reference to NAB-KP, most of the cases involve land revenue, departmental complaints related to construction of roads, fraud in mudariba based on cheating public at large. However, few interviewees added that they received large number of complaints against officers and individuals who have accumulated huge assets beyond their known sources. The misuse of authority, as type of corruption is mostly occurring in the domain of procurements and appointments. The reasons for receiving such kind of complaints under cheating people at large are that rules and regulations that have been framed so far but its implementation in letter and spirit is shaky in nature, and coupled with officers in hierarchical structure who pursue team work to get desired results is simply the rhyme and reason for preponderance of such cases. Furthermore, greed and status consciousness are also responsible in this regard. The gap between salaries and the authority given is wide and it needs to be set in the light of position of the officer.

With respect to least recurring types of corruption in NAB-KP, the issuance of Statutory Regulatory Ordinance (SRO) is considered as least occurring. Statutory Regulatory Orders are usually issued to benefit one individual or a party, once it is benefitted by the targeted; it is then rescinded the other day. It clearly beckons at legalizing something which is illegal in essence, and therefore the officer issuing that particular SRO is to be held responsible for it. These sorts of corruption cases are more frequent in Sindh on the account of having large industrial base, whereas in KP, the industrial setup is in moribund condition.

This study focused only understanding corruption and integrity violations among the officers in anti-corruption agency in the country. The results are clear that officers understanding need to be improved, for improving the performance of the organization. This study was not conducted among all employees of the organization rather among few selected officers. In order to make the finding generalize, other studies also need to be conducted. In addition to that, other organization with the same mandate of controlling corruption such as Anti-Corruption Establishment, newly established Ehtisaab Commission and Federal Investigation Agency, should be also be explored.

Since this study was qualitative in nature, in order to make the result more robust, some quantitative studies are also suggested.

An important finding in this study was the role of judicial system in combating corruption in collaboration with anti-corruption agency. It is suggested that both of these organization should be explored simultaneously, to seek expectations of these organizations from each other, to make the anti-corruption drive more effective in the country.

It would be a very interesting to explore the case studies of corrupt officers for finding the reason why they did corruption.

## References

- Abbasi, A (2011), "Public Sector Governance in Pakistan: Board of Investment (BOI)". *International Journal of Politics and Good Governance* 2(2)
- Amundsen, I (2001), "Political corruption: An introduction to the issue" Report by Chr. Michelsen Institute Development Studies and Human Rights, Norway  
Available at <http://www.fcpablog.com/blog/2012/11/13/why-do-anti-corruption-agencies-fail.html> accessed on 29-01-2015
- Chattha, Z. N., and Ivkovic, S.K (2004), "Police Misconduct" in Klockars, C.B, Ivkovic, S.K, Haberfield M.R, *The Contours of Police Integrity*, p 175
- Duyne, P.C. van, (2001) "Will Caligula go transparent? Corruption in acts and attitudes", *Forum on Crime and Society*, vol. 1, No. 2, 73-98  
Ehtisham, available at <http://www.wichaar.com/news/294/ARTICLE/13752/2009-04-21.html> accessed on 15th December 2014
- Huberts, L.W.J.C., C.L.Jurkiewicz and J. Maesschalch (eds), (2008). *Ethics and Integrity of Governance: Perspectives across Frontiers*. Cheltenham: Edward Elgar.
- Huberts, L.W.J.C., M. Kaptein and K. Lasthuizen (2007), A study of the impact of the three leadership styles on integrity violations committed by police officers. *Policing: An International Journal for Police Strategies and Management* 30(4): 586-607
- Islam, N (2004). Sifarish, sychophats, power and collectivism: administrative culture in Pakistan. *International Review of Administrative Sciences* 70(2).
- Kaufman, D., Kraay, A., and Mastruzzi, M. (2005), "Governance matters IV: Governance Indicators for 1996-2004" World Bank
- Khan, M. (1996), "A typology of corrupt transaction in developing countries" *IDS Bulletin* 27(2), 12-21
- Klitgaard (1998), *Controlling corruption*, Berkeley University press
- Kuria, Michaelndichu (2012) "Why do anti-corruption agencies fails"
- McMullan, M (1961), "Theory of corruption", *Sociological Review* 9 (21) pp 132-152

National anti-corruption Strategy report, 2002, available at <http://www.nab.gov.pk/Downloads/Doc/NACS.pdf> retrieved 20-09-2014

Olken, B. A. 2005. "Monitoring Corruption: Evidence from a Field Experiment in Indonesia." Working Paper no. 11753 (November), NBER, Cambridge, MA.

Pierce, W. S. (1981), "Bureaucratic Failure and public expenditure" New York, Academic press, Harcourt Brace Jovanovich.

Pope, J. and F. Vogl. 2000. 'Making Anticorruption Agencies more Effective'. Finance & Development 37 (2).

Punch M. (2009) Police corruption. Deviance, Reform and Accountability in policing. Devon: Willan Publishing.

Rable, T. and Kuhlmann, T.M, (2008), "Understanding corruption in Organizations-Development and Empirical Assessment of an Action Model", Journal of Business Ethics 82 pp 477-495

Roebuck, J.B and Barkar, T (1974), "A typology of police corruption" Social Problems, 423-437

Simpson, A.E., (1977) "The Literature of Police Corruption: Volume I: A Guide to Bibliography and Theory" New York: John Jay Press.

Tanzi, V (1998), "Corruption around the world: Causes Consequences, Scope and Cures", IMF staff papers volume 45 (4).

Transparency International report, 2005 available at <http://www.transparency.org.pk/>

Trinh D.D (2014) " Regime Orientation and Agency Design: Correlates of Anti-Corruption Agencies' Impact on National Governments' Anti-Corruption Capacity" thesis Bachelor of Arts, Colgate University NY.

Vargas-Hernández, J. (2013) "The Multiple Faces Of Corruption: Typology, Forms and Levels" University of Guadalajara. [http://clei.pravos.hr/media/CLEI\\_III.pdf#page=269](http://clei.pravos.hr/media/CLEI_III.pdf#page=269)