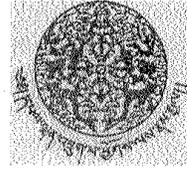




ROYAL GOVERNMENT OF BHUTAN
ANTI-CORRUPTION COMMISSION
'NATION'S CONSCIENCE'
THIMPHU, BHUTAN
"Lead by example"
"If you care, you will dare"



ACC/COM/02/867/868/871

June 24/25, 2009

Honorable Speaker,
National Assembly of Bhutan,
Gyelyong Tshokhang

Hon'ble Chairperson,
National Council of Bhutan

Honorable Leader,
Opposition Party,
Gyelyong Tshokhang

SUB: CIVIL SERVICE BILL OF BHUTAN 2009

Sir,

May we submit that it is our duty to offer our professional views on issues that concerns the institution in which we are working to the decision makers to facilitate a comprehensive and mindful review of the subject under discussion. Therefore, in December 2008, we submitted a paper containing our comments on the Pay Commission's proposal, which was discussed in the second session of the Parliament.

Similarly, as the Civil Service Bill of Bhutan 2009 will be discussed in the 3rd session of the Parliament, a position paper along with other documents are being submitted for the mindful consideration of the decision makers.

Level of corruption in Bhutan may be relatively manageable now. However, it is rampant because it is neither risky nor costly but on the contrary bears high dividends for the perpetrators of corruption. With the onset of rapid economic development and ever changing values system with changing lifestyle, corruption poses serious threat to the peace and stability of the country. Further, if leaders, citizens and institutions fail to manage the political change there is an imminent danger of political corruption, which is a major source of all other forms of corruption.

Therefore, with the establishment of parliamentary democracy in the country, His Majesty the 4th Druk Gyalpo decreed that institutions and systems be put in place to ensure that Bhutanese people always enjoyed peace, prosperity, justice and fundamental rights enshrined in the Bhutanese system. These include the important institutions that uphold democratic governance, among them the Anti-Corruption Commission (ACC), which was established in January 2006 under the Royal Decree of 31 December 2005.

By nature, anti-corruption mandate is different from normal development work mainly due to the investigative responsibility. An important precondition to fulfilling this mandate of fighting corruption effectively, fearlessly and without favor is an enabling environment.

This enabling environment must be provided and sustained by the right combination of tangible political will, functional independence and financial autonomy, as provided in the laws.

Functional independence cannot be interpreted in a narrow sense of non-interference in the day-to-day functioning of ACC. It lends some meaning when ACC has control over resources to carry out its mandate effectively, in particular the important responsibility of investigation bestowed upon the ACC by the Constitution and the ACA. Lack of independence over control of human and financial resources exposes ACC to risks of becoming ineffective and politicized.

An additional risk factor for ACC comes from our small society syndrome. Being small in population, people know each other through social relationship and interaction. Fulfilling investigative function under such a situation is a serious challenge.

Anti-corruption agencies in many countries are fraught with the problem of lack of political will that manifests in weak laws and weaker enforcement, low budgetary provision, appointment of political pawns as head of agency and induction of mediocre professionals (politicization) and corruption in the very institution that is responsible for fighting it. Governments in such countries cripple their anti-corruption agencies, for fear of unearthing their own, their family's or their friends' and supporters' corrupt deeds. Contrarily, strong governments with strong tangible political will with leaders leading by example and within a culture of intolerance for corruption ensure strong, effective and credible anti-corruption agencies such as the Corrupt Practices Investigation Bureau (CPIB), Singapore and Independent Commission against Corruption (ICAC) Hong Kong.

ACC has endeavored to function as a quasi-independent constitutional body over the last three and half years with many challenges, legal and operational. The biggest challenge has been the difficulty in recruitment and retention of good professionals. ACC operated with just 8-12 officers for nearly two years. It lost 5 officers (two will be leaving soon and others may follow). The second batch of officers (13 officers) was recruited on Royal Command (handpicked). Public servants are highly reluctant (aggravated by discouragement from family and friends) to join ACC and more so continue to work in it. The main reason for this problem is the difficult nature of ACC's job. It is a difficult job, both professionally and socially to investigate corruption cases. Being a small society, the threat of reprisal, both directly and indirectly for such actions is real. In such a scenario, doing a good job becomes a major disincentive and cause of concern for officials working in ACC and their families.

A strong, effective and a credible ACC demands highly motivated professionals with high ethical standards, which ACC has not been able to fulfill in a pervading disabling system. It is a huge dilemma and a challenge for ACC to develop institutional capacity when there is general reluctance of people to join or remain in the ACC and more importantly even as an independent body it does not have the authority to create conducive environment.

Further, the government and ACC must also be mindful of the potential risks of the anti-corruption cadre's vulnerability to corruption and politicization because of the very nature of its mandate.

The Constitution of the Kingdom of Bhutan and the Anti-Corruption Act of Bhutan 2006 establish the Anti-Corruption Commission as a constitutional body, an independent authority. However, some sections of the RCSC Bill repeal/undermine various sections of the Constitution and Anti-Corruption Act, as submitted below:

Section 2 (c) of the RCSC Bill under "*Repeal and Saving*" repeals sections 6 pertaining to ACC's authority to determine & administer its organizational structure, budgetary and personnel requirement and section 27 that empowers the ACC to prescribe service conditions and personnel policies for the Secretariat staff broadly in accordance with the RCSC Act undermine Article 14, section 13 and Article 27, sections 1 and 6 of the Constitution;

Section 7 under "*Extent and Scope of this Act*," indicates that RCSC will have jurisdiction over the Commissioners of ECB and ACC, who are members of the constitutional offices, which is unconstitutional. Further, as the "Service Conditions for the Holders of Constitutional Offices Bill of the Kingdom of Bhutan 2009" will also be discussed during this session, it may not be out place to ask which law will cover the service conditions of the members of constitutional offices?;

Section 60, under “*Equal Employment Opportunities*” states, “*All civil servants working under the three branches of the Royal Government, including Autonomous Agencies, and Constitutional Bodies shall be appointed in accordance with this Act,*” and

Section 63 under “*Appointment of Civil Servants by Agencies,*” states, “*An Agency shall make recruitment, selection, appointment and transfer of a civil servant to a post within its jurisdiction, which shall be conferred by the BCSR*” will have to be reviewed against the definition of independence guaranteed to the ACC by Article 27, sections 1 and 6 of the Constitution and Chapter 2 sections 3, 5 and 6 of the AC Act.

Section 93 under “*Immunity from Prosecution,*” states, “*The Commission is the ultimate guardian for all civil servants in the Kingdom. As such, a civil servant shall not be prosecuted for any matter in respect of*

Civil Service directly by any party a court of law without (a) routing the case through the Commission, and (b) exhausting all the administrative actions as specified in the BCSR” undermines Article 14 section 13 and Article 27 section 5 of the Constitution and Chapter 1 section 2, Chapter 6 sections 77, 78 and 81 (these 3 sections by implication), Chapter 7 sections 88, 90 and 91 of the Anti-Corruption Act of Bhutan 2006.

As an investigating agency and with the experiences of leading anti-corruption agencies in other countries and our own experience over the last three and half years, we have serious difficulties with the above. We cannot perform or will not pretend to perform under these circumstances.

The fundamental issue that ACC wishes to raise is “*What does independent authority and independent administration provided in section 1 of Article 27 and section 13 of Article 14 of the Constitution mean?*”

There are views that being under RCSC will not affect the functioning of ACC because the Commission is not under the jurisdiction of the RCSC (that in any case is guaranteed by the Constitution). The Commission operates through its Secretariat and to say that the Secretariat will be under the RCSC is like leaving the lone commander of war with a troop, which is under someone else’s control. The lethargy or inhibition to work without fear or favor would be caused by dual control and accountability inherent in such a system. Besides, it is only natural for the people in the Secretariat to be loyal to the master who will determine their career prospects.

Further, there is a serious issue of inherent conflict of interest, perceived and potential. The conflict of interest will seriously affect how ACC cadre conducts its investigative functions. How will someone investigate officials who control his/her career advancement through training and promotion? Under our system, where nepotism and favoritism are widespread, vendetta would become another feature under such a system.

It is important for ACC to work closely with agencies such as RCSC but it cannot be subordinated to another agency for its operations, if corruption has to be combated without fear or favour. The objective of ensuring a uniform civil service should not compromise on the efficacy of agencies and lose sight of non-uniform realities that have far reaching impact on democracy.

If the concern is of losing control over ACC, it is unfounded because these bodies are also subjected to auditing, financial management auditing by RAA and human resource management auditing by RCSC, parliamentary review through our annual reports and citizens and watchdogs such as media can also hold us accountable. Besides, unlike other organizations we have a stringent Code of Conduct and Ethics compliance program.

The independence (conferred by Article 27 of the Constitution and Chapter 2 of the Anti-Corruption Act) must translate into functional independence in terms of control over human and financial resources. The financial autonomy (conferred by Article 14, section 13) must translate into allocation of adequate financial resources by Parliament to function effectively. Without them, ACC runs the high risk of being systematically forced into inaction. It is very simple to render ACC ineffective. The likelihood of systematic strangling of ACC under a democratic setting is quite high. Therefore, it is imperative to delineate powers in respect of responsibilities, both in letter and spirit of the Constitution.

The democratically elected government which has adopted the Constitution of the Kingdom also has the important responsibility to uphold its provisions and ensure that the mandate entrusted to the ACC is fulfilled effectively. The much acclaimed political will and the policy of "Zero Tolerance to Corruption" must now be given substance.

Finally, we would like to submit that efficacy of ACC is the will to fight corruption. The price of corruption is not money or lost economic opportunities alone but instability, injustice, insecurity, disharmony, depletion and deterioration of national wealth and health - cultural integrity, spiritual, human and natural.

A paper titled "Political Will: Strong & Effective ACC" (consolidating of past submissions) is being submitted along with other documents.

With respect,

Yours sincerely,


(Neten Zangmo)
Chairperson

Encl:

- 1 Position paper, titled "Political Will: Strong & Effective ACC;"
- 2 4th Druk Gyalpo's Kasho on establishment of ACC (attachment 1);
- 3 Hon'ble Speaker's letter to Honorable Finance Minister on incentives to RAA & ACC amongst others (attachment 2);
- 4 ACC's letter to RCSC on recruitment & Royal Command (attachment 3);
- 5 Chronology of meetings on RCSC Bill (attachment 4(a));
- 6 ACC's Performance & Autonomy over Personnel Management (attachment 4(b));
- 7 RAA & ACC's submission on Civil Service Bill (attachment 4(c)); and
- 8 ACC's presentation to Pay Commission (June 14, 2008) (attachment 5).

Copy to:

- 1 Chairperson, Legislative Committee, National Assembly of Bhutan, Gyelyong Tshokhang;
- 2 Chairperson, Ethics and Credential Committee, National Assembly of Bhutan, Gyelyong Tshokhang,
- 3 Chairperson, Legislative Committee, National Council of Bhutan, Thimphu; and
- 4 Chairperson, Good Governance Committee, National Council of Bhutan.

Political Will to Fight Corruption: A Strong & an Effective Anti-Corruption Commission

Introduction

Fighting corruption is a national and a global challenge. Corruption undermines democratic institutions (bureaucratic quagmires, retards economic development and contributes to government instability). It undermines justice and equity, the very essence of democracy; traps people in a vicious cycle of poverty, causes social, economic, environmental and political crises, which may potentially stake national security and sovereignty. Corruption betrays public trust and confidence in the government and public officials. Corruption is anti-GNH.

*“The rise of corruption in Bhutan is a challenge we face. How big the challenge is, will depend on how soon and how strongly we decide to oppose it...there is no room for corruption - it is as simple as that, not now and not in the future...It is not enough to be honest - there is no substitute to living by a simple rule ‘I will not be corrupt and I will not tolerate corruption in others.’” **Druk Gyalpo***

*“We want to ensure that the Royal Government will be a clean government, that the promises, that the hopes and aspirations of the people will be fulfilled in ways that are not wasteful, in ways that are timely and in ways that are not corrupt.” **Prime Minister, June 2008***

Political will of our Monarchs, the citizens and the government’s intolerant policy of “Zero Tolerance to Corruption” are expressions of their deep concerns over the growing levels of corruption in Bhutan and the urgent need to arrest its prevalence, aggressively and resolutely.

Level of corruption in Bhutan may be relatively manageable now. However, corruption is rampant because it is neither risky nor costly but on the contrary bears high dividends to the perpetrators of corruption. With the onset of rapid economic development and ever changing value system with changing lifestyle, corruption poses serious threat to the peace and stability of the country. Further, if leaders, citizens and institutions fail to manage the political change there is an imminent danger of political corruption, which is a major source of all other forms of corruption.

Therefore, with the establishment of parliamentary democracy in the country, His Majesty the 4th Druk Gyalpo decreed that institutions and systems be put in place to ensure that Bhutanese people always enjoyed peace, prosperity, justice and fundamental rights enshrined in the Bhutanese system. These include the important institutions that uphold democratic governance, among them the Anti-Corruption Commission (ACC).

ACC was established in January 2006 under the Royal Decree of 31 December 2005. The Royal Decree states, *“With rapid pace of economic development in our country, there have been changes in the thinking of the people with the influence of self-interest leading to corrupt practices taking place in both the government and the private sector. If appropriate steps are not taken now to stop this trend, it will lead to very serious problems in future for both the government and the people in our country with a very small population. At a time when we are establishing parliamentary democracy, it is important to curb and root out corruption from the very beginning. Therefore, it is imperative to establish the Office of the Anti-Corruption Commission before the adoption of the constitution and build a strong foundation for the Commission to effectively carry out its functions and responsibilities... the Chairperson of the Anti-Corruption Commission is authorised to carry out investigations on any person in Bhutan, regardless of status and position... (attachment 1).”* ACC was established with the sole objective of curbing and rooting out corruption in Bhutan.

Following the adoption of the Constitution of the Kingdom of Bhutan in 2008, ACC became a constitutional body, as enshrined in Article 27 of the Constitution, the supreme of law of the country. Therefore, ACC as a constitutional independent authority with an important mandate, cannot be subjected to political or administrative dictates or be rendered vulnerable to undesirable influences due to lack of autonomy or due to structural deficiencies in terms of authority, accountability and security.

Status of ACC

Legal independence

By law, ACC is an independent constitutional body. Article 27, section 1 of the Constitution states, *“There shall be an Anti-corruption Commission, headed by a Chairperson and comprising two members, which shall be an independent authority and shall take necessary steps to prevent and combat corruption in the Kingdom.”*

The use of words ‘independent authority’ unlike the word ‘autonomy’ as used in the case of other entities such as the Pay Commission is clear indication that ACC is independent and separate entity. Section 2 of article 27 read with section 19(h) of article 2 require a collegiate recommendation for the appointment of Commissioners is another indication of ACC’s independence. Here, unlike in the cases of appointment of certain officials, the Royal Civil Service Commission’s recommendation is not required because ACC is intended as an independent agency.

Chapter 2, section 3 of the Anti-Corruption Act of Bhutan 2006 (ACA) states, “*The Anti-Corruption Commission shall be established in accordance with the provision of the Constitution, which shall be an independent authority.*”

Financial Independence

Article 14, section 13 of the Constitution states, “*The State shall make adequate financial provisions for the independent administration of constitutional bodies*” & Chapter 2, section 8 of ACA states, “*The Commission’s budget shall be approved by Parliament as part of the annual national budget...*”

Organizational and Functional Independence

Chapter 2, sections 5-7 & 27 of ACA state, “*The Commission shall enjoy full organizational and functional independence including programming, investigation and reporting. The Commission shall have full authority to determine and administer its organizational structure, budgetary and personnel requirement. The Commission shall prescribe the service conditions and personnel policies for the staff of its Secretariat broadly in accordance with the Civil Service Act.*”

Nature of ACC’s Mandate

By nature, anti-corruption mandate is different from normal development work mainly due to the investigative responsibility. An important precondition to fulfilling this mandate of fighting corruption effectively, fearlessly and without favor is an enabling environment.

This enabling environment must be provided and sustained by the right combination of tangible political will, functional independence and financial autonomy, as provided in the laws. Functional independence cannot be interpreted in a narrow sense of non-interference in the day-to-day functioning of ACC. It lends some meaning when ACC has control over resources to carry out its mandate effectively, in particular the important responsibility of investigation. Lack of independence over control of human and financial resources exposes ACC to risks of becoming ineffective and politicized.

An additional risk factor for ACC comes from our small society syndrome. Being small in population, people know each other through social relationship and interaction. Fulfilling investigative function under such a situation is a serious challenge. The Bhutanese nature of personalizing performance of duty adds cynicism to anti-corruption efforts.

The government must create the enabling conditions by reducing such threats so that ACC can function as an effective and a credible anti-corruption agency.

Experiences of Leading Anti-Corruption Agencies in Other Countries

Problem of lack of political will that manifests in weak laws and weaker enforcement, low budgetary provision, appointment of political pawns as head of agency and induction of mediocre professionals (politicization) and corruption in the very institution that is responsible for fighting it, fraught most anti-corruption agencies in the world. Governments in many countries cripple their anti-corruption agencies for fear of unearthing their or their families' and their friends' and supporters' corrupt deeds. Contrarily, strong governments with strong tangible political will with leaders leading by example and within a culture of intolerance for corruption ensure strong, effective and credible anti-corruption agencies such as the Corrupt Practices Investigation Bureau (CPIB), Singapore and Independent Commission against Corruption (ICAC) Hong Kong.

On the service conditions, generally there are two distinct groups of anti-corruption agencies – one following civil service rules and the other with independent service rules. Some countries involve public service commission for recruitment, but the selected candidates are given the choice to go and work on deputation or to resign and work on contract basis. This system provides opportunity to attract competent professionals to work in anti-corruption agencies.

ICAC, Hong Kong, CPIB, Singapore and ICAC, New South Wales, Australia, which are leading anti-corruption agencies in the Asia-Pacific Region follow independent service rules and are empowered by their acts to manage their personnel on corporate principles. However, it must be noted that the general service conditions in these countries are very high. To build an institution and especially those with challenging mandate, a critical precondition is attractive service conditions. Therefore, for fledgling anti-corruption agencies, strong tangible political will and attractive service conditions are important, especially during its initial formative years to nurture them into effective and credible organizations.

ACC's Experience

ACC has endeavoured to function as a quasi-independent constitutional body over the last three and half years with many challenges, legal and operational. The biggest challenge has been the difficulty in recruitment and retention of good professionals. ACC operated with just 8-12 officers for nearly two years and lost 5 officers (two will be leaving soon and others may follow). The second batch of officers (13 officers) was recruited on Royal Command (handpicked). Public servants are highly reluctant (aggravated by discouragement from family and friends) to join ACC and more so continue to work in it. The main reason for this problem is the difficult nature of ACC's job. It is a difficult job, both professionally and socially to investigate corruption cases. Being a small society, the threat of reprisal, both directly and indirectly for

such actions is real. In such a scenario, doing a good job becomes a major disincentive and cause of concern for officials working in ACC and their families.

A strong, effective and a credible ACC demands highly motivated professionals with high ethical standards, which ACC has not been able to fulfill in a pervading disabling system. It is a huge dilemma and a challenge for ACC to develop institutional capacity when there is general reluctance of people to join or remain in the ACC and more importantly even as an independent body it does not have the authority to create conducive environment.

Government has to provide favorable service conditions, which would attract and retain good professionals with high standards of integrity to work in ACC. As a part measure, the National Assembly in its 2nd session resolved that *“Pay Commission to review to provide additional allowances for the officials working in the Anti-Corruption Commission and Royal Audit Authority, given the nature of work and the risk factor involved and also to ensure zero tolerance against corruption.”*(**attachment 2 - Honorable Speaker’s letter to Honorable Finance Minister**). However, ACC also recognizes that success is not totally contingent upon attractive service conditions alone. Quality of leadership (appointment of right persons in the Commission), conducive organizational culture that values leading by example, values people and provides space for their voice and creativity, team building, professionalism, sound strategies and institutional development initiatives are critical to sustain a motivated team of high quality professionals in the ACC. ACC is aware of this need and constant efforts are being towards it.

Further, along with the Royal Command on the recruitment of officers, other command received by the ACC was, *“ACC must be strengthened in order to be an effective institution able to fulfill its mandate and the ACC must build a system (including) that will ensure that ACC staff, in carrying out their duties, will always maintain the highest motivation, integrity and confidence”* (**attachment 3 – ACC’s letter to RCSC**).

Further, the government and the ACC must also be mindful of the potential risks of the anti-corruption cadre’s vulnerability to corruption and politicization because of the very nature of its mandate.

ACC’s Effectiveness vis-à-vis RCSC Bill 2009

Some sections of the RCSC Bill 2009 repeal/undermine various sections of the Constitution of the Kingdom and Anti-Corruption Act 2006:

Section 2 (c) of the RCSC Bill under *“Repeal and Saving”* repeals section 6 pertaining to ACC’s authority to determine & administer its organizational structure, budgetary and personnel requirement and section 27 that empowers the ACC to prescribe service conditions and

personnel policies for the Secretariat staff broadly in accordance with the RCSC Act undermine Article 14, section 13 and Article 27, sections 1 and 6 of the Constitution;

Section 7 under “*Extent and Scope of this Act,*” indicates that RCSC will have jurisdiction over the Commissioners of ECB and ACC, who are members of the constitutional offices, which is unconstitutional. Further, as the “Service Conditions for the Holders of Constitutional Offices Bill of the Kingdom of Bhutan 2009” will also be discussed during this session, it may not be out place to ask which law will cover the service conditions of the members of Constitutional Offices?;

Section 60, under “*Equal Employment Opportunities*” states, “*All civil servants working under the three branches of the Royal Government, including Autonomous Agencies, and Constitutional Bodies shall be appointed in accordance with this Act;*” and

Section 63 under “*Appointment of Civil Servants by Agencies,*” states, “*An Agency shall make recruitment, selection, appointment and transfer of a civil servant to a post within its jurisdiction, which shall be conferred by the BCSR*” will have to be reviewed against the definition of independence guaranteed to the ACC by Article 27, sections 1 and 6 of the Constitution and Chapter 2 sections 3, 5 and 6 of the AC Act.

Section 93 under “*Immunity from Prosecution,*” states, “*The Commission is the ultimate guardian for all civil servants in the Kingdom. As such, a civil servant shall not be prosecuted for any matter in respect of Civil Service directly by any party a court of law without (a) routing the case through the Commission, and (b) exhausting all the administrative actions as specified in the BCSR*” undermines Article 14 section 13 and Article 27 section 5 of the Constitution and Chapter 1 section 2, Chapter 6 sections 77, 78 and 81 (these 3 sections by implication), Chapter 7 sections 88, 90 and 91 of the Anti-Corruption Act of Bhutan 2006.

In gist, section 6 of Article 27 of the Constitution states, “*The Anti-corruption shall functions in accordance with the Anti-corruption Act.*” As per section 9 of Article 1, the Constitution is the Supreme Law of the State and hence very person shall have the duty and responsibility to respect and abide by the provisions of the Constitution as stated in section 11 of Article 8.

Without going into details, the fundamental issue that ACC wishes to raise is “What does independent authority and independent administration provided in section 1 of Article 27 and section 13 of Article 14 of the Constitution mean for all practical purposes?”

There are views that being under RCSC will not affect the functioning of ACC because the Commission is outside the RCSC (now as per the Bill only the Chairperson). The Commission operates through its Secretariat and to say that people in the Secretariat will be under the RCSC is like leaving the lone commander of war with a troop, which is not under his/her control. The

decision-making of the Commission must be based on work carried out by the Secretariat. The lethargy or inhibition to work without fear or favor would be caused by dual control and accountability inherent in such a system. Besides, it is only natural for people in the Secretariat to be loyal to the master who will determine their career prospects.

Even more damaging than the dual control and accountability would be the issue of conflict of interest. The conflict of interest will seriously affect how ACC cadre conducts its investigative functions. How will someone investigate officials who control his/her career advancement through training and promotion? Under our system, where nepotism and favoritism are widespread, vendetta would become another feature under such a system. For an investigative agency like ACC, conflict of interest (positive and negative), if not addressed sensitively, would jeopardize its whole operations.

The above provisions of the RCSC Bill undermine the Constitution and the ACA. It is important for ACC to work closely with agencies such as RCSC but it cannot be subordinated to another agency for its operations, if corruption has to be combated without fear or favour. ACC cannot and will not perform if it is incapacitated.

If the concern is of losing control over ACC, it is unfounded because these bodies are also subjected to auditing, financial management auditing by RAA and human resource management auditing by RCSC, parliamentary review through the annual reports and citizens and watchdogs such as media can also hold the ACC accountable. Besides, unlike other organizations ACC has a stringent Code of Conduct and Ethics compliance program.

ACC's Position

In consonance with the purpose of ACC's establishment, its independence guaranteed by the Constitution and the Anti-Corruption Act, drawing experiences from leading anti-corruption agencies in other countries and with analysis of ACC's experience and the Bhutanese scenario, ACC has taken the consistent position that it should be an independent constitutional body (legally, financially, administratively and functionally) not only paper but in reality.

The independence (conferred by Article 27 of the Constitution and Chapter 2 of the Anti-Corruption Act) must translate into functional independence in terms of control over mainly human and financial resources. The financial autonomy (conferred by Article 14, section 13) must translate into allocation of adequate financial resources by Parliament to run ACC effectively. Without them, ACC runs the high risk of being systematically forced into inaction. It is very simple to render ACC ineffective. The likelihood of systematic strangling of ACC under a democratic setting is quite high. Therefore, it is imperative to delineate powers in respect of responsibilities, both in letter and spirit of the Constitution.

This position of ACC has been presented at meetings on the Civil Service Bill in the past. A chronology of the meetings/discussions held is attached (**attachment 4 a, b, c**). Presentation made by ACC to the Pay Commission is also attached (**attachment 5**).

Conclusion

The democratically elected government which has adopted the Constitution of the Kingdom also has the responsibility to uphold its provisions and ensure that the mandate entrusted to the ACC is fulfilled effectively. The much acclaimed political will and policy of “Zero Tolerance to Corruption” must now be given substance.

Bhutan, as a small sovereign nation has always aspired for peace, security and happiness for her people. With such aspiration, she cannot afford to tolerate corruption or complacency. The price of corruption is not money or lost economic opportunities alone but instability, injustice, insecurity, disharmony, depletion and deterioration of national wealth and health - cultural integrity, spiritual, human and natural.

“As citizens of a spiritual land you treasure the qualities of a good human being: honesty, kindness, charity, integrity, unity, respect for our culture and traditions, love for our country and for God. The future is neither unseen nor unknown. It is what we make of it. What work we do with our two hands today will shape the future of our nation. Our children’s tomorrow has to be created by us today.”

His Majesty’s Coronation Address