

Report of the Study
On the Control of Corruption
and the Role of the
Commission For the Investigation of Abuses of Authority

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CONCLUSION AND RECOMMENDATION

1. CIAA in Controlling Corruption:

John Austin, one of the founders of positivism in law, once mentioned that until the ethical notions of men were more clear and consistent, no considerable improvement could be hoped for in legal or political science, nor consequently, in legal or political institutions.¹ Similarly, C. K. Allen remarked that, the law enforcement depends upon the conscience of an individual. Therefore, however good laws there may be if the persons who are under a duty to enforce that law lacks honesty, dedication and commitment that law may not be enforced properly.²

Commission For the Investigation of Abuses of Authority is entrusted by the Constitution of the Kingdom of Nepal, 1990 to act in controlling, discouraging and uprooting improper conduct or corruption committed by persons holding public office. For this sake the CIAA is authorized to conduct or to be conducted inquiry, investigation³ and may bring or cause to be brought an action before Appellate Court.⁴

CIAA is authorized under section 4 of the CIAA Act, 2048 to investigate and prosecute on abuses of authority against the following persons:

- i. Persons holding office as political appointee,
- ii. An officer in service to the HMG holding post of First Class Officer or higher in rank,
- iii. An officer in service to the HMG inferior in status than First Class Officer, however holding office as Chief of the Department, and
- iv. Any officer as Department Chief or Administrative Chief in any Corporation, Office or Institution as prescribed in the Constitution or in existing laws.

¹ ROBERT CAMPBELL, AUSTIN'S LECTURE ON JURISPRUDENCE, 5th ed., at 16 of the Preface, (1885).

² Cited in, Yubaraj Sangroula and et. al., *Report on Impacts of Corruption in Transparency and Accountability of Governance System in Nepal*, at 3, [Manuscript], (2000).

³ Art. 98 (1) of the *Constitution of the Kingdom of Nepal*, (1990) provides that, "The Commission for the Investigation of Abuse of Authority may, in accordance with law, conduct or cause to be conducted inquiries into, and investigations of, improper conduct or corruption by a person holding any public office."

⁴ *Id.*, Art. 98(3) provides that, "If the Commission for the Investigation of Abuse of Authority finds, upon inquiry or investigation carried out pursuant to clause (1), that a person holding any public office has committed an act which is defined by law as corrupt, it may bring or cause to be brought an action against such person or any other person involved therein in a court with jurisdiction in accordance with law. Sec. 18 of the *Commission For the Investigation of Abuses of Authority Act*, (2048) has devised the concerned Appellate Court as court of jurisdiction to trail the cases prosecuted by CIAA.

CIAA is excluded to entertain investigation, inquiry and prosecution on abuses of authority or corruption against following persons:⁵

- i. Judges,
- ii. Chief Commissioner or other Commissioners of the CIAA,
- iii. Auditor General,
- iv. Chairman or Members of the Public Service Commission,
- v. Chief Election Commissioner and other Election Commissioners, and
- vi. Person to whom proceeding is taken under Army Act.

In this Context the Supreme Court of Nepal vindicated the CIAA empowering to investigate and prosecute against the persons under section 4(1) of the CIAA Act, 2048 without obtaining prior permission of the Prime Minister or of the Chairman of the House of Representative in *Bal Krishna Neupane Case*.⁶ The CIAA is devised with all necessary power to burst against the pathetic, rampant and pandemic state of corruption in our society but unlike to its power the failure of CIAA in controlling abuses of authority has inquired upon the performance of CIAA itself.

There are allegations against the CIAA that it did not properly and effectively investigated upon the complaint and the cases.⁷ Many in Nepal rejoiced when the Supreme Court verdict empowered the CIAA in 1996 to file the cases against even the Prime Minister. But today, they are disappointed for if they had previously seen the CIAA as a tiger, which the 1991 amendment had rendered toothless, they now see it with the teeth, but without the bite. The laws are there but they have deterred neither corrupt politicians nor civil servants. In many ways, corruption has become formally institutionalized and is for many, a very important component of the political and administrative culture in Nepal.⁸ This suggests that corruption has become an occupation of power holder and power broker today.

When we consider how corruption is eating away at the moral fiber of Nepali society, it becomes impossible to imagine any excuse for the CIAA for its inaction. It is because of lack of the will in the part of CIAA to bring political masters within the bracket of law instead of pleasing them. In fact, it is very difficult to accept that the Commission's demand for further empowerment and the lack of authority is something that constrains its activities.⁹

The proportion of corruption in the government offices is sharply increasing, however, the number of prosecution by Commission for investigation of Abuse of Authority is sharply declining. The cases prosecuted by CIAA fail in majority. The investigation takes

⁵ Sec. 4(3) of the CIAA Act, (2048).

⁶ *Balkrishna Neupane v. HMG Cabinet Secretariat*, 38 NKP 6, at 450, (2053).

⁷ See, PRO PUBLIC, *Strategic Review of the Performances of the Commission on Investigation of Abuse of Authority and the Office of the Auditor General*, PRO PUBLIC, at 19, (1999).

⁸ *Ibid.*

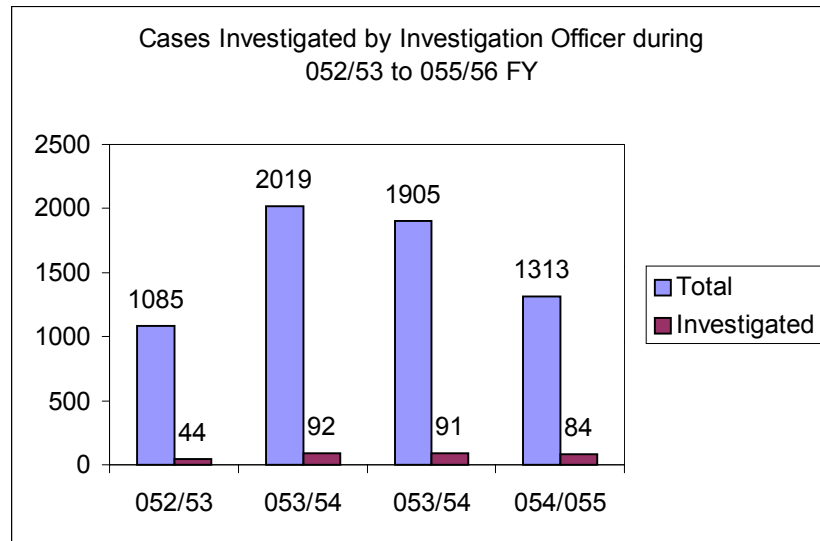
⁹ See, *Id.*, at 34, cited the statement of Mr. Gnaga Bahadur Thapa, President Political Science Association of Nepal.

long time without result. The procedures are not transparent. The retired civil servants are appointed as the head. Who is then accountable for this failure, has become a matter of inquiry.

CIAA is an institution and an institution is fashioned by two factors. One is institutional factor, which is determined by Constitution and Law and next, the personnel who act on behalf of the CIAA as Commissioners or its officials or investigation officers. The first is related to structural aspect and the second to functional aspect. Today, it is commonly felt and accepted that the weak and ineffective performance of investigation and prosecution by CIAA is the root cause of the failure in controlling corruption. However, it is not to be forgotten that in the cases prosecuted by the CIAA before the court and decided by the court, the mode of the interpretation of laws employed by judges is more responsible than any other factors for the legitimization of corruption in society.

Our Constitution and relevant laws have authorized to investigate and prosecute cases against improper conduct and corruption before the law courts i. e. Appellate Court. Unlike to the authorization by constitution and law when the personnel do not function effectively that refers to the syndrome of aberration of the Commissioners and related authority from rendering their Constitutional and legal responsibilities.

From 2048/49 FY to 2055/56 FY total complaints registered before the CIAA amounted 7628, while the CIAA prosecuted only 42 cases. The percentage of prosecution out of the total complaints belongs 0.5%, which is extremely negligible in comparison to the complaint lodged before it. Similarly, the investigation rate is also not satisfactory. In the FY 052/53 the CIAA investigated 44 cases by investigation officer out of 1085 cases, which is 4% of the total cases. Similarly, during the FY 053/54 the CIAA investigated 92 cases by investigation officer out of 2019 cases, which is 4.5% of the total cases. During the FY 054/55 the CIAA permitted investigation for 91 cases to its investigation officer out of 1905, which is 4.7% of the total cases. During the FY 055/56, out of 1313 only 84 cases were investigated under such authority, which is 6.3% of the total cases. [See the following Chart]



There is commonplace belief that CIAA does not collect necessary and relevant evidences in the cases prosecuted before the Courts. This study finds that the rate of the investigation and collection of evidences of the CIAA is very poor and there is no time bound system of investigation. This is the major area of error in CIAA's functioning. However, the cases which the CIAA has prosecuted against the defaulters before the Courts though very few but they are lodged with the necessary and relevant evidence collected by the CIAA. It is no doubt that CIAA has produced no eyewitness and in corruption cases eye witness is unreasonable even to expect because it is almost impossible. In most of the corruption cases the possible evidence is document, i. e. documentary evidence, as the public servants do involve in corruption either by abusing their authority or by violating the law and that can be proved only by documentary evidence. Documentary evidence is the best evidence in each and every legal issue and dispute. When the documentary evidence proves or disproves the facts in issue it is not necessary to be proved or disproved the facts in issue by other evidences including witness. In this context, the collection of evidences by CIAA in prosecuted cases does not seem inadequate or irrelevant. It is true that, in almost all cases the Court has dismissed the charge sheet of the CIAA on the ground of insufficiency or inadequacy of evidence. The court is found expecting evidence that would explicitly speak about the accused has/had taken gratification. To expect an evidence of such a degree is to expect impossible evidence by a law court. The erroneous assessment of evidence and expectation of impossible evidence by the court does not indicate that the CIAA had collected irrelevant or inadequate evidence or had not collected evidence at all. By, observing the case files or documents it has been found that CIAA has collected almost necessary and relevant documentary evidence against the accused in the prosecuted cases.

CIAA itself is asking for legal empowerment in collection or retention of evidences and considers hindrances in existing system of evidence collection.¹⁰ Section 10 of the CIAA Act, 2048 authorizes the CIAA to make submission of the file and necessary documents from concerned authority, office and an individual. Similarly, the CIAA is authorized to inquire upon any person who can release important information regarding the evidences. In this context, the legal authority to get, collect and retain any evidence, which is relevant to the investigation is sufficiently granted and guaranteed by the law to the CIAA. No law acts in itself, it acts and gets life only through the persons who execute the law. Only the matter is the efficiency of the CIAA and its manpower overcoming the political economy consideration prevalent all over the country.

2. Why CIAA lost almost all cases before the Courts?

CIAA lost the cases in the courts not only because of fallacious judicial approach and interpretation of law and political economy consideration but also because of CIAA itself. The reasoning behind this failure can be summarized as follow:

- i. CIAA has hardly implored before the court for the application of the section 15 of the PCA, which provides on 'Presumed Offence'. The section has authorized the court to presume against any person charged the offence under the PCA that if the financial position or living standard of the accused is incommensurable to his sources of earnings, which is presumed against the accused by the court as reception of gratification unless the accused produces satisfactory evidence before the court for refutation. This section could be equally applicable in most of the corruption cases and by the very nature of the section the burden of proof is shifted to the accused from the shoulder of the prosecutor. This section not only shifts the *onus probandi* but authorizes the court to presume against the accused, which contributes to impart punishment to the offender. The court is also equally responsible because under the section 5 and 7(C) of the Evidence Act, 2031 she may give effect to the section 15 of the PCA. However, the court in no corruption cases has given application of the section 15 of the PCA.
- ii. Second reason is that in the cases, which we studied CIAA has not taken the accused into custody during the investigation. This has demolished the seriousness of the offence and put the law into the lap of the offender either by providing him opportunity to erase his traces of illegality or of evidences.
- iii. The most important factor of losing cases before the court is the court itself. The role of the court in assessing evidences and interpreting the laws is seriously erroneous as discussed in previous chapter.

3. Understanding and Interpretation of Corruption:

Corruption is the abuse of public power for private gains. Although, corruption tends to get the most attention, it is a symptom of a more general problem of perverse underlying

¹⁰ See, the Yearly Reports of the CIAA.

incentives in public service. Corruption flourishes where distortions in the policy and regulatory regime provide scope for it and where institutions of restraint are weak.¹¹ Corruption violates the public trust and corrodes social capital. A small side payment for a government service may seem a minor offence, but it is not the only cost - corruption can have far-reaching externalities.¹²

In fact, corruption is the hard-core pornography of power; and has all its voyeuristic attractions. The *coitus politicus* in its momentary interruption at the full public gaze appears to endow the public with the illusion of enhanced capabilities to combat corruption, says Prof. Baxi.¹³

Once former Chief Justice Bishwo Nath Upadhyaya remarked that "Corruption is definitely there. It was there when I was Chief Justice and it is present all over the countries at every level."¹⁴ Deputy Prime Minister, Ram Chandra Poudyal remarked that "today corruption has been acknowledged by all leaders and political parties and now His Majesty is alone to acknowledge it."¹⁵ In recent address to the joint session of the Parliament His Majesty also expressed on the commitment of the government in controlling corruption.

Corruption Control Recommendation Committee in its recent Report observed, ". . . there is growing concern on corruption in our nation. Today, not only government sector but from non governmental sector, business community, educational community and organizations representing different sub sections of the society too are not immune from the infection of the disease of corruption."¹⁶

World Development Report, 1997 has beautifully described the corruption and its impact in our time. The Report states, "Governments embarked on fanciful schemes. Private investors, lacking confidence in public policies or in the steadfastness of leaders, held back. Powerful rules acted arbitrarily. Corruption became endemic. Development faltered, and poverty endured."¹⁷

Prevention of the Corruption Act, 2017 has defined corruption in different categories. In our study we found three types or categories of corruption frequently involved, they are (1) gratification, (2) abatement and (3) illegal advantage or loss.

¹¹ See, U. BAXI, LIBERTY AND CORRUPTION: THE ANTULAY CASE AND BEYOND, Eastern Book Company, Lucknow, at 102, (1989).

¹² *Ibid.*

¹³ *Id.*, at 4, (1989).

¹⁴ Bishwo Nath Upadhyaya, *We Must be Clear on the Status of the Mahakali & the Border*, [Interview] THE KATHMANDU POST, September 13, (1996). See also, SURENDRA BHANDARI, COURT CONSTITUTION & GLOBAL PUBLIC POLICY, DDL, Kathmandu, (1999).

¹⁵ See, Pro Public, 1 GOOD GOVERNANCE 2, (1999).

¹⁶ Corruption Control Recommendation Committee, *Report of the Corruption Control Recommendation*, Submitted before the Prime Minister Girija Prasad Koirala on 9th Chaitra 2056, at 14, (2056).

¹⁷ World Bank, *World Development Report*, 1997, Oxford University Press, Oxford, at 2, (1997).

Gratification: Section 3 of the Prevention of the Corruption Act, 2017 prescribes that if any public servant accepts or attempts to accept gratification other than official remuneration for performing or forbearing of an official duty, commits an offence punishable 2-6 years of imprisonment and the amount of gratification is forfeited and collected in public treasury. Section 4 of the PCA is related with section 3, as the former proscribes giving gratification and the later proscribes taking gratification. Both the bribe or gratification giver and taker are punished under the law. Bribe giver is also punished 2-6 years of imprisonment if bribe is given by corrupt or illegal means and 1-2 years of imprisonment if acted to hold public servant under personal influence.

Illegal Advantage or Loss: Section 7 of the PCA provides punishment from 1-3 years of imprisonment or fine or both for following acts:

- (i) *Malafied* act done by public servant in government office to create illegal advantage to oneself or to any other person knowingly disobeying Nepalese Laws, or
- (ii) *Malafied* loss to His Majesty, His Majesty Government, government recognized public corporation or to an individual knowingly disobeying Nepalese Laws, or
- (iii) Knowing disobedience of promise, terms, agreement or contract made with His Majesty or His Majesty Government, or
- (iv) Abuses government facilities or authority or retains such facilities or authorities, or
- (v) Attempts to commit any of such acts.

All these five acts independently constitute crime and are punishable for 1-3 years of imprisonment or fine or both. But in almost all cases studied by us it is shown that the courts are not acknowledging these five separate conditions of offence under the section 7 of the PCA, 2017. Courts are excessively giving importance to prove *malafidness* in all of these conditions. However, *malafide* is related only with the (i) & (ii) conditions as mentioned above and all other three conditions do not require existence of *malafide*.

Malafide means with bad faith and not bona fide. In criminal law there are three degrees of *mens rea*, they are intention, recklessness and negligence. **Intention** combines both foresightness of consequence and desire of the consequence. **Recklessness** combines risk and foresightness of consequence but not desire of the consequence. **Negligence** consists with absence of the foresightness of the consequence, absence of the desire of consequence but knowledge of the risk. However **malafide** requires none of these and constitutes merely not having good faith. And when there is illegal advantage or loss, violation of law and abuses of authority, the act is in itself a proof of *malafide* and does not require external proof. It is a lowest form of mental projection and is proved by the act itself and could not be judged by any extraneous factors other than the commission itself. Therefore, the approach of our courts is either seriously erroneous or guided by political economy, while requiring proof of *malafide* in higher degree even than intention or likely to intention. This is mere distortion of law. If there is tendency of distorting law,

no law can deter such tendency except the judicial restrainism. It is established principle of judicial restrainism that judiciary must restrain itself from fouling and misinterpreting law. Now, the time has come that the judiciary must realize this truth and improve its past attitude and errors demonstrated in corruption cases.

Aiding and Abetting: Aiding and abetting may follow either in the form of principal in second degree, accomplice before the fact or accomplice after the fact. But, in whatsoever form it is found is punishable under the section 5 and 16 of the PCA, 2017.

The problem is found not in interpretation of aider and abetter but in interpretation of the section 3, 4, 7, and 8 of the PCA, 2017. All these are charges to be proved by official documents and require no external evidence. CIAA in almost all cases has produced before the court required documents to prove the charge. But the court is found less interested in assessing the produced documentary evidence and highly interested in erroneously asking proof on *malafide*, which can not be tested by any externalities and should be tested by the nature of the commission itself. Except few, most of the judgements are questionable. The argument of judiciary on insufficiency of evidence is not only fallacious but it is byproduct of the insufficiency of judicial sensitivity in controlling corruption and assessment or recognition of possible or reasonably available evidences.

In this context, we feel that the remark of Devendra Raj Pandey, suits to describe the existing judicial pathology in controlling corruption. Mr. Pandey says, the ordinary citizens are being denied justice with impunity because of delay as well as miscarriage of justice . . . There are structural problems that need to be remedied to provide some relief to the judiciary that is over-burdened and under-facilitated. Many members of the legal profession are, however, of the opinion that corruption is also an important factor, in this respect. Corruption and malpractice in the judiciary are indeed reported to have increased to the embarrassment of the more honest members of the profession. The judges themselves have been admitting openly that the judiciary is only a part of the Nepali society and could not remain untainted or unaffected by it when "corruption is prevalent everywhere."¹⁸

4. Is there any deficiency in Laws related to controlling Corruption?

For effective control of corruption following areas of the laws require serious deliberation and necessary amendment. They are:

- i. The term in various sections of the Prevention of Corruption Act, 2017 that 'imprisonment or fine or both' has been misused by judiciary and even after finding guilt on the offence the court has imparted only fine and not imprisonment. The intention of legislature was not to make the term so ridicule but to give effect. However, the court is unnecessarily buttressing only fine undermining its role in imparting imprisonment. It is more ludicrous that the section 29(2) of the PCA provides fine only up to 5000/- Rs. when the amount of corruption is not settled. In this context, law must not give choices in choosing

¹⁸ DEVENDRA RAJ PANDEY, NEPAL'S FAILED DEVELOPMENT: REFLECTIONS ON THE MISSION AND THE MALADIES, Nepal South Asia Center, Kathmandu, at 114, (1999).

- fine instead of imprisonment on the offence of the abuses of authority and should make mandatory provision that imparts imprisonment and fine both at once. However, the proposed Bill on the Prevention of Corruption, 2057 has made provision for mandatory imprisonment.¹⁹
- ii. Section 29(2) of the PCA has accorded only 5000/- Rs. of fine. It might have been adequate in 2017 B. S. but is quite insufficient today. It requires immediate and necessary amendment. However, the proposed Bill on the Prevention of Corruption, 2057 has made provision on fine equal to the amount gratified or bribed,²⁰ but it is still unclear about ascertaining fine on unsettled amount of corruption.
 - iii. The terms '*knowingly*' and '*malafide*' have acted as escaping clue for offenders from punishment. These are the terms, which have minimized the chances of punishment to the offenders, as the judges are unnecessarily paying importance to these terms and require impossible degree of evidences. The better solution is to write off these words from the relevant sections of the CIAA Act and PCA. It is justifiable, because a public servant is the person who knows law and his legal duty because he is not authorized to act in contravention to the existing laws. Therefore, when such an officer violates law then the violation is to be presumed as commission with knowledge. The new proposed Bill on Prevention of Corruption, 057 is still carrying the terms '*knowingly*' and '*malafied*'.²¹ However the new proposed Bill²² on the second amendment of the CIAA Act has removed the terms 'knowingly or negligence' from the section 3 of the CIAA Act.
 - iv. Section 16 (B) of the PCA deters petitioner, who gives false information on corruption to the agencies who are responsible to investigate. In our present state of affairs on the extension of corruption there seems no *raison detre* behind inclusion of such section in the Act. Though, the new proposed Bill on Prevention of Corruption, 2057 is also obsessed with such provision.
 - v. Section 4(3) of the CIAA Act excludes the jurisdiction of CIAA against judges, Chief Commissioner or other Commissioners of CIAA, Auditor General, Chairman and Members of Public Service Commission, Chief Election Commissioner and other Election Commissioners and Officials prosecuted under Army Act. The reasoning of exclusion of such dignitaries from the jurisdiction of CIAA may be that these dignitaries might be impeached by parliament. However, impeachment neither can substitute criminal sanction nor recovers the misappropriated or corrupted amount. The section 4(3) clearly reflects political economy of ruling class at the cost of jittery common masses. Further the section is discriminatory in its implication as it is benign to power holder dignitaries as it does not punishes them in one hand and provides criminal sanction to others on

¹⁹ See, sections 4-25 of the Bill No. 20, proposed before the Eighteenth Session of the Parliament on *Prevention of Corruption, (2057)*.

²⁰ *Ibid.*

²¹ *See, ibid.*

²² *See, section 3 of the Bill No. 22 of 2057, proposed before the Eighteenth Session of the Parliament on the Amendment of the CIAA Act, (2048).*

- the same count. The new proposed Bill on the amendment on the CIAA Act intends to extend the jurisdiction of CIAA over such persons too.²³
- vi. Section 4.5(C) of the CIAA Act holds Damocles' Swords in preventing investigation and prosecution of cases on corruption by establishing *Inquiry Commission* when political interest is supposed to be threatened while carrying investigation by the CIAA. The new proposed Bill on the amendment on the CIAA Act has not proposed any amendment on this section.
 - vii. The terms employed in section 8(1) 'affected person' and 'within one year' in section 8(2) of the CIAA Act are potentially detracting clauses and help the offender to escape from the claws of law, who engage in 'improper conduct'. The new proposed Bill on the amendment on the CIAA Act has proposed amendment on this area.²⁴
 - viii. Section 3 of the CIAA Act has beautifully defined 'improper conduct' but exempts those who commit 'improper conduct' from prosecution and confined it as only reference for departmental action. Such exclusion from criminal prosecution under section 12 of the Act has not only inactivated the half portion of the CIAA Act but separating 'corruption' and 'improper conduct' as two different activities has resulted into paralyzing the whole Act and unleashed corruption. The new proposed Bill also endures the same error.
 - ix. Similarly, section 13(2) of the CIAA Act prescribes limitation of 5 years for prosecution against the offender. To confine the limitation within 5 years in such a chronic disease of society may subvert the process and defeats the chances of controlling corruption in society. The new proposed Bill on the Amendment on CIAA Act has rightly repealed this section.²⁵
 - x. The proviso added in section 29 limits the scope of prosecution against public servant on offence of corruption committed during office. So, the proviso requires revocation in toto. This is one of the major errors in law and political economy of protecting bureaucrats who amass wealth by violating the law and again escape punishment after one year from the date of retirement or leaving the office. The new proposed Bill has not propose amendment of this provision.
 - xi. Section 18 and 34 require amendment to remove the misunderstanding on authority of appeal on the cases prosecuted by CIAA. The new proposed Bill has rightly proposed for the amendment of the provision and that authorizes CIAA for the appeal.
 - xii. Control on abuses of authority will be a reality only when a system of punishment on perjury is institutionalized with rigorous punishment of imprisonment. This compels the persons inquired or investigated to provide true facts, information and evidences to the CIAA under the fear of rigorous imprisonment in case of providing false facts and statement. Even the new Bill has made no deliberation to this side.

²³ *Id.*, sec. 2.

²⁴ *Id.* Sec. 7.

²⁵ *Id.*, sec. 12.

- xiii. Another important issue is the burden of proof. Both PCA and CIAA Act have relied the *onus probandi* on the part of prosecutor side. This system of *onus probandi* contributed the offender to escape from the charge. It was/is seriously felt that this system of *onus probandi* should be reversed and should be shifted to the accused, if the accused is not imprisoned for trail. In this context, the new proposed Bill on Prevention of Corruption in section 53 makes the shift on the burden of proof but still it is ambiguous and favors the accused by putting the words that, ". . . the burden of proof lies to the respondent if the case is prosecuted after collection of evidences on the illegal benefit or loss . . . ". The use of the term "prosecuted after collection of evidences" is ambiguous in the sense that whether the evidence means conclusive evidence or probable evidence or even weak evidence. This provides the lawyer and the court a wider playing field.
- xiv. The word used, as "respondent" to the offenders in almost all the corruption cases by the court is a rhetoric and theoretically erroneous. Even the new section 53 of the proposed Bill on Prevention of Corruption, 2057 also carries this fault.
- xv. Last but important is that we have to make a serious deliberation on the system of punishing the bribe giver. Unless, the law cannot place the bribe giver as a witness against the bribe taker corruption may continue to foster for the interest of both of the bribe giver and bribe taker. When the law does not punish bribe giver and places him as witness of the public prosecutor against the bribe taker that may contribute in discouraging abuses of authority and controlling corruption. Both of the new Bills on PCA and CIAA Act do not have introduced this system rather carried the same old system, which has already been tested as failure modality. Let us not carry the failed system or modality but accept some new and substantive modality of our own creation to have breakthrough.