

# THE MENACE OF CORRUPTION IN PAKISTAN: CAUSES, IMPACTS AND SOLUTIONS

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**Abstract**-Corruption can be defined as an act that includes the misuse of one's power for personal gain and can be practised in the private and public sectors. In all cultures, corruption exists in diverse degrees and forms. Corruption is one of the main issues faced by developing countries like Pakistan. It not only erodes the macroeconomic performance of a country but also widens the gap between rich and poor by accelerating income inequality and poverty level. Good governance can only exist in an environment devoid of corruption. Unfortunately, Pakistan is far down in the list on this account. Corruption is a widespread phenomenon in Pakistan. Pakistan continues to face significant challenges due to extensive and systematic corruption. Corruption of every sort, from petty to mega, infects all levels of government.<sup>1</sup> Since elected governments of Pakistan were overthrown in quick succession in the 1990s on the grounds of corruption, the problem has also been a source of political unrest in the country.

The introduction of this paper gives a brief description of corruption, its background in Pakistan, and forms of corruption. The body of the paper includes the theoretical background of the research that links the work of different authors, compares their opinions and synthesises their work. It further adds a detailed literature review of the topic under discussion, concepts developed by other researchers and the developments made by Pakistan in the fight against corruption. This study investigates causes and impacts of corruption in Pakistan. It evaluates issues such as political interference, the independence of anti-corruption institutions and the effectiveness of the accountability mechanisms. The study also find gaps and suggest recommendations for effective implementation of existing laws of anti-corruption for preventing corruption in the public sector of Pakistan.

**Keywords:** Corruption, Pakistan, NAO, NAB, FIA, Anti-Corruption Agencies (ACEs), CPI

## INTRODUCTION

Corruption is like a cobweb in society. It ruins society not only economically but also socially and morally. Corruption damages the principles of law, justice and equality. It reduces the chances for the poor to improve their position economically and socially (Syed Jawwad Raza Bukhari, Ahmad Raza Cheema, Salyha Zulfiqar Ali Shah, 2022). It is an act that involves the abuse of one's power for personal gain and can be practised in the public and private sectors (Nur, 2019).<sup>2</sup> A person who involves in corruption does so in quest of personal or private benefits causing harm to the government or private entity (Khan 2016, 195).<sup>3</sup> Corruption adversely shakes the image of a country and its capability to execute developments. Likewise, it has endless effects on the progress and development of the country and its capacity to offer services and meet development objectives

<sup>1</sup><https://thediplomat.com/2017/04/how-the-indian-national-congress-lost-india/>

<sup>2</sup> ECONOMIC AND POLITICAL EFFECTS OF CORRUPTION: A CASE STUDY OF PAKISTAN by Faadumo Abdi Nur

<sup>3</sup> Khan, F. (2016). Combating corruption in Pakistan. Asian Education and Development Studies, Vol. 5, No. 2, 195-210.

(Jackson et al. 2014, 1068).<sup>4</sup> Corruption is a severe issue not only in Pakistan but also in different countries of the world (Khan 2016, 195).

This research paper examines the issue of increasing corruption in Pakistan and identifies the factors that promote corruption in the country. This study also identifies the reasons that inspire individuals to engage in corrupt activities. The study is focus on institutional mechanism in Pakistan for eradication of corruption and also analyse effectiveness of the anti-corruption agencies and laws in Pakistan to reduce the problem. The study recommends the best methods to combat corruption in Pakistan.

This research study analyses the historical background of corruption in Pakistan. The method will also include broad analysis of international experiences through different resources including peer-reviewed journals, book chapters, websites and government documents. This is the most appropriate method for study as comprehensive literature available on this subject and it is easy to access it through the Internet and library. It will also include a detailed examination of corruption and its effects, a conclusion and recommendations on what Pakistan should do to address corruption. The conclusion will restate the aim of the paper, the findings from the literature review, and points of the proposition (Nur, 2019).

In his very first speech to the Pakistani Constituent Assembly on August 11, 1947, Quaid-i-Azam Muhammad Ali Jinnah—the nation's founding father and first Governor General—expressed his unwavering determination to eradicate bribery and corruption with an iron fist. He referred to it as a poison and "one of the biggest curses" that India was currently experiencing.<sup>5</sup>(Sadiq n.d.)

Unfortunately, corruption, which is defined as the abuse of authority for personal gain, is pervasive in Pakistan. It affects every level, organisation, and office in the public sector. It has a very extensive distribution. Every state organ has been affected; in addition to the executive branch, the judiciary and legislature have also come under attack. Saying that the complete state of Pakistan is sobbing under its dead weight and suffering from this illness would not be an exaggeration.(Javaid n.d.)<sup>6</sup>

Pakistan has had many regime transitions and unrest over the past 50 years, leading to political instability and insecurity. Four democratically elected administrations with the same two political leaders held power between 1990 and 1999. Each administration was either removed from office or overthrown, frequently as a result of accusations of corruption and abuse of authority.(Chêne n.d.)<sup>7</sup>

Unsurprisingly, Pakistan has continuously been listed among the nations with a high prevalence of corruption in a number of national and international surveys, including the Global Corruption Index (GCI) and Corruption Perception Index (CPI). In public perception surveys, the court, police, and land revenue in particular are regarded as the most corrupt government agencies.<sup>8</sup>Departments of taxes, public sector banking and nonbanking development organisations, the electricity sector, and civil works departments are among those that come next. The informal economy, which makes up around 33.1% of the national economy, has seen a number of instances of bad behaviour and acts as a cover for corruption.

In Pakistan, the NAB's anti-corruption initiatives are fiercely contested and have polarised the political landscape. During the period of 2002-2013, NAB retained a conviction rate of 51% and has decided 1,762 cases. Perhaps the most contentious aspect in the NAB's fight against corruption is the use of techniques like plea-bargaining and voluntary disclosure. These are recognized legal

<sup>4</sup> Jackson, J., Asif, M., Bradford, B., & ZakriaZakar, M. (2014). Corruption and Police Legitimacy in Lahore, Pakistan. *British Journal of Criminology*, Vol. 54, No. 6, 1067-1088.

<sup>5</sup>Shahid Hamid, "Anti-Corruption Mechanisms and Institutions to Address the Problem of Corruption in Pakistan", Pakistan Institute of Legislative Development and Transparency (PILDAT), 2015

<sup>6</sup> CORRUPTION AND ITS DEEP IMPACT ON GOOD GOVERNANCE IN PAKISTAN by UMBREEN JAVAID

<sup>7</sup> Overview of corruption in Pakistan by Marie Chêne

<sup>8</sup> Khalid Maqbool, "Strategy for Combating Corruption in Pakistan", in the Seoul Conference on Combating Corruption in the Asia-Pacific Region, December 2000, Seoul, and Republic of Korea (accessed 19 March, 2020).

practices in many other countries like Canada, the UK, the USA, and India (Ummad Mazhar and Komal Iftikhar n.d.).<sup>9</sup> In the year 1996, Pakistan was ranked by Transparency International at Second on its list of the world's most corrupt countries (Corruption Perception Index, 1996). After the military took control in 1999, General Pervaiz Musharraf, though, pledged comprehensive and robust accountability. But his political allies pressured him to abandon the war against corruption and turn instead towards their political adversaries. In order to save the faces of the corrupt and criminal and to pardon them in the process of national reconciliation, the unfair National Reconciliation Ordinance was therefore passed, which the Supreme Court later assessed to be invalid in December 2009 (Noman Gul, Muhammad Siraj Khan, Nagma Farid, Dr. Azmat Ali Shah n.d.).<sup>10</sup>

Corruption is one of the major problems which creates obstacles in the way of achieving economic development and reduction of poverty. It also creates problems in the process of accomplishing social stability. Corruption shakes the foundation of the economy and damages the base of the state badly. (Syed Jawwad Raza Bukhari, Ahmad Raza Cheema, Salyha Zulfiqar Ali Shah, 2022) The United Nations Convention against Corruption (UNCAC) was established in 2003. It was the first time in the world when an international document charted out several anti-corruption measures along with a list of what are considered basic corrupt acts. The list of corrupt actions includes bribery, embezzlement, illicit enrichment and laundering of proceeds of crime (United Nations, 2003). Corruption in the public sector is the hardest obstruction in the way of strengthening the development process (U-Myint, 2000).<sup>11</sup>

#### Corruption Perception Index (CPI)

Every year the organization named Transparency International presents the ranking of the 180 countries according to their status of corruption respectively. For this purpose, a corruption perception index has been developed, a scale presenting scores between 100 (very clean) to 0 (highly corrupt) countries. To study the global corruption ranking in the world, the Corruption Perception Index (CPI) is the worldwide generally accepted index. The corruption perception score of Pakistan has fallen to worst level in 10 years. According to a report by Transparency International, Pakistan was one of the ten countries, which had significantly declined in the score for Corruption Perception Index in 2022. It is ranked as 140<sup>th</sup> least corruption nation out of the total 180. The country's corruption ranking has gradually slide by 23 notches—from 117 out of 180 in 2018 to 140 in 2022 (Corruption Perception Index 2022)<sup>12</sup>. Corruption Rank in Pakistan averaged 112.30 from 1995 until 2022, reaching an all-time high of 144.00 in 2005 and a record low of 39.00 in 1995. As per reports of Transparency International, the Pakistan's corruption score and the Pakistan's corruption ranking in last ten years is as under<sup>13</sup>:

YEAR	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
PAKISTAN'S CORRUPTION SCORE ON THE SCALE OF CPI	28	29	30	32	32	33	32	31	28	27
PAKISTAN'S CORRUPTION RANKING	127	126	117	116	117	117	120	124	140	140

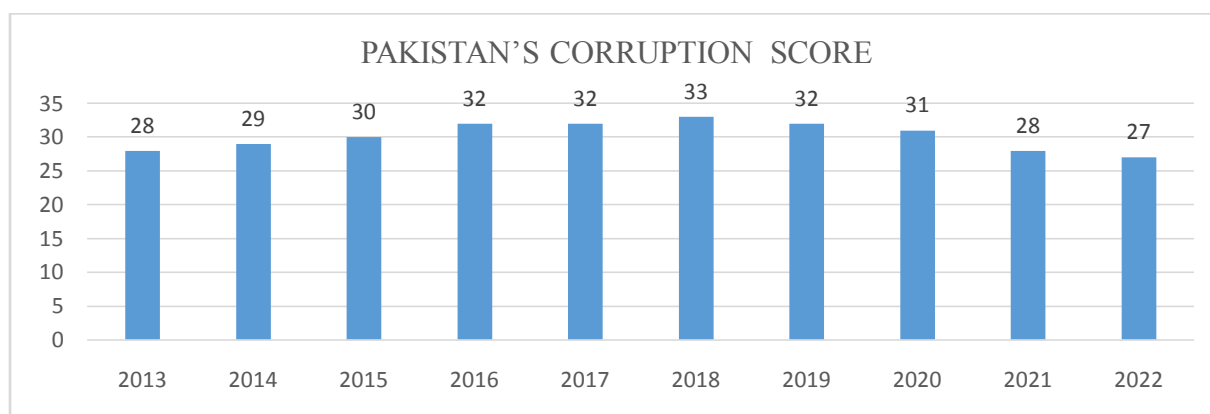
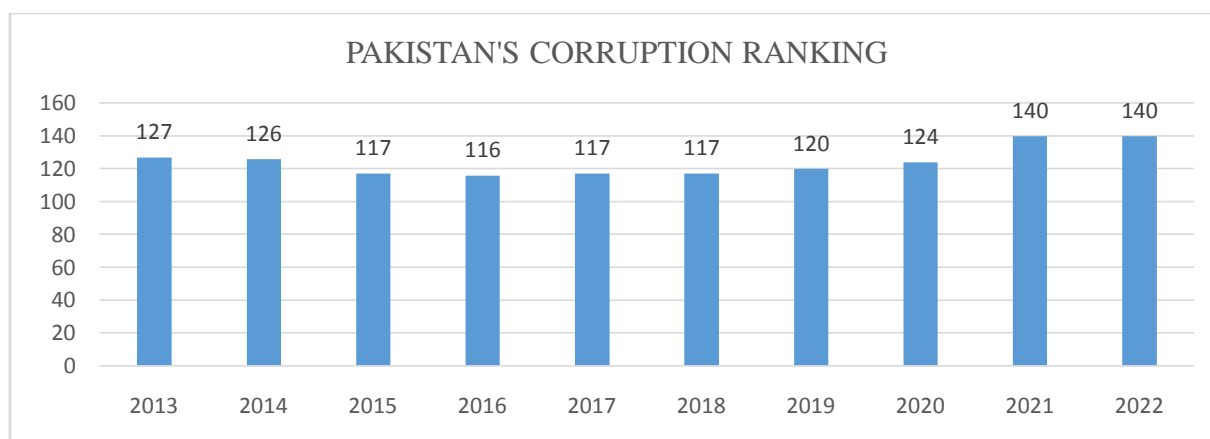
<sup>9</sup> Corruption Accusations and Bureaucratic Performance: Evidence from Pakistan by Ummad Mazhar and Komal Iftikhar

<sup>10</sup> Analysis Of Effectiveness Of Anti-Corruption Laws Of Pakistan by Noman Gul, Muhammad Siraj Khan, Nagma Farid, Dr. Azmat Ali Shah and Dr. Muhammad Adeel.

<sup>11</sup> Myint, U. (2000). Corruption: Causes, Consequences and cures. Asia pacific development journal, 7(2), 33-58.

<sup>12</sup> Jan 2023. *Corruption Perception Index 2022*. Transparency International.

<sup>13</sup> <https://tradingeconomics.com/pakistan/corruption-rank>



Transparency International Pakistan (TIP) in its National Corruption Perception Survey (NCPS) 2022 found police the most corrupt, tendering and contracting was seen as the 2nd most corrupt, judiciary 3rd most corrupt while education has climbed to 4th most corrupt since last NCPS 2021.<sup>14</sup> The NCPS 2022 survey also showed no-confidence in anti-corruption entities including National Accountability Bureau (NAB). It noted that at the national level, the majority of people considered anti-corruption institutions' role as "ineffective" in curbing corruption in Pakistan.<sup>15</sup> The province wise breakdown of the three most corrupt sectors reveals the following:

- i. In Sindh, education remained the most corrupt sector, police was seen as the 2nd most corrupt, while tendering and contracting 3rd most corrupt.
- ii. In Punjab, police remained the most corrupt sector, tendering and contracting was seen as the 2nd most corrupt, while judiciary 3rd most corrupt.
- iii. In Khyber Pakhtunkhwa (KP), judiciary remained the most corrupt sector, tendering and contracting was seen as the 2nd most corrupt, while police 3rd most corrupt.
- iv. In Balochistan, tendering and contracting remained the most corrupt sector, police was seen as the 2nd most corrupt, while judiciary the 3rd most corrupt.

At the national level, the majority of 45 percent of people considered anti-corruption institutions' role as 'ineffective' in curbing corruption in Pakistan. In Sindh, 35 percent Pakistanis considered the National Accountability Bureau's (NAB) role as effective in curbing corruption. Similarly, 31 percent Pakistanis in Punjab, 61 percent in KP and 58 percent Pakistanis considered the role of "none of the anti-corruption institutions" to be effective in curbing corruption in Pakistan.

Pakistanis remained to consider that corruption in public service delivery is high. According to the citizens, the three most corrupt public services for which people have to pay bribes are contracts of roads (40 percent), access to uninterrupted electricity (28 percent) and access to clean drinking

<sup>14</sup><https://www.thenews.com.pk/print/1018307-tip-releases-ncps-2022-report-police-judiciary-among-top-three-most-corrupt-institutions>

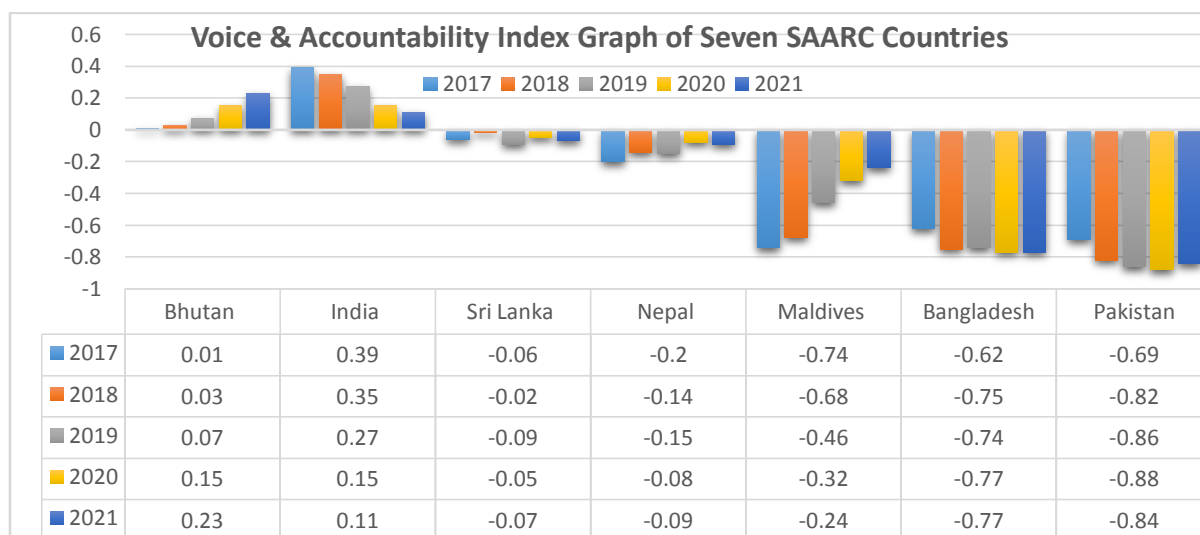
<sup>15</sup><https://tribune.com.pk/story/2390359/police-judiciary-top-most-corrupt-in-pakistan-survey>

water (17 percent). In Sindh, Punjab and Balochistan, citizens noticed that the most corrupt public service delivery is maintenance of roads. Whereas in KP, majority of citizens (47 percent) consider access to uninterrupted electricity to be the most corrupt public service delivery.

### Voice and accountability Index (VAI)

Over the last two decades, 'accountability' has become Pakistan's most well-known political slogan (Mehboob, 2022).<sup>16</sup> In spite of various reforms in the accountability system, Pakistan got the poorest ranking in the region based on the Corruption Perception Index (CPI) published by Transparency International. Pakistan established many accountability systems to reduce corruption. However, Pakistan's performance in executing accountability is poor (MUSTAFA\*, 2022).<sup>17</sup> The index to measure vertical accountability is called Voice and Accountability Index (VAI). Their values range between -2.5 (weakest accountability) and +2.5 (strongest accountability). The average value for Pakistan during the period 1996-2021 was -0.86 points with a minimum of -1.22 points in 2000 and a maximum of -0.54 points in 1998. The latest value from 2021 is -0.84 points. For comparison, the world average in 2021 based on 192 countries is -0.05 points.<sup>18</sup> Pakistan has had weaker vertical accountability over the years. All values of the VAI are found to be less than zero, revealing that Pakistan has not succeeded to execute strong vertical accountability (World Bank, 2022).

The graph of five years (2017-2021) regarding Voice and Accountability Index (VAI) in respect of seven SAARC Countries (Bhutan, India, Sri Lanka, Nepal, Maldives, Bangladesh and Pakistan) is as under. Their values range between -2.5 (weakest accountability) and +2.5 (strongest accountability).



### The Control of Corruption Index (CCI)

The Control of Corruption Indicator (CCI) established by the World Bank and captures views of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as "capture" of the state by elites and private interests. Countries are graded based on their governance capacity, where 0 indicates the weakest governance and 100 indicates the strongest. This is an aggregate indicator combining views of a large number of enterprise, citizen and expert survey respondents, and is part of the Worldwide Governance Indicators. The WGI project reports aggregate and individual governance indicators for 215 economies over the period 2010-2014, for six dimensions of governance: voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law, control of

<sup>16</sup> Mehbood, A. B. (2022) Accountability fails again. The DAWN, <https://www.dawn.com/news/1692731/accountability-fails-again>

<sup>17</sup> A Review of Accountability Systems: Learning from Best Practices by Nasir Iqbal and Ghulam Mustafa

<sup>18</sup> Pakistan Voice and accountability - data, chart | TheGlobalEconomy.com

corruption.<sup>19</sup>The Control of Corruption Index (CCI), which calculates the horizontal accountability for states, also does not show encouraging performance in Pakistan. The CCI unveils that values for the CCI for all years are found negative, which is indicative of the adverse performance of Pakistan on horizontal accountability. Horizontal accountability is perpetrated through the institutions like NAB and Anti-Corruption in Pakistan.

Corruption in general has pursued the country and has infiltrated the socio-economic and political landscape. From Heads of State, to judiciary and to local police officers, corruption has discovered to be present in numerous areas of Pakistan's society. The conventional definition of corruption is the abuse of delegated power by an individual in position of authority who has responsibilities to the public. Such deceiving performance often implies pursuit of personal gains. Corruption has a very extensive range and encapsulates, for instance, misuse of State assets by Governmental bodies, payment of kickbacks in illicit transactions, bribes, embezzlements, misappropriation of funds and public resources, extortion and nepotism. Corruption could occur at different levels. Petty corruption exists in the public services, while mega corruption encompasses the highest levels of governance and needs deeper infiltration into the political, judicial and economical establishments. If a State fails in curbing its wrong doings due to organizational shortcomings and political, economic or social instability, corruption might become widespread and penetrate in the system which ultimate lead to a sustainable corrupt hierarchy. Conflicting interests, discretionary policies, low degree of transparency, monopolization of power, scarce wages and freedom from liability are main signs of systematic corruption (Corruption - an inherent element of Democracy in Pakistan? , 2017).<sup>20</sup>

Today, the Corruption is one of the main social problems of Pakistan. It is considered that corruption exists in different Public Sectors organizations. Despite availability of many anti-corruption laws, the threat of corruption in the country is increasing day by day. Corruption is deeply entrenched in our society so much so that it is not considered a crime. Pakistan has been struggling with the problem of corruption since independence. In order to prevent corruption, different anti-corruption laws in the county have been passed and different agencies/institutions have been established to curb corruption since independence. These include:

- Prevention of Corruption Act 1947 (POCA)
- Sindh Prevention of Bribery and Corruption Act 1950
- West Pakistan Anti-Corruption Establishment Ordinance, 1961.
- FIA Act 1974(In 2004, government transferred Anti-Corruption wing of the FIA to the NAB on 16 August 2004, but this wing of FIA was restored vide notification dated 24 October 2008)
- Ehtesab ordinance 1996 and Ehtesab Act 1997
- National Accountability Ordinance (NAO) 1999  
(Promulgated on November 16, 1999)

The laws which are listed below are also supplement above laws of anti-corruption.

- Anti-Money Laundering Act (AMLA) (2010)
- Pakistan Penal Code (PPC) (Act XLV of 1860)
- Extradition Act (EA) (1972)
- Benami Transactions Act 2017

Pakistan has two ACAs at the federal level, including the NAB and Federal Investigation Agency (FIA), and four at the provincial levels, i.e., the Anti-Corruption Establishments (ACEs). The Khyber Pakhtunkhwa Ehtesab Commission (KPEC) was abolished by the provincial Assembly in December 2018 (Ali, 2018).<sup>21</sup>These bodies have received support from 'legislative oversight' mechanisms like Prime Minister and Chief Minister Inspection Teams and the Parliamentary (Public) Accounts

<sup>19</sup>[16806efb59 \(coe.int\)](https://www.transparency.org/en/corruption-index)

<sup>20</sup>(Corruption – an inherent element of Democracy in Pakistan? , 2017)

<sup>21</sup> Ali, Z. (2018, December 29). KP Ehtesab Commission dissolved, cases transferred to ACE. Dawn. Retrieved from: <https://www.dawn.com/news/1454226>



Committees (PAC). The institutional mechanisms included the Auditor General of Pakistan, the PAC, the public procurement regulatory authorities, and the Ombudsmen's offices in the federation and the provinces. Other related laws includes:<sup>22</sup>

- Public and Representative Office (Disqualification) Act, 1949 (PRODA)
- Elective Bodies (Disqualification) Order (EBDO), 1959
- Holders of Representative Offices (Prevention of Misconduct) Act, 1976
- Parliament and Provincial Assemblies (Disqualification from Membership) Act, 1976
- Holders of Representative Offices (Punishment for Misconduct) Order, 1977

#### **LAWS ON PREVENTION OF CORRUPTION AND CORRUPT PRACTICES PAKISTAN PENAL CODE, 1860**

Pakistan Penal Code 1860 (PPC) contains the definitions of offence and corresponding penal provisions for that offence. Chapter IX of the code, commencing from section 161 to section 171, discuss offences, committed by a public servant, while performing his duties. In the same code, through eleven categories, the term "Public Servant" is defined. Section 161 discuss the situation where a public servant takes an unauthorized gratification, apart from his lawful salary, for the disposal of an official duty ( See section 161 *ibid.*). Section 162 is about adopting unlawful and crooked means to take gratification to influence a public servant. This refers to the element of motive or reward involved in inducing a public servant to do something with favor or disfavor while discharging his duties. This section contains three years punishment, either rigorous or simple, or fine or both (See section 162 *ibid.*). Section 163 describes the scenario where a person extracts gratification on the pretext of utilizing his personal influence with any official (See section 163 *ibid.*). Section 164 lay down a three years punishment of either description or fine or both for the public servant acting as abettor in the in offences headed by section 162 and 163 (See section 164 *ibid.*). Section 165 of the code imposes restriction upon a public servant to refrain from obtaining any valuable thing with consideration from any other person who will be sooner or later in contact with such official during the performance of his official duty. The same punishment as laid down in preceding section is also applicable in this case as well. (See section 165 *ibid.*) A simple imprisonment of one year or fine or both is laid down for a public official who willfully disobeys law with the intention to cause injury or damage to any other person. (See Section 166 *ibid.*). Then in section 167 three years simple or rigorous imprisonment or fine or both is prescribed for a public servant who intentionally causes damage to any person by knowingly framing an incorrect document. (See section 167 *ibid.*) Further in section 168, one year simple imprisonment is specified for a public servant, being engaged in trade for which under the law he was not authorized to do so as a public servant. (See section 168 *ibid.*) In section 169 a public officer is refrained from a purchase or bidding of certain property for which under the law he is not allowed. Section lays a two years simple imprisonment along with fine and confiscation of purchased property. (See section 169 *ibid.*). Section 170 provides a two years imprisonment along with fine for a person who intentionally assumes the character of a public servant and by adopting such impersonation he does any act under the color of that office. ( See section 170 *ibid.*) In section 171, a person, who imitates a public servant by way of wearing a garb or carrying a token which is normally used by that public servant with the fraudulent intention, is held guilty of the offence and a three month imprisonment along with six hundred rupees is laid as punishment for it. ( See section 171 *ibid.*) (Noman Gul , Muhammad Siraj Khan , Naghma Farid , Dr. Azmat Ali Shah n.d.).

#### **The United Nations Convention against Corruption (UNCAC)**

The United Nations Convention against Corruption (UNCAC) is considered as a legally obligatory multilateral treaty on the matter of corruption (UNCAC, 2003). In 2003, UN General Assembly has adopted the treaty after the discussions among member states of the United Nations and has come into force in 2005. Pakistan has become signatory to the United Nations Convention against Corruption in 2003, that has later been ratified in 2007 (except provisions of paragraph 2 of article

<sup>22</sup> <https://nab.gov.pk>

66). Pakistan has also refrained from taking the Convention as the legal basis in terms of cooperation on extradition with other States parties under paragraph 6 of article 44. The main goals of the UNCAC are highlighted in the first chapter as<sup>23</sup> (Dr. Faiz Bakhsh 2020, Dr. Faiz Bakhsh 2020): “to promote and strengthen measures to prevent and combat corruption more efficiently and effectively; to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery; to promote integrity, accountability and proper management of public affairs and public property” (UNCAC, Art. 1-4).

Hypothetically, Pakistan has worked to stop corruption and criminalized numerous types of corruption in compliance with the principles set under the United Nations Convention against Corruption (UNCAC). The criminalization and law implementation efforts have been made to implement rules of the UNCAC relating bribery and trading in influence (UNCAC arts. 15, 16, 18 and 21). All types of active and passive bribery have been criminalized under National Accountability Ordinance, and Pakistan Penal Code. It also criminalizes bribery of foreign officials. The Pakistan Penal Code largely criminalizes the trading in influence.

Corruption remains a significant problem for Pakistan where it is supposed to be widespread and systemic. Numerous efforts over the past years have tried to develop institutional mechanisms to address these problems. A National Anti-Corruption Strategy was developed in 2002 which offers a comprehensive plan to deal with corruption. The National Accountability Bureau (NAB), the executing agency, has granted wide-ranging powers to investigate and prosecute cases of corruption. However, a lack of political will, together with the perceived co-option of the judiciary and the arbitrariness of many anti-corruption proceedings, are major hindrances in the fight against menace of corruption<sup>24</sup>.

The country's primary anticorruption organization has failed to accomplish its objectives. Despite laws like the “Pakistan Penal Code” (PPC), the “Prevention of Corruption Act” (PCA), and the “National Accountability Ordinance” (NAO), as well as institutional mechanisms like the statutory Auditor-General of Pakistan office supported by the Public Accounts Committee of the National Assembly, the public procurement regulatory authority, the offices of the Federal and Provincial Ombudsmen, the “National Accountability Bureau” (NAB), and the “Federal Invest in Accountability” (FIA) Office, it is surprising that corruption persists in Pakistan (Shah et al., 2021).

The National Accountability Ordinance (NAO) was promulgated on November 16, 1999. It applies to all persons in Pakistan, and those who have been in the service of Pakistan. It consists of 37 sections. It provides effective measures for the detention, investigation, prosecution and speedy disposal of cases involving corruption, corrupt practices, misuse of power, misappropriation of property, kickbacks, commissions and matters connected ancillary or incidental. For this purpose, National Accountability Bureau (NAB) was set up. It is premier watchdog organization against all forms of corruption in the country. Corruption is father of all evils and National Accountability Bureau was established to fight and eradicate corruption. Under NAO, Accountability courts were created for swift prosecution of cases involving corruption, misuse of power, fraud, bribery, commission, kickbacks etc. Today 21 accountability courts are working all over the country<sup>25</sup>.

The accountability process of the NAB includes four stages. At the first stage, The NAB receives a complaint or itself initiates an inquiry into an alleged act of corruption (inquiry stage). If a person under inquiry voluntarily comes forward and agrees to return the stolen amount, the NAB may enter into a settlement called “voluntary return.” Voluntary return (VR) neither results in conviction or penalty nor needs any approval from a trial court. In the next stage, if the NAB fails to get a respondent to agree to such a settlement, the NAB may either close the case or open a formal

<sup>23</sup> <https://pssr.org.pk/issues/v4/4/legal-and-institutional-framework-for-prevention-of-corruption-in-pakistan-in-compliance-with-the-united-nations-convention-against-corruption-uncac-.pdf>

<sup>24</sup> <https://www.u4.no/publications/overview-of-corruption-in-pakistan.pdf>

<sup>25</sup> <https://molaw.gov.pk/Detail/ZWJmZjQyZDgtMGE3MS00M2YxLWlxMTctYWVlY2UxOWE1ZWE0#:~:text=The%20Accountability%20Courts%20have%20been,and%20ancillary%20or%20incidental%20thereto.>



investigation (investigation stage). This is the second stage of the accountability process, where a defendant may enter into a settlement called “plea bargain,” which is different from voluntary return in two respects. Because it results in conviction for a public office holder and also requires approval of the court. If a defendant and the NAB fail to enter into a plea bargain (PB), the NAB brings the case before a trial court (trial stage). At this third stage, the defendant may still enter into a plea agreement until the court reaches the final verdict. At the last stage, an accountability court tries the case, but the defendant has the right to appeal against the decision in a higher court (Ali, 2018).<sup>26</sup>

As per data available at official website of National Accountability Bureau, NAB has dealt with 2330 cases of Plea Bargain (PB) and 3194 cases of Voluntary Return (VR) since its inception till 31-08-2021. Furthermore, 2293 cases of corruption were trialled in the courts since its inception till 2015. As per annual report of National Accountability Bureau (NAB) for the year 2022, total recoveries by NAB since its Inception upto December-2022 are 891.957 billion rupees including recovered amount of Rs. 26.556 billion rupees on account of Voluntary Return (VR), recovered amount of Rs. 65.696 billion rupees on account of Plea Bargain (PB), recovered amount of Rs. 121.658 billion rupees on account of Bank Default, recovered amount of Rs. 121.658 billion rupees on account of Bank Default, recovered amount of Rs. 59.709 billion rupees on account of Restructuring/Rescheduling of Loans, recovered amount of Rs. 16.694 billion rupees on account of recoveries in the case of PCBL, recovered amount of Rs. 57.684 billion rupees on account of Court Fines Imposed and recovered amount of Rs. 543.960 billion rupees on account of Indirect Recoveries<sup>27</sup>.

### CAUSES OF CORRUPTION IN PAKISTAN

The main Causes of menace of corruption in Pakistan are ineffective and weak accountability systems, lack of transparency, discretionary powers, poor management system, low pay scales, political interference, Illiteracy and Lack of awareness. Many governments have undertaken accountability drives in the past, but these efforts have never been successful in putting a stop to the growth of corruption in society. Some of the primary reasons for failure include:

- Biased legal provisions are also one of the causes of failure of anti-corruption strategy in Pakistan. Institutional clashes and inter-political conflicts have not only been the cause of the foundation of accountability institutions in Pakistan but have also formed the legal provisions supporting anti-corruption institutions—the Ehtesab Ordinance, 1996, the Ehtesab Act, 1997, and the National Accountability Ordinance, 1999—in such a way that these are inclined to favour dominant over weak individuals (Ali, 2018). Abuse of the institutions by succeeding governments to coerce their political rivals.
- One of the main cause for corruption in public sector agencies is the low pay scale of government employees. With the increasing inflation, price hikes, and cost of living, the civil servant cannot meet his expenses with the meagre salary he/she is given.<sup>28</sup>
- An essential concern is that of the involvement of political parties in the public service activities of the country. Political representatives influence in the decision of the public sector organizations. Government employees have the authority in the legal framework to perform their assigned duties, but political aspirants (seeking the interests of their political parties) use tactics such as unjust claims, blackmail, and threats to encumber them. Therefore government employees cooperate with these elitist individuals in fear of their personal and professional security.
- The spearhead of any government is its law enforcement agencies. Pakistan’s police are the most frequent recipient of bribes as per the Global Corruption Barometer (2010) generated by the Transparency International. A governance system that ironically has massive corruption running through the veins of its law enforcement bodies is clearly bound to fail. Civil servants

<sup>26</sup> Anti-corruption Institutions and Governmental Change in Pakistan by Zulifqar Ali

<sup>27</sup> [https://nab.gov.pk/Downloads/NAB\\_Annual\\_Report\\_2022.pdf](https://nab.gov.pk/Downloads/NAB_Annual_Report_2022.pdf)

<sup>28</sup> <https://www.paradigmshift.com.pk/corruption-in-pakistan-civil-service/>

tend to negotiate and bribe the police when caught red-handed in corruption. Insufficient investigations and a lack of professional knowledge to identify and look into crimes with a bias towards personal gain.

- It is widely believed that the incompatible legal and judicial systems are a barrier to economic efficiency. Pakistan's legal institutions are understaffed, have ineffective management systems, and outdated technology. The anti-corruption agencies (ACAs) lack the capacity required to carry out the national task.
- A system of checks and balances was not established by the institutions of the legislative, executive, and judicial branches.<sup>29</sup> The internal accountability structures of government departments and Anti-Corruption Organizations have collapsed, thereby resulting in delivery failures and institutional collapse. One of the key factors contributing to corruption in Pakistan is institutional failure.
- Informal structure of National Economy is also responsible for menace of corruption in Pakistan. With low regulations and an informal and undocumented economy, there were many potential for unfair commercial exercises.
- Fair and just accountability was not implemented by succeeding governments. Political considerations rather than merits are used to appoint heads of investigative agencies and other personnel. In Pakistan, no government has ever demonstrated the political will or intestinal fortitude necessary to effectively combat corruption in the country. No anti-corruption programme can be successful if it is not completely supported by the country's political leadership in the strongest and most obvious manner possible. Lack of political will is one of the causes of corruption in Pakistan.<sup>30</sup>

According to the NCPS 2022 survey, the three most important causes of corruption are delayed decisions in corruption cases (31 percent), use of state institutions by governments for their personal gain (26 percent) and incompetence of the government (19 percent). In Sindh (43 percent) and Punjab (29 percent) citizens consider "use of state institutions by governments for their personal gain" as the most potent reason for corruption in Pakistan. Whereas in KP (43 percent) and Balochistan (32 percent) consider "delay in decisions of corruption cases" as the main reason for corruption in Pakistan.<sup>31</sup>

### IMPACTS OF CORRUPTION IN PAKISTAN

Corruption is big menace in Pakistan which is responsible for poverty and unemployment, social crimes, inequality, moral decay, economic downfall, severe damage of institutions and frustration. The effects of corruption spread to manifold dimensions which include political, social and economic aspects. These effects of corruption in Pakistan are as under:

- The biggest side effect of corruption is the moral degradation of society. This degradation is in terms of social dimension and its effects are large scale - affecting every other possible activity. Corruption on a governmental level encourages corruption on a public scale as well as giving birth to organized crime. Public unrest increases exponentially and cities become victims of urban sprawl in extreme situations.
- Corruption leads to reduce efficiency causing an increase in costs of goods and services, pricey public resources, and unproductive projects at the expense of vital ones like hospitals, roads, schools, water supply, etc. By transforming public wealth to personal wealth, corruption considerably decreases the money in the market causing an imbalance in the economy leading to inflation. Large scale corruption damages the economy and harms the entire population.

<sup>29</sup><https://www.cairn.info/revue-internationale-de-droit-penal-2003-1-page-515.htm>

<sup>30</sup><https://www.theigc.org/blogs/corruption-series/how-not-control-corruption-pakistani-style>

<sup>31</sup><https://www.thenews.com.pk/print/1018307-tip-releases-ncps-2022-report-police-judiciary-among-top-three-most-corrupt-institutions>

- History reveals that corruption is of one the main reasons of downfall of political regimes. Corruption leads to the distortion of the political development of the country. Players engage in unethical practices and break laws to establish their monopoly over the entire political scenario. This leads to the impeachment of citizens' rights and injustice against many individuals. This may also spark a political struggle between individuals hindering the government's development projects. Furthermore, it may lead to the isolation of certain individuals based on power and socio-economic class sparking a war between the rich and poor.
- In the social context, corruption discourages active participation by citizens. This is done deliberately by corrupt administrators to reduce transparency and increase the gap between the public and policymakers. This profits them, improving their position and augmenting their individual interests. Due to the resulting frustration and general apathy among the masses, the civil society gradually weakens. Social inequality also increases creating stark differences between the rich and the poor.

### ECONOMIC AND POLITICAL IMPLICATIONS OF CORRUPTION

As corruption destroys institutions, erodes the rule of law and completely undermines the legitimacy of the state, it has wide-ranging effects on a nation's governance, economic development and growth. It puts a pressure on the government's ability to invest in crucial services like education, healthcare, water & sanitation and law enforcement by causing a sizable loss to the national exchequer. In order to pay current expenditures and projects for the development of the public sector, the government must heavily rely on public borrowing. Excessive borrowing leads to a significant build-up of public debt, which eventually impedes the economy's potential growth trajectory and lowers the effectiveness of governance. Although it is difficult to determine the precise dollar amount of direct financial loss to the public coffers, estimates from the National Accountability Bureau (NAB) suggest that the amount of revenue loss may exceed **Rs 200 billion annually** (Javaid, 2010)<sup>32</sup>. Petty bribery was estimated to have cost **223 billion rupees** in 2010.

The rate of return on new investments and the rate of return from existing infrastructure have both decreased in Pakistan as a result of the country's rising levels of corruption, claim Farooq et al. (2013). This suggests that corruption has a substantial impact on Pakistan's economic development because it lowers the effectiveness of public investments by allocating money to pointless projects and interferes with ongoing development initiatives. As a result of the government having to raise taxes to close massive budget deficits, corruption also has a significant impact on tax income. A greater budget deficit also means higher interest payments in the future because debt is always being raised to cover the difference between revenue and spending (Farooq, Shahbaz, Arouri, & Teulon, 2013).<sup>33</sup>

Corruption is a special concern in poor or developing countries. Those who exchange bribes are taking nation's limited wealth, leaving little for the underprivileged segment of the society. When systematic corruption exists, countries well-endowed with natural resources may fail to develop a mechanism to channel those resources fairly for benefit of all the citizens. Corrupt markets are less competitive and more uncertain than a legal market. Potential participants may be hesitant to enter such markets due to moral principles and lack of fair competition, while public officials may also limit economic dealings to insiders (Rose-Ackerman, 1997).<sup>34</sup>

The economic prosperity of a nation is significantly impacted by corruption. It results in more public spending and lower public revenue, which adds to larger fiscal deficits and makes it more difficult for the government to implement prudent fiscal policies. Due to misuse of resources by

<sup>32</sup>Javaid, U. (2010). *Corruption and its deep impact on good governance in Pakistan*. Pakistan Economic and Social Review, Volume 48, No. 1 (Summer 2010).

<sup>33</sup>Farooq, A., Shahbaz, M., Arouri, M., & Teulon, F. (2013). *Does corruption impede economic growth in Pakistan?* Economic Modelling, Volume 35.

<sup>34</sup>Rose-Ackerman, S. (1997). *Corruption and Development. Annual Bank Conference on Development Economics*. Washington, D.C.: World Bank.

well-positioned individuals who profit from government activities, corruption is likely to widen the income gap. As corruption hinders the government's capacity to enact the required regulatory restrictions and inspections to address market failures, it distorts markets and resource allocation. As people focus their resources on corrupt rent-seeking activities rather than constructive ones, it distorts incentives. It serves as an arbitrary tax and weakens the government's core responsibility for upholding contracts and property rights. The legitimacy of the market economy and the democratic state system is weakened by corruption. Further, it increases poverty as it reduces the income earning potential of the individual. All of these factors could slow down the nation's economic growth.

Corruption lowers overall economic investment, which eventually has an impact on money circulation and overall growth rates. It boosts investment in public sector development projects, which are amenable to manipulation by senior officials in exchange for kickbacks. In consequence, this lowers a nation's infrastructure's and public investment's productivity (Tanzi, 1998).<sup>35</sup> In development initiatives and public procurement contracts put forth by the defence services and public sector businesses, the level of corruption is at its maximum. Mega corruption is pervasive in development projects, bank loans and subsequent write-offs, attractive postings, and supplier contracts that have an impact on the core elements of our economy, while middle-level petty corruption in public offices affects ordinary residents. National exchequer is incurring huge losses due to this corruption that is prevalent in almost all government departments and agencies (Aqil, 2023).<sup>36</sup>

Corruption does not only affect the economic development of the country, but it also reduces political legitimacy in Pakistan. According to Jackson et al. (2014), key task of any government regime is to build its legitimacy and earn the support of the citizens in running state affairs. Pakistani government has not only failed to regulate corruption, but it has also failed to protect the legitimacy of political structure in implementing democracy and rule of law, which has led to widespread political instability and national disintegration. The government has failed to resolve political & economic issues, thus, losing the trust of citizens (Jackson, Asif, Bradford, & Zakar, 2014).<sup>37</sup>

Corruption also jeopardizes Pakistani democratic development. It deteriorates socio-economic conditions of the state and negatively influences the process of democratization. According to perception survey conducted by Transparency International, there are certain government departments majorly influenced by corruption, which include Income Tax & customs, Police, Health & Education, Judiciary, Land administration, Energy & Power and the defence services. Corruption abolishes the legitimacy of current political system and undermines the issues of ordinary citizens, who can neither participate in decision-making nor can get access to information, while the elected government continues to benefit few powerful individuals. Party tickets are being sold openly instead of selecting the candidates on merit and experience to contest elections. Discriminatory practices continue to dominate the political arena in Pakistan. Criminals such as hoarders, drug barons and black marketers are allowed to operate freely due to their strong political connections. Police and Judiciary are unable to perform their duties effectively due to pervasive nature of prevalent corruption, which causes breakdown of law and order. Regulatory systems and law enforcement mechanisms are very weak, which makes it easier for criminals to bribe and escape. Such level of corruption has led to increased incidence of crime and flourishing of black market causing further suffering for common citizens.

<sup>35</sup>Tanzi, V. (1998). Corruption Around the World: Causes, Consequences, Scope and Cures . *Working Paper of the International Monetary Fund*.

<sup>36</sup>Aqil, T. (2023, February 28). The cancer of corruption in Pakistan. *Pakistan Observer*.

<sup>37</sup>Jackson, J., Asif, M., Bradford, B., & Zakar, M. Z. (2014). Corruption and Police Legitimacy in Lahore,. *LSE Research Online*.

### RECOMMENDATIONS FOR ERADICATION OF CORRUPTION IN PAKISTAN


Following are some recommendations for preventing corruption in Pakistan:

- There is a need of nonstop efforts to boost the NAO's provisions, line up them with international best practices, and strengthen cooperation with international anti-corruption organizations.
- No country can prosper without having the zero tolerance against corruption and corrupt practices. Unfortunately, Pakistan's standing in corruption in world corruption index is very poor. Despite crossing 75 years of independence, we as a nation and the government particularly have not been able to decide a common and comprehensive legislation with firm commitment and strong implementation mechanism for controlling and minimizing the corruption in the country and to successfully prosecute those who are involved in this menace. Since the inception of NAB legislation, the role and performance of NAB as an institution has been severely under criticism not by the affecters but also by the experts and courts, and this criticism has well reasons grounds both for initiation of cases, investigation & plea bargaining and on the prosecution and trial sides. There has also been simultaneously widely reported consistently in different media sections that NAB as an institution or their officials had misused their mandate, authority and NAB as institution been involved in political engineering as observed in one of cases by the Supreme Court.<sup>38</sup> In order to prevent the corruption in Pakistan, zero tolerance policy against corrupt practices should be strictly followed during implementation of existing legal framework.
- In order to avoid overlapping, there is also need to abolish different organizations either on federal or provincial levels working on corruption side and on white collar crimes, as there is duplicity of assignments and these organizations have also so far failed to deliver and perform since decades. Therefore, these existing organizations should be merged under one law and under one National Crime Agency to deal with all types of corruption and corrupt practices and white collar crimes throughout the country with merit based recruitment and on scientific basis investigation with strict establishment Mechanism.
- For prevention of corruption and promotion of good governance on a national scale, collaboration between the press, civil society and the government is imperative. It is suggested to establish a joint committee for monitoring the implementation of existing Anti-Corruption laws through available mechanism of institutions to ensure effective enforcement of anti-corruption measures.
- In a country like Pakistan, where corruption poses significant challenges, the media has a crucial role to play in raising awareness, exposing corrupt practices and advocating for the proper implementation existing Anti-Corruption laws. By providing up-to-date and relevant information, citizens can be empowered to actively participate in anti-corruption efforts and hold public officials accountable. Therefore, it is recommends effective awareness campaign to educate the general public about legal and institutional framework for eradication of corruption in the public sector of Pakistan. Encouraging citizen engagement and participation in anti-corruption efforts.
- Anti-Corruption law should be implemented in its true spirit. The country's anti-corruption laws and structure, which have been put in place to safeguard the ruling class, whether they are politicians, bureaucrats, members of the military establishment, businesses or judges, are the true problem. Additionally, these laws have historically been primarily employed by the ruling class for "political engineering" or the mistreatment of opponents. Without being found guilty or having their guilt established, opposition politicians are jailed for years on corruption-related charges and put through gruesome media trials until they are required by the system once more.<sup>39</sup> For proper implementation, Anti-Corruption laws should be implemented in the true spirit without any favor for any particular class or segment of society and government sector.

<sup>38</sup><https://pakobserver.net/impact-of-nab-amendments-future-anti-corruption-strategy-by-hafiz-ahsaan-akhokhar/>

<sup>39</sup><https://www.dawn.com/news/1734907>



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- Despite taken efforts at legislative, judicial and political levels the corruption remain exist in the country. The existing infrastructure of Anti-Corruption laws in Pakistan is sufficient for controlling corruption but lacks a solid implementation mechanism which is necessary to curb corruption. The main cause of falling economy and failure of the institutional structure is corruption and it is suggested that Pakistan will have to take solid measures and firm actions with strong political will to curb corruption.
  - This study suggests the large scale training programs and capacity-building initiatives for public officials, investigators, and prosecutors in order to increase their knowledge .These trainings should also increase their better understanding about the Anti-Corruption laws, corruption risks, and preventive measures for effective implementation of existing Anti-Corruption laws for prevention of corruption in Pakistan.
  - It is necessary to establish strong mechanisms to shield whistle-blowers who come forward with information about corrupt practices. The culture of reporting and accountability should be encourage. This study suggests for taking strong and solid measures for security of Whistle-blower.
  - Conducting awareness seminars to educate the public office holders about the NAO, its provisions, significance and consequences of the corruption. This may also be included in their routine training programs. Special focus should be given to those departments where it is assumed that corruption is prevailed extensively. This will help to discourage corruption and create corruption free environment in public sector.
  - One of the main reasons of the corruption in the public sector is insufficient and improper salaries and benefits for the employees of the public sector. It is also suggested that proper market based competitive salaries and incentives should be provided to the government. In the current scenario of inflation, it has become very necessary to provide proper salaries and other benefits to officers and officials of public sector at all level. This will help to discourage corruption in the public sector.
  - Launch, sustain and refine an anti-corruption curriculum in the schools educating the children of tomorrow regarding the side effects of corruption on society.<sup>40</sup>

As measures to curb corruption, according to the NCPS 2022 survey, 33 percent Pakistanis at the national level say corruption should be punishable by life imprisonment, 28 percent Pakistanis say all government officials, politicians, military officers, judges etc. should disclose their assets to the public, and 25 percent say corruption cases should be heard in NAB, FIA and anti-corruption courts on daily basis and decided in 6 months.

Similarly as per NCPS 2022 survey, 39 percent citizens in Sindh believe that corruption cases should be heard in NAB, FIA and anti-corruption courts on a daily basis and decided in 6 months in order to curb corruption. Likewise, 32 percent citizens in Punjab and 38 percent citizens in KP feel that corruption should be punishable by life time imprisonment in order to combat corruption. While in Balochistan, 33 percent citizens opine that in order to control corruption, the government should immediately make it mandatory for all government officials, politicians, military officers, judges, etc, to disclose their assets to the public.

### CONCLUSION

Corruption is basically misuse of power for own betterment and favour. Corruption is an underlining cause for many social issues such as economic instability, unequal distribution of resources; conflict in society, etc. Corruption is defined by Transparency International as the abuse of entrusted power for private gain which eventually hurts everyone who depends on the integrity of people in a position of authority. Corruption has ruined Pakistan and is bringing about an increase in poverty, joblessness, hunger, and has destroyed the image of the nation by causing severe displeasure to its countrymen. Corruption is a special concern in poor or developing countries. Those who exchange bribes are taking nation's limited wealth, leaving little for the underprivileged segment of the

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<sup>40</sup><https://www.paradigmshift.com.pk/corruption-in-pakistan-civil-service/>

society. The economic prosperity of a nation is significantly impacted by corruption. Corruption has been profoundly present in all levels either private or government and anti-corruption organizations have failed to overcome on this issue. Pakistan has a long way to go against corruption, it's not easy to overcome on the menace of corruption.<sup>41</sup>

Corruption is an evil in a society that has played havoc and has been hurdle in the socio-economic-political development of Pakistan. Corruption remains prevalent in Pakistan, mainly in the areas of government procurement, international contracts, and taxation. Giving and accepting bribes are criminal acts punishable by confiscation of property, imprisonment, recovery of ill-gotten gains, dismissal from governmental service, and reduction in governmental rank.

The main Causes of menace of corruption in Pakistan are ineffective and weak accountability systems, lack of transparency, discretionary powers, poor management system, low pay scales, political interference, Illiteracy and Lack of awareness. Many governments have undertaken accountability drives in the past, but these efforts have never been successful in putting a stop to the growth of corruption in society. The law provides for criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Due to the inefficiency of pre-existing anti-corruption laws and institutions, the National Accountability Ordinance, a very thorough and robust statute, was enacted in 1999. The National Accountability Bureau (NAB) organized under the 1999 National Accountability Ordinance, serves as the highest-level anti-corruption organization, with a mandate to eliminate corruption through awareness, prevention, and enforcement.<sup>42</sup>

For better functioning, institutions like NAB, FIA and ACEs must be given constitutionally protected operational autonomy in addition to substantial financial resources for developing institutional structures. The most important prerequisite for ACEs to function at their best is the presence of political will. It must be assured that anticorruption investigation agencies receive enough and consistent financial support in order to encourage improved performance, modernise procedures, upgrade infrastructure, and develop professional competence. (Sadiq n.d.)<sup>43</sup> Different measures should be adopted to curb the threat of corruption in Pakistan. These measures include effective accountability, rule of law, proper and sufficient wages, awareness campaign to educate general public, zero tolerance policy in implementing, introducing law for whistle-blowers protection, introduction of anti-corruption curriculum in the schools, training programs and capacity-building initiatives for public officials, investigators and prosecutors.

To conclude, the prevention of corruption can be done through the proper implementation Anti-Corruption laws through existing institutional framework in Pakistan. By leveraging international best practices, strengthening institutions, promoting transparency, and fostering citizen engagement, Pakistan can establish an effective legal framework that upholds integrity, accountability, and good governance. Combating corruption is a collective responsibility that requires a united effort to ensure a prosperous and equitable society for all.

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