



Commission for the Investigation of Abuse of Authority (CIAA), Nepal

An Introduction

*Building the nation through fair, transparent and
accountable governance*

CIAA

“Integrity, Impartiality, Resoluteness”

Mission Statement



Officiating Chief Commissioner
Mr. Lalit B. Limbu

As an apex constitutional body for corruption control, we strive hard to attain the goal of good governance by means of punitive, curative and preventive actions against corruption. We also endeavor for the establishment of the rule of law in the country by reducing improper conduct and corruption.

Facts and Figures on CIAA Activities

Particulars	2001/2002	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007
CIAA Meetings	102	117	129	160	192	145
Nos. of Decisions	245	219	351	401	482	382
Total Complaints	2522	3966	3732	4759	4324	3564
Resolved	2015	2481	3188	3709	3353	2976
Cases Filed	61	147	93	113	114	115
Departmental Actions	18	25	38	39	45	26
Warning	15	25	24	42	19	16
Attention Drawn	27	9	3	6	6	13
Suggestions	50	22	20	22	13	96

Overview

Corruption is a social evil having pervasive nature. It is prevalent in various forms and dimensions. It has been deeply rooted in the society as a 'convention', 'tradition' 'psychological need' and 'necessity' with a regular practice not only in public service, but also in business transaction and other kinds of dealings as well. All strata of the society have been adversely affected by corruption. Corruption is also the issue of governance and effective management. Corruption control is the most urgent and imperative task to be accomplished in Nepal to establish a fair and transparent governance system.

The Commission for the Investigation of Abuse of Authority (CIAA), Nepal is an apex constitutional body to curb corruption and its tentacles in the country. Articles 119, 120 and 121 of the Interim Constitution of Nepal, 2006 has empowered CIAA to investigate and probe cases against the persons holding any public office and their associates who are indulged in the abuse of authority by way of corruption and/or improper conduct.

CIAA is the distinctive anti-corruption agency in South Asia, which plays the role of an ombudsman, investigator and prosecutor as well. It aims to crack down the corruption issues at a national level with system-based approach. It also focuses on detection and punishment of corrupt acts on the one hand and social, cultural and institutional reform on the other.



Officiating Chief Commissioner
Mr. Lalit B. Limbu



Commissioner
Mr. Beda P. Siwakoti



Secretary
Mr. Bhagabati K. Kafle



Prime Minister Mr. Girija P. Koirala Receiving the Annual Report of CIAA

Functions and Duties

Article 120 of the Interim Constitution of Nepal, 2006 has specified the functions and duties of CIAA as following:

- (1) CIAA 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.

However, CIAA shall not have jurisdiction over the following officials:

- (a) any official in relation to whom the Constitution separately provides for such action; and
 - (b) any official to be prosecuted under the Army Act.
- (2) If CIAA finds, upon inquiry or investigation carried out pursuant to clause (1), that any person holding any public office has misused his/her authority by improper conduct, it may forward a recommendation to the concerned authority in writing for taking departmental or any other necessary action.
 - (3) If CIAA finds, upon inquiry or investigation, that any person holding any public office has committed an act which is defined by law as corruption, it may sue such person in a court of law. As per article 121, of the Interim Constitution of Nepal, 2006 CIAA shall submit an annual report to the Prime Minister on the works it has performed. The Prime Minister shall cause such report to be laid before Parliament.



(L to R) CIAA Secretary Mr. Bhagabati K. Kafle, Interim Parliament Speaker Mr. Subas C. Nembang, Officiating Chief Commissioner Mr. Lalit B. Limbu and Commissioner Mr. Beda P. Siwakoti in an Interaction Program on UNCAC

Commission for the Investigation of Abuse of Authority Act was enacted in 1991. A Regulation thereof was also promulgated to lay down the procedural details for implementing the provisions of the Act. The above Act and Regulation define in detail the scope, functions and procedures of investigation and prosecution. The Act and Regulation explicitly explain 'improper conduct' and 'corruption'. With regard to improper conduct, departmental action shall be taken, while in the case of corruption the case is to be filed in the "Special Court". Another very important function entrusted by the Act to the Commission is the authority to suggest the government for improving or revisiting the existing policies, legal provisions and procedures, which will help to curb corruption and contribute towards good governance.

The Prevention of Corruption Act, 1961 was repealed and four separate bills were enacted in August 2002 in order to carry out corruption control activities more efficiently and effectively. These new Acts are - Amendment to the existing CIAA Act, revisit of the existing Prevention of Corruption Act, 1961 by a new Act, the Act to establish "Special Court" and the Impeachment Act.



Interaction with the Chief Secretary and Secretaries

I. Investigation and Prosecution

CIAA embodies the characters of an ombudsman, investigator and prosecutor. It carries out inquiries and investigations into corruption and improper conduct committed by persons holding public office. It has authority to investigate all officials from the Prime Minister to low-ranked public servants. Based on the findings, the Commission may file a case against the persons, alleged to have committed corruption, in the court of law.

CIAA has authority to initiate departmental actions against the public officials indulged into improper conduct. Accordingly, it can also admonish, make aware and provide suggestions to the concerned authorities/agencies keeping in view the gravity of their malpractices.

Those who hold constitutional position and are subject to impeachment, shall be dealt with by the Impeachment Act. Those who are judges in courts other than the Supreme Court, are to be dealt with by the Judicial Council. The officials of the court are, however, under CIAA's jurisdiction.



Speaker of Interim Legislative Parliament Mr. Nembang Addressing the Interaction Program



Commissioner Mr. Siwakoti and Dr. Chhetri in ADB/OECD Meeting in Bali

II. Preventive Role

Besides curative role, CIAA carries out preventive role by sharing and disseminating information, publishing posters, pamphlets, booklets, newsletters and so on. CIAA also organizes interaction programs with the governmental as well as nongovernmental organizations and civil society to discuss and find out ways and means to curb corruption. There are a number of other activities, which CIAA carries out to promote good governance in the country. Moreover, CIAA has collaborated with International stakeholders to accelerate anti-corruption activities by sharing experiences and exchanging views in various national and international forums.



Commissioner Mr. B. P. Siwakoti,
Secretary Mr. B. K. Kafle and
Secretary Mr. T. Gautam in IAACA
Conference held in Bali

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Composition

The Constitution renders leverage in regard to the number of Commissioners. All Commissioners including the Chief Commissioner are appointed by the Prime Minister upon the recommendation of the Constitutional Council. The Council is chaired by the Prime Minister. The other members of the Council are the Chief Justice of the Supreme Court, Speaker of the Legislative Parliament and three Ministers nominated by the Prime Minister. The Chief Commissioner and Commissioners are appointed for a term of 6 years. They can be reappointed. They can remain in their office till the age of 65 years. The Chief Commissioner and the Commissioners may only be removed from their office by way of impeachment motion with a two third majority of the total number of the Legislative Parliament.



Mr. Silwal and
Mr. Adhikary in Public
Procurement Seminar

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Government Secretaries in an Interaction Program



Working Process

The complaints lodged in CIAA are settled in accordance with the procedures laid down in the CIAA Working Procedure, 2001. The investigation process is divided into two stages:

- Preliminary Inquiry
- Detail Investigation

During the preliminary inquiry, the complaints are analyzed with regard to its merit and the first hand available evidences. At this stage the designated Investigation Division of CIAA Secretariat works with an aim to collect most of the possible evidences. If at this stage CIAA finds a prima facie case, it appoints an Investigation Officer for detail investigation. While carrying out detail investigation, the Investigation Officer collects evidences, makes all necessary inquiries and analyzes the findings. Upon the completion of the specified procedures the Investigation Officer submits a report of his findings before the Commission. Such report shall be reviewed by the Commission and a decision to this effect shall be taken. Every decision of the Commission is documented.



CIAA Under Secretary Mr. Khadga B. Rana Taking Class

Organization

At present, the Commission consists of the following divisions and wings to carry out its functions and duties more efficiently and effectively:

- a) Investigation Divisions No. 1 to 6
- b) Administration Division
- c) Planning Division
- d) Police Division
- e) Case Division
- f) Special Desk for the Investigation of Disproportionate Property
- g) Unit for the Investigation of Fake Educational Certificates

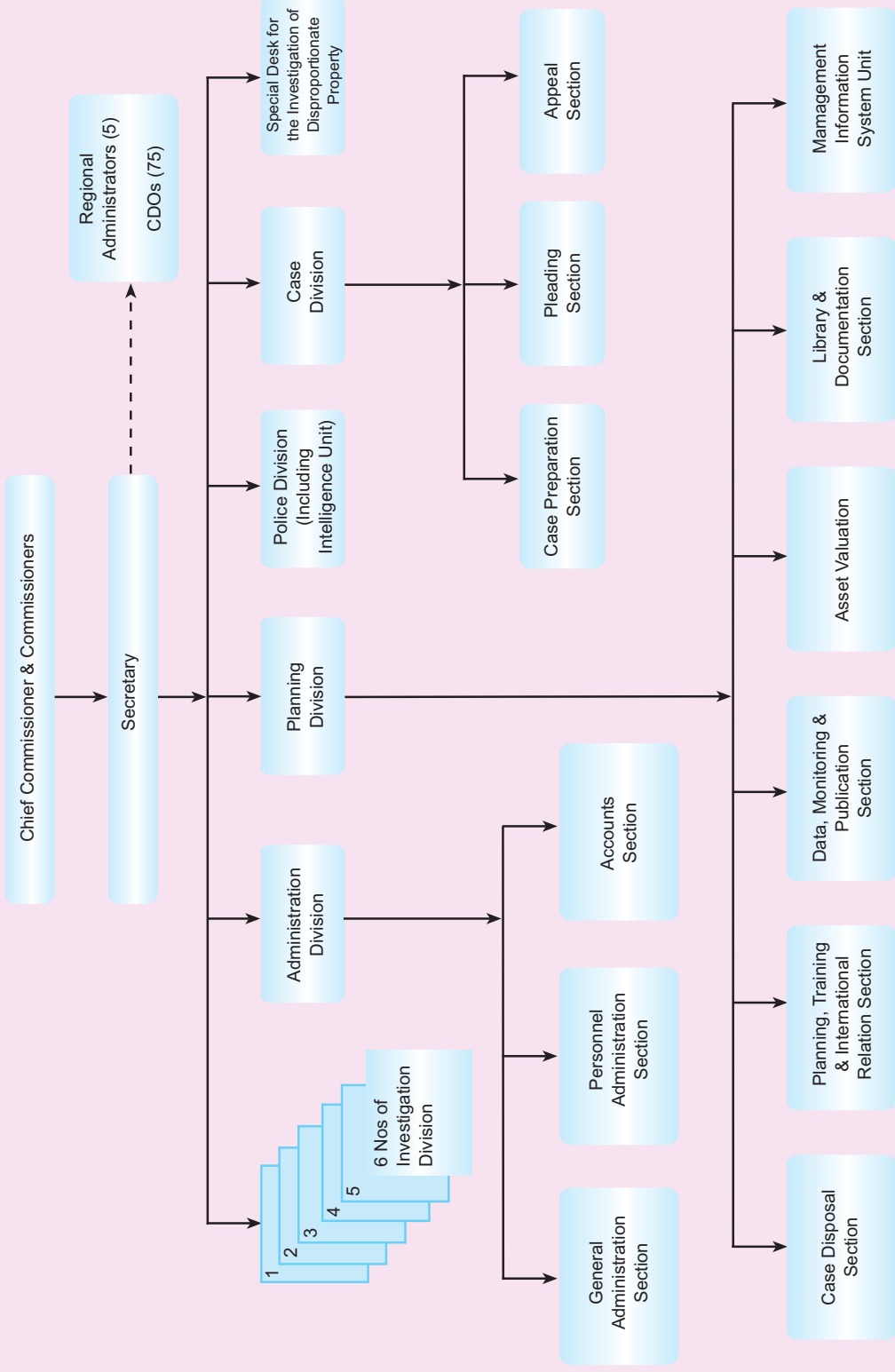
Personnel

Administrative support to the Commission is provided by the Government of Nepal. All personnel are deputed by the Government of Nepal from various disciplines of the government. The government has approved a total of 201 permanent positions at various levels including a permanent Secretary from the civil service as the head of administration. The Secretary executes the decisions made by the Commission. Currently, there are 275 employees working at the CIAA.



CIAA Commissioner Mr. Siwakoti (R) and Dr. Chhetri (L) in ADB/OECD Meeting

Organizational Structure



Note: Unit for the Investigation of Fake Educational Certificates is under Investigation Division No. 6



CIAA Secretary in an Intraction Program held in Ramechhap District



Delegates of the ADB/OECD Steering Group Meeting



Commission for the Investigation of Abuse of Authority (CIAA)

P.O.Box 9996
Tangal, Kathmandu, Nepal.

Tel: 4440151, 4432708
Fax: (977) (01) 4440104, 4440128

email: akhtiyar@ntc.net.np
www.ciaa.gov.np



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