

THE OBLIGATION TO RETURN SUSPICIOUS PAYMENTS OF PUBLIC FUNDS INTO ONE'S BANK ACCOUNT: BY MARTIN A. B. K. AMIDU

As part of my constitutional prevention of corruption duty as a citizen of Ghana, I would like other citizens and public office holders to be aware of their responsibilities pertaining to banking matters by drawing on my personal experiences. On 3rd August 2018, I was amazed when I went to one of the branches of my Bank to make a cash withdrawal by cheque from my current account only to be informed that the balance to my credit on the account had leaped more than five-fold from my last balance on 7th July 2018. My account had been credited on 19th July 2018 with a transferred payment. I immediately made a verbal objection to the Branch Manager where I had gone to make the withdrawal in view of my earlier standing instructions to my Branch Manager not to accept any payments or transfers into my account without first clearing with me personally owing to an earlier incident when a similar payment was transferred to the credit of my account without notice or authorization from me in 2015.

I had no standing agreement with any Government or private agency to pay any money into my account except my monthly SSNIT allowance. I had also not given any further instructions to my Branch Manager to accept any transfers of any sums of money into my account without first notifying me of the transaction.

In my letter date 4th August 2018 to the Branch Manager holding my current account I reminded him of the fact that my current account, though being held by the Bank on my behalf, is my contractual account and the Bank has no contractual right to endanger my integrity by accepting transfers to my credit without my express consent. I also reminded him that the matter of double salary payments is now known to all and I had a right to preserve the conditions pursuant to which I agreed to maintain a current account at the Bank.

I concluded by stating that: "I am accordingly notifying you of this fact and demanding that you take steps to find out what the whole transaction is about and why the transfer was made without my knowledge and accepted by you into my account without any notice to me."

Upon receipt of my letter of 4th August 2018 my Bank immediately reversed the transfer and returned the suspicious transaction to the transferor, asking him to explain the transaction and replied to my letter with an apology indicating the steps it had taken upon receiving my objections.

It turned out that without giving me a payment advice notice to alert me of the fulfillment of an order of the High Court in respect of the Judgment and Orders of the High Court in my favour dated 4th September 2014, one of the agencies affected by the court orders had unilaterally transferred that sum of money into my current account. In consequence of my letter and the Bank's reaction thereto, officers of both the Bank and the transferring agency looked me up to clarify the matter and the agency provided me with the re-computation pursuant to the order of

the Court to enable me to verify the details. The agreed amount will now, hopefully, be paid to me in due course.

As punishment for accepting the automated transfer into my current account without notifying me or without my consent, I instructed the paying agency to pay the agreed sum into my savings account at a different Bank. I took similar steps in countermanding the transfer of money into my current account when in the year 2015 as narrated elsewhere (in my contribution to the recent double salary scandals) the same Bank holding my current account accepted a transfer of money into my account without notice to me or my consent.

Many fellow citizens are not aware that the Banks holding their various accounts on their behalf are under a penal statutory obligation to report to the appropriate agency lodgments and withdrawals of money exceeding certain thresholds into and from their accounts. The responsibility to ensure that one does not fall foul of the banking laws lies with the owner of the bank account who is customer to the Bank and not the Bank. The Bank is under penal statutory responsibility to report suspicious transactions to the appropriate agency of Government and the customer is under a banking responsibility to call the Bank's attention as soon as he notices any suspicious transactions or payment into his account or to give the Bank such standing instructions as will protect the account holder.

I know as a matter of fact two former Ministers of State, one from the Upper West Region and the other from the Upper East Region, who took steps to correct the erroneous transfers of double salaries into their current accounts. This demonstrates that patriotic citizens will immediately take steps to correct erroneous transfers of public monies into their accounts instead of keeping them for years and later resorting to making excuses when they are fished out of their suspicious illegal activities.

I am sharing my most recent experience in this matter with the public as part of my constitutional prevention of corruption duty as a citizen of Ghana to let other citizens know that the responsibility is upon citizens to instruct their bankers to return suspicious payments of public funds into their accounts. This buys one time to investigate the transaction and to decide whether it is genuine for one to accept it. Running the account with the suspicious payments of public funds for months and years and turning around to make excuses gives the account holder zero credibility. When the political elite are the recipients of such illegal public funds it takes on the colour of impunity and untouchability.

It is the proactive duty of citizens to save the public purse from looting by keeping an eye on one's own bank accounts. Public Officers, which include all public office holders, are bound by the Public Property Protection Act, 1977 (SMCD 140) and have a higher obligation to refund such public monies timeously to the public purse. Section 179A of Criminal and Other Offences Act, 1960 (Act 29) that deals with abuse of public office for private gain, which is a corruption-related offence, also prohibits every public office holder from engaging in such conduct of

impunity. Caution they say is the better part of valour and that is why I prefer to be a coward in these matters.

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