

Policy Brief

National Integrity
System Assessment
Bangladesh

EXECUTIVE



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Executive

The executive branch consists of the Prime Minister and the Cabinet. The President is the Head of State and exercises his power and functions, with a few exceptions, on advice of the Prime Minister. The Cabinet in Bangladesh is headed by the Prime Minister and comprises of Ministers, State Ministers and Deputy Ministers. The Cabinet, comprised of elected and appointed Ministers, is collectively responsible for executive decisions. One-tenth of the Cabinet members can be appointed from among the non-elected persons who are qualified to be elected as Members of Parliament. The Cabinet is collectively responsible to the Parliament. The Executive arm of the Government is assisted by 34 Ministries, which are divided into Divisions/Wings and are supported by Departments, Directorates and attached offices.

In law as in practice, the Executive is the strongest branch of Government in Bangladesh. Executive power of the Republic is exercised by or on the authority of the Prime Minister. Critics label it as "Prime Ministerial authoritarianism". The Executive is not overly keen on activating the committee system dysfunctional-this is done primarily to avoid parliamentary oversight of the Executive.. Indeed, parliamentary control over the Executive is weak and evidence suggests that critical issues are rarely discussed in Parliament.

The Government only discloses certain key decisions of the Cabinet to the public through media or press briefings. Legal provisions requiring disclosure of assets by either the head of the state or the government are absent. While there exist rules and regulations on gifts and hospitality for Ministers and high-level officials, implementation is nearly absent. In both law and practice, there is no restriction on heads of State and the Government and Ministers entering the private sector after leaving the government. There is no specific code of conduct for members of the Executive such as Ministers and members of similar rank and status. However each of the Ministers while inducted to office has to take an oath as per Article 148(1) of the Constitution. During the last few years, media and political observers have raised the question of violation of the oath as well as conflicts of interest particularly of high profile executives. Although there is a Public Interest Related Information Disclosure (Protection) Act, 2011 to protect whistleblowers, it appears to be non-functional.

The Executive's accountability and transparency are not ensured adequately in practice due to the weakness of other bodies such as Parliament, the Anti Corruption Commission (ACC), the Human Rights Commission, and the absence of an Ombudsman and an allegedly politicised judiciary. Bangladesh has recently formulated a framework of integrity rules for the Executive branch, but they lack an established and functioning mechanism for proper implementation.

Strengths

- Increase in budget allocation to the Executive branch.
- Extensive power and authority granted by law to act independently.
- Parliamentary Standing Committees to oversee the work of the executive.

Weaknesses

- Absolute power and authority of the executive creates scope for abuse.
- Separation of power between legislative, executive and judicial organs are uneven and dominated by the executive.
- Partisan bias of the executive in decision making.
- Absence of legal provision to disclose executive decisions.
- Absence of accountability of the executive and transparency in decision making.
- No legal provision requiring annual disclosure of income and wealth.

Recommendations

- In order to ensure checks and balance in the role of the Executive, the Rules of Business governing it must be reformed.
- A law/rules must be adopted for further empowering the committee system to ensure and strengthen oversights on the executive and public bureaucracy.

About Policy Brief Series

One of the key strategic areas of TIB's research has always been the institutions of democracy and specialized pillars of governance and accountability, which constitute the National Integrity System (NIS), a collective of institutions and practices that are crucial to maintaining integrity and accountability in government, non-government and private sector. The NIS in Bangladesh broadly consists of the following institutions: Parliament, Executive, Judiciary, Public Administration (bureaucracy), Local Government, Police (law enforcement agency), Comptroller and Auditor General (supreme audit institution), Election Commission, Anti-Corruption Commission, National Human Rights Commission, Information Commission, Political Parties, Civil Society, Media, and Business.

TIB has conducted a series of research, surveys and diagnostic studies on many such institutions, by which it has not only created demand, but also catalysed a number of significant legal, institutional and policy changes. Against this background, this policy brief series attempts to diagnose and analyse the strengths and weaknesses of the NIS in Bangladesh and recommend implementable measures to strengthen these institutions.

This policy brief draws on *National Integrity System Assessment Bangladesh 2014* available at: <http://ti-bangladesh.org/nicsa/2014/en/>

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