



Social movement against corruption

Parliament Watch

10th Parliament (2nd – 6th Session)

Executive Summary

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Parliament Watch
10th Parliament: 2nd to 6th Session

Study Advisors

Advocate Sultana Kamal
Chairperson, Board of Trustees, TIB

M. Hafizuddin Khan
Member, Board of Trustees, TIB

Iftekharuzzaman
Executive Director, TIB

Professor Dr. Sumaiya Khair
Deputy Executive Director, TIB

Mohammad Rafiqul Hassan
Director, Research & Policy

Supervised By

Md. Waheed Alam
Senior Program Manager, Research & Policy

Key Researcher

Fatema Afroz, Deputy Program Manager, Research & Policy
Morshedha Aktar, Deputy Program Manager, Research & Policy
Juliet Rossette, Program Manager, Research & Policy

Research Assistant

Prokash Chandra Roy
Sadia Ahmed
Effat Sharmin

Technical Assistance

Abu Sayeed Abdul Baten, Senior manager- IT; A N M Azad Russel, Manager- IT and Office Assistants, TIB

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Contact

Transparency International Bangladesh
House # 5, Road # 16(New) 27(old),
Dhanmondi, Dhaka 1209.

Tel: +8802 9124789, 9124792
Email: info@ti-bangladesh.org
Website: www.ti-bangladesh.org

Preface

Transparency International Bangladesh (TIB) has been implementing a robust range of research and knowledge-based campaign and advocacy activities to make people aware, to raise voice aiming at strengthening nationwide demand against corruption, and facilitate a conducive legal, institutional and policy environment to promote good governance. TIB's main objective is to strengthen the collective strength of stakeholders to address issues and challenges against effectiveness, transparency and accountability of key institutions of democracy.

As the key pillar of the National Integrity System, *Jatiyo Sangsad* (National Parliament) is expected to play the most strategic role in establishing a people-oriented and accountable governance in a parliamentary democracy. Parliament plays an indispensable role in fulfilling citizen's aspirations through enacting and reforming laws, ensuring government's accountability to the citizens and strengthening the institutional capacity to prevent and control corruption. TIB has been conducting the Parliament Watch research since the 8th Parliament to bring out for public information credible and analytical information regarding how effectively the Parliament is discharging its mandate. This is the 12th report in this series and 2nd since the 10th Parliament was formed.

The report highlights a few positive changes including increase in the average time spent per bill and decrease in the time lost for quorum crisis compared to the comparable period of the 9th Parliament. However, having been formed in the wake of a controversial election, the so-called "main opposition party" that is simultaneously also a part of the government, have demonstrated deficits in playing the expected role. Members of the Parliament indulged in criticizing the political opponents that are not in the parliament in unprecedented number of times often using indecent and un-parliamentary language. Similarly, praising the government dominated the proceedings with high intensity, often without relevance. Notably, both the treasury bench and the so-called "main opposition party" jointly engaged in such discourse. On the other hand, there was much to be desired with regard to the possible role that could be played by the Honorable Speaker to control these. The report also brings into focus low level of participation of the members in law making, notices and question-answer sessions. Potential effectiveness of the Standing Committees were undermined by conflict of interest of members in some cases.

The research was conducted by Fatema Afroz, Morsheda Aktar and Juliet Rossette of Research and Policy Division. Other relevant colleagues also contributed to enrich the report through valuable comments and suggestions.

Advocate Sultana Kamal, Chairperson and M. Hafizuddin Khan, member, Board of Trustees provided invaluable strategic guidance. We are grateful to the concerned authority of the Parliament for giving us the permission to use the library and to observe the sessions in connection with this research.

TIB hopes that the relevant stakeholders would consider findings and recommendations of this report with due importance.

Any comment and suggestion for further enriching the report is most welcome.

Iftekharuzzaman
Executive Director

Executive Summary

1.1 Introduction and Objectives

In a parliamentary system, three main businesses of a parliament are public representation, law making and overseeing state affairs. Public representatives elected by the citizens make the government accountable through different motions, question-answer sessions, notices on issues of public importance, speeches of the parliament members on different sections of the Rules of Procedures, legislative business, and parliamentary standing committees.

The role of the opposition is as important as the treasury bench in promoting a transparent and accountable governance system. It is worth mentioning that the political parties also have emphasized in their election manifestos for making the Parliament effective.

Thus, in view of Parliament's pivotal role in promoting culture of democratic accountability, for preventing corruption and establishing good governance in the country, TIB has been conducting a research and policy advocacy initiative titled "Parliament Watch" since 2001 from the beginning of the 8th Parliament. The present report is the second report on the 10th Parliament and the 12th report of the Parliament Watch Series.

1.2 Objectives

The overall objective of this research is to analyze the roles and proceedings of 10th Parliament in ensuring democracy and good governance and to offer recommendations for making the Parliament effective.

The specific objectives are to:

- Analyze the proceedings of 2nd to 6th sessions of the 10th Parliament;
- Analyze the roles of parliament members in ensuring representation and accountability of the government;
- Analyze the role of Standing Committees;
- Assess the role of the Parliament and its members in making laws;
- Assess the role of women members; and
- Offer recommendations to make the Parliament more effective.

1.3 Methodology and Sources of Information

The study used both quantitative and qualitative data. Information for this study has been collected from both primary and secondary sources. The primary source of data includes proceedings of 2nd to 6th session of the 10th Parliament broadcast live by the state-owned national television channel 'Sangsad TV' (Parliament TV Channel). The secondary sources include bulletins published by the Parliament Secretariat, government gazettes, parliament website, newspapers, books and articles.

Data of the parliamentary sessions were generated by using a checklist through listening to recorded television broadcast. The checklist includes information regarding time and discussions in different segments of the parliamentary sessions relating to President's speech, roles of the Speaker, question-answer of the Prime Minister and Ministers, enactment of laws, budget discussions, general discussions, point of order, notices on issues of public importance, parliamentary resolutions, boycott and walk-out by the opposition etc. Some data were validated with the help of newspapers and information from the Parliament Secretariat. For the first time

the research team observed the session sitting at the Parliament House in the 5th Session with a prior approval of the authority.

1.4 Reference period

Data for this study have been collected on the 2nd to 6th sessions of the 10th Parliament (during June 2014 – July 2015).

2. Findings of the Research

2.1 Session Days

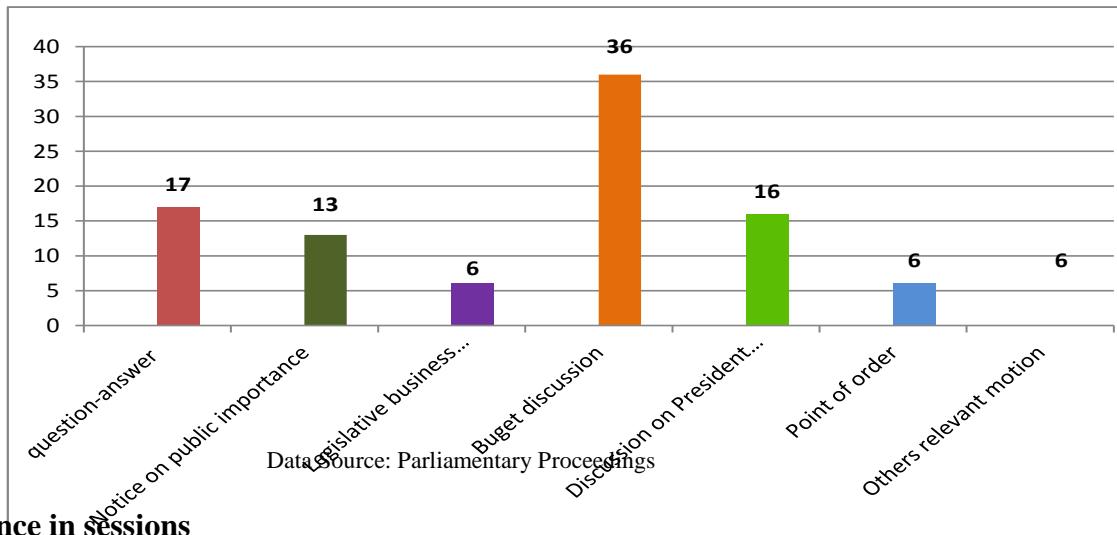
In these five sessions, 112 days were spent in total. The 2nd and 6th sessions were budget sessions. The 5th session was mainly on the discussion on the President's speech.

2.2 Time spent in different activities

In total 388 hours and 35 minutes were spent in these five sessions. The average working hours in a working day was around 3 hours and 28 minutes.

The highest amount of time was spent on budget discussions, which is 36% of the total time. Other areas are notable amount of time was spent include discussion on question and answer sessions (17%), Presidents speech (16%) and law making (6%) (Figure 1).

Figure 1: Time Spent on Different Motions (%)



3.2 Attendance in sessions

The average attendance of the Members of Parliament (MP) in these sessions was 239 (68% of all MPs); 42% members were present in more than 75% work-days and 39% of members in less than 25% work-days. 40% of the members of the Treasury Bench attended more than 75% work-days. Compared with that of the 9th Parliament¹ it was found to be decreasing. On the other hand, 40% members from main opposition and 63% from other opposition party were present in more than 75% work-days. The Leader of the Parliament was present in 93 work-days (83%) and the Leader of the Opposition was present in 64 days (57%).

¹ About 52% of the members of the treasury bench were present in more than 75% work-days in the 1st to 6th sessions of the 9th Parliament. Source: Bangladesh Parliament Secretariat.

3.4 Walk-out

The members of the “main opposition party” and other opposition members walked-out from the Parliament for six times in six work-days. They walked out on different issues that include:

- In protest of not accusing Khaleda Zia as instigator of killing people during blockade;
- In protest of passing a bill;
- For not getting floor in point of order;
- In demand of dismissal of the Chairman of Biman Bangladesh.

3.5 Quorum crisis

Quorum crisis happens due to delay of taking seats by the members. In the five sessions included in the study, the total time lost due to quorum crisis is estimated to be 48 hours and 41 minutes.² According to another estimate, the cost involved for running the Parliament session per minute is around Tk 0.11 million. Thus, considering theses estimates the monetary value for the total time lost in these sessions due to quorum crisis is estimated at Tk 326.2 million.³

4.1 Enactment of laws

In total 30 bills were passed in 112 work days of the 5 sessions in the Tenth Parliament. About 21 hours 38 minutes were spent for legislative business that was only 6% of the time spent in all sessions. The Parliamentarians spent 27 hours 36 minutes (25% of the total time spent for law enactment) for raising objection on placement of bills, verification of public opinions, and speech on item-wise amendments.⁴

Twenty-nine Parliamentarians placed objections on the bills and participated in discussions for verification of public opinions and amendments of bills. On an average 30 minutes were taken to pass a bill in the process of placement of bill and discussion of the MPs on the bills and Minister’s speech.⁵

The main opposition party and other opposition members cast their votes against their own proposal with regard to the ‘Constitution (Sixteenth Amendment) Bill, 2014’, although they discussed on the proposal on verification and public scrutiny of the bill. It is also observed that there is lack of proper orientation among the MPs in presenting their opinion and statement following the Rules of Procedure.

Similar practice of rejecting proposal of verification of public opinion on the bills in voice vote by the parliamentarians like the previous Parliament continued in the sessions of the 10th Parliament. People’s participation was not ensured in the law enactment process.

² For calculating quorum crisis time lost due to delays in starting sessions on a work-day and proceedings after prayer breaks are considered.

³ The research team made an estimation of the money value per minute for running the Parliament based on the revised budget for the Parliament for the Fiscal Year 2014-15. The main items of expenditure taken into consideration were salaries and allowances of employees of the Parliament Secretariat, repair and maintenance costs, electricity bills, supplies and services, and remuneration and allowances of Parliamentarians. Expenses for parliamentary committees and International Institutions were deducted.

⁴ During 2014-15, about 24% of the sessions’ time of the *Lok Sabha* (Lower House of the Parliament) and about 21% of the *Rajya Sabha* (Upper House of the Parliament) of India were spent for law enactment activities. Source: www.prssindia.org, accessed on 4 October 2015.

⁵ On an average 2 hours were spent in discussion to pass a bill in the Lower House of the Parliament of India in 2014-15. Source: www.prssindia.org, accessed on 4 October 2015.

4.2 Budget Discussion

Almost 139 hours 34 minutes were spent for budget discussion – almost 36% of the total session time. In two budget sessions, 85 MPs (about 24%) did not participate in any of the budget discussions. There were some positive sides reflected in the budget discussion that include itemwise budget allocation, proposals of amendments, new plan, failure in implementation of previous years' plan. However, while participating in the discussion, the MPs criticized and protested speech of the opponents, and highlighted the government's action against the leaders and workers belonging to the parties that is outside the Parliament. The MPs praised their own parties and the Government 1,638 times and criticized the alliance (which has no representation in the present house) 1,416 times. In the 6th session, 35% of the time allocated for MPs was spent in irrelevant praising and criticism. In the discussion of the members some issues were raised that included increasing the allocation in different sectors, implementation of the proposed plan etc. However, issues important for public concern such as issues on curbing corruption and increasing investment for further economic growth were not much mentioned in their discussion.

5. Representation and Oversight Function of the Parliament

To ensure accountability of the government, the MPs participate in questions, notice, notices on public importance and general discussion on activities related to different ministries. A number of 309 MPs participated in any of the above motions, while 41 MPs (12%) did not participate in any of the above.

5.1 Question-Answer Sessions

In 15 work-days of the Prime Minister's question-answer sessions, 56 members in total asked questions. Among them 11 were from the main opposition and 4 were from other opposition parties. The questions asked to the Prime Minister included the success of the peace agreement in Chittagong Hill Tracts and present status, welfare of autistic children, the development of the law and order situation, taking action to prevent violence during the strike and blockade, the government's progress in implementing large projects, providing support to the investors of readymade garments, the progress of cross-border agreements, planning to achieve economic mobility, and agriculture-friendly activities and development and so on.

Ministers of different ministries gave responses directly to 292 questions of 205 members in 49 work-days. The highest number of questions (34) were asked to the Minister of Home Affairs.

5.2 Parliamentary Resolutions

A number of 18 resolutions out of 19 were withdrawn with the consent of MPs who raised the resolution proposals. Only one resolution – 'to bring the list of the members who received training in India during the liberation war immediately' – was accepted unanimously in the 2nd session.

5.3 Notices on Issues of Public Importance

A number of 82 notices from among 1,582 were accepted for discussion under Section 71 of the Rules of Procedures. Among the accepted notices, 35 were placed for discussions and concerned ministers gave replies on the same. The highest number of notice (14) was pertaining to the Ministry of Health and Family Welfare.

A number of 439 notices were placed by the members under Section 71(A) of the Rules of Procedures. Most of the notices (76) were relating to the Ministry of Local Government, Rural Development and Co-operatives.

Moreover, there was a brief discussion on an issue of public importance under section 68. It was to take the necessary measures to hold the SSC examination in a peaceful condition. However, like the previous parliaments, no discussion took place on international agreements, although it is mentioned in the Constitution.

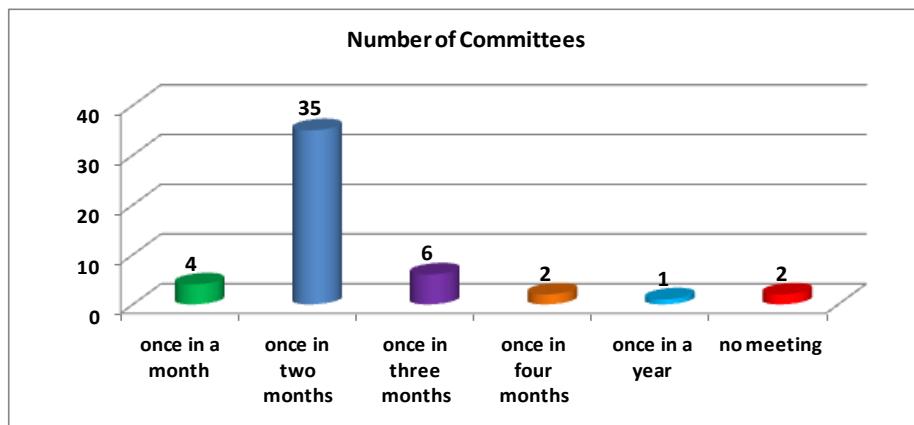
5.4 Discussion under Point of Order

Altogether 80 MPs took part in discussions under Point of Order where 6% of session time was spent. One MP from the Treasury Bench alone discussed on 56 issues. Some of the issues discussed or raised under point of order include taking government initiatives for preventing abuse of formalin, insecure daily life of citizens, arranging emergency aid for the victims of the cyclone affected area, preventing money laundering, banning the political affiliation of BNP, curbing corruption in Biman Bangladesh, and taking necessary steps in preventing the exam paper leakage.

5.5 Roles of Parliamentary Standing Committees

Among the 50 committees formed in the 10th Parliament, 48 committees held 527 meetings. According to the Rules of Procedure every committee should sit at least once a month, and during the study period, all committees are supposed to hold 17 meetings each. However, only four committees followed this rule. The Committee on Public Accounts held the highest number of meetings (34). On the other hand, the Petition Committee held one meeting, while two committees did not hold any meeting at all.

Figure 2: Meetings held by Standing Committees



Data Source: Parliament Secretariat

According to the information provided in their affidavits, the members of five committees had conflicts of interest, although in such cases the membership is prohibited in the Rules of Procedure.⁶ There have been allegations of exerting influence for promoting personal or business interests during decision-making within committees. Besides, allegations of influence-peddling in decision-making have also been reported in instances where the ministers of relevant ministries are ex-officio members and where former ministers were appointed as chairs of the

⁶ *Parliamentary Rules of Procedure*, Rule 188 (2).

respective standing committees.⁷ However, this should also be recognized that committees often made recommendations that are important in combating corruption. For instance, the concerned committee expressed its discontentment for not accusing the chairman of the *Basic Bank Ltd.* who was involved in corruption. Another committee recommended for taking initiatives against those persons of politics and bureaucracy who are engaged with illegal business of VOIP. The concerned committee identified several corruptions prevalent in health sector and recommended to take initiatives. However, the absence of any specific timeline for implementing the recommendations, and lack of enforceability work as limiting factors for the effectiveness of the committees.

3.8 Participation by Female MPs

Around 67% of the female MPs attended more than three-fourths of the total session times included in the study.

Among the female members only seven (four from reserved seats) members took part in the motion of question to the Prime Minister and 22 (17 from reserved seats) female members took part in the motion of question to the ministers. Only four female members participated in law making through raising objections, proposal for public opinion and amendment of bills. Other than this, there were three female ministers who participated in raising bills and seeking permission to pass the bill on behalf of the concerned ministries.

Only nine female members participated and discussed on 11 notices under Section 71 of the Rules of Procedure. A number of 28 female members discussed on 82 notices and Section 71(A) of the Rules of Procedure. A number of 58 female MPs (43 of reserved seats) took part in discussion on budget. The highest number of female MPs (59) took part in the discussion on President's speech.

In the 49 standing committee there are 60 female members. There is no female member in the committee on Public Assurance. There are female chairs in eight committees whereas in four committees the Speaker holds the chair of the committee by designation.

6. Discussions on President's Speech

The critics of the alliances or parties which have no representation in the present house and the failure of other party regime and tribute of their own party and Government have been dominated throughout the whole motion of thanks giving on President's speech. Almost all the MPs who spoke strayed outside the topic spent almost the entire time on matters related to their demands of respective constituencies using un-parliamentarian words. It is found that there was lack of rational debate and direction of future planning in the discussion of the MPs.

7. Role of the Speaker

The Speaker chaired 278 hours 36 minutes (72%), while 103 hours 6 minutes (26%) was chaired by the Deputy Speaker, and the remaining 6 hours 53 minutes (2%) by the panel.

According to the rules of procedure the Speaker is to play role in preserving order and decorum, and in the case of disturbance or disorder in the galleries. However, the Speaker was sometimes silent about activities such as use of non-parliamentary words in criticizing the parties or

⁷ Afroz. F, Rossette. J, *Effectiveness of parliamentary Standing Committees in Bangladesh: Challenges and Way Forward*, Transparency International Bangladesh, 2015.

alliances which have no representation in the house, moving to and fro inside the house during the session, chatting among other members, delaying in attending session etc.

8. Role of the Main Opposition

Ambiguity has developed about the role of the “Main Opposition Party”, as they are the part of the cabinet, express their support to the government as their allied power and the endorsement of their coexistence by the leaders and the senior members of the Treasury Bench. After the election from the very beginning of this regime till now the role of the “Main Opposition” was questioned for different reasons, such as using irrelevant critics with non-parliamentary language against the alliance or parties which have no representation in the house, praising the government etc. In many stances the so called “main opposition” tended to praise the government. In the law making session the “main opposition” placed proposal on taking public opinion and discussed the amendment. However, in most cases they were not found to take strong stand in supporting their own proposal. Rather they voted in support of the government decision. Other opposition members were also not seen to play any strong role.

9. Major Observations

Some positive changes have been noticed in some indicators such as increase of the average time spent for each session and average time of passing each bill, decrease of the average quorum crisis, and some information such as scheduled time and place of committee meeting etc. is being provided on the parliamentary website.

However, the following can be identified as negative trends:

- The “main opposition” not playing an expected role in ensuring accountability of the government.
- Irrelevant criticism and use of non-parliamentary language against the alliance or parties which have no representation in the house.
- Absence of a strong role from the Speaker to stop non-parliamentary language and attitude of the MPs.
- No discussion on international treaties and agreements.
- Limited participation in the motion of legislative business, question-answer and notices on public importance.
- Limited participation of female members in different motions.
- Conflict of interest in case of some of the committee members.
- Lack of access to the information in parliamentary business.
- Irregular meeting of the standing committees.
- Absence of any specific timeline and enforceability for implementing recommendations of the standing committees.

Despite the fact that the number of walkouts by the “opposition” has decreased compared to that of the 8th and 9th Parliaments, this cannot be certainly said that they are playing a positive role. The identity of the “opposition” has been questioned due to different political context and their role in the session on different issues.

10. Recommendations

The following recommendations are placed by TIB which it believes, if implemented, will strengthen the Parliament and make it more effective in promoting accountable and transparent governance and in institutionalizing democracy in Bangladesh.

Democratic behavior and participation in the Parliament

1. The Speaker should play a strong role to stop the use of non-parliamentary behavior and language. Both the Treasury Bench and Main Opposition must give up non-parliamentary behavior and language.
2. The Main Opposition should be more proactive to play their role as the “real opposition”.
3. Steps should be taken to re-table and enact the ‘MPs’ Code of conduct Bill’ which has already been recommended by the concerned standing committee in the 9th Parliament.
4. MPs have to be more proactive in participating in legislation business, question-answer and notices on public importance. The time and scope of the members’ participation in different motions should be increased.

Attendance of the Parliamentarians

5. Provisions should be included in recognizing the highest attendee and declare the name of those members who have the minimum attendance in the session.

Public participation in parliamentary affairs

6. Participation of the people should be ensured in various phases of framing and reforming laws. The official website of the parliament, the special TV channel on parliament and even the print media can be used for that purpose.
7. The Petition Committee should be made effective to establish direct relationship with citizens.
8. Necessary steps should be taken to discuss the national crucial issues including the international treaties in the Parliament following the Constitution.

Making the Parliamentary Committees Effective

9. The information of the members must be verified during the formation of the committees if any conflict of interest exists. In relevant cases steps should be taken to withdraw the membership in committee subject to investigations and proof.
10. The updated information of business and financial relevance of the Chair and members of the committees should be disclosed to the public every year.

Proactive Disclosure of Information

11. Public access to the information related to parliamentary activities including the attendance of the MPs should be published in parliamentary website in time. All the information of the website should be updated and relevant publications including bulletin should be more informative.
12. The proceedings of the standing committees should be accessible to the public and electronic and print media.