

Parliament Watch 10^{th} Parliament $(1^{st} - 23^{rd}$ Sessions)

Executive Summary

Parliament Watch: 10th Parliament: 1st to 23rd Session

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1.1 Introduction

The Parliament is one of the fundamental pillars of the national integrity system. The main objectives of a parliamentary system of democracy are public representation, enactment of laws, and making the government accountable. The Sustainable Development Goals (SDGs) 2030 emphasized on ensuring effective, accountable and transparent institutions at all levels (Target 16.6) and ensuring responsive, inclusive, participatory and representative decision-making at all levels (Target 16.7). In addition, according to the 'National Integrity Strategy 2012' of Bangladesh, the Parliament is to make the democratic system consolidated by reflecting the aspirations of the people through enactment of laws and oversight functions. Parliament members make a government accountable through different motions and discussions – question-answer sessions, notices on matters of public importance, discussions on President's Speech and debate on budget, enacting laws and functioning of parliamentary standing committees.

The constitutional obligation of holding the national parliament election under the party government was created due to the Fifteenth Amendment of the Constitution, which abandoned the provision of holding national elections under a caretaker government. Although the main opposition coalition represented in the Ninth Parliament demanded elections under a non-party caretaker government, the negotiations with the government failed. As a result, despite attempts by various international and national entities, the opposition coalition boycotted the election.

In the midst of this turbulent political instability, the 10th National Parliament Elections were held on 5 January 2014, where 153 contestants were elected as Members of Parliament (MP) without contest. In the elections, the Awami League and its alliance formed the government on the basis of absolute majority (82%). The 10th National Parliament formally started on 29 January 2014.

Bangladesh joined different global bodies including the Inter Parliamentary Union (IPU) and Commonwealth Parliamentary Association (CPA) to ensure effective participation of parliamentarians for bringing peace and development in the society and articulating needs and aspirations of people. Besides, political parties in their manifestos in the national elections of 10th Parliament emphasized on making the parliament effective.

Nearly 200 Parliamentary Monitoring Organizations (PMOs) have been monitoring more than 80 national parliaments worldwide. The PMOs have been gathering information and data on parliamentary motions and developing a variety of innovative and effective tools for the monitoring parliamentary operations and supporting reform initiatives aimed at strengthening the democratic development of parliamentary institutions.

Thus, in view of parliament's paramount importance in promoting culture of democratic accountability for preventing corruption and establishing good governance in the country, TIB has been conducting "Parliament Watch" study since 2001 from the beginning of the 8th National Parliament, and has produced reports on the activities of the 8th and 9th National Parliaments. The current report contains an assessment of the 10th National Parliament.

1.2 Objectives

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

The specific objectives are to:

• Examine the activities of the Parliamentary Standing Committee, including the various sessions of the 10th Parliament;

- Examine the roles of MPs in ensuring people's representation, enact laws and making the government accountable;
- Assess the role of Speaker and Parliament members in the management of the Parliament; and
- Propose recommendations for increasing the effectiveness of the Parliament and strengthening the parliamentary democracy.

1.3 Methodology

The study used both quantitative and qualitative methods for collecting data. Information for this study was collected from both primary and secondary sources. The primary sources of data include live broadcast of proceedings of 1st to 23rd sessions of the 10th Parliament by the state-owned national television channel '*Sangsad* TV' (Parliament TV) and observing the motions presenting in the house during session.

Data on parliamentary sessions were generated by using a checklist through listening to recorded television broadcast. The checklist includes information regarding time and discussions in different motions of the parliamentary sessions relating to President's Speech, roles of the Speaker, question-answer sessions of the Prime Minister and Ministers, enactment of laws, budget discussions, general discussions, discussions on Point of Order, notices on issues of public importance, parliamentary resolutions, boycott and walk-out by the opposition etc.

Secondary sources of information include proceedings of the sessions and committee reports published by the Parliament secretariat, government gazettes, parliament website, newspapers, books and articles. Some data were validated with the help of newspapers and information from the Parliament Secretariat.

Data for this study was collected on the 1st to 23rd sessions of the 10th Parliament held from January 2014 to October 2019.

1.4 Research Indicators

Based on the indicators included in the study, the factors observed were:

- 1. Enactment of law: Law making related activities, discussion (amendment and public opinion scrutiny), Minister's statement and budget discussion;
- 2. Representation and Accountability related activities: Question-answer motion, discussion on Public Importance notices, Point of Order, President's Speech, Presence of MPs, Exclusion of parliament, walkout and quorum crisis, activities of parliamentary committees and role of opposition to ensure accountability of the government;
- 3. Gender perspectives: Discussion on the role and participation of women members in parliamentary activities and women's development and rights;
- **4.** *Managing the activities of the Parliament:* Role of the Speaker to conduct of the Parliament Business, behavior of the MPs according to the parliamentary norms; and
- 5. Parliamentary Openness: Openness and access to information on parliamentary activities and committees.

2. Findings of the Research

In the 10th Parliament, the Awami League represents 234 seats and its ally 13 seats. The main opposition party Jatiya Party represents 34 seats and the other opposition 19 seats. Among the members, businessmen were 59%, lawyers 13%, politicians 7%, others 21% (teachers, doctors, farmers, retired government and army officers, housewives, consultants, etc.). A dual position of Jatiya Party was prominent in the 10th Parliament, whereas on the one hand it was the main opposition party in the parliament, while their participation of the Cabinet as part of the government, on the other hand, raised question their identity crisis and its role as the main opposition party.

2.1 Working days and hours of the 10th Parliament

In the 10th Parliament there were a total of 410 session days in 23 sessions, and the total time spent was 1,410 hours 9 minutes, while the average working hours per day was around 3 hours 26 minutes. According to the ratio of time spent in various sessions of the Parliament, most of the time was spent on activities related to establishing public representativeness and accountability (60%), while 12% of the time was spent for the legislation process (without budget).

2.2 Enactment of laws (except budget)

2.2.1 Bills passed

In total, 193 bills were passed in twenty three sessions, all of which were government bills. About 168 hours 12 minutes were spent for legislative business which is about 12% of the time spent in 23 sessions. The members of treasury bench spent 11%, main opposition party spent 67% and other opposition members spent 22% time out of the total law enacting times. On average, around 31 minutes were spent including the process of placing the bill, discussion of the MPs and relevant minister's speech on the bill. Thirty-one MPs placed amendments on the bills and attended discussions for amendments of the bills, 35 members requested for verification of public opinions and 11 members raised objections to the specific bills. In the 10th Parliament 16 private bills were not passed.

People's participation in enactment of laws could not be ensured adequately as all requests for seeking public opinion on proposed bills were rejected by voice vote as practiced earlier. Similarly, opinions and proposals floated by opposition members in law making processes were rejected. Different stakeholders raised their opinions on various bills through proper process, which however were not reflected in the laws passed by the Parliament. Such bills include The Foreign Donations (Voluntary Activities) Regulation Bill (2016), The Digital Security Bill (2018), and The Constitution (Sixteenth Amendment) Bill (2014) (which gave power to the parliament to remove judges if allegations of incapability or misconduct against them are proved).

2.2.2 Budget discussions

Around 337 hours 56 minutes were spent for five budget sessions which is almost 24% of the total time in this parliament. The members of the treasury bench spent 77%, main opposition party spent 18% and other opposition members spent 5% time spent for budget sessions. The members of the main opposition in their discussions voiced their concerns on financial irregularities and corruption and drew government's attention on them. The Finance Minister agreeing to such allegation said in the parliament, "Money laundering is illegal, there is no mechanism to stop it fully. But we can take measures to reduce its extent. We can also reduce the opportunities for making black money. Some steps have been taken. They will be visible within the next six months." He further said that for several years the opportunity to whiten black money has not been allowed. But there are laws in the country to whiten black money regularly. There is a provision to whiten black money giving a fine of 20 percent and it will continue in the future. MPs in their discussions requested to increase allocation in different sectors and urged the government to implement development projects on time. However, hardly any discussion took place in any specific manner on how to combat corruption and increase allocation for development projects.

2.3 People's representation and Accountability related activities/Representation and Oversight Function of the Parliament

2.3.1 Presence of Parliament Members in Different Motions

On average 222 MPs (63% of all members) attended in different sessions. It is further observed that 31% members of the treasury bench attended more than 75% work-days, while 31% members from main opposition, 37% from other opposition were present in more than 75% work days. Only 17% ministers were present on more than 75% work-days. Compared to that of the 9th Parliament, the presence of ministers decreased. The Leader of the Parliament was present in 338 work-days (82%) and the Leader of the Main Opposition in 242 work-days (59%). It is to be noted that one member from each of the treasury and the opposition bench remained absent in the 14th to 23rd sessions under consideration because of criminal proceeding against them were pending in the judiciary.

2.3.2 Walk-out and Abstention from Parliament

The main opposition or other opposition members did not boycott during the 10th Parliament. However, the main opposition party and other opposition members (independent) walked out three times in total. Important reasons for the walkout are as follows:

- Protest to absence of adequate opportunity to speak in point of order discussion;
- Demand to reduce gas and electricity prices;
- Protest to non-allocation of the time for raised amendment and statement on the Bill;
- Opposed against raising The Supreme Court Judges (Remuneration and Privileges) (Amendment)
 Bill 2016:
- Protest against passing The Bangladesh Petroleum Corporation Bill 2016 despite flaws in this bill;
- Protest against absence the opportunity to discuss on The Bank Company (Amendment) Bill 2018;
 and
- Protest against passing the specific bills despite objections from the main opposition party.

2.3.3 Quorum crisis

In the 10th Parliament, the total time lost due to quorum crisis is estimated to be 194 hours and 30 minutes – which is 12% of the total actual time¹ spent in all 23 sessions. The average quorum crisis on a working day is 28 minutes. It is to be noted that the quorum crisis in 9th Parliament was 32 minutes. The monetary value for the total time of quorum crisis is estimated to be Tk 163 crore 57 lakh 55 thousand and 363².

2.3.4 Question-Answer Motion

The Prime Minister's question-answer sessions were held in 57 days and total 3% time was spent for this motion. The members of treasury bench spent 63%, main opposition party spent 18% and other opposition members spent 19% time. The highest percentage of the questions (75%) made to the Prime Minister was to inquire about national development strategy and poverty alleviation. A notable observation regarding this motion is that members mostly discussed the achievements and activities of the Prime Minister instead of asking questions.

On other hand around 16% of total time was spent on Ministers' question-answer where 256 members asked questions relating to different ministries. The highest number of questions (92) were asked to the Minister of Local Government, Rural Development and Co-operatives.

2.3.5 Parliamentary Resolutions

In this motion, 105 notices were raised of which 32 notices postponed. Finally, 70 notices were discussed in the house, but 67 notices were rejected by concerned ministers. Only three notices that was unanimously adopted in the 2nd, 12th and 15th session were to enact law on three specific issues. Members also placed different demands from their constituencies and sought policy supports. The highest number of resolutions (52%) were relating to introduction of new services and building infrastructures. Other notable proposals include formulation of certain policies and necessary reform initiatives.

2.3.6 Notices on Issues of Public Importance

In this motion, 289 out of 4,751 notices were adopted for discussions under Section 71 of Rules of Procedures. Among them, highest numbers of notices (35 notices) were related to the Ministry of Road Transport and Bridges. In this motion, 166 members discussed on 1,439 notices belong to notices that were rejected. Among them, 33 notices were related to the Ministry of Local Government, Rural Development and Co-operatives. Later, decisions against those notices were notified to concerned members by the ministry in writing.

¹ Total Actual Time = Total Session Working Day Time + Quorum Crisis

² The research team made an estimate of the money value per minute for running the Parliament based on the revised budget for the Parliament. 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.

2.3.7 Discussions under Point of Order

Altogether 133 MPs took part in discussions under Point of Order for which 5% of session time was spent. The highest percentage (33%) of issues were relating to contemporary matters and measures taken by the government. The remaining notable issues were relating to irregularities and corruption in implementation of different projects and programs, law and order (public safety) and judicial service, criticism and condemnation, parliamentary processes and constitutional policies, and praising the popularity of the head of the government and the treasury bench.

2.3.8 Discussions on President's Speech

Total 22% time spent for the discussion on President's Speech in the 10th Parliament. The members of treasury bench spent 83%, main opposition party spent 12% and other opposition members spent 5% time. Apart from expressing gratitude towards the President, this session was rife with the use of unparliamentarian languages (offensive, abusive and vulgar words) targeted to the alliances or parties that had no representation in the parliament, and also relating to the failures of earlier regimes. Members from both treasury and opposition benches in their discussions attacked alliance leaders outside of the house and the opponent in the house citing their personal and family matters. Moreover, members also hurled abusive languages towards some civil society members and international organizations. Some members floated proposals to take development projects in their constituencies and raised concerns on prevailing law and order situation. Sometimes members of main opposition party were found to criticize their own status and role in the parliament.

2.3.9 General Discussions

Around 4% of total time was spent for general discussions, where a number of 131 MPs took part. In total, 342 MPs participated in any of the segments allocated for this motion in the reporting period. It is to be noted that six members participated in highest ten motions and 18 members participated in only one motion.

No international agreement was discussed although there is a provision according to the Constitution that the President would place international agreements in the floor of the parliament for discussion except those that are sensitive for national security.

2.3.10 Roles of Parliamentary Standing Committees

Out of 50 committees, 48 committees held 1,566 meetings. The Public Accounts Committee held the highest number of meetings (108 meetings). It is to be noted that only two committees met at least one meeting per month following the Rules of Procedures.

Opposition members were given membership in the standing committees according to the proportion of their representation in the parliament. It is observed that skills, eligibility, experience, performance and conflict of interest of members were not taken into cognizance while including them in different committees. The dominance of treasury bench and Party Chair is highly visible in the selection of the chairs and members of the committees. According to the information given in the affidavits of members, members of eight committees had conflict of interest which is a clear violation of the Rules of Procedure.

It is observed that 45% committee recommendations were implemented during this period. Furthermore, reviewing the contents of the committee recommendations, the following issues were observed that pertain to corruption and irregularities:

- Directives to identify irregularities and corruption in Basic Bank especially to find out involvement
 of chairman and other officials in these types of activities and recommend to take proper measures
 for ensuring their punishment.
- Formation of a three-member committee to unearth corruption and irregularities took place in Khulna 150 Megawatt Peaking Power Plant.
- Directives to identify irregularities and corruption in medicine purchase, car fuel bills, money embezzlement and tender process of public hospitals and take proper steps to stop these types activities.

- Investigate corruption in the construction of cyclone centers in the coastal area and submit field visit report related to these construction on next committee meeting.
- Directives to take measures for accelerating the proceedings of the Niko corruption case.
- Directives to identify irregularities and corruption taken place at Sonali and Agrani banks and offer recommendations for their solution.
- Recommendations for dismissal of officials at food department who were responsible for corruption, nepotism, and fraudulent activities after having an investigation.
- Take action against officers and employees who involved in theft, embezzlement and corruption in food warehouse.
- Take necessary measures to prevent irregularities and corruption in the printing of textbooks.
- Provide recommendations for conducting effective research to find out how to prevent financial irregularities and corruption in Bank sector.

It is to be noted that because of media's limited access to committee meetings and delay in publishing committee reports, full information on committee meetings could not be gleaned.

2.4 Gender Perspectives: Participation by Female MPs

2.4.1 Roles and participation of female MPs in different motions

Around 53% of the female MPs attended more than 75% of total session times in the reporting period where the corresponding figure for the male MPs is 26%. This reveals that female MPs are more sincere in attendance compared to the male MPs. One female MP from treasury bench (reserved seat) participated in ten motions of the Parliament, which is the highest number of attendance among the MPs. In the Prime Minister's question-answer motion, 14 female MPs (including 9 from reserved seats) took part while in ministers' question-answer motion, this figure is 50 (including 39 from reserved seats). However, only 11 female MPs participated in law making process through raising objections and proposing the needs for taking public opinion on proposed bills. A total of 21 female MPs participated in the discussions on six public interest notices as per Rule 71. Moreover, a total of 67 female MPs took part in the discussions on budget and 67 female MPs on President's speech. Although the attendance of female MPs is higher compared to male MPs, the participation of female MPs in different discussions is insignificant compared to that of male MPs. In a nut-shell, although the participation of female MPs has increased in number, their participation in law making, representation and making the government accountable is less conspicuous.

2.4.2 Discussions in the parliament on women rights and their development

Making questions and taking part in discussing various issues related to women rights are made in different parliament motions like the President's speech, budget, question-answer motions of the Prime Minister and other ministers, discussions under the point of order, discussions on the issues of public interest and general discussion. The issues discussed in various phases include women's employment and improvement of their living standard, training and distribution of loans or grants for women, infrastructure development, speedy disposal of the cases on violence against women, and overall development of women and their safe migration.

2.5 Managing activities of the Parliament: Role of the Speaker

Sometimes, the Rules of Procedure (Rule 270, sub-section 6) was violated by showing un-parliamentary manners and using abusive words towards some civil society members and a particular political party remaining out of the house as it refrained from election. In this situation the Speaker remained silent and rarely issued ruling to expunge the abusive and attacking comments. It was observed that the Speaker didn't take adequate measures according to the Rules of Procedure (Section 267, Sub-section 2, 4 and 8) with a view to maintaining order in the gallery. Disorders were observed in many cases; for example, some MPs were found engaged in discussions with each other leaving their own seats. They also did casual discussions in small groups during sessions, some MPs did bilateral discussions with the MPs seated next to them, and roamed around in the corridors outside the main hall etc.

2.6 Parliamentary Openness

2.6.1 Openness and access to information on parliamentary activities and committees

Parliamentary activities are on live broadcast through television during the sessions, which is positive. However, the prevailing method of involving people to extract opinion on the draft law taken to present in the parliament (public opinion scrutiny, measures to accept public opinion by the parliamentary committee) is still limited. Moreover, the reports of the parliamentary committees are published properly. For example, among the 50 parliamentary committees, only 45 committees published their reports (only 105 reports were published). The reports submitted by eleven committees reveal that the overall average attendance of the members of the committee is about 55 percent. It should be noted that two committees did not hold any meetings. It is to mention that although the committees' reports including the details of parliamentary activities are published in book form, these are not uploaded in website or made easy accessible to the public. The available information deficit some details on the activities of the Parliament as well as the activities of the MPs that they do outside of the Parliament along with their wealth statement.

2.7 Comparative Picture of the 8th, 9th, and 10th Parliament

The statistical data analyzed on the basis of the indicators such as attendance, walkout, exclusion of parliament, etc. are not comparable with the 10th Parliament provided that the formation of the 10th Parliament is different – the main opposition party played a dual role and suffered from an identity crisis. However, a comparative analysis of the eighth, ninth and 10th parliaments is presented below on the basis of some comparable indicators.

Table 1: A Comparative Picture of the 8th, 9th, and 10th Parliament

Indicator	8 th Parliament	9 th Parliament	10 th Parliament
1110100101	(2001-2005)	(2009-2013)	(2014-2018)
Time spent in passing bill	9%	8%	12%
Average time spent in passing each bill	20 minutes	12 minutes	31 minutes
Average quorum crisis per work day	37 minutes	32 minutes	28 minutes
Parliamentary Standing Committee	 Formation of the committee after the formation of the parliament, about one and a half years No representation of the opposition in the committee as Chair 	 Formation of all committees in the first session Two members of the main opposition party and one member of other opposition were in the committees as Chair 	 Formation of all committees in the first session One member of the opposition was in a committee as Chair
Meeting of the	According to the rules,	According to the rules,	According to the
Parliamentary	only three committees	only three committees	rules, only two
Committee	were able to hold a	were able to hold a	committees were able
	meeting in every	meeting in every	to hold a meeting in
Presence of the	month 65%	month 63%	every month 55%
	03%	03%	33%
members in Standing Committee meetings			
The rate of	58%	43%	45%
	38%	45%	43%
implementation of the Standing Committees'			
recommendations			

3. Overall observations of the study

Due to the absence of one of the big political parties, the 10th parliamentary election was not participatory and contest oriented. As a result, the absolute majority of the government party was achieved and the exercise of monopolized decision-making in the parliamentary affairs increased. The role of the so-called main opposition party was controversial, as they also participated in the cabinet. Although in some cases the main opposition party placed proposals for taking public opinion before passing laws as well as proposed some amendments, their opinions were not considered seriously in the house. It was also observed that they drew attention to the government on the prevailing law and order situation and financial misappropriation. Even they were found to criticize the government constructively and to request the government to undertake different projects. However, their overall role suggests that they failed to play an effective role as a strong opposition party in the Parliament to make the government accountable.

Some positive observations of the 10th Parliament include the increase of the attendance of the MPs and the average time for passing of laws. However, the proportion of total time spent for legislative businesses still remained low. Discussions took place on the much talked issues such as murders and terrorist activities, corruption and irregularities in the financial sector, etc. On the other hand, some challenges were observed in 10th Parliament as observed similarly in the last Parliaments. Quorum crisis and the practice of rejecting proposals to seek public opinion before passing laws continued. Although the MPs raised their concerns independently in budget discussions, the Article 70 still restricted them to express their voice with full freedom. There were some positive aspects of the different functions of this Parliament but it was not effective at the expected level for some challenges. The challenges include the absolute monopoly power of treasury bench, less participation of the MPs in law making process, deficits in the effectiveness of parliamentary committees, gaps in the parliamentary openness, deficits in playing strong role by the opposition party and the Speaker, etc.

4. Recommendations

The following recommendations are put forward by TIB and it believes that the implementation of the recommendations would help strengthen the Parliament and make it more effective in promoting accountable and transparent governance and institutionalization of democracy in Bangladesh.

1. In order to make the Parliament more effective –

- Article 70 should be amended for the sake of allowing members to express their voice and take
 position against the party line except for no confidence vote against the party and for its position
 on the budget.
- Steps should be taken to re-table and enact the 'MPs' Code of Conduct Bill' with necessary changes in the bill according to the best practices of other countries.
- Parliament should be formed in a manner where the active participation of opposition party will be ensured in the parliamentary process instead of continuing with the exercise of monopolized decision-making process by the government party.

Participation of the MPs and their efficiency

- 2. Necessary orientations should be provided to the MPs to increase their effective participation in parliamentary affairs; an easily communicable 'guidebook' can be prepared for the MPs on the rules of procedure including a list of expunged words.
- **3.** The Speaker should play a strong role to issue ruling in order to prevent the use of un-parliamentary language and maintain order in the sessions.
- **4.** Necessary steps should be taken to place international treaties/agreements for discussions in the parliament through the President of the People's Republic of Bangladesh; the agreements other than those which are not publishable for the sake of the country's security should be published through website.

Public participation in parliamentary affairs

5. Draft laws placed in the house should be made available on the parliament website for getting public opinion; the petition committee should be made more effective in this regard.

Making the Parliamentary Committees more effective

- **6.** The standing committee members having conflict of interest with a particular committee should be dismembered from that committee.
- 7. The reports of the committees should be published regularly as per the Rules of Procedure.
- **8.** In the half of the ten committees on the ministries having higher budgetary allocation including the Public Accounts Committee, Chair should be nominated from the opposition party members.
- **9.** According to the recommendations given by the committee meeting, the initiatives made by the concerned ministry, and if any initiative is not taken, detailed comment or explanation should be made in written at the next committee meeting (within one month as per the rules).

Disclosure of Information

- 10. The report on the presence of the MPs in the parliamentary sessions, the reasons behind the failure to hold monthly standing committee meeting, and the full details of the parliamentary activities (including the list of expunged words) should be published on the website. All the information of the website should be updated regularly and yearly calendar of the parliament should be introduced.
- 11. Initiatives should be taken to systematically manage and proactively disclose information of various activities of the MPs as well as their wealth statement on annual basis.
