

Role of MP and PSC: How to make government accountable?

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AFTER being elected as Member of Parliament, the first function of the Members is to elect a Prime Minister for the country from amongst the elected Members of Parliament who in turn would form a Cabinet of ministers as per provisions of the constitution to exercise the executive power of the republic.

Article 56.(3) deals with selection and appointment of PM which says, "The President shall appoint as Prime Minister the Member of Parliament who appears to him to command the support of the majority of the Members of Parliament."

Article 56 of the constitution made the following provisions in respect of formation of cabinet,

(1) "There shall be a Prime Minister, and such other Ministers, Ministers of State and Deputy Ministers as may be determined by the Prime Minister.

(2) The appointments of the Prime Minister and other Ministers and of the Ministers of the State and Deputy Ministers shall be made by the President:

Provided that not less than nine-tenths of their number shall be appointed from among members of Parliament and not more than one-tenth of their number may be chosen from among persons qualified for election as members of Parliament.

In our system in Bangladesh, as per article 70(1) of the constitution the MP nominated by any particular political party is not allowed to vote against the decisions of the party from which he/she is nominated. In case, it is done by any MP, that particular MP loses his/her seat in the Parliament. As such, when a political party gets single majority in the Parliament, it becomes quite obvious that majority party leader would become PM. In case, it happens that no single party can obtain that majority in the Parliament after election, the question as to who would fill the post of PM becomes clear only after the political parties declare their stand in that respect.

From the above it is seen that though nomination for the post of Prime Minister, the chief executive of the country and the leader of the house (Parliament House), is based on the support of the elected Members of Parliament, for all practical purposes it is the political parties who play the decisive role. The MPs are to abide by the decisions of the party:

As such one of the MPs would become the PM, the chief executive of the country and thus would assume the total executive power of the state. The PM would have to choose from amongst the MPs at least ninety per cent of his/her ministers to form the cabinet. He/she would distribute and delegate the executive functions of the government to his/her other cabinet colleagues. So a portion of the elected MPs would form the cabinet with PM as its head and would take up the responsibility of running the government.

As regards role of the other MPs in the parliament in respect of governance of the affairs of state, article 55.(3) may be referred to, which is as follows:

55.(3) The Cabinet shall be collectively responsible to Parliament.

The intention of the provision is to ensure accountability of the government as a whole to the people through their elected representatives in parliament. This means that responsibility of the rest of the MPs in the parliament inclusive of government party MPs who are not included in the cabinet of ministers are to make government as a group answerable in the parliament, for its each and every activity.

As already discussed earlier, article 70(1) of the constitution does not allow MPs to go against the decision of the Political Party which nominated them without risking the punishment of losing their seats in the parliament. The government party would have to have the majority number of seats in the Parliament to become the ruling party. The ruling party MPs are to support the actions of the government, irrespective of its merits, as per the above provision of the constitution. As such, government is ensured of getting support of the parliament for all its activities, as majority number of MPs are bound to be on its side in the parliament, at all times, on any issue. As such, the provision of the constitution as mentioned in article 55.(3) for making the government accountable to the parliament really becomes meaningless in practice in present context.

Government feels free and comfortable for taking any decision on its own, knowing it fully well that it would have a comfortable sailing in the parliament where obviously government party posses a captive majority needed for acceptance of any of its propositions. For that reason no government takes the Parliament seriously. As such, the present parliament may be termed not more than a debating club and serves no better purpose. This is a big flaw in our system.

This has allowed the government to become autocratic and parliament a rubber stamp to legitimise all activities of the government to become autocratic and parliament a rubber stamp to legitimise all activities of the government. This may be diagnosed as the major cause of rampant corruption and irregularity prevailing in the society to day.

For the same reason the supreme power of the MPs to oust the PM and his/her government from office by bringing a no confidence motion against them as per provision of article 57.(2) becomes ineffective. It is quite evident that under the present system it is not practically possible to oust the government in a "no confidence" vote as the government party MPs who constitute majority number in the parliament are not allowed to vote against their party PM and party government without losing their seat in the parliament.

However, in case no party can get the single majority of seats in the Parliament it may be needed that two or more parties unite to become majority to form a coalition government consisting of two or more party representations. If then, there created disagreement amongst partners of the ruling coalition parties on certain issues and if a section of the government partners decide to support the opposition cause, only under that circumstance parliament has a chance to force the government to accept its position with the support of the dissident portion of the coalition. But, there exist too many ifs and buts in the said proposition. As such, that situation may be considered exceptional and it is only a rare chance which is very unlikely to happen frequently, if not, at all. In may be mentioned here that the above situation so far never happened in our country.

With this minimised role of the parliament and that of the MPs in that parliament, Bangladesh Parliament cannot definitely be what it should have been in a parliamentary form of government. In a parliamentary form of government parliament is supposed to be the focal point of all activities of the government; is expected to provide proper guidance to the government. Parliament needs to be strong enough to enforce that guidance and also should be in a position to create restriction to the government from doing

anything wrong. This raises the question, in absence of the said effectiveness of the Parliament, can our system of government be called parliamentary form of government and is it alright to say we are practicing parliamentary democracy? From the above it may be concluded to be otherwise.

The MPs belonging to the opposition bench in the parliament may criticise the bills, budgets etc. put forward at the parliament. These MPs can, in the parliament, criticize any action or activities of the government asking the government for corrective measures and can ventilate sentiment of the people on certain issues. MPs may raise various problems of the people and they can express the needs of the people, especially of their respective constituencies.

But the role of the government party MPs in the parliament is mostly restricted to expressing sentiment in favour of government actions.

As per provision of our constitution, the appointment of the Speaker can be decided and also terminated by the simple majority vote of the MPs in the parliament. Government party always possesses, at least that simple majority number in the house. As such, in case the government party for any reason becomes dissatisfied with and desires to oust the Speaker, it is in a position to do so, at any time. Under that circumstance, in reality, it is very difficult and risky for the Honourable Speaker of the Parliament to act neutrally while running the house.

Any MP can initiate half an hour discussion, discussion on matter of urgent public importance for short duration, discussion on a matter of public interest, as per rule 60, 68 and 146 of Rules of Procedure of Parliament by giving a prior notice in a prescribed form.

Honourable Speaker of the house, under existing circumstance, does not permit any of the above, in case the same is opposed by the government

Following the present system we are not in a position to pave the way for fulfilling the hopes and aspirations of the people for a happy and prosperous society. It is high time the MPs should think of brining a radical change in our system of governance by making amendment to the existing Constitution of Bangladesh. To practice democracy we must have faith in people's judgement and give due importance to the people's representatives. To institutionalise parliamentary democracy, the role of MPs should be enhanced further to make Parliament more effective with a wider horizon of activities.

side and/or if the discussion is somewhat embarrassing for the government. The above motions are, generally accepted for discussion by the Speaker when the initiatives are from the government and/or provide government scope to highlight its views, especially in respect of discrediting opposition side.

Members of Parliament may, as per rule 71 of the Rules of Procedure of the Parliament, with the prior permission of the Speaker, call the attention of a minister to any matter of 'urgent public importance', by giving a prior notice in a prescribed form. The MP's whose notices are not accepted by the Speaker to be included in the said category, are allowed each two minutes time in the house to speak on their notices.

The call attention notices to the ministers in almost all cases fail to bring any effective solution to the problem put forward by the members. The ministers' statements in respect of the problem most of the time contain hollow commitments which are never fulfilled.

The two minutes time each MP is allowed to speak in favour of his/her notice if the same is not accepted by the speaker as call attention notice, is also in reality a futile exercise. The ministers, even if present in the house, do not feel it necessary to listen to the MPs in most of the cases, not to speak of solving the problem raised by the public representatives.

Any MP can bring a motion for an adjournment of the business of the house for the purpose of discussing a definite matter of recent and urgent public importance as per rule 62 of the Rules of Procedure.

But, the fact remains that so far no motion for 'adjournment of house' has ever been accepted by any Speaker since the present form of government has been introduced in the country.

Another important role for the MPs in the parliament of both the government and opposition parties is to ask questions to the government ministers responsible for different departments to make them answerable, at least verbally and superficially to the parliament.

Real accountability of the government ministers is missing in practice in the question hour. This is so, as the questions put forward by the MPs in advance to be included for answering by the minister are scrutinised. The questions suitable to the government are generally selected to be included in the list to be placed in the parliament. These questions are then put in a way so that the questions acceptable to the government come in the beginning of question hour. These questions are discussed with supplementary questions put forward by other MPs present in the house. Supplementary questions are also needed to be answered by the concerned minister. The remaining questions as included in the list for that day, which generally constitute the vast majority, with the written answer of the minister, are left out as time does not permit. The ministers, while answering verbally on the floor of the house specially on the supplementary questions put forward by the MPs, quite frequently avoid answering questions in a meaningful way, giving false commitments, many a time with wrong information.

The Prime Minister's question hour as introduced by the last Awami League government with a big pomp and is being followed by the present BNP led coalition government, has been in no way different. On the other hand it is a more carefully manipulated show where only questions that are easier for the PM to handle and provide scope for glorifying and justifying the government activities and/or discredit the opposition are selected for placement in the parliament.

The question hour has turned into a premise giving scope for the MPs to show their face in the national media and to be heard by the people, especially by the voters of the constituency. From the government side there is noticeable effort that the time of the question hour is utilised for propagating government views and justifying (controversial) actions of the government on various issues.

The above are few examples of what is actually happening as against the designated role of an MP in the house as per provisions of the constitution and as also stipulated in the rules of procedure of the Parliament. Fate of all other rights and privileges of the MPs which are meant to be provided with

the intention of fulfilling their duties and obligations in the house is more or less similar.

In addition to their role in the house MPs have definite roles to play in the Parliamentary Standing Committees. Article 76. (1) of Constitution refers to formation and functions of Standing Committees of Parliament. The functions of the committees, as per the said provision of the constitution are: (a) examine draft Bills and other legislative proposals; (b) review the enforcement of laws and propose measures for such enforcement; (c) in relation to any matter referred to it by Parliament as a matter of public importance, investigate or inquire into the activities or administration of a ministry and may require it to furnish, through an authorized representative, relevant information and to answer questions, orally or in writing; (d) perform any other function assigned to it by Parliament.

The basic function of most of the parliamentary committees is to give guidance and to ensure accountability of the government function wise, on the day to day basis. But, in all the committees of Parliament, majority members are from the government party due to the fact that they compose the maximum number in the parliament. Since government party MPs are to act united to follow the dictates and the desire of the government, it is very difficult for the committees to make government ministers or government party men responsible for any wrong doing, though in a country like ours those are the basic root of almost all irregularities.

The committees are to take decisions as per desire of the government in most of the cases. Only on very rare occasion when the government does not feel necessary to interfere, the committees can function freely.

The government officials or the bureaucrats are, of course, subjected to severe scrutiny and they have hard time facing the committee. But, here

also, if the irregularities are done as per the instruction or insistence of the minister or government party high ups, which is the case in reality, most of the time, the matter cannot be pushed further.

Moreover, the Parliamentary Committees are all advisory bodies having the authority limited to giving recommendations only for the government to accept and execute the implementation. But, if the government does not accept or implement the recommendations the committees have no power to force the government to do so. In reality, the committee reports are, in almost all the cases, just a futile exercise which do not get any treatment from the executing authority. Members of the committee are to accept the said fate of their hard work as a helpless witness.

The last Awami League government, during its tenure of office in the seventh parliament, carried out some modifications in the Rules of Procedure of the Parliament, in respect of the formation of the Standing Committees on different ministries. The said amendment prohibited the concerned minister from becoming the Chairman of that Committee. The position of chairman has been earmarked to be replaced by any other member of the parliament. Minister would have to be an ex-office member of the committee. The intention was to make the committees more effective in making the various government functionaries under different ministry answerable.

But, the above changes have failed to serve any better purpose. In fact, the effectiveness of the committees has deteriorated further after the said modifications. The reasons behind are, in case the concerned minister is also the chairman of the committee, as was the case, he/she generally used to take more interest in implementing those decisions taken at the committee level under his/her leadership. But after the change, it is seen that the

minister tends to avoid attending the committee meetings in order to avoid accountability and obviously shows lesser effort for implementation of the committee recommendations. The other bottleneck has been that the government party tends to fill up the entire chairman positions from amongst its own party MPs. The opposition is being accommodated at a bare minimum. It may be mentioned here that committees are formed as per approval of the house. This means the government party with its majority in the house decides about the committee formation. After the above modification regarding the structure of the committee during the seventh parliament, only one committee chairmanship (for the Ministry of Agriculture) was allowed to one of the opposition party (Jatiya Party) MPs. Not a single chairmanship was given to the main opposition party BNP, which was so at that time. The above has killed the very logic of shifting a concerned minister from the position of chairmanship to become an ordinary member of the committee. The logic was to make the executive branch headed by the minister more vulnerable to the scrutiny of the committee, now chaired by somebody else and not the minister himself. But, in case the government party MP is in the chair, he in the committee meetings would generally tend to protect his party minister and not allow his party government to be embarrassed for the activities of the ministry. This had been exactly the case which was observed to have happened during the last regime of Awami League.

But, one good comes out of the Parliamentary Committees activities, that is, in case, some wrong doing is detected or suspected, MPs who are members of that committee may approach press and make the public aware of it. The credit in this case goes to our very bold and vibrant press. Accountability of the government for its day to day activities could somehow be achieved through this to the utter disapproval and dissatisfaction of the government, bureaucracy and the ruling party.

Our system of government in Bangladesh has made the Parliament too weak compared to the Government to make any significant contribution to restrict the government from doing wrong or to provide the government proper guidance. This has happened owing to the fact that the role of the Members of Parliament have been restricted severely due to the provisions made under article 70 (1) of the Constitution. This, of course, has been done with the noble intention of having a stable government, which otherwise could have been toppled every now and then due to frequent change of side by the MPs. But, now we see, to achieve a stable government we have made a big compromise of reducing the accountability of the government to the people through its elected representatives in the parliament. In a system where accountability of the government almost does not exist, the execution of works by the government machinery would tend to be autocratic. There is little doubt that corruption, irregularities and wastage would thrive on that ground as is being evident in reality.

The speaker of the house has some definite role to play to make the parliament more effective. But, to have an effective speaker, there must exist scope that the speaker be in a position to act neutrally, if he so desires, without the perpetual fear of losing his job as per whimsical wrath of government party. This is possible, in case the removal of the speaker is made somewhat more difficult by bringing some amendments of the existing provisions of constitution in that respect.

As such, following the present system we are not in a position to pave the way for fulfilling the hopes and aspirations of the people for a happy and prosperous society. It is high time the MPs should think of brining a radical change in our system of governance by making amendment to the existing Constitution of Bangladesh. To practice democracy we must have faith in people's judgement and give due importance to the people's representatives. To institutionalise parliamentary democracy, the role of MPs should be enhanced further to make Parliament more effective with a wider horizon of activities.

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Japan's ODA: Coinciding with aid policy

MONZURUL HUQ *writes from Tokyo*

IT was more than ten years ago that Japan made a significant breakthrough in international politics with a meaningful participation in the UN sponsored peacekeeping operations in Cambodia. The following decade saw further expansion of Japan's peacekeeping initiatives, but nothing has so far been matched to that of Tokyo's role in Cambodia, still seen by many in Japan as the apex of peacemaking initiatives that enhanced Tokyo's prestige as a significant player in the field of international development assistance. The chief of UN mission in Cambodia at the beginning of 1990s was the Japanese Under Secretary General of the United Nations, Yasushi Akashi. Although he failed to match his earlier success at a later stage when he was assigned as the UN peace broker in former Yugoslavia, Akashi is still revered in Japan for his contribution in Cambodia and till these days he remains active both as a critic of Tokyo's development aid policy and as an unofficial adviser to Japan's policy making circles dealing with ODA.

Akashi has recently published a strongly opinionated article in Japan's influential daily Yomiuri Shimbun, where he suggested that in the post Cold War period of uncertainty the right role for Japan to play in world politics would be to bolster its involvement in international effort to consolidate peace and promote nation building in conflict-torn countries. In short, what Akashi is proposing is that, Japan should change its focus of attention from financing large-scale projects in developing recipient nations to peace-dividend ODA projects that would facilitate the settlement of a conflict in a country devastated by civil war and violence. As Japan is compelled to shrink country's generous ODA budget due of prolonged economic recession at home, many within country's policy-making bodies are attracted by Akashi's comment, which they feel would be the right way to preserve Japan's high stake in international politics despite the dwindling financial contribution. And for Akashi himself, his new role as Japan's official representative in charge of issues concerning Sri Lanka has already placed him in a right position to try to put his words into practice. He himself has also made it clear that as Japan's ODA in the future would most likely be used more and more as a dividend for peace so that people themselves could feel the concrete benefits of peace, Sri Lanka, in this regard, would

be a highly interesting case in which this new, more forward-looking approach by Japan could be tried.

The publication of the article coincided with the adoption by the government of an 81,718.1 billion yen budget for fiscal 2003 starting from April. The budget was approved in a cabinet meeting and will be submitted to parliament early next year for its final approval. The budget is 0.7 per cent larger than the initial budget for the current fiscal year. It includes 47,592.2 billion yen in discretionary spending, up 0.1 per cent. But as the government would be required to increase new issues of government bonds to finance the spending, the nation will no doubt go deeper into debt.

Earlier the finance ministry in its budget plan proposed a 5.8 per cent cut in Japan's official development assistance to developing countries and the cabinet approved the request by slashing the amount from next year's ODA budget. The government's decision would mean the ODA budget for fiscal 2003 is to be cut by 5.8 per cent to stand at 857.8 billion yen. It will be the fourth straight year of declines in ODA, following a 10.3 per cent cut in the current budget.

Despite such drastic cut in ODA spending, concerned officials in the finance ministry think that the draft budget has secured a necessary scale of funds for Japan to fully and appropriately serve its international responsibilities. As part of securing funds to be able to respond to international circumstances, the draft budget for the first time sets aside 15 billion yen in grants toward ensuring human security such as dealing with post-conflict situations. The draft budget also maintained the same level of emergency grants as in the initial budget for 2002 to support refugees and reconstruction. In a breakdown of ODA spending, the finance ministry set aside 224.7 billion yen for bilateral grants, down 6 percent from the current fiscal year. Economic assistance, which falls under bilateral grants, is cut by 16.8 per cent to 173.6 billion yen. The ministry also allocated 322.8 billion yen for bilateral technical assistance, down 3.5 per cent.

Pressured by a weak economy Japan is no doubt trying to map out a strategy to make better use of its vital resources. Echoing the voice of Akashi, a finance ministry official told reporters recently that Japan was willing to use its clout to take higher profile in global affairs by offering help in troubled spots and the ODA budget for fiscal

2003 tried to make a balance between this new role and the conventional standing the country was so far taking in disbursement of aids to developing nations. The 15 billion yen grant for human security projects would be utilized to finance projects like de-mining, combating the drug trades and resolution of regional conflicts. A further 16 million yen grant was set up for water resources development and no reduction was made to a 22.2 billion yen grant for emergency issues, such as refugee support and reconstruction of war-torn areas.

The ODA budget for fiscal 2003 reflects the gradual shift in Japan's official standing concerning country's role in helping the developing world to achieve sustainable development. The new effort to focus aid on global trouble spots is in part an attempt by Japan to play a role in maintaining world security. Such security concerns led Tokyo to host a donor conference for Afghanistan in January 2002. Earlier in December Japan hosted a donors' meeting for Indonesia's strife-ridden Aceh province as an inducement to peace pact to end decades of bloody conflicts. Japan also announced it would do the same for Sri Lanka in 2003, after sponsoring peace talks in Tokyo. The Sri Lanka donors' conference was announced after a breakthrough in talks between Tamil rebel leaders and the Sri Lankan government in Oslo.

Such new initiatives of Japan as a leading donor would also mean slowing down of Tokyo's initiative in areas that until recently enjoyed some form of priority. Conventional recipients of Japanese assistance like Bangladesh might as a result see a downward trend in aid flow from Tokyo. But as if to compensate for any such losses to countries desperately in need of funding from overseas, Japan has also for the first time decided to forgive part of its debt to a number of heavily indebted poor countries. It was announced earlier that Tokyo would forgive up to 900 billion yen in ODA loans to Bangladesh, Myanmar and Ghana from next March. Until now the preferred practice of Japan was to offer additional grants to help recipients pay back existing debt, rather than simply forgive the amount.