

FOCUS

Making Parliament Effective

Role of Government and Opposition

by Rashed Khan Menon

The role of opposition is to make the government behave, not to block the government. Government must be criticised, but not obstructed by the opposition because the government has a mandate... The government on the other hand is entitled to have its show, since it is the majority party in the House. But not responding to opposition criticism would do wrong to the government itself.

THE parliament viewed as a supreme body of people's power has a pivotal role in endorsing public policies and overseeing the executives in the discharge of its function. In the law making also it has the supreme authority. But the experience is otherwise, in our own country, and as is enumerated by John Garrett of the House Of Commons from his years of experience as MP, the effectiveness of even British Parliament is on the decline. In "matters large and small the power of government over Parliament is far too great for government to be properly accountable to Parliament and to the electorate. Not only in the case of control over executive, in the matter of legislation also government gets all the legislation they want and when they want it, often at the expense of rational discussion." Furthermore, "None of this is by chance: it is a conscious act by the government to keep Parliament in its place and to see to it that it is ill-equipped to challenge, to check and scrutinise."

So if it is like this for a Parliament which passed through years of evolution and stated as a model for democracies, the truncated political process we had to go through could not have delivered better results. To make Parliament effective, therefore, requires determined effort on the part of all, be it government or opposition.

But before we venture to discuss about the role of the government and the opposition to make the Parliament effective, let us first look into the basic mechanism through which executives are made responsible and responsive to Parliament. These are Question Hour, Adjournment Motions, Resolutions, Call-Attention Notice and above all, the Committee functioning.

But before asserting the authority of the Parliament, the first work is to be done is to re-establish the image of the Parliament which in our country, as in many others, is almost lost to the people as anything which can deliver any good to the people. The people's perception of Parliament is one of a debating club at the expense of public money. It has been drummed up by the executives, though in a parliamentary democracy the executives owe its existence to that very Parliament. The media attention to the expense of Parliament and parliamentary works and consequential shying away from making investment to make Parliament an effective and efficient body, is the common experience of all. In our country the fulfilment of the constitutional obligation to establish an independent secretariat for the Parliament was obstructed for long. John Garrett described his experience in the words that "while Parliament is silent in its own case fifteen main government departments now spends 150 million pounds a year (much more than the total cost of running the Parliament) on pumping out favourable publicity about themselves. This is bitterly true about our Parliament too. We find the Parliament members are often reminded of the per minute cost of parliament in session, by the executives, the media and unfortunately, by the guardian of Parliament — the Speaker himself, while millions of taka

go down the drains in supporting the fruitless, even worthless endeavour by the executives. Public awareness of how Parliament works is also very low, even among the intelligentsia. The absence of local government and its authority in administering as well as in developmental work has made the work of Parliamentarians difficult too in our country. The people look to the Parliament and to the elected representative for everything — from addressing their day-to-day difficulties, development work in the area, policy making and legislation etc. These activities get into the time of the member which reflects on his performance as law maker and controller of the governmental activities.

That brings in the question: what Parliament is? The Parliament as we see in our country, modelled after the West Minister type, is an admixture of executive and legislative power. It sometimes encroaches on the judiciary when we find the Speaker giving verdict on constitution and also on law which we saw in our Parliament in recent times. But the feature of the Parliament is not of governance or performing the function of the judiciary, but to control the government and frame laws that would govern the country. The government is run by the cabinet and for their act of omissions or commissions they are answerable to the Parliament with regard to the management of their ministries, examinations of their spending authorised by the Parliament.

The other primary function of the Parliament is to legislate. But here also the initiative in legislation is exercised by the executive. So in these particular fields we should concentrate on how to make Parliament effective without becoming radical to make it a perfect system, asserting the sovereign right of the people to govern itself through its elected representatives.

Complete overhauling of the Rules and Procedures is required to absorb the spirit of the change in the Constitution where it is necessary. Institutional and operational reforms are to be made so that the Parliament can act according to expectation of the people.

About the mechanism of controlling the government, the fruitful use of question hour is very urgent. "Question time is one of the last bastions of the right of private members to exercise political control over government." Posing questions to ministers does not consist in merely pumping out information from the government or of the grievances of constituents. The question hour in Pakistan Parliament was usefully utilised by the legislators from the then East Pakistan to bring to the public the extent of economic disparity between the two wings of Pakistan that contributed much to consolidating the public opinion to demand the right to self rule and ultimately for independence.

The supplementaries at the same time are more important than the question itself as it brings out the core of the matter, if the members so want it. So sufficient supplementaries

shown, the PM is not confronted on policy matters, rather the questions are put in such a way as to allow her making speeches on government's good doings.

But even with this weakness the Prime Minister's Question Hour can make Parliament effective, as the PM in our country is more than equal to the Prime Minister in the Cabinet. He or she contributes to not only the responsibility of running the government, but also of party functions and every other thing as well.

The use of adjournment motion has been watered down to definite matters of interest and of public importance in the Rules and Procedure. Although the majority of the adjournment motions cannot meet the rigour of the rules, yet the Speaker while hearing the minister's objection on the grounds of its inadmissibility can allow the members to be informed about

the matter and at the same time suggest a member to pick up the topic under an appropriate motion.

But the most important weapon for making Parliament effective is the Committee. It is said that "a legislature may be known by the committee it keeps." Though the Constitution of Bangladesh and the Rules and Procedures spelled out in clear terms the formation and functioning of Committees, yet here the greatest weakness of the Parliament still persists. The report of the Team Leader on the implementation plan on Strengthening of the Parliament, jointly sponsored by GOB and UNDP, has listed the weaknesses of the Committee system as : (1) Ministerial Committees are chaired by the Minister, (2) Committee has no enforcement mechanism, (3) Public has no or limited access to Committee report, (4) Financial accounting and investigative committees are far behind schedule to have any practical impact.

One redeeming feature of the Seventh Parliament of Bangladesh is the introduction of Prime Minister's Question Hour. My own motion in this regard in the Fifth Parliament got a cold shoulder from the Rules and Procedure Committee. In a parliamentary system the Prime Minister is the number one executive and by virtue of his/her becoming leader of the House too in our Parliament, a thorough scrutiny of his/her work is all the more essential. But the Prime Minister's question hour now being practised is a half-baked one. This has not been properly conceived. As the practice has

political culture as well as institutional and logistic support. The political culture should envisage to elect the chair from among the Opposition. Particularly committees such as financial accounting and investigative committees should be chaired by the opposition. This practice is followed in several countries. The chair of the Public Accounts Committee is given to the opposition. In some countries the committee on Foreign Affairs is usually given to important leader of the opposition. In nominating members to the committees same MPs should be given to the same committee in successive Parliaments so that the individual members can specialise on the subject. But what is more important is the logistic support to the members of the committees. The MPs in Bangladesh are constrained by the lack of information, research support and above all staff support. They are to deal with every aspect of Parliamentary work along with their work in the constituency. So if Parliament is to be made effective it should be given resources for giving support to its members to perform their function properly.

In matters of legislation the role of committee is also very important. As has been said earlier the executive pushes through the legislation it wants. It is through the committee that the Parliament can demand to know the justification and purpose of new law the government wants to enact and the effect of it on the society. In the matter of approving the spending of the government it should be professional and demand to know what output or results are expected and be achieved from the proposed expenditure. For proper scrutiny of ministerial work the law on secrecy should go. Otherwise everything would be hid under the carpet in the name of observing the oath of secrecy the executives would while assuming responsibility

to stupefy the public in even thinking whether this public exercise is at all necessary or not. The media now-a-days plays important part in influencing Parliamentary debates.

There is a growing trend in Parliamentary reporting about ignoring substantive issues and highlighting the trifles that tempts the members to keep them busy with the trivialities.

So the role of media is to change to encourage debates on issues of public concern. The introduction of television coverage has made the thing more complicated as TV demands showmanship rather than substance.

There is also serious gender imbalance in many Parliaments of the world including ours. The Bangladesh Parliament is extremely unrepresentative in composition as far as women

are concerned who are fifty per cent of our population. The election process to the reserved seats for women is also a slur to the womenfolk. The present women MPs cannot apply their strength due to selection. They are used to ensure or bolster the strength of the majority party in Parliament. The debates in the Parliament are also gender biased and even disrespectful to women. The gender balance should be corrected immediately so that the women's voice is heard.

The election procedure also should be changed to direct one. The number of seats should be increased and discrimination in resource allocation for women MPs should be eliminated. The report on strengthening of Parliament suggested that a Standing Committee on Women should be formed to look after the issues relating to women. It also suggested more orientation training for women MPs and providing them with more logistic support.

Besides committee work, the performance on the floor of the house is also very important. There is a noticeable deterioration of quality of debate on the floor of the House. The members are more interested about playing to the gallery than taking up substantive issues. The Parliamentary speeches are marked by aggressive delivery and are aimed more at scoring political point. The blocking of debates, jeering and cheering have become the polity divided in such a way as to make everything ineffective.

Professor Samsul Huda Harun in his book on "Parliamentary Behaviour in the Multi-National State-1947-58" described the role of the government and the opposition in the following words: "Parliament is the people's will incarnate, under the West Minister system. The parties sent to the House through the periodic electoral choice identify in themselves, in the name of practical politics, the *de facto* will of the people. The 'will' of the majority of the people residing in the Parliament rules the country while the minority awaits in turn. Hence, the dichotomy e.g. the majority forming the government and the opposing it is relative and temporary. What is permanent is the determining factor of electoral choice of parties which clinches the issues i.e. the ruling and opposing parties. In other words, the opposi-

tion has the potentiality of transforming itself into the ruling party provided the former carries the people with it in the election — a system that helps the opposition party(ies) 'aproximate to office.'

If that be so, the role of opposition is to make the government behave, not to block the government. Government must be criticised, but not obstructed by the opposition because the government has a mandate. According to Ivor Jennings the opposition communication "is directed not so much towards fundamental modification of the government's policy as towards the public opinion." The government on the other hand is entitled to have its show, since it is the majority party in the House. But not responding to opposition criticism would do wrong to the government itself, but would also denude the system of its credibility and the effectiveness as well. The responsiveness of the government would rather lead to occasional identical approach on the issues by both the government and the opposition. To sustain public interest in the Parliament the opposition should be given lever to express its dissent. The channel of communication between the government and the opposition must remain open. In a country like Bangladesh it is all the more necessary because of the historical animosity between the main players of the power game. Also the right of the people is to be guarded from the party in power of the time.

The best way to do it is to enable the Parliament to exercise its sovereign right on behalf of the people to oversee every aspect of the governmental activities. The administering of the ministries, piloting legislation, making budgets, checking spendings and above all in representing the country and the people. And here both the government and the opposition — which alternate their role with the electoral process, should act together to make Parliament effective.

The writer, an MP is Secretary General of Bangladesh Workers Party.

The article is prepared with extracts from his presentation at the seminar organised by Commonwealth Society of Bangladesh.

BANGABANDHU MURDER CASE

Verbatim Text of Cross Examination of 34th and 35th Prosecution Witnesses

Continued from Saturday

Cross-examination of PW-34
Subedar Jainul Abedin in Bangabandhu murder case began when the court resumed on Sunday.

Following are the excerpts from his examination by advocate TM Akbar, defence lawyer for accused Lt Col (LPR) Muhiuddin:

Q: In which battery of artillery in Comilla you are working now?

A: As a senior JCO at Cubec Battery. At first the witness, however, declined to disclose his battery name for military secrecy.

Q: Were the six guns of Papa Battery kept in the fall-in?

A: Guns are usually kept for training.

Q: Do the other batteries have guns?

A: Six each for Cubec and Romeo Batteries.

Q: Is 20-30 minutes needed to hook a gun?

A: 15-20 minutes.

Q: Where the shells of cannons kept?

A: At ammunition store.

Q: Who were in-charge of the six artillery guns?

A: Havildar Abu Taher and Lance Naik Shamshu were as NCOs for two guns. I can't recall about others.

Q: How many gunners were in your battery?

A: Approximately 40 to 50.

Q: Did all of Papa Battery go for training?

A: I can't recall.

Q: You told the IO that all of

you of Pap Battery started at about 4 am.

A: I can't recall. But I told him also about other batteries.

Q: Were the guns of Cubec and Romeo Batteries taken to the New Airport?

A: To inform Naik Sirajuddin by shouting if I see any movement on south-easterly.

Q: How did you climb up on the rooftop?

A: By the staircase.

Q: Did you take permission from the inmates of the house?

A: I didn't see any one.

Q: Did the CID call you directly?

A: Through my Commanding Officer.

Q: Did you yourself inform the CID or CO that you might be a witness?

A: No.

Q: Did you come for making statement to the CID on leave?

A: Officially. My CO sent me to DGFI office to give my statement to the CID.

Q: Did you see movement from you post?

A: Yes, in small vehicles.

Advocate Sharifuddin Mukul, defence lawyer for accused Taheruddin Thakur and advocate Abdur Razzaq Khan for Lt Col (retd) Sultan Shahriar Rashid Khan and Hon Cap (retd) Abdul Wahab Joarder declined to examine the witness.

Q: Did Capt Jahangir go to the New Airport?

A: I can't recall.

Q: What was your duty on the rooftop?

A: To inform Naik Sirajuddin by shouting if I see any movement on south-easterly.

Q: How did you climb up on the rooftop?

A: By the staircase.

Q: Did you take permission from the inmates of the house?

A: I didn't see any one.

Q: Did the CID call you directly?

A: Through my Commanding Officer.

Q: Did you yourself inform the CID or CO that you might be a witness?

A: No.

Q: Did you come for making statement to the CID on leave?

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35th Prosecution Witness

Following are the excerpts from examination of PW 35, Subedar Major (retd) Anisul Haq Chowdhury, by advocate Gazi Zillur Rahman, state defence counsel for absconding

Q: This is not know to me.

Further texts of cross examination will be published as and when received.

Metropolitan



Anti-mosquito drive

DCC to set up mobile courts

By Staff Correspondent

Dhaka City Corporation (DCC) is to set up mobile courts in the city to crack down on individuals who have allowed water hyacinth to grow in their ponds or have created environment for mosquitoes to breed in their premises.

The team will begin its first drive within a day or two, said a DCC official. It will be accompanied by a magistrate who will be able to fine up to Tk 10,000.

The DCC move comes in the wake of the current low rainfall season when mosquito menace is usually at its peak.

Addressing a reception in his honour yesterday at Chittagong Press Club, organised by Peshajibi Sangskritik Songbordana Parishad, Kaisar said he would do his best to uphold the country's image abroad during his tenure.

The government has not given permission to any organisation or agency to send pilgrims to Saudi Arabia for performing the coming Hajj, according to a clarification of the Ministry of Religious Affairs, reports UNB.

The clarification came in the wake of recent advertisements published in a section of national dailies regarding permission to send Hajj pilgrims through different organisations and agencies.

The ministry earlier made it clear that those who are interested to perform Hajj outside government arrangement can do so of their own by collecting visa from the Saudi Embassy, Kaisar said.

HERE and THERE