

# Independence Day Special

## How Can the Parliament Work Better

by M. Amir-Ul Islam

**A**SPIRATION For Parliamentary democracy has been the time old desire of Bangladesh polity. This can be traced back in the history and in the struggle for independence from the British rule and thereafter from the Pakistani autocratic regime by proclaiming its independence. The guiding force and the spirit behind such struggle has been the indomitable will of the people to empower themselves in order to choose their own destiny so that they may prosper in freedom.

One of the immediate tasks of the freedom struggle was to have a government of one's own choice to be able to run the affairs of the people through their elected representatives. The elected representatives of the people who provided the political leadership in the war of liberation played a unique role unparalleled in the history of legislatures anywhere in the world. After the victory in their struggle the same body as the constituent assembly framed one of the best constitutions in the contemporary time.

Despite such a glorious role of the public representatives leading a liberation war to victory and giving the Constitution what has made it fail to lead the rest of the journey in realizing the constitutional pledge is a matter of history stained in blood and conspiracy culminating in the killing of the father of the nation Bangabandhu Sheikh Mujibur Rahman.

The forces and trends which prevented the growth of democracy and representative government in Pakistan despite being defeated in 1971 how could reappear with their ugly tentacles in a country which liberated itself from the military regime at the cost of so many lives and immense suffering of 75 million people is a matter for deep study and research.

In a research publication, Richard Sisson and Leo Snowiss in their article on "Legislative viability and political development" write

"In the context of the new developing nations, they suffer two particularly grievous defects: their association with colonial past, and their tendency to value and stimulate conflict. The first seems to undermine their legitimacy and the second, their utility. Thus although legislatures are often (and rightly) considered state institutions which preserve the power and interests of domi-

nant groups or classes, it is in fact their more destabilizing and dynamic propensities which render them suspect to leaders in the new states. It is no wonder that the parliament which led a liberation war became a suspect to the elite who were associated with the leadership under the Pakistani regime in politics, army, bureaucracy, business and society. Sisson and Snowiss therefore conclude that these new democracies and legislatures find it difficult to sustain and perpetuate.

### They conclude that -

"If a representative regime is to survive, the legislature must at some juncture cease to be the agent of restrictive classes and become the defined arena within which this competing forces of society seek to resolve their differences and participate in defining their common objectives"

This defined arena is the Constitutional postulates for the Parliament. It is in this context that the Parliamentarians and the leaders of the political parties need to be reminded of their role. Having high respect for public representatives and public leaders of our country I cannot persuade myself to suspect them to be sponsoring the cause of any force other than that of democracy and freedom at least within their conscious domain. However with all due respect that it can be humbly suggested that what they are now pursuing by boycotting the session of Parliament is helping the forces from whom they liberated democracy again, heavy odds. Their present pursuit, therefore, cannot be perceived logically as pro-democracy, pro-parliament or pro-people.

In order to make parliament function people need to train and motivate their leaders through public persuasion, debates and with reasons. It has become necessary, therefore, to create a civil society initiative to discourage such anti-democratic move by legislators. We have to understand that though we clamour for freedom and democracy but it takes a long time to get over from the psyche of the past.

In post '72 era the defeated forces which were closely linked with the social, political, economic and power elites of Pakistan were able to regroup and unite in order to defeat the force of freedom. Similarly in the 90s though the forces of au-

tority were defeated through mass upsurge, they have now been able to regroup under the umbrella of anti government alliance trying to undermine the democracy itself. The freedom for democracy which our leaders won in 1991 through mass movement against autocracy, is being defeated by them through their leaders. Members of opposition party in Parliament need to be reminded a lesson of history summarised by Dias in his famous book on jurisprudence - "The spiral of history show that the victory of freedom from abuse of power seems almost fated to end in abuse of freedom of action, which in turn calls for a return to power to keep it in check".

So called agitation movement on the street which obstructs the freedom of movement and action of the general masses, the ordinary people being prevented in pursuit their daily life in earning their bread of besides violating the fundamental rights of citizens is most counter productive means to gain any point for democracy. It only defeats the need for democracy promised by those leaders for electing them to the Parliament.

It is time that the Parliament as envisaged under the Constitution as the greatest political institution in order to allow the people to have effective participation in the governance be retrieved. In the context of this perspective a debate can be initiated as to how the Parliament can be made to work as contemplated under the Constitution in order to realize the dream of our martyrs and to meet the need of the teaming millions and to secure the future of the next generations for ushering progress and prosperity to our people.

In the backdrop of the history of interruption and usurpation on the one hand and

effective participation of the people through their elected representatives there should not merely be 330 members of the Parliament sitting in the house debating on issues on the floor but elaborate mechanism should be activated to ensure that each of the members can participate in the decision making process and through them the participation of people in decision-making. They not only would review the bill and working of the law, but through a committee system, exercise power of the Parliament in monitoring the executive corridors of power. Primary duties of the committee is to examine draft Bill, legislative proposal, review and enforcement of laws, activities of the executive and perform such other function assigned by the Parliament. Bangladesh Constitution is rather unique having integrated the committee system in the Constitution itself. Hence, committees are not only parliamentary bodies but also Constitutional entities.

There are as many as 38 committees and 47 sub-committees so far formed and they are in regular sittings attending to the work assigned to them. These are the positive aspects. The legislators belonging both in the government and the opposition are making positive contributions in deliberating on various policy issues relating to the working of the law and monitoring the functioning of the ministries.

There are almost 100 committees and sub-committees functioning in the Jatiya Sangsad. This is no mean task that these committees have been performing effectively. Questions have been raised whether these committees can investigate the affairs of particular Ministry without it being referred to it by the Parliament. But the convention has grown whereby each standing

committee meets at least once in a month and examines any Bill and other matters referred to them by the parliament and the work of the Ministry which falls into its jurisdiction. Relevant committee can investigate serious complaint against the Ministry concerned. It would, therefore, not be a proper justice if one would dismiss the positive role of the Parliament despite the fact that opposition is boycotting it by not sitting in the House.

There is yet another provision in the Rules of Procedure of the Parliament which has not yet been explored fully. This is a procedure in order to accomplish the objective of Art 11 of the Constitution. Our Constitution does not confuse Parliament with people and therefore under Article 11 the object of having the parliament is to ensure effective participation of the people through their representatives. Not only in the policy and law making area but also having to achieve particular object i.e., to ensure that Republic continues to be a democracy in which the fundamental human rights and freedom and dignity and worth of human person shall be guaranteed through people's effective participation. Parliament in this context is not only the institution of the members but also an institution of the people. People must have access to the institution through their elected representatives and to its working as guaranteed by the Constitution. Hence, the prolonged boycott of the Parliament can not have legitimate justification under our Constitution. Party politics ought to be shaped within the frame work of Constitutional objectives and not render Constitution weak and ineffective, denying people's effective participation through Parliament.

Keeping the ordinary citizens in view there has been pro-

vided in the Rules of Procedure a provision for making petition to the House and a petition committee is formed. The petition may be presented or submitted with the consent of the Speaker on a Bill which has been published in the Gazette or introduced in the House or on other matter of public importance. This petition can be presented either by a Member or could be forwarded to the secretary and must be addressed to the House when without any debate this petition shall stand referred to the Committee on Petition. The Committee on Petition consisting of not less than 10 members can allow proper hearing on the petition, conduct investigation and take expert opinion on the subject as allowable to any other committee. The Committee shall then report to the Parliament with recommendations for remedial measures in concrete terms. This committee on petition has a role like an Ombudsman.

In the Parliamentary system the executive, though is supposed to be responsible to the Parliament but due to the rigid hierarchical system in party it is just the reverse in reality. Instead of Parliament controlling the Cabinet, it is the Cabinet which tends to control the Parliament. Ultimately it is the public opinion only which can moderate the role of the parties in Parliament as well as their role outside the Parliament.

In building the public opinion resort to the petition to the House can be of great importance. This possibility in order to be explored needs support system from the press and the civil society. It is very encouraging to notice that some of the print media have already been giving due importance to the deliberation of committees. The deliberation of the Parliamentary Committee deserves in the present context high priority in the media over those acrimony and mud-slinging that often take place in the House.

The importance of public finance in the national economy can hardly be overemphasized. Control of the public purse is of extreme importance. It is the most crucial and the most vital mechanism through which the legislature keeps a vigilant check on the executive.

The financial procedure in the 1972 Constitution of Bangladesh was modelled after that of the House of Commons or more closely still, after that of the Indian Parliament. The traditional parliamentary control over public finance was maintained through Article 83 which stipulates that no tax could be levied without an Act of Parliament.

In order to strengthen parliament's supremacy and curtail the dominance of the executive, Article 84(1) & (2) made provisions for a Consolidated Fund in which all money was to be credited to Public Accounts of the Republic. Any matter relating to the payment to the Consolidated Fund or withdrawal of money from the Fund could not be done without an Act of Parliament or without rules made by the President in that behalf. The Constitution also empowers Parliament to provide Supplementary Grants, Additional Grants and Excess Grants, notwithstanding the appropriation of expenditure as per stipulated provisions. Keeping in line with the procedure in Great Britain, provisions were incorporated so that the House could pass demands on Account prior to the approval of Appropriation Act and votes on Credit in case of unexpected expenditure, and to make Exceptional Grants.

Along with these constitutional devices the Rules of Procedure also provides other devices and mechanism through which the House can closely scrutinise the government's spending of public money. These are 'cut motion', 'economy cut' and 'lottery cut'.

### Comptroller and Auditor General

The constitution also provided the office of the Comptroller and Auditor General. CAG shall not be subject to the discretion or control of any other person or authority. Art 128 requires that public account of the Republic and all offices of the government shall be audited and reported on by the CAG and for that purpose he or any person authorised by him in that behalf shall have access to all records, books, vouchers, documents, cash, stamps, securities, stores or other governmental property in the possession of any person in the service of the Republic.

Parliament may by law regulate the procedure and powers of the Comptroller and Auditor General. (Continued on page 8)

## OUTSTANDING EMPLOYMENT OPPORTUNITIES

The JOBS Program is a dynamic and successful USAID \$10m funded initiative assisting SMMEs (small, medium and micro enterprises) to expand their businesses (both within Bangladesh and at an export markets level).

Against this brief background the JOBS Program is seeking to make two new, key appointments (both of which are Dhaka based) as follows:

### MARKETING MANAGER

#### ME (Micro-Enterprise) Component

The position reports direct to the Senior Micro-Enterprise Advisor, who directs the micro enterprise component, which is targeting to assist this year over 8000+ NGO MEs to expand their businesses through improved business, financial, marketing and sales support.

The required ideal personal attributes, skills and experience sought for this position (which will include working outside of Dhaka for between 1 1/2 - 2 weeks per month) includes:

- 5-10 years proven marketing, promotional and sales experience with disciplined and successful private sector and NGO organizations
- A business and/or marketing degree.
- A good verbal and written communicator (in both Bangla and English)
- Preferred age group between 30-40 years
- A self starter (i.e. highly proactive) and a strong team player and motivator of others
- Ability to spot and capitalize on the market opportunity and/or gap

### DEPUTY MANAGER (MARKETING) SME Development Unit

The position reports direct to the Manager SME (Small and Medium Enterprise) Development Unit. Whilst similar above a.-f. personal attributes, skills and experience are also sought for this appointment, we are particularly interested in receiving applications from experienced marketers from within the engineering and technology sectors.

### Application Process

Identities interested in applying for either one of these positions should send the following data to the JOBS Program Manager

- Full biodata
- A covering letter detailing precisely your personal attributes, skills and experience per the a.-f. requirements detailed above
- Three former employee referees i.e. those whom you have directly reported to

This information should be contained within an envelope marked "Confidential" and received at the following address by not later than 12<sup>th</sup> April 2000

### JOBS Program Manager

JOBS Program

House # 24, Road # 7, Block-H, Banani, Dhaka-1213

Only those applicants short listed for interview will be contacted. No subsequent correspondence or telephone discussion will be entered into with candidates not short listed for interview.

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