

Democracy and parliament

Reality against expectations

GM QUADER

Abraham Lincoln, the most famous president in the history of the US defined democratic government as "government of the people, by the people and for the people." People are the real source of power and government exercises that power on behalf of the people under certain constitutional guidelines, as accepted by the people. Democratic government is elected by the people in a free and fair choice as per a predetermined system of election. All the actions and programs of a democratic government are for the people, or in other words, reflect the hopes and aspirations of the people.

Free and fair election is a precondition for formation of a democratic government as without that the government would fail to be government by the people. There must be an effective system for ensuring accountability of the government for all its activities to the people or else it would fail to meet the criteria of government for the people.

When democracy is practiced with parliament as the most important institution it is termed as parliamentary democracy. In a parliamentary system of governance parliament assumes the role of focal point of all state activities. Government is formed in the parliament and the actions of the government are decided in the parliament. Under the system, parliament also functions as the institution responsible for ensuring accountability of the government to the people and thus puts the government on track to perform as per desire of the people.

The role and function of parliament in respect of formation and operation of government as envisaged by persons who drafted our constitution are as follows:

Article 56(3) of the constitution 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 55(1) says: "There shall be a cabinet for Bangladesh having the Prime Minister at its head and comprising also such other Ministers as the Prime Minister may from time to time designate."

(2) The executive power of the Republic shall, in accordance with this Constitution, be exercised by or on the authority of the Prime Minister."

Chief executive of the country, the Prime Minister is a member of parliament. The constitution makes it mandatory for the PM to select at least 90 per cent of members of cabinet from amongst the MPs as per Article 56(2). PM along with the cabinet members forms the government.

Article 65(1) of the constitution stipulates: "There shall be a Parliament for Bangladesh (to be known as House of the Nation) in which subject to the provisions of this Constitution, shall be vested the legislative powers of the Republic."

One of the main functions of parliament is law making. What are the laws? They are in fact road maps to be followed by the government to achieve a desired society. Laws act as guidelines to be adhered to by the executives of the government in running its different functions. Change of law or

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amendment of law provides scope for modification of the existing guide line or road map.

Article 55. (3), Bengali Constitution stipulates: "The Cabinet shall be collectively responsible to Parliament."

As per the said article, parliament has been bestowed with another important function that is to ensure accountability of the government.

Besides the members of the cabinet, all other members of parliament including the members of treasury bench and of opposition camp collectively comprise parliament. It has already been mentioned that the responsibility of making the government accountable lies with parliament. Thus it is not that, the responsibility of asking for and ensuring accountability of the government lies with the MPs belonging to opposition parties only. MPs belonging to the government parties (who are not government ministers) are also equally responsible for demanding and ensuring accountability of the government for all its activities through the Parliament.

Article: 76. (1) states: "Parliament shall appointment from

the MPs to take a stand against their party line in parliament. In other words, this restriction on MPs enables the government to have the captive support of the majority number of government MPs for all its activities.

As such, the major function of parliament, that is making law, has become a mere formality. Government drafts laws as per their own choice. Laws are passed in the parliament exactly as desired by the government with the help of the majority number of government party MPs who are not allowed to differ for the restriction as mentioned earlier. So, for the purpose of law making or for any other matter role of the parliament has been reduced to nothing but a rubber stamp of legality for all governmental activities. The parliament has no strength to deny approval or to modify any of the government proposals without government agreeing to it.

Parliament's role to make the cabinet responsible to it has also become dysfunctional for a similar reason. Due to the said provision, government party MPs cannot criticize the cabinet and are to support its actions irrespective of the merit or their personal view to

them and assigned to them as per constitution. They fail to effectively check the government in exercising authority in an autocratic way.

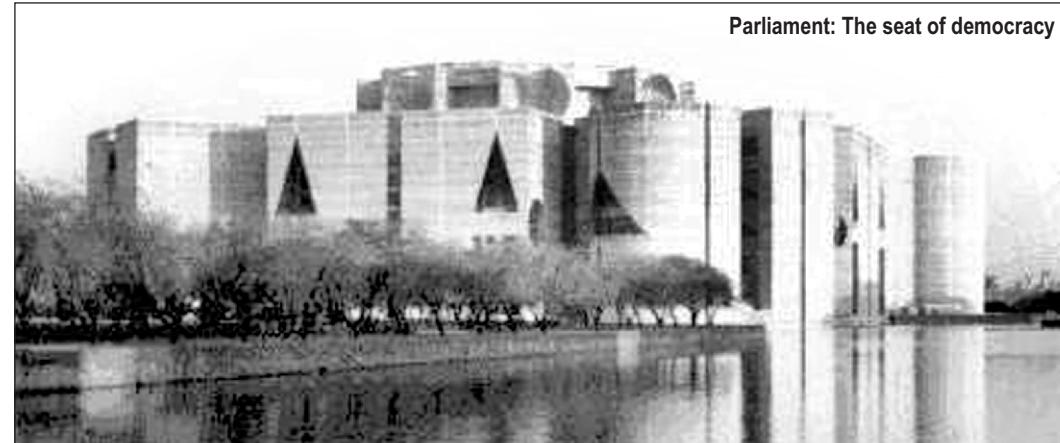
Under the circumstance, government has become sole decision maker in the affairs of the state without any hindrance. PM's secretariat as the seat of government has assumed all authority and has become the most important institution in running the affairs of state. The PMO not only takes decision on running of government, they also decide on the outcome of parliament. In our existing system of governance, parliament is not the most important institution and is not considered as the focal point of all the affairs of state.

The PM's secretariat may be considered to be most important and be the centre of all governmental activities. As such, our system of governance may not be termed parliamentary system but a prime ministerial system where the institution of prime minister commands almost limitless power and decision making authority.

It is evident as explained above that the present system cannot persuade the government to act as per the hopes and aspirations of the people, neither can it ensure accountability of the government. Without any reflection of the desire of the people in its actions, and without accountability, can the government be run democratically?

An important criterion of having a democratic government as already mentioned earlier is conduct of the election in a free and fair

Parliament: The seat of democracy



among its members the following standing committees."

This provision provides scope for formation of parliamentary standing committees for carrying out oversight function of the parliament over different government functionaries. This article of the constitution has provided the parliament a very strong tool to supervise the day to day activities of the government and find out irregularities in order to redress the same.

The above shows the intention of architects of our constitution in relation to functioning of parliament. These were found to be pious hopes in real life practice.

There is a provision in the constitution article 70(1), which says: "A person elected as a member of Parliament at an election at which he was nominated as a candidate by a political party shall vacate his seat if he resigns from the party or votes in Parliament against that party."

This provision of the constitution discourages to the extent which may be termed as prohibits

be otherwise. Parliament with majority number of members (belonging to government party) not in its side becomes too weak to pose effective challenge to government.

Parliamentary standing committees being designed to be functioning as mini-parliament have the proportional representation of members on party basis as per the parliament. Besides, the government has the option to decide on selection of chairperson for the committees. As such, the committees have majority numbers from government party and the chairpersons are also mostly chosen from the government party. With that composition and with the constitutional restrictions on the members, the committees are not allowed by the government to become cause of government's embarrassment by finding out fault or irregularities in their activities.

Moreover, the party in power uses all possible means to influence the election results in their side using public money and governmental authority. This is reducing the possibility of a free and fair election. The chance of having a free and fair election in which the true wishes of the people would be reflected are becoming more and more remote with the passage of time.

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Noise pollution in Bangladesh

Bangladesh urban habitats are regarded as "noisy" by international standards. A number of travel guidebooks describe the country in this way. In fact the level of noise in Bangladesh both by day and by night has become truly appalling and it is affecting the

way under a neutral environment. But in reality, use of black money and muscle power is on the rise in the election in order to manipulate the result. The reason being lack of control of the administration and election commission in maintaining law and order due to its inefficiency, partisan bias and corruption and also lapses in the existing election rules.

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health and welfare of the nation. Two kinds of noise pollution are generally recognized. Firstly there is "occupational noise" which affects workers in the course of their jobs and is due to the work environment and/or to the machinery which they must operate. Secondly there is "environmental noise," such as traffic noise or noise from a loud radio, and which is not work related.

Occupational noise is already recognized as a problem and further education on noise induced hearing loss (NIHL) would however be worthwhile to encourage the use of whatever protective head-gear (usually ear muffs) is provided by the employer.

The permanent damage that occurs from overexposure to noise results in a hearing loss that is annoying and deceptive. The listener is aware that someone is speaking but cannot understand the message. The ability to identify the source of sound is greatly reduced and the listener seems inattentive. Noise-induced hear-

ing loss is a major problem because people are unaware of its warning signs and effects until it is too late. Mitigation of noise be undertaken on individual road projects. People are largely unaware of the dangers of noise pollution and often unmindful of the annoyance that loud noises can cause.

Land use control
Essentially the central government has the primary authority to regulate land use planning or the land development process. The local government institutions seldom would, of course, be required to

establish noise regulations to control major sources of noise, including transportation vehicles and construction equipment. Such an agency is required to issue noise emission standards for motor vehicles plying on the road, etc. and to enforce these noise emission standards.

In the United States, for example, EPA established regulations which have set emission level standards for vehicles plying on their highways, at 80 decibel steady

Can Bangladesh enjoy better governance?

A group of Bangladeshi experts are now trying to develop what they call an index of harassment to give better understanding of the suffering of ordinary people due to inefficiency and corruption. The aim of the survey is to provide a clear annual overview of the level of accountability of various state institutions. The initiative coincides with an increasing number of complaints that governance in Bangladesh is becoming increasingly controlled by a privileged class which is far removed from people's everyday concerns. The BBC's Kamal Ahmed investigates.



binced with the difficulties created by article 70.

But Law Minister Moudud Ahmed says that article 70 must remain, because the government's first duty is to provide "stability and consistency" and the clause plays a key role in ensuring that the functioning of parliament is not destroyed by parliamentary rebellions which undermine democracy.

Mr Ahmed also claims that the article 70 is required on historical grounds too, because if politicians frequently change parties the government is effectively held to ransom.

However, it seems that most people in civil society disagree with the minister, arguing that it is impossible to make parliament effective without amendment to the article 70.

They argue that parliamentary

democracy in Bangladesh has reached a stage whereby the winner takes all and becomes an "elected dictatorship" with strong powers over all aspects of law making.

Some experts also point out that three criteria required for a successful democracy -- a free and sovereign parliament, a neutral and independent judiciary and a neutral administration -- are being whittled away.

One of the ex-Chief Justices of Bangladesh, Mostafa Kamal, says that the arrogance of power of the ruling class has created such an environment whereby none of the key instruments of state is able to function properly.

Justice Kamal points out that whenever a court rules against any member of the ruling class, implementation of the judgement is so protracted that it eventually becomes meaningless.

Ultimately, any improvement in the governance of Bangladesh depends on the two main parties. It is up to them to ensure that power and influence do not forever remain centralised around a few people and their families.

Those of an optimistic nature argue that the fact that such discussions are taking place at all is a good sign, and bodes well for reforms of the parliamentary system and judiciary.

But the crucial question is how long it will take political leaders to take the first step in the right direction.

Bangladesh Sanglap 8: "What is the status of governance in Bangladesh?" will be broadcast today (Thursday) at 8 pm after the BBC's Bengali programme "Prabaho," in shortwave metre band of 31 and 41 (at 9395 and 7520 KHz) and in Dhaka at FM 100 MHz. The programme will be televised in Channel television on Sunday at 8pm.

The Daily Star is the BBC's print media partner for the programme.

Addressing the noise pollution problem

AKM SHAMSUDDIN

NOISE is an undesirable by-product of our modern way of life. It is annoying, can interfere with sleep, work, or recreation, and in extremes may cause physical and psychological damage. Hearing problems shot up by 26 percent from 1971 to 1990 among those between 18 to 44 years old and today, 15 percent of those between 6-19 show signs of hearing loss.

Some estimates of the direct costs due to ill-health from noise pollution put this figure at as much as 2 percent of Gross Domestic Product (GDP) of a country (i.e. negating the supposed benefit of the much touted proposed Tata investment). The psychological and social cost is difficult to assess.

What price-tag can be placed on an environment where conversation is easy and where children are able to read quietly and are free to concentrate on their school work? An important investigation by V. Kiernan of Cornell University shows that children brought up in noisy areas have poorer reading skills and find it more difficult to recognize and understand human speech than those brought up in quieter areas. Nervousness and depression are common psychological reactions to noise. The eye has a very effective means of adjusting to light, but people never get "used" to noise. Instead, they usually adjust their mental attitude rather than hearing compensation. Subconscious frustrations can result when noise is endured, but the body system cannot adjust to it.

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While noise emanates from many different sources, transportation noise is perhaps the most pervasive and difficult source to avoid in society today. Road traffic noise is a major contributor to overall transportation noise. A broad-based effort is needed to control transportation noise. This effort must achieve the goals of personal privacy and environmental quality while continuing the flow of needed transportation services for a quality society.

Source control

It is time that we have a government agency with authority to

average (dBA) for new vehicles and 87dBA for existing vehicles.

Traffic management measures

can reduce noise problems too. For example, if acceptable alternative truck routes are available, trucks

can be prohibited from certain streets and roads, or they can be permitted to use certain streets and roads only during daylight hours.

Traffic lights can be changed to smooth out the flow of traffic and to

eliminate the need for frequent stops and starts. Speed limits can be reduced, but a 32 km-per-hour

reduction in speed is necessary for a readily noticeable (5 dBA)

decrease in noise levels.

Law enforcers must first obey the law

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