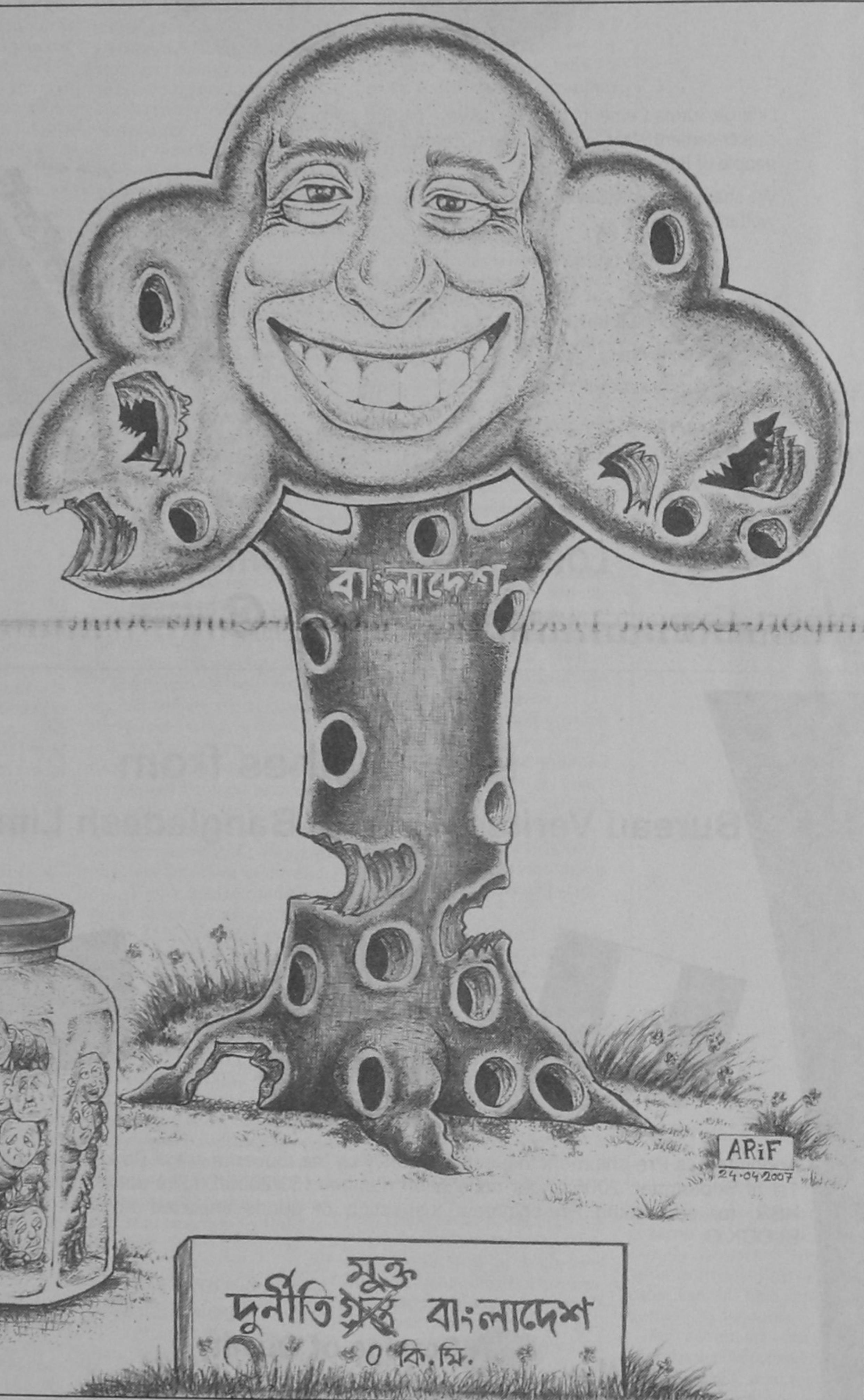


Parliament's oversight role key to combating corruption



M. HAFIZUDDIN KHAN

In a society riddled with endemic and all-pervasive corruption, as is the situation obtaining in Bangladesh, it is a very difficult task to eliminate or at least to control this vice. Not one institution or state functionary can fight corruption. It needs a combined effort on the part of a number of agencies or institutions of the state for launching a successful initiative to achieve the goal of elimination of corruption from the country. The current Caretaker Government has done a laudable work by reconstituting the Anti-Corruption Commission and extending full support to the Commission in its attempt to carry out much needed legal, regulatory and structural reform so as to enable it to effectively perform its assigned duty. The reconstituted Commission has been working relentlessly to bring a large number of corrupt persons—political high-ups and senior bureaucrats—to face charges of corruption who were so powerful that they were, hitherto, perceived to be above law and to be questioned.

As mentioned earlier, corruption can not be controlled by the

operation of a single department or agency however powerful and efficient it might be. In a democratic country the legislative organ of the government, the Parliament, is also very much responsible for fighting corruption in its role as the most important watchdog agency for establishing transparency and accountability of the government.

Now let us examine how the Parliament exercises control over corruption and corrupt practices in the functioning of the government in our country. A parliament's working procedure is supposed to provide question-answer sittings on every day of its sessions. The members of the parliament ask questions addressed to the Ministers on the floor of the house on, inter alia, allegations of corruption against members of the bureaucracy, or political office holders. In all democratic countries the question-answer sittings act as a very powerful instrument in bringing into surface allegations of corruption as well as in promoting deterrence against corruption. In Bangladesh, however, the question-answer sittings have always been very dull. Most of the questions were purposeless and of very low quality. The questions did not, generally, lead to any discussion on the floor of the house, the questioning members as well as the answering Ministers take very little interest in the whole process and there are allegations that sometimes the

appropriation, pilferage and willful wastage of state resources or corruption in any form take place.

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Ministers, while replying to questions, resorted to falsehood and act which is sufficient to dislodge him from his post. Rule 53 of the Rules of Procedure of our Parliament contains a long list of prohibitions/restrictions on the questions to be asked limiting the scope and range of questions and making the question-answer episode a boring and lifeless one. The Rule 55 of the said Rules has given wide discretion to the Speaker to decide the admissibility of a question or part thereof and there is no provision for review in case a negative decision by the Speaker kills a question. Discussion on a question is limited by Rule 60 of the Rules of Procedure and instances of questions leading to discussion are rarely found.

Secondly, in all democracies the parliaments do hold full-fledged discussions, initiated through Adjournment motions, on prima facie charges of corruption against public office bearers including political ones. This presupposes a functioning parliament where the members are allowed to bring adjournment motions and the Speaker does not, as a routine, rule out the adjournment motions. In Bangladesh Parliament disallowing adjournment motions is the rule rather than an exception. So if any member wants to introduce an adjournment motion to discuss any allegation of corruption as a matter of public importance the same, in all likelihood, will be disallowed by the Speaker.

The above two situations will prevail as long as the successive Speakers of Bangladesh Parliament continue to remain loyal and active members of the party in power. In fact the successive Speakers' partisan role while conducting sessions of the parliament created many of our political problems, caused intense bickering leading to confrontational politics and provided excuse to the party in opposition to boycott parliament sessions for months after months, even go for en bloc resignation from the parliament. This has contributed greatly in making our parliament a dysfunctional one and such a dysfunctional parliament cannot perform any significant role in combating corruption. This problem can, perhaps, be solved to a great extent if the Speaker is neutralized by requiring that he will have to resign from the political party after being elected as such.

As per Article 76 of the Constitution of the Republic the Parliament shall appoint from among its members the following standing committees---

(a) a public accounts committee,

(b) committee of privy- leges,

(c) such other standing committees as the rules of procedure of Parliament require.

The Rules of Procedure of the Parliament, vide rule 233, has provided for the composition, functions and procedures for the Public Accounts Committee. In short, this committee is charged with the responsibility of examining the audit reports, appropriation and finance accounts of the Republic as prepared and submitted by the Comptroller and Auditor General. It is the institution of Auditor General which, in course of discharging its constitutional duty of conducting audit, is directly responsible in unearthing instances of corruption, willful misuse and wastage of public resources and the Public Accounts Committee is charged with the responsibility of examining these reports and recom-

mending necessary action to be taken against individuals/ functionaries held responsible. But the scenario in regard to the Public Accounts Committee's performance in Bangladesh is anything but satisfactory. The Auditor General has so far produced and submitted to the Parliament nearly 900 reports containing a large number of cases of corruption, wastage, pilferage, misuse of office for personal gains, irregular expenditure, etc involving a staggering amount of money running into billions. But as of now only 266 of these reports have been discussed and disposed of by the Public Accounts Committee. This staggering backlog has made the Committee totally ineffective in combating corruption. Many factors are responsible for accumulation of such huge arrear, for example, non-existence of parliament during Martial Law or during emergency as is the situation now, inordinate delay in forming the Committee after a new parliament is elected through general election, general apathy among the members of the committee to attend the meetings of the committee, holding insufficient number of meetings and absence of any urgency on the part of the Parliament to initiate any crash programmes to clear the backlog.

The Committee is also handicapped by the absence of a secretariat of its own and adequate logistic support. The long interregnum between two parliaments for holding general elections under the present system of caretaker government has added to the burden of the backlog. The irony is that the Constitution of the Republic has rightly attached due importance to the Public Accounts Committee, as it deserves and found in all democracies, by specifically mentioning it in the Constitution as the number one committee, but in practice it has been relegated to a much less important position.

When the writer of this article was the Auditor General it so happened that due to a reconstitution of some standing committees a number of members of the Public Accounts Committee became ineligible to continue in the said committee due to one reason or other (for example, a minister cannot be a member of the Public Accounts Committee) but the vacancies were not filled up immediately. This resulted in holding meetings with required quorum impossible. This seriously affected the functioning of the committee in as much as the Committee, along with the Public Undertaking Committee (another committee of the parliament for performing oversight function over a specified number of public undertakings of the government) was in a state of limbo for quite some time. Experts on the functioning of parliaments have persistently recommended that the Public Accounts Committee, being a very vital one to ensure transparency and accountability of the administration, should be formed in the first session of a new parliament. But it is understood that a recent amendment of the Rules of Procedure has provided for forming the Committee by the third session of the Parliament. Since two months gap is allowed between two sessions the above mentioned amendment may lead to six months delay in forming the Committee and loss of six months valuable time will further add to the load of backlog.

There are standing committees in the parliament on all the ministries/divisions. Taken

together all these committees, including the Public Accounts Committee and Public Undertaking Committee, are to perform the oversight function on the working of the government both in macro and micro issues. But, unfortunately, the performance of all these committees has always been unsatisfactory. During the 8th Parliament some cases of corruption of Ministries were taken up by the respective standing committees. Despite initial eagerness to delve into these charges of corruption the Committee, for mysterious reasons, lost all interest and gradually became silent. Had these standing committees been assertive and committed in taking up allegations of corruption in right earnest the Parliament would have played an effective role in controlling corruption. It is necessary to mention here that the Bangladesh Parliament is burdened with a large number of committees, not found in other similar legislatures and in fact such large number of committees is not necessary. The existence of a plethora of committees has resulted in manifold difficulties in the overall functioning of the committee system. A parliament member is a member of more than one committee simultaneously and quite frequently it happens that he is called upon to attend more than one meeting at the same time which is not possible. Such members find it difficult to concentrate deeply on a particular aspect of government activity and to develop specialization greatly hampering efficient functioning of the committee system. But a reduction in the number of committees is unlikely to happen because committees are also treated as a means to distribute political favour. It has also been observed that on many occasions meetings of the Public Accounts Committee could not be convened due to shortage of committee rooms.

On the other hand there are numerous instances of government indifference to the recommendations made by the Public Accounts Committee as well as by the standing committees on ministries. Defiance of the committee directives/ recommendations and non-cooperation with the committees by not supplying necessary documents, etc are quite common. There is perceptible tendency among the ministries to ignore the committees. This, again, is due to non-serious nature of committee meetings and lack of assertiveness on the part of the committees.

Rule 233 of the Parliamentary Rules of Procedure provides that 'upon examination of irregularities and lapses of institutions, the Committee shall report to Parliament with recommendations of remedial measures.' The Public Accounts Committee of the seventh parliament submitted at least five such reports containing serious cases of financial impropriety, pilferage, embezzlement, willful wastage of public resources and various other corruption/ corrupt practices. But the basic problem is that the Rules of Procedure does not contain any stipulation for discussion of these reports in the House. No discussion takes place on these reports and never these reports have been able to attract the attention of the members. Hence compilation of such reports has all through been a futile exercise. This, again, is another example of the Parliament's failure to exercise any control on corruption.

The composition of the Public

Accounts Committee is also very important for enabling the Parliament to be an effective watchdog against corruption. Unless the committee is formed with members having background in finance, accounts, budget, public procurement norms and ethics the committee will not be able to perform its function effectively. In particular, the Chairman of the committee should be conversant with government rules and procedure of raising revenue and spending from exchequer. So far the best performance was shown by the Public Accounts Committee of the seventh parliament and much credit goes to the Chairman of the said Committee who used to take deep interest and was fully conversant with the government rules and procedure of raising public fund and spending there from. It should be mentioned here that in many democracies the public accounts committees are chaired by members from Opposition. Introduction of the same system in Bangladesh has persistently been recommended by civil society organizations, parliamentary experts and donor community but no government has shown any inclination to do so. Moreover as a measure to make the Public Accounts Committee more effective it has been recommended that the electronic and print media be given access to the meetings to cover its proceedings. But acceptance of this recommendation by the Parliament is highly unlikely.

In the ultimate analysis it appears that the present political culture, behaviour of political parties, the existence of an all-powerful Prime Minister, absence of any check and balance on the power of the Prime Minister (it will not be much exaggeration to say that the Prime Minister in Bangladesh is an elected dictator), flawed electoral system, non-transparent and unaccountable system of governance as a whole are not conducive to creating a parliament with honest and dedicated members which will be capable of discharging its due role efficiently. Such being the situation a large number of reform measures are necessary to make the Parliament effective. Only an effective parliament can effectively perform its oversight function of eradicating corruption from the country.

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