

PARLIAMENT WATCH – BANGLADESH

JANUARY – JULY 2010



A Report on the Proceedings of the Ninth Parliament of Bangladesh

**(Fourth and Fifth Session)
January – July, 2010**

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Background & Objective:

Since 04 January of 2010 fourth session of Ninth parliamentary session in Bangladesh was started and continued for 39 days. The budget session was held from 2 June -22 July of 2010.

The objectives of SAHR's Parliament Watch are to examine the legislations enacted for their implications for human rights of citizens, transparency and accountability of government, the parliamentary system and responsibilities of the executive in ensuring the rule of law and human rights.

Legislative process in the Fourth session of the Ninth Parliament:

A total of 32 Bills were tabled in Parliament out of which 23 Bills were passed and 8 were under consideration. Four were waiting to be placed in the parliament. In the Fourth session three Private Bills (**Lapper's Bill, Code of Criminal Procedure and Fifteenth Amendment of the Constitution**) were placed in the Parliament and examined by the Committees. Both Lappers' Bill and Code of Criminal Procedure were placed on 03 June, 2010. The third private bill i.e. the Fifteenth Amendment to the Constitution was not placed before the Parliament, it was directly sent to the standing Committee for re-examination.

Notable among the Acts passed during the session were the following: (1) **the National Identity Registration Act, 2009** and (2) **Minority Anthropological Cultural Institution Act, 2009**.

On the other hand, a number of ordinances which could have a vital effect on ensuring transparency, good governance and protecting human rights were kept pending, including the **Code of Criminal Procedure (Amendment) Bill, 2010, Acid Control (Amendment) Bill, 2010, Public Procurement (Amendment) Bill, 2010**.

The major opposition party, the Bangladesh Nationalist Party (BNP), remained absent, till the 17th working day of the fourth session. After joining they walked out 14 times in the Fourth session.

Legislative process in the Fifth session of the Ninth Parliament:

A total of 34 Bills were tabled in Parliament out of which 24 Bills were passed, 9 were under consideration and one was waiting to be tabled in parliament. Three Money Bills were not sent to the Standing Committee. On 22 July in the Fifth session, Jatiya Party member introduced a bill, titled "**The Public Interest Bill 2010**" / **Janasartho Bill, 2010** in the private members' day in Parliament and it was examined by the Committee.

In a statement on aims and objective of the bill, the Member of Parliament said some organizations are depriving the citizens of their rights to free movement enshrined in Articles 36, 37 and 38 of the Constitution, by holding public assembly in the name of various programs causing harm to public life and

property on many occasions. Impediment preventing citizens from enjoying their rights is not expected in an independent country and civilized society.

The bill proposed to set up Public Interest Protection Court in each district to be headed by the senior most judicial magistrate and in the metropolis by senior most metropolitan magistrate. According to a provision of the bill, an aggrieved person can ask for compensation from a political party or non-political organization if his/her property, vehicle or business is damaged during the observance of their programs. Under the bill, video, still picture, tape recorder or disk containing conversations will be considered as evidence during the trial of such offences. The Code of Criminal Procedure (CrPC) will be followed to try offences under the proposed law.

In the Fifth session, a total of 38 hours and 44 minutes were spent on discussion of the Budget, out of which 2 hours were spent on the supplementary. A total of 210 members participated in the discussion. Among these 208 members were from the Awami League, the Jatiyo Party, Workers' Party, JSD, 1 from LDP and 1 Individual person.

On June 30 the Parliament passed the budget of Tk 132,170 crore in the absence of the main opposition Bangladesh Nationalist Party and its allies – Bangladesh Jamat i Islami and Bangladesh Jatiya Party. Except for a few times in a single day the major opposition skipped the entire session.

Participation of Women lawmakers in the Fourth & Fifth session of the Ninth Parliament:

The participation of *women lawmakers* was significant throughout the Fourth and Fifth session. In the fourth session 48 women members participated on the address of the president, 27 women members took part in the budget discussion and submitted 165 notice and 298 questions to the ministers on different issues. Although the women members of the opposition parties protested on the streets, they did not participate in the discussions in parliament.

Formation of Standing Committee and its Activities

Since the beginning of the 9th parliament 48 Standing Committees were formed. Furthermore, one Investigation Committee was formed to review the corruption of the former Speaker and a Special Committee was formed to consider the amendment to the Constitution in the light of the judgment on the Fifth Amendment. In the Second session 43 Committees were re-constituted out of 48, in the Third session 25 Committees were re-constituted and in the fourth session 5 Committees were re-constituted. The committee members including members from the Opposition Party participated in the Standing Committee Meetings even though they were absent in the Parliament.

Bills Passed in the Ninth Parliament Addressing Human Rights (January, 2010 - July, 2010)

Sl. #	Name of the Session	Total number of Bills (Placed)	Total number of Bills (Approved)	Acts promoting Human Rights	Privileges and benefits of VIPs (the President/ Prime Minister/ Ministers/ /Speaker/ Deputy Speaker/MPs/ Supreme Court Judges)	Finance/Tax/VAT /Insurance related bill	Other	
1	4 th Session (4 January, 2010 - 5 April, 2010)	32	23	2	6	2	13	
2	5 th Session* (2 June, 2010 - 22 July, 2010)	34	24	12	-	8	14	

* It was budget session

**The list of Bills Passed in the 4th and 5th session especially addressing Human Rights are attached as Annex A

Details on Fourth and Fifth Session, 2009

People's Right to Vote

The right to vote is a fundamental democratic right of citizens. To ensure the voting rights of the people and for strengthening the Election Commission the following laws were enacted in 2010.

Between the dissolution of the Eighth Parliament and the commencement of the Ninth Parliament, the President promulgated 122 Ordinances in accordance with Article 93 of the Constitution. The Parliament constituted an expert group to examine the Ordinances and to recommend their ratification and enactment within 30 days of the formation of the new Parliament which was a constitutional obligation.

The National Voter Registration Act was one of them. Initiatives have been taken to update the database of the current Voter list and decision has been taken to prepare a National Identity Card (NID) containing individual's personal information. Considering the importance of the National Identity Card the Parliament on January 19 passed **The National Identity Registration Act**, empowering the Election Commission to prepare and issue NID cards to

persons eligible to be on voters' list. To preserve the data of National Identity Card and make the process ongoing the law minister placed the bill before the parliament.

Corruption and Accountability

For ensuring accountability, people's participation and reducing corruption the Parliament enacted some laws.

The Public Procurement (Amendment) Act, 2010 was passed in the Parliament on 12 July, 2010. Earlier, on June 7, Planning Minister introduced the bill, which was sent to the standing committee on the Planning Ministry for further scrutiny and submitting its report within 30 days. On June 29 the parliamentary standing committee submitted its report which endorsed the proposal to increase the cost limit for domestic procurement from Tk 50 lakh to Tk 2 crore under limited tender procedure. According to the Report, previous experience for domestic procurement will not be required.

This law was severely criticized as it allowed bids to be accepted from persons having no experience of public works or purchase of goods and services worth up to Tk 20 million. It was seen as leading to malpractice and nepotism in choosing the bidder does not require a bidder's prior work experience as criteria for acceptance, and this.

Rights of Women

Dr. Shirin Sharmin Chowdhury, Minister for Women and Children Affairs tabled a Bill on ***Domestic Violence (Prevention and Protection) Act 2010*** on 21 July, 2010 in the Parliament. It was sent to the Standing Committee for re-examination.

The minister tabled the bill so that the law could protect women from violence and would be a step towards establishing women's rights. The Minister said that the frequency of violence on women within the family appears to be increasing. Domestic violence threatens human dignity, social security and bodily integrity of the person and is a cause of socio-economic crisis. Yet domestic violence is not recognized as a crime in existing laws of the state.

The proposed DV Law specifically stated about the Interim Protective Order Protective Order. In addition there is a detailed provision for Residence Orders and Compensation and Safe Custody Order etc..

Under the proposed Domestic Violence law, anyone found violating the Protective order of the law will be sentenced to six month in jail or Tk 10,000 fine or both. In case of repetition the guilty person will be sentenced to two years in jail or Tk 100,000 fine or both.

Under the proposed Domestic Violence law, anyone found guilty anyone found guilty of filing a false case alleging violence will be sentenced to 1 year in jail or Tk 50,000 fine or both. It was also stated that apart from Bangladesh, 89 other countries including India, Japan and South Korea have enacted laws to prevent domestic violence.

On 13 July, 2010 **Acid Control (Amendment) Act, 2010** was passed. As per the amendment the National Acid Control Council will be re-constituted and the number of Committees will be increased to 22 from 16. Initiatives have also been taken to form District Level Committees. It was also decided to increase penalties for filing false cases under the Act.

Rights of Minority Community

On 12 April 2010 the Parliament passed the **Minority Anthropological Cultural Institution Act, 2009**. Indigenous communities claimed that there were 45 communities and the figure of 27 communities in hills and plains listed in the Act was an underestimate. The Government did not seek opinion from members of the Regional Council or the indigenous local leaders.

The **Vested Property Return (Amendment) Bill, 2010** was approved by the cabinet, but it was not placed in parliament because of supposed differences among the Hindu leaders.

The Vested Property Return (Amendment) Bill 2010, will reactivate a previous law to the same effect, which was passed on April 11, 2001. It was meant to redress the long-disputed Enemy Property Act, originally introduced by the Pakistan government in the 1960s, and the subsequent Vested Property Act, 1973 which allows property acquired by the State under the Enemy Property Act (property belonging to Hindus who may have left the country after 1965) to be vested in the state. The VPA has been criticised as a major violation of the rights of citizens, especially minorities, who had property seized in the past simply on leaving the country.

Right to Fair Trial

Since 8 April, 2010 **the Law and Order Disruption Offence (Speedy Trial) (Amendment) Act, 2010** was adopted by a voice vote without much discussion in the absence of the opposition members. As per gazette it became retrospective from 8 April, 2010, although the Act was passed on 24 June in the parliament. The Parliament adopted to prevent, protect as well as to enforce penalties for crimes such as extortion, tender manipulation, vandalism and mugging, etc. To comply with Article 93(2) of the Constitution **the Law and Order Disruption Offence (Speedy Trial) (Amendment) Act, 2010** was tabled to extend its term. The Speedy Trial Act was first introduced in 2002 to reduce penalties due to offences such as extortion, impediment to traffic movement, damaging vehicles, movable and immovable

property, mugging, creating situation of fear and chaos, obstruction to buying-selling of tender documents, intimidation, etc. Since the enactment of the law, it has been extended after every two years.

Bangladesh Rifles

The Parliament on 21 July, 2010 passed¹ the **Bangladesh Rifles (Amendment) Act, 2010** that will allow a superior officer of BDR not below the rank of Director to preside over a Special Court apart from the BDR Director General.

As per the amended law, the BDR Director General may, by an order, constitute a Special Court consisting of not less than two superior officers. Piloting the bill, Home Minister said six Special Courts were constituted on November 24, 2009 to try BDR mutineers. She said so far, 16 cases have been put on trial and five of them had already been disposed. The Minister said that according to the BDR Act, the BDR Director General is to act as a judge at every Special Court. Moreover, he will have to dispose of the remaining 11 mutiny cases as well as additional 47 cases, which will delay the process of disposing all the cases. She said if the BDR DG remains engaged in disposing of all these cases, it will on the one hand be difficult for him to conduct other activities of the border guards. The Minister said the amended law is also aimed at quick disposal of BDR mutiny cases as well as ensuring fair justice. The House passed the bill by voice vote.

Rights of Workers

The Bangladesh Labour (Amendment) Act, 2010 was passed in the Jatiya Sangsad on 28 June, 2010. The Parliament railroaded a bill on labour law, raising the retirement age of workers to 60 years, from 57 years. The Bangladesh Labour Law (amendment) Act, 2010 adopted by a voice vote rejected a proposal for public opinion on the age limit for retirement of workers.

Labour and Employment Minister Khandkar Mosharraf Hossain, who tabled the Bill on June 24 in Parliament said it would remove the discrepancy in retirement ages of different category of workers. The Public Corporation (Management Coordination) Ordinance, 1986 stipulates that the retirement age of workers of corporations will be 60 while Labour laws say the retirement age is 57. The Bill was aimed at removing the inconsistency in the retirement age of workers in the corporations under different ministries. the Minister said. Mr. Mosharraf said the improved life expectancy of Bangladeshis has prompted the government to increase the retirement age of public servants. The Parliamentary Standing Committee on the Ministry of Labour and Employment also recommended removal of inconsistencies and re-fixing the retirement age at 60 years. Independent lawmaker Mohammad Fazlul Azim proposal for seeking public

¹ Sangsad Bhaban, Jul 21 (UNB),2010

opinion on the bill, sending it to the select committee and its amendments, which were rejected by voice votes.²

Ensuring Rule of Law

The **Code of Criminal Procedure (Amendment) Act, 2010** placed in the Parliament on 11 January, 2010 sought to amend the Code of Criminal Procedure, 1898 (Act v of 1898) for purposes of implementing the rights of citizens as specified in Articles 27 & 31 of the Constitution. The law was misused especially the Code of Criminal Procedure, 1898. Law, Justice and Parliamentary Affairs Minister Barrister Shafiq Ahmed tabled the bill which would replace the word “warrant” by “summon” in section 500 of the schedule-II of the Code of Criminal Procedure,.

It was observed that the law enforcement agency violated the Code of Criminal Procedure often and the bill aimed to prevent extra judicial killing and custodial torture by the law enforcement agencies. Measures have been taken to ensure the Rule of Law, Accountability and Constitutional rights. The bill was sent to the Parliamentary Standing Committee on the Ministry of Law, Justice and Parliamentary Affairs for further scrutiny and given two weeks time to submit the report to the parliament.

Remarkable Features of the First Year of the 9th Parliament

- All Standing Committees have been formed in the first session of the Ninth Parliament and the Committees met regularly to review relevant ministries. Five Standing Committee chairs were selected from other parties and two from the Bangladesh Nationalist Party. A woman MP was selected to chair the Committee on the Women and Children Affairs Ministry.
- The Parliament established a “**Digital Display Board**” on the Committee information for Members of Parliament.
- Introduced **lottery system** for members’ question to ensure equal opportunity for all Members of Parliament and to avoid bias.
- Introduced an automated system of stopping mikes to reduce time given to Members to speak.
- Established a Media Centre to make information available to the public about the Parliament and their Committee activities.
- There is a proposal to start a territorial television channel named “**Sanshad Bangladesh**” to telecast Parliamentary proceedings to create public awareness.

Challenges

The major challenges facing the 9th parliament are as follows:

² http://www.thefinancialexpress-bd.com/more.php?news_id=104569

- Boycott of parliament by the opposition party. The parliamentary process was hampered due to continuous boycott by major opposition party.
- Lack of tolerance, trust and mutual respect amongst political parties.
- Personal attacks on political leaders, less time spent on policy discussions.

Recommendations

To strengthen the Parliament and make it more effective in promoting accountable and transparent governance and in institutionalizing democracy in Bangladesh following recommendations should be considered.

To Make Parliament Effective

- Mechanism should be developed to ensure the attendance of MPs and reduce frequency of walk outs.
- For ensuring transparency and accountability of parliament access of media should be increased, particularly permission should be granted to private channels to cover proceedings.

Making the Parliamentary Committees Effective

- Measures should be taken for implementation of most of the decisions of Parliamentary Standing Committees
- The committee meeting should be open and should encourage consultations with experts and citizen groups.

List of Acts Passed in the 4th and 5th Parliament which may have a bearing on Human Rights

Fourth Parliament

1. National Identity Registration Act, 2009
2. Minority Anthropological Cultural Institution Act, 2009

Fifth Parliament

1. Vested Property Return (Amendment) Bill 2010
2. Code of Criminal Procedure (Amendment) Bill, 2010
3. Acid Control (Amendment) Bill, 2010
4. Public Procurement (Amendment) Bill, 2010
5. The Law and Order Disruption Offence (Speedy Trial) (Amendment) Act, 2009
6. Bangladesh Labour (Amendment) Bill, 2010
7. Bangladesh Rifles (Amendment) Bill, 2010
8. The Domestic Violence (Prevention and Protection) Bill, 2010