

PARLIAMENTARY TRANSPARENCY



SOUTH ASIANS FOR HUMAN RIGHTS

INTRODUCTION

Parliaments in the main are established by written constitutions, and provide for the Legislative arm of Government. The composition of Parliaments differ from country to country, but consists of chambers or houses, which carry out some of the most important functions in a democracy, not least amongst which are the passing of Laws of a country. In carrying out such functions, Parliaments are meant to represent the citizenry. The basic functions of Parliaments are set out in the Constitutions and are supplemented by rules drawn up by Parliament to aid in the regulation of these functions.

	Names to the Parliament	Organisation of the Constitutional Legislature	No. of seats
BANGLADESH	National Parliament/ House of the Nation or the Jatiya Sangsad (Jatio Shôngshod)	Unicameral system	350 seats, 50 reserved for women
INDIA		Bicameral system; consists of President and two Houses – Rajya Sabha and Lok Sabha	Rajya Sabha: 250 seats; indirect election of members. Lok Sabha: 552 members with reservation for scheduled castes and tribes; members directly elected by people
MALDIVES	People's Majlis (Rayyithunge Majilis).	Unicameral system	77 members
NEPAL		Currently has an Interim Constitution (2007) which replaced the Constitution Kingdom (1990)	
PAKISTAN	Majlis-e-Shoora	Bicameral system; President and two houses –Senate and the National Assembly	National Assembly: 342 seats with reservation for women and non Muslims Senate: 104 members including women and non Muslims
SRI LANKA		Unicameral system	225 members

1. CALENDAR OF SESSIONS AND BUSINESS OF PARLIAMENT

Entails the timings of Parliamentary sessions the business considered at each session. The respective Constitutions or rules will stipulate the number of sittings/sessions required to be held.

Constitutionally stipulated minimum requirement of number of sittings	Access to calendar of sessions/ disclosure of information	Terms for Calendar of business and its availability to MPs and the public
No stipulation; but minimum 3 sessions held each year. Details gazetted by the Secretary to the House.	No Annual Calendar. Only emergency sessions and those called at short notice are published in the Press.	Titled 'Orders of the Day'; Rules require that a copy of the agenda of business should be accessible to MPs.
No stipulation; but imposes 2 sessions p.a.; should be 6 months apart; Secretary to the House summons MPs for sessions held at short notice/emergencies.	Websites of the two Houses have links to a provisional calendar and list of business	Titled 'List of Business'; made by the Secretary General of each House and made available to every member. 'Provisional Calendar' accessible in the websites of both Houses. Rajya Sabha web link 'Today in Rajya Sabha' available for public.
At least 3 sessions every year is mandated. Usually the sessions are open to the public.	Speaker issues calendar on line via official Majlis website. MPs informed via regular post (but changes are not communicated in timely manner).	Titled 'Agenda'; available on Majlis website. Rules stipulate that the Agenda should be viewable to members present for the particular sitting.
Mandated at least 3 sessions of National Assembly and such sessions should be not more than 120 days apart from each other.	Speaker circulates the Calendar provided by the Government amongst the members.	Titled 'Orders of the Day'; Rules say that both Houses should prepare it and make it available to MPs. Access to it by the public is not mandatory. House web links provides access to citizens anyway.
President Constitutionally empowered by proclamation to summon, prorogue or dissolve Parliament; requirement of meeting at least once a year at least.	Public can access the Calendar via website or gazette. MPs given advance copies of the same. But changes are not made known to them in a timely manner.	Titled 'Order Book' prepared and tabled by Secretary General. Standing order mandating the SG to table and maintain a copy in the library. No specific provisions regarding making it available to MPs. Practice is that notice is given to MPs at least a day in advance.

Analysis and Recommendations:

- The regional tendency is to disclose the agenda only to the Members of Parliament (MPs) and not to the public (Even the MPs receive the agenda only a day in advance).
- No specific rules compelling the Parliament to upload the agenda to the websites or to release to media well in advance.
- SAHR recommends that MPs should receive their Agenda at least 48 hours before the session and the public should have access to it together with the revisions on line, well in advance.

2. TRANSPARENCY OF BUSINESS

This section relates to the accessibility of parliamentary business by a MPs as well as a citizen of the country. Generally, it is about the record of attendance of MPs, records of debates of the House(s) and Committees.

Analysis and Recommendations on Record of Attendance

- The record of mere daily attendance, due to its intrinsic link to an allowance, does not sufficiently disclose the commitment of the MPs.
- SAHR recommends the maintenance of the record of attendance of MPs throughout the proceedings, especially a record of their presence every hour.
- No regional practice to disclose the attendance of MPs in the official websites (except for a limited practice in Maldives and India), nor published information.
- SAHR recommends the disclosure of the names of MPs requesting leave, reasons for leave and the duration of leave to the public.

Analysis and Recommendations on Record of Debates and Discussions

- Many countries in the sub-region provide an audio-visual presentation of the Parliament sessions to the public in various manners and the record of debates is also available in print.
- SAHR recommends that governments and secretariats should find sufficient resources to ensure live telecasts/broadcasts of all open proceedings.
- In order to ensure effective access to parliamentary proceedings, proceedings in digital or hard copy format should be provided to the people at the community level.

Analysis and Recommendations on Questions and Answers in Parliament

- All Parliaments in the sub-region, under the rules and as a practice, permit questions being raised against the relevant Ministers.
- In most countries these questions and answers are published together with the normal proceedings of the House.
- SAHR recommends that the Secretariat should ensure the questions together with answers are made available to the general public in the form of searchable databases via the internet (currently exists only in India and to some extent in Sri Lanka).
- It is essential that the Secretariats provide reasons to the relevant MP if a question is disallowed or unanswered.
- SAHR recommends that the Secretariat, in the official website should publish the text of all questions, answers, the rejections of any questions, and reasons for such rejection.

Analysis and Recommendations on Record of Voting

- There is no uniformity in voting procedure in the region, but most countries have more than one option in the method of voting such as 'by voice or division'.

- In many countries, how an MP votes on a motion is not on the official record.
- The Secretariats should facilitate the disclosure of voting by each MP whenever a division is allowed.
- SAHR recommends that the voter/tax payer to know how the relevant MP votes on an issue that came up in Parliament.
- Such information should also be available at the community level for the voters to understand the trend of voting of their MP.

3. PAPERS TABLED IN PARLIAMENT

Papers tabled in Parliament include bills, legislative instruments and information pertaining to the budget.

Analysis and Recommendations on Bills and Legislative Instruments

- In the sub region, the legislative process is far below the expected standards of transparency.
- There are no strict rules established in parliamentary traditions in the region to maintain full transparency in the law enactment process, nor is there any tangible development to establish a transparent process ensuring public participation, for instance at the early stage of a draft bill.
- In the sub region, the availability of the bill in native languages is a matter of concern, given regional linguistic diversity.
- However, many countries have electronic versions of bills uploaded on to official or third party websites, though such requirements have yet to be laid down as any formal rule.
- At regional level the Constitution or the rule books of parliament do not oblige the government to seek formal approval prior to enforcement of subordinate legislation, with the exception of specific statutes that stipulate subordinate legislative instruments to be referred to the Committee on Subordinate Legislation for scrutiny (eg. India).
- SAHR recommends further improvements to the Parliamentary scrutiny and transparency of subordinate legislation.

4. INTEGRITY OF MEMBERS OF PARLIAMENT (MPs)

An essential element in maintaining public confidence in the institution of Parliament is the integrity of MPs. Some countries have enacted specific laws or codes of conduct to maintain such integrity.

Analysis and Recommendations on Declarations of Financial and Criminal Antecedents of MPs

- Though countries such as India, Pakistan, Sri Lanka and Maldives have made the declaration of assets and liabilities by MPs compulsory, these laws and practices are not generally well implemented regionally.
- In many countries citizens have no access to this information overall, with certain limited exceptions.

- In the sub-region, there is no general requirement of MPs to declare their criminal antecedents.
- Following transparency standards, SAHR recommends that the aspiring MPs as well as elected MPs should disclose their assets and liabilities.
- Secretariats must update such information annually for easy access of the public.
- The Secretariats should also upload on their websites, the detailed scheme of remunerations and allowances/facilities of a MP, with living allowances, security, personal staff and transport included, in order for the public to come to their own conclusions on the remunerations of their elected representatives.

5. PARLIAMENTARY COMMITTEES

Parliamentary committees are constituted to ensure that sufficient time and resources can be allocated to deal with official business, which otherwise, would not be given sufficient intensive attention by the Parliament. Some such committees are constituted with a specific mandate to look in to public accounts, public enterprises, ethics etc., whereas some committees are constituted ad hoc to inquire into specific issues. The bulk of the work of Parliament is discharged through committees (standing or ad hoc), and thus they are constituted for the purpose of dealing with official business intensively, which is not practically possible otherwise, at a plenary level.

Analysis and Recommendations

- The work of the Parliamentary committees at regional level continues to be confidential and secretive lacking requisite status of transparency.
- The secrecy of the committees have adversely affected their efficiency, and in some countries (eg. Sri Lanka) that has discouraged even the members of the committee from participating, to meet the required quorum.
- Parliamentary traditions also make it compulsory for the backbenchers and the leading members of the opposition to head most of the committees, but sometimes implementation indicates otherwise (eg. Sri Lanka).
- Parliaments of the sub region, have so far failed to change the rules of Parliamentary committees to ensure participation of the citizenry or media except in extraordinary circumstances where public interest is better served by holding the sitting in camera.
- In many countries, the reports of sub committees are never tabled in the House. Rarely are these reports debated.
- There is also a lack of transparency to non members' access to the submissions and depositions made before any committee.
- The reports of the committees are often not available to the public in the region either in print form or on websites.



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