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**Political Commitments to Practice
Democracy, Good Governance and
Integrity:
TIB's Recommendation**

Political Commitments to Practice Democracy, Good Governance and Integrity TIB's Recommendation

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Background

Since independence in 1971, Bangladesh has made significant progress in the socioeconomic domain in the last 52 years from a war-torn country, notably in the areas of poverty reduction, economy, education, health, agriculture, industry, and information technology. Nevertheless, in terms of political development the country remains beset by uncertainty and unrest. The recurrent emergence of undemocratic forces after independence disrupted the democratic process and development. After several years of struggle, democracy was restored in 1991 and an outline of commitments was put together by the three major political alliances in the course of restoring democracy.

The three prominent political alliances signed the outline with a view to upholding the democratic practices based on the principles of taking responsibility to govern through free and fair elections, establishing a sovereign parliament, and an accountable executive branch, protecting the people's fundamental rights, the independence and impartiality of the judiciary, media freedom, and establishing the rule of law.

Later on despite restoring parliamentary form of democracy and conducting the regular parliamentary election, the lack of practicing democratic values among political parties has led to deviating recurrently from democratic norms and creating the risk of electoral violence.

In a democratic governance system, good governance and practicing integrity are essential for undeterred and sustaining socio-economic and political development while aspirations of people for a free and fair election, rule of law, transparency, accountability, participation and corruption-free governing system have not yet been met.

Since political parties are one of the key non-state institutions/actors in the National Integrity Strategy (NIS) therefore, it would be impossible to institute democracy, good governance, and integrity practices for sustainable socio-economic and political development without their unwavering commitment.

TIB has formulated and presented these recommendations for the inclusion of issues related to good governance, integrity and prevention of corruption in the commitment/constitution of political parties and its effective implementation as part of their regular research and advocacy activity for creating an enabling environment to attain good governance in Bangladesh.

Process Followed for Formulating Recommendations

In order to formulate these recommendations on political commitment to democracy and the practice of good governance and integrity, the following documents were studied and examined in light of the current political and socioeconomic context.

- Previous TIB research and advocacy papers on organisations covered under the National Integrity Strategy
- Constitution, declaration and manifestos of major political parties
- Previous TIB research and proposed recommendations on Governance and Integrity in Election Manifestos of Political Parties in Bangladesh
- Relevant laws, newspapers, articles and books
- Research reports of government and private organisations

Crucial Strategic Considerations to Formulate Recommendations

The following key strategic issues were considered in developing recommendations on democracy, good governance and integrity for inclusion in existing constitutions, declarations, or manifestos of political parties for the purpose of creating an enabling environment for democracy, corruption prevention, integrity practice, and overall good governance.

1. Rule of law
2. Democratisation and decentralisation of power
3. De-Politicisation of state/public institutions
4. Transparent, accountable and participatory government decision-making
5. Ensuring the integrity of institutions included in the National Integrity Strategy
6. Inclusive and meaningful socio-economic development
7. Application of strong, secure and inclusive information technology
8. Freedom of association and speech
9. Conserving environment and preventing pollution

Democracy, Good Governance and Integrity: TIB's Recommendations

Institutionalisation of Democratic Values and Practices

Establishing Effective Parliament

1. **Parliamentary System Reform:** To make the parliamentary system effective, the parliamentary system with proportional representation should be introduced subject to the opinions of the relevant stakeholders as well as mass people through a referendum.
2. **Representative Parliament:** Parliament should be formed through a free, fair, transparent, participatory and meaningful election to ensure the representation of the people in parliamentary activities.
3. **Role of the Prime Minister:** To perform parliamentary and executive duties of the Prime Minister in an unbiased and transparent way, free from partisan influence, provisions for resigning from the position as Chief of party during the tenure should be established.
4. **Effective Participation in Parliamentary Activities:** Article 70 of the Constitution of Bangladesh shall be amended to create the opportunity to allow members to propose dissent, engage in discussions and vote against their party in all other areas except motion of no confidence and promulgation of national budget to ensure the freedom of expression of Members of the Parliament.
5. **Role of the Speaker:** To conduct the parliamentary sessions as the Speaker of the Parliament in an unbiased and proper manner, provisions for resigning from the position of Member of Parliament in order to take the responsibility as the Speaker should be established.
6. **Enactment of the Code of Conduct for Parliament Members:** The Code of Conduct for Members of Parliament Act should be enacted to ensure the accountability of parliament members, both within the parliamentary proceedings and in their activities outside the parliament.
7. **Establishing Effective Parliamentary Standing Committees:**
 - Chairpersons of the parliamentary standing committees, especially for the Standing Committee on Public Accounts, Ministry of Law, Justice and Parliamentary Affairs, Ministry of Finance, Ministry of Commerce, Ministry of Home Affairs, Ministry of Defense, and Ministry of Power, Energy, and Mineral Resources, should be selected from among the opposition party members.
 - The provision of the annulment of committee members should be implemented if any conflict of interest arises.
 - The provision of holding regular meetings of the committees must be complied with, and the appropriate exercise of the Speaker's authority must be ensured.
 - Representation of female members of parliament in all standing committees must be ensured.

Practicing Democracy, Governance and Integrity in the Activities of Political Parties

- 8.** A legal framework should be enacted to bring all types of received grants, income and expenditure, event-based collected funds, and election-related expenses, including campaigning and nomination-related transactions of political parties, under the surveillance of a formal control and regulatory system.
- 9.** To ensure transparency in the financial activities of political parties, all types of financial transactions must be conducted through designated accounts of bank or mobile financial services.
- 10.** Political parties must publish their financial audit reports on their websites, in addition to submitting it to the Election Commission.
- 11.** To ensure the transparency and accountability of political parties, the central and top-level political leaders must declare their assets and disclose it to all.
- 12.** The election campaign expenses of political parties must be kept within the limits defined by law, and information on this matter must be disclosed.
- 13.** Any political activist involved in corruption and irregularities should not hold any position within a political party, and they should not be nominated as a candidate in any elections.
- 14.** To uphold internal democratic practices and governance within political parties and provide opportunities for the development of new leadership, the party must, as per its constitution, elect or form committees at all levels through a fair internal democratic process and participatory elections.
- 15.** Political parties must regularly conduct councils at all levels ensuring the active participation of activists and representatives. The report on the party's activities, income, and expenditure should be presented in the council, along with taking feedback and opinions on these matters.
- 16.** According to the 'Representation of the People Order (Amended) Act, 2009,' at least one-third of committee positions of all political parties must be reserved for female members, and a minimum of one-third of nominations must be retained for female members as party candidates in the national parliamentary elections. Furthermore, the number of nominations from marginalized people should be increased.
- 17.** Considering the contribution and involvement in political activities, the preliminary candidates should be selected from the grassroots level in a democratic process and the Central Nomination Committee will nominate final candidates, in order to ensure efficient and competent political leadership and appropriate party representation.
- 18.** If any political party fails to form the government through election then they should establish a shadow cabinet to oversee the activities and policy formulation process of the relevant ministry as the opposition party. The members of the shadow cabinet will provide constructive criticism of the ministry's activities and propose alternative solutions as necessary.

Practice of Electoral Integrity

- 19. Role of Election-time Government:** The necessary constitutional/legislative reforms must be implemented in order to guarantee an unbiased and impartial role of the election-time government and other stakeholders, especially the administration and law enforcement authorities.
- 20. Appointment of Election Commissioner:** The chief election commissioner, along with the other commissioners, should appoint following the eligibility criteria defined by the law, and the search committee should hold a public hearing to ensure transparency in the appointment process in order to establish an independent, powerful, and politically independent election commission that will guarantee a free, fair, and participatory election.
- 21. Authority of Election Commission:** The amendment to article 91 (A) of the People Representation Order (Amendment) Act, 2023 that reduced the Election Commission's power to suspend the entire results of a particular parliamentary constituency needs to be abolished.
- 22. Electoral Code of Conduct:** The pre-election codes of conduct of ministers and parliamentarians should define and assure equal opportunities for all parties and candidates to campaign in order to guarantee a fair playing field in the national parliamentary elections.
- 23. Monitoring the Election Environment:** The election commission will take the necessary steps with the help of relevant authorities to monitor the law and order as well as the administrative situation from the period of announcing the schedule to the forming of a new government and will ensure the security of candidates and political activist of all parties equally.
- 24. Election Expenditure Monitoring:** Enable the Election Commission to monitor and audit the political party nominees' asset declarations and campaign expenditures during the period of election as well as take immediate actions against candidates who breach the limits of spending.
- 25.** The “No vote” should be reintroduced in elections.

Rule of Law

Independent Judiciary

- 26. Separation of Judiciary:**
 - In accordance with the verdict of the Masdar Hossain case, the process of separating the judiciary from the administration should be implemented.
 - To perform administrative activities independently and effectively, a Judicial Secretariat should be established.
 - The Supreme Court Secretariat shall have sole authority and supervision of subordinate courts, including appointment, promotion, and transfer.
- 27. Appointment and Removal of High Court Judges:** The specific legal reform regarding the appointment of High Court Judges should be made with the advice of the Supreme Court. The Sixteenth Amendment of the Constitution of Bangladesh should be repealed and the Supreme Judicial Council should be given the authority to remove judges.
- 28. Code of Conduct:** The Supreme Court should be entrusted with the responsibility of preparing a code of conduct and discipline regulations for judges and attorney generals aligned with contemporary global best practices as well as the National Integrity Strategy.
- 29.** Removing political interference in the appointment, posting, and transfer of judges is essential to ensure a fair and impartial judicial process.

A Strong Human Rights Commission

30. Appointment of Chairman and Members of the Commission: To avoid political interference in the appointment of the Chairman and members of the National Human Rights Commission the below steps should be followed

- The eligibility criteria must be observed in accordance with the law.
- A nominee should be someone who has set an example in his professional life by protecting human rights as well as upholding integrity
- To ensure transparency in the appointment process, the search committee should hold public hearings.

31. Authority for Investigation: The National Human Rights Commission should be authorized to conduct impartial and unbiased investigations into all human rights violations, including extrajudicial murders and disappearances.

Legal and Institutional Reforms to Maintain Law and Order

32. Police Act Formulation: As the first step in modernising law enforcement, a police act should be formulated and implemented with consultation from relevant parties.

33. Accountability of Law Enforcement Agencies: An independent commission should be established as a regulatory body separate from the police authority to ensure accountability regarding the irregularities, abuse of power, and human rights breaches against the personnel of law enforcement agencies.

34. Police Service Commission: A Police Service Commission should be established to ensure a transparent, competitive recruiting process in order to be free from political interference at all levels of the police force.

Transparency and Accountability in Public Institutions

35. Amendment of Public Service Act: The word 'government' should be replaced with 'republic,' and the provision of obtaining permission from the government to arrest government officials in criminal cases (Section 41 of 1), as well as other clauses that are obstructive and discriminatory in nature, should be amended in the Public Service Act, 2018.

36. Government Servants Conduct Rules: To guarantee transparency, accountability, and good governance in public administration, the Government Servants (Conduct) Rules, 1979 should be upgraded in accordance with the National Integrity Strategy.

37. De-politicization of Public Administration: Instead of political consideration, the appraisal should be based on experience and skills for promotion. Public servants must refrain from participating in any political activity, either directly or indirectly and the Representation of the People Order, 1972's prohibition of participation in election until three years after retirement should be observed strictly.

38. Protection and Reward of Public Servants: Regulations should be placed in order to put an end to the harassment of public employees who work courageously, efficiently, and ethically to combat corruption. The government needs to refrain from rewarding and recognising individuals involved in corruption and human rights abuses with integrity awards.

Preventing Irregularities and Corruption

- 39. Appointment of ACC's Chairman and Commissioner:** To eliminate political bias and maintain transparency, the Chairman and Commissioner of the Anti-Corruption Commission (ACC) must be appointed in accordance with the process outlined below.
- Eligibility criteria should be followed in accordance with the Act
 - The selection committee shall publish the preliminary list of nominees
 - Public hearing should be arranged to ensure transparency in the selection process
- 40. Legal Reforms:** The relevant clause of laws that crippled the power of ACCs to investigate and take actions on corruption and money laundering should be amended (eg: Civil Service Act, 2018; Prevention of Money Laundering Act, 2012; Income Tax Act, 2023).
- 41. Capacity of the ACC:** The ACC Secretary's power of appointment, posting, and transfer of human resources, as well as administrative and financial power, should be handed to the commission. Appointments by deputation at higher levels such as director and above should be stopped from the administration cadre in order to establish the ACC's autonomy.
- 42. Enactment of Conflict of Interest Act:** The "Conflict of Interest Act" must be enacted in order to stop nepotism, personal gain, and corruption-irregularities in government operations.
- 43. Disclosure of Assets of People's Representatives and Public Servants:** All public representatives and employees are required to reveal their annual income and asset amounts to maintain accountability.

Freedom of Civil Society and Media

- 44.** The formation, registration, and operation of various non-governmental organisations, including civil society, should be made easier, and motivated administrative harassment should be prohibited, in order to foster an atmosphere in which they can operate freely and impartially.
- 45.** Sections of the Foreign Donations (Voluntary Activities) Regulation Act, 2016 should be amended to remove any provisions that hinder free speech or limit the activity of non-governmental development organizations, especially those that promote human rights and good governance.
- 46.** To protect press freedom, the proposed Press Council Act, 2019 should be approved and put into effect, incorporating necessary revisions based on input from relevant stakeholders.
- 47.** The proposed Media Workers (Conditions of Employment) Act, 2018, should be passed and implemented with the subject to appropriate modifications based on stakeholder feedback, in order to establish a conducive environment for media workers to work freely and share their opinions.

Right to Information

48. To eliminate political influence and maintain openness, the Commissioner of the Information Commission must be appointed in accordance with the process outlined below.
 - Eligibility and ineligibility conditions should follow as laid down in the Act;
 - The selection committee shall publish the preliminary list of nominees;
 - Public hearing should be arranged to ensure transparency in the selection process
49. The law should be amended to ensure the accountability of the appellate authorities including the responsible officers and senior officials for the implementation of the Right to Information Act.
50. The comprehensive structure of human resources as well as personnel and financial capacity should be developed and enhanced of the Information Commission's.
51. The Official Secrets Act of 1923 should be repealed in order to ensure transparency and accountability.
52. The Public Interest Disclosure (Protection) Act of 2011 should be appropriately reformed and implemented to provide safeguard the whistleblowers of irregularities and corruption.

Information and Data Security

53. The Personal Data Protection Act 2023 must have a precise definition of “personal information” in the light of global best practices. Clauses that contain threat to violating fundamental rights, misuse of personal information, and freedom of speech as well as surveillance of dissenting opinions should be made amended. To ensure the effective implementation of the proposed law, an independent authority free from government influence must be established.
54. To ensure the security and protection of personal information in various government institutions, appropriate technology should be applied in accordance with the laws, and a skilled workforce should be ensured.
55. The Cybersecurity Law of 2023 requires amendment/revocation of any section that contradicts with human rights and irrelevant to information technology, and contains ambiguity or lack of clarity in explanation or meaning.

Strengthening of Local Government Institutions

56. **Formation of Local Government Commission:** A Local Government Commission must be formed to ensure an autonomous, strong, and effective functioning of the Local Government Institutions.
57. **Legal Reforms:** To ensure the autonomy of the local government, relevant laws must be amended to disengage the involvement of members of parliament (MP) in the development activities at the grassroots level. Appointment of administrators by the government in all tiers of local government institutions must be ceased.
58. **Financial Capacity:** The financial capacity of the local government institutions must be enhanced to ensure the accumulation of assets and funds, and ensure transparency and accountability in fund management. The act should be amended with provision of allowing raising funds by the local government institution to implement their own projects.

Good Governance in Financial Sector and Public Spending

- 59. Formation of Banking Commission:** To ensure governance in the banking sector, an independent Banking Commission should be formed. The commission should consist of appropriate experts relevant to the sector, who are free from conflict of interest and capable of working independently and impartially. The Commission will prepare a strategy to reform the banking sector including Bangladesh Bank.
- 60. Bank Management Policy:** Under the supervision of the Bangladesh Bank, all banks will promulgate specific written policies regarding the appointment and removal of bank directors and chairpersons. This policy would also provide a specific guideline regarding the formation of a search committee as well as their role in the procedure of appointment of bank directors.
- 61. Prevention of Money Laundering:** Effective measures should be taken to prevent money laundering through legal and institutional reforms. Increase legal cooperation with the relevant institutions of the countries where money laundering is occurring. Increase the capacity of the National Board of Revenue (NBR) and other relevant institutions to prevent money laundering through over-invoicing/under-invoicing goods under the guise of import and export.
- 62. Ownership Transparency Law:** The Beneficial Ownership Act requires to be promulgated to ensure transparency, and prevent debt defaulter and money laundering in private sector institutions. Simultaneously, to monitor domestic and international financial transactions an initiative should be taken to take part in the Common Reporting Standard (CRS) for receiving the automated information of financial transactions.
- 63. Capacity of the Office of the Comptroller and Auditor General:** Necessary skilled personnel, financial allocation, and logistic support should be increased to enhance the capacity of the Office of the Comptroller and Auditor General. The number of audits should be increased, and audit reports should be regularly published.
- 64. Utilization of e-GP in Government Procurement:** To ensure a competitive environment in government procurement procedures, all tenders should be conducted through the e-GP process. Moreover, the provision of price limits in both open and limited tenders should be abolished.

Economic and Social Justice

- 65. Increased Budget for Education and Healthcare:** The allocation for education and health sectors needs to be increased to a minimum of 6% and 5% of the GDP respectively in line with international standards to ensure quality education and healthcare.
- 66. Inclusive Development:** To deliver the benefits of socio-economic development to everyone especially to the poor, marginalised and underprivileged communities, a specific, realistic, and time-bound action plan should be adopted to reduce the disparities in income and wealth.
- 67. Formation of Diversity Commission:** An independent Diversity Commission should be formed to ensure fundamental rights while recognising the identities and uniqueness of various ethnic, religious, linguistic, and profession-based communities. The commission should promote a culture of mutual respect, solidarity and cooperation in receiving the government and social institutional services.
- 68. Efficient Market Management:** To ensure an efficient market management system, the effect of syndicates should be controlled over the price of the necessary daily commodities. An effective market management system should be ensured through the coordination of relevant institutions as well as necessary legal reforms to keep commodity prices at a reasonable level.

- 69. Recognition of Indigenous Communities:** Legal reforms should be made to recognise the identity of every ethnic minority residing in Bangladesh as Indigenous People. A Minority Commission/Indigenous People's Commission should be formed to ensure all kind of opportunities and facilities, including the fundamental rights of these ethnic groups.
- 70. Anti-discrimination Law:** To eliminate barriers in public services and ensure inclusive and accountable services for marginalised communities, an Anti-Discrimination Law should be enacted and implemented promptly.

Environmental Conservation and Climate Change

- 71.** Gradually reduce the use of fossil fuel and increase the use of renewable energy in Bangladesh by formulating a comprehensive and time-bound short, medium and long-term plan must be adopted. A specific plan should be promulgated to ensure transparency in the implementation of climate adaptation activities. To increase local and international investment in the renewable energy sector, supporting rules should be enacted and implemented immediately.
- 72.** To ensure energy security, considering the opinions of stakeholders, an 'Integrated Energy and Power Master Plan (IEPMP)' should be adopted and implemented.
- 73.** Bangladesh being a climate-vulnerable country due to climate change, should assertively claim compensation not in the form of financial loans, insurance, or grants rather as compensations for damages incurred.
- 74.** All forms of environmental pollution, including air, water, and noise, must be addressed and prevented through the introduction and effective use of the latest technologies in monitoring and surveillance by relevant organisations dedicated to environmental protection.
- 75.** To fulfil the aspirations of the Bangladesh Climate Change Trust Fund, the fund's objectives and purposes must be aligned in terms of increasing the financial allocations and the implementation of projects with transparency and accountability.
- 76.** To prevent financial misuse and irregularities, the management of climate change-related funds, including the Bangladesh Climate Change Trust Fund and other climate funds, needs to ensure due transparency and accountability.