

**Recommended  
Benchmarks for  
Asia, India and  
South East Asia  
Regions'  
Democratic  
Legislatures**

**DHAKA**

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# I. GENERAL

## 1.1 Elections

- 1.1.1 Members of the popularly elected or only House shall be elected by direct universal and equal suffrage in a free and secret ballot.
- 1.1.2 Legislative elections shall meet international standards for free, fair and transparent elections.
- 1.1.3 Term lengths for members of the popular house shall reflect the need for accountability through regular and periodic legislative elections.
- ***1.1.4 Election expenses of candidates shall be monitored by the Election Commission or similar authority***

# I. GENERAL

## 1.2 Candidate Eligibility

- 1.2.1 Restrictions on candidate eligibility shall not be based on religion, gender, ethnicity, race or disability.
- 1.2.2 ***If applicable***, special measures to encourage the political participation of ***minority groups*** or marginalized groups shall be narrowly drawn to accomplish precisely defined objectives.

# I. GENERAL

## 1.3 Incompatibility of Office

- 1.3.1 In a bicameral Legislature, a legislator ***shall*** not be a Member of both houses.
- 1.3.2 A legislator ***shall*** not simultaneously serve in the judicial branch or as a civil servant of the executive branch.

# I. GENERAL

## 1.4 Immunity

- 1.4.1 Legislators shall have immunity for anything said in the course of the proceedings of the Legislature.
- 1.4.2 Parliamentary immunity ***for anything said in the course of the proceedings of the legislature*** shall not extend beyond the term of office; but a former legislator shall continue to enjoy protection for his or her term of office.
- 1.4.3 The executive branch shall have no right or power to lift the immunity of a legislator.
- 1.4.4 Legislators must be able to carry out their legislative and constitutional functions in accordance with the constitution, free from interference.

# I. GENERAL

## 1.5 Remuneration and Benefits

- 1.5.1 The Legislature shall provide ***appropriate*** remuneration and reimbursement of parliamentary expenses to legislators for their service, and all forms of compensation shall be allocated on a non-partisan basis.

# I. GENERAL

## 1.6 Resignation

- 1.6.1 Legislators shall have the right to resign their seats.

## 1.7 Infrastructure

- 1.7.1 The Legislature shall have adequate infrastructure to enable Members and staff to fulfill their responsibilities.

# II. ORGANIZATION OF THE LEGISLATURE

## 2. PROCEDURES AND SESSIONS

- 2.1 Rules of Procedure
  - 2.1.1 Only the Legislature may adopt and amend its Rules of Procedure.
- 2.2 Presiding Officers
  - 2.2.1 The Legislature shall select or elect presiding officers pursuant to criteria and procedures clearly defined in the ***constitutions*** and/or rules of procedure.

# II. ORGANIZATION OF THE LEGISLATURE

## 2. PROCEDURES AND SESSIONS

### 2.3 Convening Sessions

- 2.3.1 The Legislature shall meet regularly, at intervals sufficient to fulfill its responsibilities.
- 2.3.2 The Legislature shall have procedures for calling itself into regular sessions.
- 2.3.3 The Legislature shall have procedures for calling itself into extraordinary or special sessions.

# II. ORGANIZATION OF THE LEGISLATURE

## 2. PROCEDURES AND SESSIONS

### 2.4 Agenda

- 2.4.1 Legislators shall have the right to vote to amend the proposed agenda for debate.
- 2.4.2 Legislators in the lower or only House shall have the right to initiate legislation and to offer amendments to proposed legislation.
- 2.4.3 The Legislature shall give legislators adequate advance notice of session meetings and the agenda for the meeting.

# II. ORGANIZATION OF THE LEGISLATURE

## 2. PROCEDURES AND SESSIONS

### 2.5 Debate

- 2.5.1 The Legislature shall establish and follow clear procedures for structuring debate and determining the order of precedence of motions tabled by members.
- 2.5.2 ***There shall be a mechanism*** to provide adequate opportunity for legislators to debate bills prior to a vote.

# II. ORGANIZATION OF THE LEGISLATURE

## 2. PROCEDURES AND SESSIONS

- 2.6 Voting
- 2.6.1 Plenary votes in the Legislature shall be public.
- 2.6.2 Members in a minority on a vote shall be able to demand a recorded vote.
- 2.6.3 Only legislators may vote on issues before the Legislature.

# II. ORGANIZATION OF THE LEGISLATURE

## 2. PROCEDURES AND SESSIONS

- 2.7 Records
- 2.7.1 The Legislature shall maintain and publish readily accessible records of its proceedings.

# II. ORGANIZATION OF THE LEGISLATURE

## 3. COMMITTEES

- 3.1 Organization
  - 3.1.1 The Legislature shall have the right to form committees.
  - 3.1.2 The Legislature's assignment of committee Members on each committee shall include both majority and minority party Members and reflect the political composition of the Legislature ***as far as practicable.***
  - 3.1.3 The Legislature shall establish and follow a transparent method for selecting or electing the chairs of committees.

# II. ORGANIZATION OF THE LEGISLATURE

## 3. COMMITTEES

- **3.2 Powers**
- 3.2.1 There shall be a presumption that the Legislature will consider legislation in detail and/or refer it to a committee, and any exceptions must be transparent, narrowly-defined, and extraordinary in nature.
- 3.2.2 Committees shall scrutinize legislation referred to them and have the power to recommend amendments
- or amend the legislation.
- 3.2.3 Committees shall have the right to consult and/or employ experts.
- 3.2.4 Committees shall have the power to summon persons, papers and records, and this power shall extend to witnesses and evidence from the executive branch, including officials.
- 3.2.5 Only legislators appointed to the ***committee shall*** have the right to vote in the committee.

## II. ORGANIZATION OF THE LEGISLATURE

### 4. POLITICAL PARTIES, PARTY GROUPS AND CROSS PARTY GROUPS

- 4.1 Political Parties
  - 4.1.1 The right of freedom of association shall exist for legislators, as for all people.
  - 4.1.2 Any restrictions on the legality of political parties shall be narrowly drawn in law and be consistent with *international norms*

# II. ORGANIZATION OF THE LEGISLATURE

- 4. POLITICAL PARTIES, PARTY GROUPS AND CROSS PARTY GROUPS
- 4.2 Party Groups
- 4.2.1 Criteria for the formation of ***formal*** parliamentary party groups, and their rights and responsibilities in the Legislature, shall be clearly ***defined***
- 4.2.2 The Legislature shall provide adequate ***support*** for party groups ***in a way*** that does not unduly ***benefit any party or group.***

# II. ORGANIZATION OF THE LEGISLATURE

## 5. PARLIAMENTARY STAFF

- 5.1 General
  - 5.1.1 The Legislature shall have an adequate non-partisan professional staff to support its operations including the operations of its committees.
  - 5.1.2 The Legislature ***shall have an independent parliamentary service. In instances where parliamentary services are drawn from the public service, there shall be adequate safeguards to ensure non-interference from the executive.***
  - 5.1.3 Members and staff of the legislature shall have access to sufficient research, library, and ICT facilities.

# II. ORGANIZATION OF THE LEGISLATURE

## 5. PARLIAMENTARY STAFF

- 5.2 Recruitment
  - 5.2.1 The Legislature shall have adequate resources to recruit staff sufficient to fulfil its responsibilities. The rates of pay shall be broadly comparable to those in the public service.
  - 5.2.2 The Legislature shall not discriminate in its recruitment of staff on the basis of race, ethnicity, religion, gender, disability, or party affiliation.

# II. ORGANIZATION OF THE LEGISLATURE

## 5. PARLIAMENTARY STAFF

- 5.3 Promotion
- 5.3.1 Recruitment and promotion staff shall be on the basis of merit and equal opportunity.

# II. ORGANIZATION OF THE LEGISLATURE

## 5. PARLIAMENTARY STAFF

- 5.4 Organization and Management
  - 5.4.1 The head of the parliamentary service shall have a form of protected status to prevent undue political pressure.
  - 5.4.2 Legislatures should, either by legislation or resolution, establish **a management structure or committee** responsible for governance of the parliamentary service.
  - 5.4.3 All staff shall be subject to a code of conduct.

# III. FUNCTIONS OF THE LEGISLATURE

## 6. LEGISLATIVE FUNCTIONS

- **6.1 General**
- 6.1.1 The approval of the Legislature is required for the passage of all legislation, including budgets.
- 6.1.2 Only the Legislature shall be empowered to determine and approve the budget of the Legislature.
- 6.1.3 The Legislature shall have the power to enact resolutions or other non-binding expressions of its will.
- 6.1.4 In bicameral systems, only a popularly elected House shall have the power to bring down the government.
- 6.1.5 A Chamber where a majority of Members are not directly elected may not indefinitely deny or reject a money Bill.

# III. FUNCTIONS OF THE LEGISLATURE

## 6. LEGISLATIVE FUNCTIONS

- 6.2 Legislative Procedure
- 6.2.1 In a bicameral Legislature there shall be clearly defined roles for each Chamber in the passage of legislation.
- 6.2.2 The Legislature shall have the right to override an executive veto.

# III. FUNCTIONS OF THE LEGISLATURE

## 6. LEGISLATIVE FUNCTIONS

- 6.3 The Public and Legislation
- 6.3.1 Opportunities shall be given for public input into the legislative process.
- ***6.3.2 Information shall be provided to the public in timely manner regarding matters under consideration by the legislature.***

# III. FUNCTIONS OF THE LEGISLATURE

## 7. OVERSIGHT FUNCTION

- 7.1 General
  - 7.1.1 The Legislature shall have mechanisms to obtain information from the executive branch sufficient to exercise its oversight function in a meaningful way.
  - 7.1.2 The oversight authority of the Legislature shall include meaningful oversight of the ***security services*** and ***state owned enterprises***.

# III. FUNCTIONS OF THE LEGISLATURE

## 7. OVERSIGHT FUNCTION

- **7.2 Financial and Budget Oversight**
- 7.2.1 The Legislature shall have a reasonable period of time in which to review the proposed national budget.
- 7.2.2 Oversight committees shall provide meaningful opportunities for minority or opposition parties to engage in effective oversight of government expenditures.
- 7.2.3 Oversight committees shall have access to records of executive branch accounts and related documentation sufficient to be able to meaningfully review the accuracy of executive branch reporting on its revenues and expenditures.
- 7.2.4 There shall be an independent, non-partisan Supreme or National Audit Office whose reports are tabled in the Legislature in a timely manner.
- 7.2.5 The supreme or national audit office shall be provided with adequate resources and legal authority to conduct audits in a timely manner.

# III. FUNCTIONS OF THE LEGISLATURE

## 7. OVERSIGHT FUNCTION

- 7.3 No Confidence and Impeachment
- 7.3.1 The Legislature shall have mechanisms to impeach or censure officials of the executive branch, or express no-confidence in the government.
- 7.3.2 If the Legislature expresses no confidence in the government, the government is obliged to offer its resignation. If the head of state agrees that no other alternative government can be formed, a general election should be held.

# III. FUNCTIONS OF THE LEGISLATURE

## 8. REPRESENTATIONAL FUNCTION

- 8.1 Constituent Relations
  - 8.1.1 The Legislature shall provide all legislators with appropriate resources to enable them to fulfill ***representational functions*** in their constituencies.
- 8.2 Parliamentary Networking and Diplomacy
  - 8.2.1 The Legislature ***should be given the opportunity*** to receive development assistance to strengthen the institution of Parliament.
  - 8.2.2 Members and staff of Parliament ***should be given the opportunity*** to receive technical and advisory assistance, as well as to network and exchange experience with individuals from other Legislatures.

# IV. VALUES OF THE LEGISLATURE

## 9. ACCESSIBILITY

- 9.1 Citizens and the Press
  - 9.1.1 The Legislature shall be accessible and open to citizens and the media, subject only to demonstrable public safety and work requirements.
  - 9.1.2 The Legislature should ensure that the media are given appropriate access to the proceedings of the Legislature without compromising the proper functioning of the Legislature and its rules of procedure.
  - 9.1.3 The Legislature shall have a non-partisan media relations facility.
  - 9.1.4 The Legislature shall promote the public's understanding of the work of the Legislature.

# IV. VALUES OF THE LEGISLATURE

- 9.2 Languages
- 9.2.1 Where the constitution or parliamentary rules provide for the use of multiple working languages, the Legislature shall make every reasonable effort to provide for simultaneous interpretation of debates and translation of records.

# IV. VALUES OF THE LEGISLATURE

## 10. ETHICAL GOVERNANCE

- 10.1 Transparency and Integrity
- 10.1.1 Legislators should maintain high standards of accountability, transparency and responsibility in the conduct of all public and parliamentary matters.
- 10.1.2 The Legislature shall approve and enforce a code of conduct, including rules on conflicts of interest and the acceptance of gifts.
- 10.1.3 Legislators shall be required to disclose their financial assets and business interests.
- 10.1.4 There shall be mechanisms to prevent, detect, and bring to justice legislators and staff engaged in corrupt practices.
- ***10.1.5 Legislatures should establish a mechanism to oversee the conduct of legislators.***