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The Parliament of Bangladesh
Representation and Accountability

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THE PARLIAMENT OF BANGLADESH
Representation and Accountability

CPD-CMI Working Paper 2

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Series Editors: *Mustafizur Rahman*, Executive Director, CPD and *Arne Wiig*, Senior Researcher and Coordinator, Poverty Dynamics, CMI

Acknowledgement

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Acronyms

ADP	Annual Development Programme
AFS	Annual Financial Statement
AL	Awami League
BEC	Bangladesh Election Commission
BIPS	Bangladesh Institute of Parliamentary Studies
BJP	Bangladesh Jatiya Party
BNP	Bangladesh Nationalist Party
CA	Constituent Assembly
CEC	Chief Election Commissioner
CHT	Chittangon Hill Tracts
CMI	Chr. Michelsen Institute
CP	Committee on Privileges
CPD	Centre for Policy Dialogue
CSO	Civil Society Organisation
DAP	Detailed Area Plan
DFID	Department for International Development
DISHA	Development Initiatives for Social and Human Action
DPC	Department-related Committee
FPTP	First Past the Post
IBP	International Budget Partnership
IGS	Institute of Governance Studies
IPU	Inter-Parliamentary Union
IRBD	Independent Review of Bangladesh's Development
IT	Information Technology
JP	Jatiya Party
JS	Jatiya Sangsad (Parliament of Bangladesh)
JSD	Jatiya Samajtantrik Dal
LIC	Legislative Information Centre
MCC	Muktijoddha Command Council
MP	Member of Parliament
MPO	Monthly Pay Order
MoF	Ministry of Finance
NCG	Non-party Caretaker Government
NDI	National Democratic Institute of International Affairs
NGO	Non-government Organisation
OBI	Open Budget Index
OC	Officer in Charge
OCAG	Office of the Comptroller and Auditor General
PAC	Public Accounts Committee
PIO	Programme Implementation Officer
PMB	Private Member's Bill
PMQT	Prime Minister's Question Time
PPI	Parliamentary Powers Index
PR	Proportional Representation
PUC	Public Undertakings Committee
REHAB	Real Estate and Housing Association of Bangladesh
RPO	Representation of the People's Order
RoP	Rules of Procedure
TIB	Transparency International Bangladesh
TR	Test Relief

UDCCC	Upazila Development Co-ordination Committee Council
UK	United Kingdom
UNDP	United Nations Development Programme
UNO	Upazila Nirbahi Officer
US	United States
VGD	Vulnerable Group Development
VGF	Vulnerable Group Feeding

1. INTRODUCTION

1.1 The Parliament: Theory and Practice

Bangladesh has a parliamentary system of government. The constitution bestows the parliament with almost unrestricted powers over the executive branch. The government is dependent on a parliamentary majority. The President is the ceremonial head of the state and is elected by the parliament. The parliament of Bangladesh is named as the *Jatiya Sangsad* (JS), the House of the Nation.[1]

The Inter-Parliamentary Union (IPU), in its study *Parliament and Democracy in the Twenty First Century,* calls the parliament the central institution of democracy as it embodies the will of the people and carries all their expectations that "democracy will be truly responsive to their needs and help solve the most pressing problems that confront them in their daily lives" (Beetham 2006: 1). As the people's elected body, the parliament is expected to play many roles. The IPU enumerates the parliament's key roles as follows:

> "As the elected body that represents society in all its diversity parliaments have a unique responsibility for reconciling the conflicting interests and expectations of different groups and communities through the democratic means of dialogue and compromise. As the key legislative organ, parliaments have the task of adapting society's laws to its rapidly changing needs and circumstances; as the body entrusted with the oversight of government, they are responsible for ensuring that the government is fully accountable to the people" (ibid: 1-2).

There is, however, a gap between the promise and the actual performance of parliaments in many countries including Bangladesh. The IPU study notes the "low esteem in which parliaments are held in many countries" (ibid: 109-110), and at the same time, it highlights through various examples how the parliaments around the world are struggling to meet the challenges they face, and how they are working to become more open and responsive to the needs of the electorate in a rapidly changing world. However, the overall record of performance is a mixed one. Many parliaments have not taken significant steps to improve their performance. In some cases, instead of progress there has been stagnation or deterioration.

This study on the parliament of Bangladesh has been undertaken largely following the model of the IPU study noted above. It discusses the structure, roles and functions of the parliament as prescribed by the *Bangladesh Constitution* and the *Rules of Procedure (RoP) of the Parliament.* It then analyses how the parliament performs in practice. The purpose of the study is to better understand the various roles and functions of the parliament in Bangladesh, analyse the key challenges constraining its effective performance, and identify possible areas of action to address these challenges.

The constitution of Bangladesh bestows the parliament with supreme powers in making laws and approving budgets. It is given wide-ranging authority to scrutinise the actions of the executive who remains accountable to the parliament. Notwithstanding these constitutional powers, in reality, the parliament's performance has fallen far short of its promise of being the central institution of democracy, expressing the will of the people, and making the government regularly accountable to that will.

Various studies have offered various explanations for the deficits in the performance of the parliament in Bangladesh (Ahmed 2002; Khan 2006; Hasanuzzaman and Alam 2010). Some

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[1] *Jatiya Sangsad*, also spelled *Jatiyo Shangshad,* depending on the use of transcription of the Bangla term **জাতীয় সংসদ** (House of the Nation).

have argued that the parliament is seriously disadvantaged vis-à-vis the executive, the latter being dominant in setting the legislative and budget agendas.[2] However, in many parliamentary democracies, where there is no strict separation of powers between the three branches of government, initiatives for formulating laws and budgets are generally taken by the executive branch of the government. But the government's proposals for laws and budgets are then discussed, debated and scrutinised in the parliament.

The weakness of the parliament in Bangladesh is manifested not so much in the absence of its initiatives in formulating laws and budgets, but in the absence of real discussion, debate and scrutiny of the proposals put forward by the executive branch of the government. Several structural factors constrain the effective functioning of the parliament. However, it is the political practices, most notably the practice of boycotting the parliamentary meetings by the opposition which have created major impediments inhibiting the performance of the parliament. In a Westminster-style parliamentary system, the main responsibility for ensuring the government's accountability falls on the shoulders of the opposition in parliament, as the ruling party parliamentarians are expected to support the government. But in Bangladesh since the mid-1990s, the opposition has adopted the tactics of boycotting parliamentary meetings rather than to voice their concerns through discussion and debate in the parliament. Nearly half of the parliamentary working days have been boycotted by the opposition even when both major political parties have rotated in power and also in the opposition. The opposition's practice of boycott of the parliament is unique to Bangladesh.

This pattern of boycott by the opposition (no matter the political party) shows that parliamentary work is not prioritised. This has earned the parliament a negative image. However, successive elections of the parliament since 1991 have generated high popular participation and keen contest amongst the political parties, which means that notwithstanding the shortfalls in the performance of the parliament, both the electorate and the political parties find the parliamentary elections, and thereby presumably the parliament, to be politically relevant. What roles then the parliament and parliamentarians actually perform which make them significant in the eyes of the citizens of Bangladesh? What other roles can they perform, given their constitutional mandates, to make them effective? This study seeks to investigate these questions through a systematic analysis of the performance of the parliament and parliamentarians.

1.2 Rationale, Objective and Scope

The main objective of the study is to generate knowledge about the actual and potential role of the parliament in Bangladesh. Research on the parliament of Bangladesh has been limited. There is one empirical study on the Members of the Constituent Assembly (CA) elected in 1970 and the first parliament elected in 1973 (Jahan 1976a). There are several studies on the fifth and the seventh parliaments (Ahmed and Khan 1995; Ahmed 1997a; Ahmed 1997b; Ahmed 1998), including two book length research contributions (Ahmed 2002; Khan 2006). The eighth parliament has not been systematically researched, and the ninth parliament is only halfway in its term, but some reports have been published on these (IGS 2009; TIB 2011).

The major focus of this present study is to investigate the evolution of the role and functions of the parliament since Bangladesh's independence. Though the parliament performs many roles and functions, we mainly focus on its two key roles: representation and accountability.

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[2]One researcher has called Bangladesh a "prime ministerial" system with a parliament "seriously disadvantaged vis-à-vis the executive" (Ahmed 2002: 137). Another researcher has termed the parliament as "dormant" whereas the executive is "dominant" (Khan 2006).

Representation is a central role of parliament. As the freely elected body, the parliament is "the institution through which the will of the people is expressed and through which popular self-government is realised" (Beetham 2006: 45). One study argues that "the representative function is the primary *raison d' etre* of any popular assembly. It is the constant unbroken thread which traces the evolution of the parliamentary system from its origin to the present day" (Laundy 1995: 42).[3] In Bangladesh, the parliamentarians and the elected governments persistently underscore the legitimacy of their positions as the elected representatives of the people. They claim the primacy of the parliament amongst the three branches of the government (executive, legislature and the judiciary) on the ground that it houses the peoples' elected representatives. In this study, we therefore, explore the representation role in some detail. We analyse three major aspects of representation: political, social and constituency.

Accountability is the other central role of the parliament. Accountability, which implies the responsibility and answerability of the government to the public, has two broad dimensions: vertical and horizontal.[4] Vertical accountability is the means through which citizens, media and civil society attempt to hold the elected representatives accountable. The means are first and foremost elections but also include other pressures and actions. Accountability runs vertically downwards, from agents (elected representatives) to principals (citizens).

The parliament is important in vertical accountability. Citizens can seek support of the parliamentarians to redress grievances and through parliamentary hearings, questions and other means, hold the government accountable. One important dimension of vertical accountability is the parliament's own accountability to the voters and the citizens, who have the final say in a democracy.

Since the citizens do not have strong means to hold elected representatives to account during the term for which they have been elected, democratic constitutions generally provide for horizontal accountability which constitutes the checks and balances within the system, the three branches of the government. Here accountability flows sideways between branches and agencies of government.

The parliament is the key branch holding the executive to account. It is authorised to make laws, collect and allocate government resources (budget making), and to scrutinise and oversee the actions of the executive.

In this study we have studied the accountability role of the parliament in both its horizontal and vertical dimensions. To assess horizontal accountability we analyse the parliament's performance in legislation and budget making; and, in scrutiny and oversight of the executive branch of the government. To investigate the state of vertical accountability, we focus on the issue of the parliament's accountability to the citizens. Here we have explored the practices being used by the parliamentarians as well as citizens to ensure the former's accountability to the latter.

The paper is organised in six sections. Following the introduction, Section 2 discusses the historical evolution of the nine parliaments in the context of the changes in the political system of the country. In particular, this section describes how 'the rules of the game' that is the constitutional and legal provisions, have changed over the years, and how the institutions, procedures and practices have developed over time into the current state of affairs. The

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[3]Quoted in (Ahmed 2002: 166).

[4]See a report titled *Accountability in Governance*, prepared by the World Bank which is available at: http://siteresources.worldbank.org/PUBLICSECTORANDGOVERNANCE/Resources/AccountabilityGovernance.pdf (accessed on 14 March 2012).

systemic changes, from democracy to military rule, and from parliamentary to a presidential system and back, have left a deep imprint on the functioning of the parliament.

Section 3 describes the structure, institutions and functions of the parliament in Bangladesh as prescribed by the constitution and the RoP of the parliament. Some of the problems associated with the structure and institutions are identified, and suggestions to address these problems are discussed.

Section 4 focuses on the parliament's role of representation and its accountability to the voters and citizens. Representation is studied from different perspectives. We investigate several questions: how representative is the parliament politically? How the majority and minority voices are constructed in parliament under the 'first past the post' (FPTP) electoral system? We analyse the accountability of the parliament to the citizens along two key indicators: rendering account by the parliamentarians to the public and the codes of parliamentary conduct. Some of the dilemmas and challenges of representation and accountability of the parliamentarians are analysed and several options to meet these challenges are suggested.

Section 5 analyses the horizontal accountability role of the parliament which is the core area of the parliament's functioning. It looks at legislation, budget, scrutiny and oversight functions. It explores several questions: to what extent is the parliament actually legislating? Is law making an exclusive prerogative of the parliament? How proactive is the institution in its scrutiny of the executive branch? The section analyses long-term patterns and trends. Areas of progress and deficits are identified along with options for corrective measures. Lessons from other countries are discussed and highlighted.

Section 6 is the conclusion summarising key findings, critical issues and suggestions to make the parliament more democratic and effective. Here we list some suggestions already tabled by other studies and reports, and some additional ones not been presented so far. We hope some of these suggestions will contribute to further discussion and debate about the role of parliament in Bangladesh.

1.3 Methodology and Data Sources

The study is based on review of existing secondary sources (books, articles, documents) as well as analysis of primary data. We collected empirical data on the eighth and ninth parliaments. The *Summary of Proceedings* of the eighth and ninth parliaments (upto December 2010) were used to collate data and prepare tables on the law making, scrutiny and oversight functions of the parliament. The indicators used in some of the tables were modelled after some of the earlier studies of the fifth and the seventh parliaments (Ahmed 2002). This was done in order to assess whether some patterns and trends can be identified in the performance of the different parliaments. We present analysis of certain patterns and trends in the evolution of the parliament. The collection of new data and its presentation in a new framework, we hope, will make a contribution to our existing knowledge and understanding about the role of the parliament in Bangladesh.

Data from various sources including the *Member Directory* (NDI 2009) were used to prepare Tables on the parliamentarians' background. Tables on the salary of the members of parliament (MPs) and the budget of the parliament were prepared by accessing data from the websites of various ministries. Newspaper reports were used to prepare Boxes and cite examples. In addition, qualitative and open-ended interviews were conducted with selected key informants

including several MPs.[5] A field trip to a constituency was undertaken to follow an MP's activities during a weekend to illustrate a parliamentarian's actual constituency role.

We held a brainstorming meeting with a number of stakeholders at the beginning of the study. We presented the preliminary findings to a group of informed academics and practitioners, and the revised final findings in a public dialogue attended by MPs, academics, civil society and media representatives, and officials of international agencies. This present report is informed by the discussions of these meetings.

We recognise the methodological constraint that the objectivity and impartiality of secondary sources may be questionable, and that media reports, donor agency self-evaluations, and even academic works may have limited coverage and bias. Overall, however, with the triangulation of methods – perusal of secondary material, statistics and survey material, and in-depth interviews – we are reasonably confident that our findings are valid, despite constraints of time and resources.

1.4 Audience

Since the overall objective of this research is to facilitate better functioning of the parliament, we hope the knowledge generated will benefit various stakeholders. Thus, multiple audiences can use this study. First, the study is addressed to the parliamentarians, who are tasked to improve the functioning of the parliament. It is hoped that discussion and debate will be generated amongst the parliamentarians about the critical issues and suggestions raised by the study. Second, the study is addressed to an academic audience. We present data and offer new insights for understanding the role of the parliament in Bangladesh which contributes to knowledge. Finally, the study is addressed to concerned citizens who are interested in monitoring the performance of the parliament and in advocating measures to improve its functioning.

2. SYSTEMIC CHANGE AND DEVELOPMENT

In the forty years since independence, Bangladesh has rotated between electoral democracy and military rule. Fundamental changes were brought about in the country's constitution partly through amendments approved by the parliament, and partly through orders and proclamations of the military rulers. There have been several shifts between parliamentary and presidential system of government with consequent changes in power and role of parliament. The guiding principles of state policy have also changed. The frequent changes made in the fundamentals of the constitution have hindered the consolidation of a stable democratic system in the country. These changes also adversely affected the development of parliament in Bangladesh. Table 1 presents a summary of the changes in the political system and elections to various parliaments since 1972.

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[5]The range of stakeholders interviewed included MPs and representatives of the parties – Awami League (AL), Bangladesh Nationalist Party (BNP), Jatiya Party (JP), Bangladesh Jatiya Party (BJP), Jatiya Samajtantrik Dal (JSD), Workers' Party; various officials of the parliament of Bangladesh; academics of the Universities of Rajshahi, Dhaka, Jahangirnagar and BRAC; officials of international agencies e.g. United Nations Development Programme (UNDP), National Democratic Institute of International Affairs (NDI), Department for International Development (DFID); and representatives of civil society and think tanks, e.g. Institute of Governance Studies (IGS), Transparency International Bangladesh (TIB), Sujan.

Table 1: Political System and Parliaments: 1972-2011

Parliament	Elected (Year)	Political System Elected Majority Party Head of Government	Tenure (Months)
		*1972-1974: Parliamentary Democracy* *Provisional Constitutional Order 1972* *Bangladesh Constitution 1972*	
First	1973	**Awami League (AL)** Sheikh Mujibur Rahman, Prime Minister	30
		January 1975: Presidential form of Government, 4th Amendment of the Constitution Sheikh Mujibur Rahman, President	
		1975-1981: Military Rule (Presidential form of Government) Army Chief of Staff Major General Ziaur Rahman (Zia)	
Second	1979	Bangladesh Nationalist Party (BNP) Ziaur Rahman, President	35
		1981-1982: Civilian Rule (Presidential form of Government) Justice Abdus Sattar, Acting President	
		1982-1990: Military Rule (Presidential form of Government) Army Chief of Staff Lt. Gen. Hussain Mohammed Ershad, President	
Third	1986	**Jatiya Party (JP)** Hossain Mohammad Ershad, President	17
Fourth	1988	**Jatiya Party (JP)** Hossain Mohammad Ershad, President	31
		1991: Restoration of Parliamentary Democracy	
Fifth	1991	**Bangladesh Nationalist Party (BNP)** Khaleda Zia, Prime Minister	56
Sixth	1996	**Bangladesh Nationalist Party (BNP)** Khaleda Zia, Prime Minister	(12 days)
Seventh	1996	**Awami League (AL)** Sheikh Hasina, Prime Minister	60
Eighth	2001	**BNP-led Four Party Alliance** Khaleda Zia, Prime Minister	60
		2007-2008: Military-backed Caretaker Government	
Ninth	2009	**AL-led Grand Alliance** Sheikh Hasina, Prime Minister	39 and counting

Source: www.parliament.gov.bd/general-4.html (accessed on 4 October 2011); and calculation by authors.

2.1 Parliamentary Democracy: First Parliament (1972-1975)

After independence Bangladesh began its journey as a parliamentary democracy. The *Provisional Constitutional Order* which was promulgated by *Bangabandhu*[6] Sheikh Mujibur Rahman, a day after his return from Pakistani prison to independent Bangladesh on 11 January 1972 noted the "manifest aspiration of the people of Bangladesh that a parliamentary democracy shall function in Bangladesh."[7]

The *Provisional Constitutional Order* provided for a parliamentary form of government with the Prime Minister as the head of a cabinet of ministers. The President was made a ceremonial head to act "in accordance with the advice of the prime minister."[8] A Constituent Assembly was formed comprising the representatives who were elected to the National Assembly and the

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[6]*Bangabandhu* (Friend of Bengal) is a honorary title bestowed on Sheikh Mujibur Rahman.

[7]*The Provisional Constitutional Order 1972* is available at: http://www.secularvoiceofbangladesh.org/Copy%20of%20Sangbidhan%20_Last%20Edited_%20Final.pdf (accessed on 27 September 2011).

[8]Op. cit.

Provincial Assembly between 7 December 1970 and 1 March 1971. In accordance with the norms of a parliamentary system, the Prime Minister was required to be a member of the CA and command the confidence of the majority members of the CA. The next day, on 12 January 1971, Sheikh Mujib stepped down from the position of the President (he was named the President by Bangladesh's *Proclamation of Independence* on 10 April 1971) and was sworn in as the Prime Minister together with other members of his cabinet.

The *Constituent Assembly of Bangladesh Order* was promulgated on 22 March 1972 and the *Constituent Assembly Members (cessation of membership) Order* was promulgated on 23 March 1972. The latter order imposed party discipline on CA members. It stipulated that a member would lose his seat in CA if he would either resign or be expelled by the party that nominated him in the election. The CA began its journey on 10 April 1972 with the sole authority to frame the constitution. This was in contrast to India where the CA also worked as a legislature during 1947 to 1950 when the Indian constitution was being formulated. A 34-member *Constitution Drafting Committee* was constituted which included the lone opposition CA member.[9] The draft constitution was approved by the CA on 4 November 1972, and it came into effect on 16 December 1972.

The constitution provided for a parliamentary democracy based on the Westminster model. The cabinet, headed by the Prime Minister, was vested with the executive power and was made collectively responsible to the parliament, *Jatiya Sangsad* which was invested with all legislative power. The JS would be a single chamber with 300 general seats to be directly elected from single territorial constituencies through the 'first past the post' system. Provisions were also made for 15 reserved seats for women for 10 years to be indirectly elected by the 300 general members.

The President would be elected by the MPs and would act in accordance with the advise of the Prime Minister commanding the support of the majority in parliament. The Prime Minister as well as the members of the cabinet were required to be MPs. Fundamental rights were guaranteed by the constitution. Nationalism, democracy, secularism and socialism were enshrined as fundamental principles of state policy.

On 7 March 1973 Bangladesh held its first parliamentary election which gave the ruling party, Awami League (AL), overwhelming victory. There were allegations of vote rigging in several constituencies (Ahmed 2002: 34). More than half of the electorate (55 per cent) voted and the AL secured nearly 73 per cent of votes cast (Ahmed 2010: 21). The AL won 293 out of 300 general seats in the first parliament. There were two opposition and five independent MPs (ibid).

The first parliament formulated the *Rules of Business of the Parliament* (Ahmed 2002: 80). It passed four constitutional amendments and 154 bills (ibid). On average it passed 19 bills per session (ibid). But the parliament could not grow as an effective forum of deliberation or perform its scrutiny functions as the ruling party's presence was overwhelming and the opposition's presence marginal. Moreover, such was the stature of *Bangabandhu* as the founding father of the nation that he completely dominated the party, the cabinet and the parliament.

2.2 Single Party Presidential System and Military Intervention (1975)

The journey towards institutionalising parliamentary democracy was short-lived. Within two years, on 25 January 1975, the AL-dominated parliament passed the fourth amendment of the constitution which introduced a one-party presidential system of government curtailing fundamental rights, the powers of the parliament and the judiciary. The executive authority was vested in the President who would be directly elected for a five-year term. Instead of a cabinet

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[9]Mr. Suranjit Sengupta.

of ministers responsible to the parliament, there would be a council of ministers appointed by and responsible to the President. *Bangabandhu* Sheikh Mujibur Rahman became the President of the country. He argued that the changes in the constitution were necessary to bring about a democracy for the *Sorbo Hara*[10] (the have-nots, the exploited). But his political experimentation did not last long. On 15 August 1975, a small group of junior military officers acting outside the chain of command, assassinated *Bangabandhu* together with the members of his extended family (Jahan 1976b; Lifschultz 1979).

Following *Bangabandhu's* assassination no attempt was made by the military to directly takeover the state power. Instead one of *Bangabandhu's* colleagues, Khondakar Mushtaq Ahmed, was sworn in as the President. Mushtaq did not abolish the constitution or the parliament but political activities were suspended. He pledged return to parliamentary democracy and national election in February 1977. But Mushtaq was overthrown in a military coup led by senior officers on 3 November 1975, which installed Chief Justice Abu Sadat Muhammed Sayem as the President. The November 3rd coup was quickly followed by another coup and a mutiny on 7 November 1975, when Major General Ziaur Rahman (henceforth Zia), who became the Chief of the Army Staff after the assassination of *Bangabandhu,* emerged as the strongman of the regime (Lifschultz 1979). Chief Justice Sayem was retained as the President and was made the Chief Martial Law Administrator, but real power was exercised by Zia who became the Deputy Martial Law Administrator. After a year on 30 November 1976, Zia became the Chief Martial Law Administrator, and on 21 April 1977 he became the President.

2.3 Parliaments under Military Rule (1975-1990)

2.3.1 Presidential System and the Second Parliament (1975-1981)

Following the model of Pakistani military dictator Ayub Khan (1958-1968), Zia started the process of civilianising his military regime and began to look for political support to consolidate his hold on power. In this quest he found it convenient to bring back the use of religion for political purposes as favoured by the Pakistani rulers. Indeed after becoming the President on 22 April 1977, Zia changed two of the fundamental principles of state policy through a Martial Law Ordinance. Secularism was dropped and was substituted with the word "trust and faith in Almighty Allah," and socialism was redefined as economic and social justice (Ahmed 2002: 40).

It was alleged that Zia used state machineries to engineer elections and build a political party to support his regime (Hakim 2000: 51). On 30 May 1977, he held a national referendum to seek a vote of confidence which claimed 87 per cent voter turnout and 99 per cent 'Yes' vote (Jahan 1980: 235). On 3 June 1977 Justice Abdus Sattar was named the Vice President. A year later in April 1978 Zia lifted the ban on political party activities and multi-party system was revived. On 3 June 1978 Zia was elected President through direct vote under Martial Law. In September 1978, Zia launched his own political party, Bangladesh Nationalist Party (BNP), which was composed of factions of various political parties drawn from both the left and the right.

On 18 February 1979 parliamentary election was held and participated by multiple parties with BNP winning 207 out of 300 seats in the second parliament. BNP's vote share was 41 per cent, much lower than the AL's in 1973 (Ahmed 2010: 28-29). Compared to the first parliament, the second parliament had a significantly higher presence of opposition. There were 77 opposition and 16 independent MPs. The second parliament passed one amendment and 65 bills (Ahmed 2002: 80). On 6 April 1979 the second parliament approved the fifth amendment of the constitution that validated all acts of Martial Law Administration between 15 August 1975 and 9 April 1979. Martial Law was then finally revoked with the restoration of the constitution.

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[10]See, Jahan (1976b) and Maniruzzaman (1980) for an analysis of this period.

Though the parliament was restored and a Prime Minister enjoying the confidence of the majority in parliament was appointed, the real executive power remained with the President who was not accountable to the parliament. However, Zia's experimentations too did not last long. Though he survived as many as 21 attempted coups by the military, Zia was ultimately assassinated by a group of military officers on 30 May 1981.

2.3.2 Civilian Presidency (1981-1982)

Again Zia's assassination, similar to *Bangabandhu's* assassination, did not lead to an immediate takeover of state power by the military. Zia's Vice President, Justice Sattar, became the Acting President and won a presidential election on 15 November 1981. But he was ousted in a coup on 24 March 1982, led by the Chief of the Army Staff Lieutenant General Hussain Mohammad Ershad (henceforth Ershad) who suspended the constitution, dissolved the parliament and abolished the political parties. Ershad became the Chief Martial Law Administrator.

2.3.3 Presidential System and the Third & Fourth Parliaments (1982-1990)

Ershad ruled the country for eight years and imitated Zia in many ways. Initially he too installed a civilian president, Abul Fazal Muhammed Ahsanuddin Chowdhury (March 1982-December 1983), and became the President only on 11 December 1983. He also floated a state-sponsored political party, *Jatiya Party* (JP), composed of various factions from leftist and rightist political parties to support his regime. He too engineered elections (Ahmed 1998: 8).

On 7 May 1986, parliamentary election was held under Martial Law which gave Ershad's JP single largest majority in the third parliament with 153 seats out of 300 (Ahmed 2010: 33-36). JP secured 42 per cent of votes cast (ibid). The opposition's presence in the third parliament was higher than the second parliament. There were 115 opposition and 32 independent members (ibid). Ershad was elected as President on 15 October 1986. The third parliament approved the seventh amendment of the constitution on 10 November 1986, which ratified all actions of Ershad's Martial Law Administration. Martial Law was then withdrawn and the constitution was restored.

However, Ershad faced increasing mass demonstrations on the streets mobilised by both the AL led by Sheikh Hasina, daughter of *Bangabandhu,* and the BNP led by Khaleda Zia, widow of Zia. The BNP boycotted the 1986 parliamentary election, but the AL which contested in the parliamentary election, later resigned from the parliament. On 6 December 1987, Ershad dissolved the third parliament and called for another parliamentary election.

Both AL and BNP boycotted the fourth parliamentary election, held on 3 March 1988. The JP predictably won the majority of seats winning 251 out of 300 general seats (Ahmed 2002: 61). It secured 68 per cent of the votes cast (ibid). The opposition's presence in the parliament was insignificant. There were 24 opposition and 25 independent MPs in the fourth parliament. The fourth parliament passed three amendments of the constitution and 142 bills (ibid: 80). The eighth amendment made Islam the state religion. The ninth amendment provided for direct election of a Vice President. The tenth amendment increased the number of women's reserved seats in parliament to 30 to be indirectly elected by parliament for another 10 years.

However, Ershad continued to face mounting mass movements demanding restoration of democracy. Finally on 4 December 1990, Ershad resigned handing over power to Chief Justice Shahabuddin Ahmed who became the Acting President heading a Non-party Caretaker Government (NCG) that organised parliamentary election on 27 February 1991.

2.4 Parliaments after the Restoration of Democracy (1991-2006)

2.4.1 The BNP Government and the Fifth Parliament (1991-1996)

The 1991 election was recognised by domestic as well as international observers as free and fair (Commonwealth Secretariat 1991). BNP emerged with the single largest majority (140 out of 300 seats) in the fifth parliament and formed the government with Khaleda Zia as the Prime Minister. BNP secured 31 per cent of the votes cast (Ahmed 2010: 63). However, since BNP could not secure an outright majority of seats in parliament, it was able to form government only with the support of 18 *Jamaat-e-Islami* MPs.

In the fifth parliament there was a strong opposition presence. There were 130 opposition and 3 independent MPs. The fifth parliament passed two constitutional amendments and 173 bills (Ahmed 2002: 80). The eleventh amendment of the constitution ratified all actions of the NCG of Justice Shahabuddin Ahmed. However, it was the twelfth amendment which was the most significant as it restored the parliamentary system of government. After initial reluctance, but faced with pressure from the opposition AL as well as BNP's own backbenchers and President Justice Shahabuddin Ahmed, Khaleda Zia finally agreed to move the twelfth amendment of the constitution which was approved on 6 August 1991. The Prime Minister enjoying the majority support in parliament again became the executive head of the government. The President once again reverted back to being the ceremonial head to be elected by the MPs and act in accordance with the advice of the Prime Minister. A nationwide referendum held on 15 September 1991 overwhelmingly (84 per cent) endorsed this shift back to parliamentary democracy (ibid: 57). For the first and the last time an amendment was passed with bi-partisan support, which also had overwhelming popular support.

But the renewed journey towards the consolidation of a parliamentary democracy soon faced many challenges. A major problem was the undemocratic behaviour of the political parties who did not commit themselves to make the parliament effective.

Tables 2A and 2B below present data on vote and seat share of the government, and opposition parties/alliances from the first to the ninth parliaments.

Table 2A: Party Composition and Electoral Performance in First-Fourth Parliaments

Parliament	Ruling Party Vote Share (%)	Ruling Party	Electoral Performance of the Government and Opposition: Number of Seats		
			Govt. MPs	Opposition MPs	Independent MPs
First	73.2	AL	292	2	5
Second	41.2	BNP	207	77	16
Third	42.3	JP	153	115	32
Fourth	NA	JP	251	24	25

Source: Ahmed (2010): 21, 28-29, 33-36; Ahmed (2002):61.
Note: 1) Opposition is MPs of parties not supporting the government or government coalition.
2) In the elections to the first parliament, the AL candidates were declared winner before election day in 11 of the 292 constituencies as every other candidate in those constituencies withdrew their candidature before the election.

Table 2B: Party Composition and Electoral Performance in Fifth-Ninth Parliaments

Parliament	Ruling Party (Coalition) Vote Share (%)	Ruling Party (Coalition)	Electoral Performance of the Government and Opposition: Number of Seats		
			Govt. MPs & Supporters	Opposition MPs	Independent MPs
Fifth	30.8	BNP	158	139	3
Seventh	37.4	AL	179	120	1
Eighth	47.2	BNP (Four Party Alliance)	216	78	6
Ninth	57.1	AL (Grand Alliance)	262	34	4

Source: Ahmed (2002): 55; Nohlen *et al.* (2001): 525-537; Ahmed (2010): 71; http://123.49.39.5/result/report4.php?lang=en (accessed on 9 November 2011).

Note: 1) The *Ruling Party (Coalition) vote share* is the percentage of accumulated votes won by the alliances (Four Party Alliance and Grand Alliance), and the vote share for the largest party has not been possible to segregate.

2) The *Govt. MPs & Supporters* here include supporting parties, i.e. parties that participated in the election separately (outside any alliance) but supported the government (coalition) after elections. This means that the 18 Jamaat-e-Islami MPs are not included in the opposition in the fifth parliament, and that the 32 Jatiya and one JSD (Rab) MPs are not included in the opposition in the seventh parliament.

3) In the ninth parliament, three of the elected independent MPs later joined the AL (thus, the current figure is only one).

4) The sixth parliament, which was elected in March 1996 and survived only six days, has been excluded from the Table.

The two Tables indicate that while the government party's numerical strength in seats was overwhelming in the first four parliaments, after the restoration of democracy in 1991, the parliamentary elections started becoming closely contested. Moreover as is to be expected in a FPTP electoral system, two major parties, the AL and the BNP emerged, and rotated regularly in power.

As Table 2B shows the vote share of the AL and the BNP were near equal and initially the seat share was also close. It was hoped that the emergence of a two-party system would lead to the development of a vibrant and stable parliamentary democracy in Bangladesh as is the case in the United Kingdom (UK) or other democracies with a two-party system. But unfortunately the two parties chose not to use the floor of the parliament to debate and resolve their differences, as is customary in a well functioning parliamentary democracy. Instead they chose a path of confrontation on the streets. The party in power adopted an attitude of 'the-winner-takes-it-all', and began to demonstrate intolerance towards the opposition. The opposition in turn started to boycott parliamentary sessions and called for repeated *hartals* (general strike) and street demonstrations.

The initial bi-partisan engagements between BNP and AL in the fifth parliament over the issue of restoration of parliamentary form of government gradually eroded as the two parties clashed in several by-elections held in 1994. The AL alleged that the BNP government was using state machineries to rig election results. After several contested election results, the AL-led opposition began to continuously boycott parliamentary sessions from May 1994 onwards. It also started street agitations and called for *hartals* demanding institution of an NCG to organise future parliamentary elections, and finally resigned from parliament on 28 December 1995. In all, the opposition missed out 34 per cent of working days of the fifth parliament and called for *hartals* in 80 days.[11]

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[11]The figure on boycotts has been taken from Liton (2011). However, different studies have different figures of boycott and *hartals.*

2.4.2 The BNP Government and the Sixth Parliament (1996)

The BNP government initially rejected the demand for a NCG. It dissolved the parliament on 24 November 1995, and held parliamentary election on 15 February 1996, which was boycotted by all major parties except the BNP. Under mounting pressure from the opposition who called for indefinite *hartals* that immobilised the country, BNP finally conceded to the opposition's demand for a NCG. The sixth parliament, where BNP held 278 seats, met for only 12 days. Its main business was to approve on 28 March 1996, the thirteenth amendment of the constitution which provided for organisation of parliamentary elections under an NCG.

The thirteenth amendment stipulated that at the end of its five-year term, the elected government would hand over power to an NCG, to be headed by the last retired Chief Justice who would be the Chief Adviser. There would be a 10-member non-party council of advisers. The NCG would organise a free and fair parliamentary election within 90 days. The NCG is to only run routine administration and not initiate any major policy change. Under the thirteenth amendment the President, and not the Chief Adviser, received one important portfolio, defense, which during elected political governments remained under the jurisdiction of the Prime Minister. This shift made the office of the President somewhat powerful during the NCG period.

2.4.3 The AL Government and the Seventh Parliament (1996-2001)

Election to the seventh parliament was held on 12 June 1996 under the NCG headed by Justice Muhammad Habibur Rahman. This election was again regarded as free and fair by domestic and international observers (Commonwealth Secretariat 1997). This time the AL emerged as the single largest party in parliament with 146 seats securing 37 per cent of votes cast (Ahmed 2010: 71). Again falling short of absolute majority the AL formed the government with the support of the JP (32 seats) and Jatiya Samajtantrik Dal (JSD) (one seat). Sheikh Hasina became the Prime Minister.

The seventh parliament also witnessed the presence of a strong opposition. BNP won 120 seats. Though BNP initially questioned the fairness of the polls, it later joined the parliament. The seventh parliament passed 189 bills but no constitutional amendment (Ahmed 2002: 80). The BNP-led opposition soon started to allege that it could not voice its concerns inside parliament and was being oppressed outside. The opposition then began boycotting parliamentary meetings and calling for *hartals* and street agitations. In all, 43 per cent of working days were boycotted by the opposition in the seventh parliament, and 332 days of *hartals* were called.[12]

2.4.4 BNP-led Four Party Alliance Government and the Eighth Parliament (2001-2006)

The eighth parliamentary election was held on 1 October 2001 under an NCG headed by Justice Latifur Rahman. This time a BNP-led Four Party Alliance won a majority (216 seats out of 300) and formed the government. The two-thirds majority in parliament ensured the government's capacity to amend the constitution without the support of the opposition. Khaleda Zia again became the Prime Minister. The AL alleged gross vote rigging, but finally decided to join the parliament. The opposition's strength in numbers shrank (78 out of 300). The eighth parliament too witnessed the same pattern of non-participation by the opposition in parliamentary meetings and call for *hartal* and street agitation. In all, 60 per cent of parliamentary working days were boycotted by the opposition and 270 days of *hartals* were called.[13]

The eighth parliament passed 185 bills and one constitutional amendment (TIB 2011). It approved the fourteenth amendment of the constitution on 16 May 2004 which amongst others

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[12]Liton, *op. cit.*

[13]Liton, *op. cit.*

provided for increasing the retirement age of Supreme Court judges from 65 to 67. The opposition rejected this change as a political move to ensure the appointment of Justice K.M. Hasan as the Chief Adviser of the next NCG. The opposition alleged Hasan to be a BNP supporter. The opposition also found the newly appointed Chief Election Commissioner (CEC) Justice M.A. Aziz to be unacceptable as he persistently refused to correct the flawed voter's list which reportedly had 12.2 million bogus voters (NDI 2006).

The confrontation between the BNP-led and the AL-led political forces intensified after the government installed President Iajuddin Ahmed as the Chief Adviser of the NCG, following Justice K.M. Hasan's refusal on 28 October 2006 to take the reins of the NCG in the face of mounting street violence. Exposed to continuing evidence of the partisan character of the Iajuddin NCG (even four advisers of the NCG resigned in protest), the opposition led by the AL eventually took the fateful decision to boycott and thwart the holding of parliamentary election scheduled for 22 January 2007. Faced with the prospects of a near civil war, the military finally intervened on 11 January 2007, and installed a second NCG under the leadership of a civilian, Dr. Fakhruddin Ahmed. The military remained in the background but emerged as the main power behind the Fakhruddin NCG.

2.5 The Military-backed Caretaker Government (2007-2008)

The military-backed Fakhruddin NCG ruled the country for two years (2007-2008) and worked more as an interim government than a caretaker government. It attempted to implement major governance and political reforms that fell beyond the mandate of a NCG, which is supposed to only organise a free and fair parliamentary election. The Fakhruddin NCG initiated a number of institutional reforms, particularly with regard to strengthening the Bangladesh Election Commission (BEC), which yielded positive results. But its agenda of cleaning up politics, particularly its attempt to oust the two top party leaders of BNP and AL, Khaleda Zia and Sheikh Hasina, popularly nicknamed as the 'Minus-2 Strategy' failed, as the two leaders demonstrated their stronghold on the rank and file members of their respective parties (Islam 2008). The Fakhruddin NCG finally gave up on its Minus-2 strategy. It organised election to the ninth parliament on 29 December 2008. A major achievement of the government was the preparation of a new voter's list that eliminated approximately 12.2 million fake voters from the previous list. It also prepared tamper-proof voter ID cards with photographs together with national ID cards which were distributed in record time to all citizens. Another achievement of the government was implementation of measures to lower election-related expenses and violence.

Again the 2008 parliamentary election was perceived as free and fair by all domestic and international observers (ANFREL 2009). The AL-led Grand Alliance was the winner with 262 seats and formed the government on 6 January 2009 with Sheikh Hasina again as the Prime Minister. For the first time in South Asia's history, a *de facto* military government voluntarily transferred power to a democratically elected civilian government. This demonstrated the strength of the political will in favour of democracy in Bangladesh.

2.6 The AL-led Grand Alliance Government and the Ninth Parliament (2009-Present)

The opposition's presence in the ninth parliament sank even further (34 out of 300). The ruling alliance's three-fourths majority in parliament meant that the government could approve any constitutional amendment without discussion with the opposition. The ninth parliament demonstrated some dynamism, particularly in setting up all 48 parliamentary committees in its first session; allocating chairmanship of committees not to ministers, but to some senior parliamentarians of the ruling alliance; and, making opposition lawmakers chairmen of two parliamentary committees. But the opposition continued with the same pattern of boycotting parliamentary sessions. In the first two years the opposition boycotted 74 per cent of the

working days of parliament. However, compared to before, calling of *hartals* diminished with only eight days of *hartal* during 2009 and 2010.[14]

In the first two years, the ninth parliament passed 130 bills. On 30 June 2011, the parliament approved the fifteenth amendment of the constitution which introduced several major changes. Two of these changes are highly contested. First, the fifteenth amendment abolished the provision of NCG to organise parliamentary elections. The BNP-led opposition has rejected this change though it did not participate in the meetings of the parliamentary committee which discussed the constitutional amendment. Nor did the opposition attend the parliamentary session when the amendment was tabled.

Second, the fifteenth amendment restored secularism as a guiding principle of state but it has also maintained Islam as a state religion. This was contested by both the secularists and the Islamists.[15] The former argued that the provision of a state religion is contradictory to the principle of secularism. The latter of course did not want secularism restored. The abolition of the NCG and the refusal of the opposition to participate in elections under the incumbent political government have again created a sense of crisis in Bangladesh. It appears that the government and the opposition are once again on a confrontational path on the streets, and there is still no agreement between the two about the basic rules of the game of electoral democracy.

2.7 Issues for Discussion and Suggestions

The above narrative about the frequent changes of the political system and the evolution of the parliament highlights some of the patterns and trends that are emerging in the elections, party composition and opposition's role in the parliament. These are briefly discussed below. The patterns that are hindering effective functioning of the parliament are identified and a few actions to address these challenges are suggested for further discussion and debate.

2.7.1 Parliamentary Elections

We can identify some commonalities and differences in the nine parliamentary elections. First, elections to the first four parliaments did not generate a lot of popular enthusiasm. The rate of voter turnout was relatively low. For example, in the first parliamentary election voter turnout was 55 per cent (Ahmed 2010). The first parliamentary election in 1973 was held after a year of independence when the country was still preoccupied with the challenges of reconstructing a war-ravaged economy, society and polity. The second, third and fourth parliamentary elections were organised by military regimes and were perceived to be rigged. The elections to the second and third parliaments were organised when the country was still under Martial Law with its limits on fundamental freedoms. The third parliamentary election was boycotted by one major party, BNP. The fourth parliamentary election was boycotted by both BNP and AL.

In contrast, parliamentary elections after the restoration of democracy in 1991 generated high popular interest and drew widespread voter turnout. As noted earlier, starting with 55 per cent in the fifth, voter turnout went upto 74 per cent in the seventh, 75 per cent in the eighth, and a record 87 per cent in the ninth parliamentary election.

Second, elections to the first four parliaments were held under incumbent governments and there were allegations of fraudulent practices by the government. The ruling party always won in these elections and no transfer of power between parties took place as a result of elections.

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[14]Liton, *op cit.*

[15]Cited in: http://www.chtcommission.org/wpcontent/uploads/2011/07/CHTCommission_LetterToPM_Constituti on.pdf (accessed on 4 October 2011).

Intelligence agencies as well as civil and police administration were allegedly used to deliver electoral outcomes dictated by the two military regimes.

In contrast, all the parliamentary elections after the restoration of democracy in 1991, except the sixth, were held under NCG and regarded as free and fair by observers inside as well as outside Bangladesh. All these elections made provisions for election monitoring by independent national as well as international observers. This, again, was a difference from the first four parliamentary elections when there was no provision of independent election observers. In all the elections organised under the NCG system, fifth, seventh, eighth and ninth, the last incumbent government always lost the elections and power was transferred from one party/alliance to another party/alliance as a result. Though the losing side always complained that the elections were not free and fair, ultimately they accepted the results and served as the opposition in parliament.

Finally, none of the first four parliaments could serve its full five-year term. The tenure of the first parliament was 30 months, second parliament 35 months, third parliament 17 months and the fourth parliament 31 months. In contrast, the parliaments elected after restoration of democracy in 1991 more or less served their full term. The sixth parliament was the only exception which met for only 12 days. The fifth parliament served for 56 months, and the seventh and eighth parliaments each served their full five years.

In sum, Bangladesh's experience with elections held under incumbent governments has been far from satisfactory. There had always been allegations of government interference and no incumbent government lost the elections. In contrast, despite allegation of rigging, elections held under NCGs resulted in electoral loss of the last incumbent government and there was a change of power from the government to the opposition party. The NCG system has now been abolished and the opposition has refused to participate in the next parliamentary election under the incumbent government. The impending crisis over the next parliamentary election needs to be resolved urgently. The government and the opposition need to come to an understanding and agreement about the modalities of holding a free and fair parliamentary election, which is the first step to consolidate democracy.

2.7.2 Party Composition in Parliament

Again, there are differences between the first four parliaments and the parliaments elected after the restoration of democracy in 1991 in terms of composition of political parties. First, in the first four parliaments, the ruling parties had a dominant presence. As Table 2A shows, the ruling party won 293 seats in the first parliament, 207 seats in the second parliament, 153 seats in the third parliament, and 251 seats in the fourth parliament.

In contrast, after the restoration of democracy in 1991, we find the emergence of first two major political parties each with near equal vote and seat share. These two parties then formed alliances with smaller parties to increase their vote and seat share. Thus, from 1991 onwards voters were presented with two clear choices, first between two major parties, and then between two major alliances led by the AL and the BNP.

The fifth and seventh parliamentary elections were closely contested by BNP and AL. In the fifth parliamentary election, BNP received 31 per cent vote and secured 140 seats. AL also received 31 per cent votes but it won 88 seats. In the seventh parliamentary election, AL received 37 per cent vote and secured 146 seats. BNP won 33 per cent vote and 116 seats.

Before the eighth parliamentary election, BNP entered into an electoral alliance with three Islamist parties. This electoral alliance yielded rich dividends and the BNP-led Four Party

Alliance received 47 per cent popular vote and 216 seats. BNP itself secured 193 seats. Though AL received 40 per cent of votes its seat share was drastically reduced to 62.

Before the ninth parliamentary election, AL also formed electoral alliances with left-leaning parties. BNP continued with its Four Party Alliance. In the ninth parliamentary election the AL-led Grand Alliance won 57 per cent vote and 262 seats. Within the Grand Alliance, AL alone secured 230 seats. The BNP-led Four Party Alliance received 40 per cent of the popular vote but only 34 seats.

One of the outcomes of the formation of electoral alliances was the increasing differences in seat share between government and opposition in the eighth and ninth parliaments, returning again to the pattern of the first four parliaments when the ruling party wielded overwhelming majority. As a result of pooling of votes of alliance partners in closely contested constituencies, a much smaller difference in popular vote share resulted in larger differences in seat share. For example, in the eighth parliamentary election with 40 per cent vote share, BNP-led Four Party Alliance secured two-thirds majority in parliament. In the ninth parliamentary election with 57 per cent votes, the AL-led Grand Alliance secured three-fourth majority in the parliament.

Yet another emerging pattern of party composition in parliament is the increasing trend of disappearance of smaller parties. In the fifth parliament, apart from the two major parties, nine other political parties were represented with a total of 68 seats. But in the seventh parliament, in addition to the two major parties, only four other parties were represented in the legislature with 37 seats. In the eighth parliament, the Islamist parties joined the BNP in an electoral alliance leaving three other small parties with six seats in parliament. In the ninth parliament all small parties joined the two electoral alliances.

The trend towards huge differences between vote share and seat share in parliament and the dominance of the winner's calls for public discussion and debate about the possibilities of reforming the electoral system, whether to continue with the FPTP system, or change to a proportional representation (PR) system, or to a mixed system consisting of a part FPTP and a part PR system. This issue will be elaborated in Section 4.

2.7.3 Opposition in Parliament

Several patterns and trends are also emerging in the role and functioning of parliament which will be analysed in Sections 4 and 5. The most noteworthy and widely discussed trend is the boycotting of the parliamentary sessions by the opposition, which appears to be unique to Bangladesh. Though from the seventh parliamentary election onwards political parties committed themselves in their election campaigns not to resort to boycotting parliaments if they are to lose elections, they reneged on this electoral pledge and continued with the practice of boycotting parliaments. Indeed the rate of boycott increased from 43 per cent in the seventh to 60 per cent in the eighth, and 74 per cent in the ninth parliament.[16]

It is interesting to note that despite boycotting the plenary sessions, the opposition MPs continue to attend parliamentary committee meetings and join parliamentary delegations on trips abroad. In private conversations most MPs disapproved this practice of boycott. Public disapproval of this practice is also very high. The repeated failures of political parties and their leaders in not recognising the significance of the opposition's role in parliament, notwithstanding its role outside, have grievously hurt the prospects of the development of an effective parliament. Again, all major parties need to come to an understanding and agreement

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[16]Liton (2011).

about rules, procedures and practices to strengthen the role of the opposition in parliament. Some of the suggestions will be further elaborated later in Section 5.

3. STRUCTURE, INSTITUTIONS AND FUNCTIONS OF THE PARLIAMENT

This section describes the structure, institutions and functions of the parliament as defined by the constitution of Bangladesh as well as the *Rules of Procedure*, guiding the parliament's operations. The constitution, formulated in 1972, is the supreme law of the country (Article 7) and has undergone 15 amendments till 2011. The RoP was formulated by the first parliament and has gone through 10 changes till 2006. The performance of the parliament in discharging its roles and functions are analysed later in Sections 4 and 5 of this paper in more detail.

3.1 Structure of the Parliament

3.1.1 Composition

The constitution of Bangladesh envisages a single chamber (unicameral) parliament comprising of 300 directly elected members from single territorial constituencies through the 'first past the post' system (Article 65). As discussed earlier in Section 2, the FPTP electoral system favours the emergence of two major parties or two electoral alliances. Small parties are disadvantaged in getting representation in parliament under the FPTP.

In addition to 300 general members there is a provision of women's reserved seats in parliament. These women are to be 'elected' by the 300 general MPs. This system of indirect election for the women's reserved seats drew opposition from various women's groups who demanded direct elections for women's reserved seats.[17] Initially there was a quota of 15 women's reserved seats for a period of 10 years. The quota was later increased to 30 seats through the tenth amendment of the constitution in 1990, and 45 through the fourteenth amendment of the constitution in 2004. Changing the practice of the majority party electing all the women's reserved seats from its own members, the fourteenth amendment provided for proportional distribution of women's reserved seats among the parties represented in parliament. The recently passed fifteenth amendment of the constitution has increased the number of women's reserved seats to 50, but kept the system of indirect election despite the persistent demands of the women's organisations and the Awami League's own electoral pledge for direct election.[18]

3.1.2 Qualifications and Disqualifications

There are some conditions which qualify and disqualify a person from taking part in the parliamentary elections. To qualify, candidates must be citizens of Bangladesh and at least 25 years of age (Article 66). A person is disqualified for being an MP if he/she (a) is declared by a competent court to be of unsound mind; (b) is an undischarged solvent; (c) acquires the citizenship of, or affirms or acknowledges allegiance to a foreign state; (d) has been, on conviction for a criminal offence involving moral turpitude, sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his release; (e) has been convicted of any offence under the *Bangladesh Collaborators (Special Tribunals) Order,* 1972; and, (f) holds any office of profit in the service of the Republic other than an office which is declared by law not to have disqualified its holder.

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[17]See the demands made by the *Bangladesh Mahila Parishad*: http://www.mahilaparishad.org/Annual%20Report% 202010.pdf (accessed on 8 October 2011).

[18]The AL *Election Manifesto* is available at: http://www.votebd.org/information/parliament/2008/al_manifesto_ 2008_en.pdf (accessed on 8 October 2011).

3.1.3 Conditions for Vacating Seats

The constitution elaborates situations when a seat may be vacated (Article 67). These include among others: (a) failure to take oath within 90 days; (b) being absent from parliamentary sittings for 90 consecutive days without getting prior approval; (c) upon dissolution of parliament; (d) resignation; and, (e) in the circumstances specified in Article 70. The latter stipulates that a member will vacate seat if he/she resigns or votes against the party that nominated him/her. Article 70 further explains that if a member abstains from voting or remains absent from parliament ignoring the direction of the party, he/she shall be deemed to have voted against that party.

Article 70 has been a contested issue for many years (Jahan 1980; Hakim 2000). Some observers have advocated for removing this provision since they consider it as a restriction on MPs' freedom of expression, but others have cautioned that its complete removal may lead to government instability. The majority of key informants interviewed for this study by the CPD-CMI team were in favour of relaxing the stringent conditions of Article 70. They argued that an MP should be allowed to speak and vote against his/her party except in a no-confidence voting. However, the fifteenth amendment of the constitution did not relax the party control on MPs provided by Article 70.

3.1.4 Bar against Double Membership

The constitution bars members from representing more than one constituency (Article 71). It, nevertheless, allows candidates to run for elections in two or more constituencies but once elected, the candidate has to indicate within 30 days which constituency he/she wants to represent. All other winning seats then fall vacant, and the elected person can appoint a member to represent the constituencies where he/she may have been elected from.

3.1.5 Sessions and Quorum

Article 72 specifies that a period exceeding 60 days will not intervene between two sessions of parliament. After the declaration of the results of general elections, the parliament is to be summoned within 30 days and unless it is dissolved by the President, its tenure is set for five years from the date of its first meeting. In case the country is engaged in war, the period may be extended by an act of parliament for not more than one year.

All decisions in the parliament are to be taken by a majority of the votes of the members present and voting, but the person presiding will not cast his/her vote except if there is an equality of votes. The constitution requires presence of at least 60 members to constitute a quorum for parliament.

3.1.6 Privileges and Immunities

The constitution grants certain privileges and immunities to the parliament and its members (Article 78). The proceedings of the parliament cannot be questioned in any court. MPs are not liable to any court in respect to statement or vote in the parliament or in any committee. An officer of the parliament, who has been given authority for the regulation of procedure, the conduct of business or the maintenance of order in the *Jatiya Sangsad*, cannot be questioned by any court in relation to the exercise of such powers.

3.1.7 Salary and Allowances of MPs

The *Members of Parliament (Remuneration and Allowances) Order*, 1973 entitles members to draw financial benefits. Table 3 presents the salary and allowances being drawn by MPs since 1973. The latest version of the Order has increased the salary and allowances of the MPs. The MPs' salaries have now been raised to Tk. 27,500 per month and discretionary allowance is Tk. 300,000 per year.[19]

Table 3: Salary and Allowances of MPs

Indicator	Amount (Taka)				
	1973	**2000**	**2003**	**2005**	**2010**
Remuneration (per month)	1,000	10,000	10,000	15,000	27,500
Constituency Allowance (per month)	-	5,000	5,000	5,000	7,500
Sumptuary Allowance (per month)	-	-	2,000	2,000	3,000
Transport Allowance (per month)*	-	-	-	-	40,000
Official Expenses (per month)	1,500	6,000	6,000	6,000	9,000
Laundry and miscellaneous expenses (per month)*	-	-	-	-	5,000
Travel within country (Annum)	3,000	30,000	50,000	50,000	75,000
Discretionary grant (Annum)	-	75,000	100,000	100,000	300,000
Medical facilities for family members (per month)	100	-	200	200	700
Telephone at residence (per month)	100	4,000	6,000	6,000	7,800
Travelling Allowance (per km)	0.80	1	6	6	10

Source: *Members of Parliament (Remuneration and Allowances) Order*, 1973 as amended upto 2010. Available at: http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=455 (accessed on 8 October 2011).
Note: *New inclusion by the ninth parliament in 2010 by the amendment of the Order.

By the 2010 amendment of the Order, MPs are to be provided with an insurance cover worth Tk. 1 million (previously Tk. 0.5 million) against death or permanent disablement caused by accident during their terms of office. Besides, MPs receive a daily allowance at the rate of Tk. 800 and a conveyance allowance at the rate of Tk. 200 for each day they attend the sitting of parliament or the meeting of committees or any other official duties in parliament.

A new inclusion in the latest version of the Order is transport allowance where a member is entitled to receive Tk. 40,000 per month. This includes fuel allowance, vehicle maintenance allowance and salary of the driver. A further new inclusion by the new amendment is laundry allowance, entitling MPs to receive an allowance of Tk. 1,000 per month and miscellaneous expenses allowance of Tk. 4,000 per month.

Two items related to allowance and privileges of MPs have drawn public criticism. First is the issue of import of tax-free cars by the MPs. By an ordinance enacted on 24 May 1988, MPs have been enjoying the privilege of buying and importing tax-free cars and jeeps. This privilege has generated a lot of debate and criticism. The last caretaker government (2007-2008) abolished this privilege, but the ninth parliament has again restored it.

The second debated issue is the discretionary grant allotted to the MPs for local development purposes. The MPs are now entitled to receive Tk. 30 million per year for development purposes of their constituencies. This provision is contested as it has created opportunities for distribution of patronage to partisan supporters. Moreover, frictions have developed in many

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[19]Tk. refers to the Bangladesh currency unit Taka; Tk. 80.5 = USD 1 as of 23 March 2012.

places between the MPs and elected representatives of local government over the control of development funds and projects.[20] This issue will be further discussed later in Section 4.

3.1.8 Code of Conduct

The RoP contains rules which are to be observed by MPs in the parliament (Chapter XXVII [Rules 267-77]). These are general ethical codes of conduct which seek to promote cordial behaviour of the MPs in the parliament by disallowing them from making a personal charge or using offensive, vulgar expression against other members. Though Rule 270 (ix) talks about 'unparliamentary expressions' the term has not been elaborated in the RoP, and as a result, MPs themselves have been calling for formulating a code of ethical conduct for MPs in the *Jatiya Sangsad*.

3.1.9 Budget of Parliament

The budget of the parliament is relatively small particularly in comparison to other institutions, such as the Prime Minister's office (Table 4). Total public expenditure is the lowest for the President's office.

Table 4: Budget of Parliament and Other Selected Institutions

Institution	Type of Expenditure	Budget 2011-12	Revised 2010-11	Budget 2010-11	Actual 2009-10	Budget 2009-10
Parliament	Non-Development	1230	1050	990	650	590
	Development	380	150	10	10	60
Prime Minister's Office	Non-Development	1530	1810	1180	1400	930
	Development	3530	3150	1740	640	1540
President's Office	Non-Development	110	110	90	80	70

Source: Ministry of Finance, Government of Bangladesh; compiled from: http://www.mof.gov.bd/en/index.php?option=com_content&view=article&id=184&Itemid=1 (accessed on 14 September 2011).
Note: All figures in BDT million.

3.2 Institutions of the Parliament

3.2.1 Speaker/Deputy Speaker

Speaker is the most powerful institution of the parliament who is not only important for ensuring the orderly conduct of the JS, but also for maintaining its public image as a representative institution. The Speaker is usually chosen from one of the two largest parties in the parliament by the members. In Westminster-style parliaments, the Speaker generally maintains political neutrality. He/she generally does not exercise a deliberative vote and only votes by convention to ensure that the government does not fall. In UK, the Speaker resigns from the party. However, in some other countries such as Australia, the speakership is a partisan position.

The constitution of Bangladesh instructs that a Speaker and a Deputy Speaker should be appointed in the first sitting of parliament (Article 74). The Speaker ranks third in the *Warrant*

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[20]See, Majumder (2011) for a discussion on the MP-local government conflicts.

of Precedence.[21] Article 54 of the constitution empowers him to act as the President during his absence or illness or a vacancy until a President is elected.

The RoP's Chapter IV (Rules 14 to 19) details the power and functions of the Speaker. He/she is mandated to preserve order and decorum (14[2]) and to decide on all points of order (14[4]). The Speaker consults with the leader of the JS, who is typically the Prime Minister and leader of the ruling party, in allotting time for transaction of business (Rules 25 and 26). The Speaker has the power to punish members for misconduct (Rule 15), suspend members (Rule 16) and suspend sittings in case of disorder (Rule 17). He decides on the admissibility of notices which cannot be challenged in a court, and his permission is needed to make any arrest within the precinct of the JS (Rule 174). The administrative power of the parliament secretariat is also vested with the Speaker.

In Bangladesh, the Speaker is elected from the ruling party, and in some cases has demonstrated loyalty to the decisions of his party's central leadership. For example, one study noted that "in the eighth JS, the Speaker dared not place some private member's bills (PMBs) (which do not always serve the ruling party's interests) before the JS, before prior recommendation of the then law minister, fearing rebuke by the party's leadership" (Rahaman 2010: 492).

3.2.2 Leaders

In general, there are two leaders in a parliamentary system: the Leader of the House and the Leader of the Opposition. The RoP describes the Leader of the House as the Prime Minister or a minister, who is a member of the parliament, nominated by the Prime Minister to function as the leader of the house. It defines the Leader of the Opposition as the member who, in the opinion of the Speaker, is the leader of the party in opposition to the government having the greatest numerical strength in the JS. The leader of the opposition is entitled to the same salary, allowances and other privileges which are admissible to a cabinet minister.

The speaker consults the Leader of the House in allotting time in a number of areas, such as PMBs (Rule 25), government business (Rule 26), remaining business at the end of the day (Rule 30), President's address to the house (Rule 34), short duration discussion (Rule 69), vote of demand for grants (Rule 117), two or more resolutions for disapproval of ordinance (Rule 144), and motions (Rule 156). In addition, the leader of the JS can request the Speaker to fix a day or part of a day for sitting of the House in secret (Rule 181).

3.2.3 Whips

Whips are key agents appointed by both the government and the opposition to ensure party discipline in legislature. The role of the whip is basically to ensure the presence of the MPs when voting takes place. For major votes, both the government and the opposition attempt to maximise turnout and the whip's job is to ensure this takes place. Other duties of whips include keeping MPs informed about forthcoming parliamentary business, and passing on to the party leadership the opinions of backbenchers and vice versa.

The *Bangladesh (Whips) Order*, 1972 calls for appointing a Chief Whip and six whips.[22] The Bangladesh parliament started with one Chief Whip and two whips, which later increased to four and then to five in 1979 and 1986 respectively through presidential ordinances. In 2001 the number of whips was increased to six.

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[21]The Warrant of Precedence can be accessed at: http://www.pmo.gov.bd/pmolib/legalms/pdf/warrant-of-precedence-1986.pdf (accessed on 17 September 2011).

[22]The Order can be accessed at: http://www.parliament.gov.bd/Whips%20Order%20&%20Rules,%201972.pdf (accessed on 17 September 2011).

According to the *Warrant of Precedence*, the Chief Whip is accorded the rank of a minister and six whips rank of state ministers with regard to their entitlements and privileges. The Chief Whip is responsible for supplying MPs with information about the business of parliament, securing their attendance in parliament, arranging the business of each sitting of parliament and performing any other functions which may be assigned or prescribed by the Leader of the House. Other six whips are expected to perform functions as may be assigned or prescribed by the Chief Whip. There is only one opposition whip in the parliament.

In Bangladesh the existence of Article 70 reduces one of the key roles of the whips, which is to produce votes for the party. Since Article 70 prohibits floor-crossing, MPs follow party-line in voting and the whips do not have to ensure party discipline in voting.

3.2.4 Parliamentary Committees

Article 76 of the constitution calls for establishing three standing committees: Public Accounts Committee (PAC), Committee of Privileges (CP), and other committees as may be required by the RoP. The constitution describes the power of the standing committees to: (a) examine draft bills and other legislative proposals; (b) review the enforcement of laws; (c) investigate or inquire into the activities or administration of a ministry; and, (d) perform any other function assigned to it by the parliament. Powers of the committees include enforcing the attendance of witnesses and examining them on oath, compelling the production of documents and restriction on public access to the committees' work.

Today, there are 48 committees. Table 5 presents the typology of parliamentary committees, number of members and the authority responsible for appointing chairmen of the committees.

Table 5: Parliamentary Committees

Name of Committee	Number of Members	Chairman (Appointed/Nominated by)
Business Advisory Committee	15	Speaker *ex-officio*
House Committee	12	Speaker
Library Committee	10	Deputy Speaker *ex-officio*
Committee on Petitions	10	Speaker
Privileges	10	Parliament
Public Accounts	15	Parliament
Public Undertakings	10	Parliament
Estimates	10	Parliament
Govt. Assurances	8	Parliament
Private Member's Bills and Resolutions	10	Parliament
Rules of Procedure	12	Speaker *ex-officio*
Standing Committees on Ministries (37 in total)	10 per committee	Parliament

Source: Cited in: http://www.parliament.gov.bd/general-11.html (accessed on 6 September 2011).
Note: Privileges and Public Accounts Committee are provided by the constitution.

Chapter XXVII (Rules 187-266) of the RoP deals with the establishment, functions and scope of authority of the committees. The Rules provide guidelines for the establishment of a number of committees. Rule 196 empowers the committees to appoint one or more sub-committees, each having the powers of the undivided committee, to examine any matters that may be referred to them. Of all the parliamentary standing committees, PAC is one of the key instruments responsible for holding the executive accountable. This is also the case in other parliamentary democracies such as UK and India.

The PAC is considered to be the bridge between the Office of the Comptroller and Auditor-General (OCAG) and the executive. PAC is mandated to examine the OCAG's report and also appropriation, finance, accounts, irregularities/lapses of institutions and other accounts laid before the JS. Rule 233(2) further stipulates that the PAC has to satisfy itself about proper spending of public money and authorised expenditure. According to Article 132, the reports of the Auditor-General are to be submitted to the President, who then provides it to the parliament. The report is subsequently sent to the PAC, which according to Rule 233, will submit its report to the JS. It is, however, not mandatory that the report be discussed in the parliament, but the Speaker has the discretion to allow members to do so.

3.2.5 Parliament Secretariat

Article 79 of the constitution mandates the establishment of a parliament secretariat which is to be independent of executive control. In 1982 rules and regulations were framed as a temporary measure by the President after consulting the Speaker, governing the recruitment of the officials and the conditions of their services. Appointment to senior posts of the parliament secretariat was made by the President and to create new posts in the secretariat, it was necessary to get clearance from the Ministry of Establishment and Ministry of Finance (MoF). However, with the enactment of the *Parliament Secretariat Act,* 1994 the secretariat was empowered to regulate the recruitment and conditions of service of persons appointed to the secretariat. The Act invested the Speaker with all administrative and financial powers of the secretariat. But the senior officers are still today seconded from general civil administration and not direct appointees of the parliament secretariat.

3.2.6 Parliament Library

The Legislative Information Centre (LIC) offers a range of services to the MPs, parliament secretariat officers and staff, and authorised researchers. The LIC provides an archive service for the JS and facilitates public access to valuable records preserved in the library. The records include full parliamentary documentation of the People's Republic of Bangladesh, parliamentary documentation of other selected countries, official gazettes and judicial papers, bound editions of Bangladesh newspapers, and books and journals with special emphasis on constitutional and parliamentary matters.

The LIC is, primarily, a service devoted to the MPs aimed at assisting them in the discharge of their duties. It is committed to providing the members with updated and reliable information. The LIC also provides access to modern information technology (IT), allowing MPs and their duly authorised personal staff to conduct research through internet services and to communicate through e-mail services available at the LIC Computer Users Centre and in the MP's reading room. Special permission from the Speaker is required for researchers to use the parliament library facilities.

Rule 257 of the RoP calls for constituting a Library Committee consisting of the Deputy Speaker and nine other members from the parliament nominated by the Speaker. The RoP describes the functions of the committee and sets out the conditions for printing and publication of parliamentary papers. This authority has been vested with the Speaker.

3.3 Roles and Functions of the Parliament

The parliament plays a variety of roles and has multiple functions. As noted earlier, this study focuses on its two key roles. The first and foremost is the parliament's representation role and its accountability to the electorate. The other key role of the parliament is to ensure horizontal accountability which includes its core functions of legislation and budgeting, and scrutiny and oversight of the executive. The constitution and the RoP do not elaborate all aspects of the

parliament's representation role. However, its horizontal accountability and related functions are more elaborately detailed in the constitution and the RoP.

3.3.1 Representation and Accountability to the Electorate

The parliament's role as a representative institution and its vertical accountability to the citizens go hand in hand. To be representative, a parliament needs to first represent popular will. This is generally done through elections. As noted earlier, Article 65-70 of the constitution detail the provisions related to the electoral system and qualification and disqualification to participate in parliamentary elections. In addition, the *Representation of the People's Order* (RPO) 1972 and its later amendments elaborate the various rules governing the parliamentary elections. Thus, the constitution as well as the RPO set the parameters of political representation.

The 1972 constitution and its later amendments also provided for special measures to promote representation of social diversity such as the provision of women's reserved seats. However, one vital aspect of the representation role, i.e. representation of the interests of the constituency, is not detailed by the constitution. In reality, however, this is a critical function as the parliamentarian's political survival depends on how effectively they perform this function. Finally, to be representative the parliament needs to be accessible to the public, transparent in its workings and elected members need to be accountable to the electorate. Section 4 analyses how the parliament and the parliamentarians in Bangladesh have been performing their representation and vertical accountability roles, particularly the parliamentarians' accountability to the voters and the citizens.

3.3.2 Legislation and Budget

The law making and budgetary powers of the parliament are detailed in both the constitution and the RoP. The legislative procedure and the scope of ordinance making power have been established in Articles 80 and 93 respectively of the constitution. The RoP (Chapter XIII) further defines the legislation process to be followed in introducing government and PMB (Rules 72-75), publication of bills (Rule 76), consideration of bills (Rules 77-89), passing of bills (Rules 90-96), and reconsidering bills returned by the President (Rules 97-98). Articles 82, 85 and 87 of the constitution elaborate measures for taxation, regulation of public money, and the presentation of the Annual Financial Statement (AFS).

How effectively the various parliaments in Bangladesh have been carrying out their legislation and budget functions are discussed in Section 5.

3.3.3 Scrutiny and Oversight

The scrutiny and oversight of the actions of the executive are carried out through a number of institutions and processes of the parliament. The parliamentary committees play an important role in this. But it is the opposition in parliament who needs to play the key role as generally the Treasury Bench will tend to support the executive. In Bangladesh, the opposition's role is even more critical as the MPs belonging to the ruling party/alliance are discouraged from criticising the government, under the strict conditions of Article 70.

There are several methods available to MPs to perform their scrutiny and oversight functions. These include questions, discussions and motions. The MPs can ask questions to the Prime Minister, other ministers and the parliament secretariat. The Prime Minister's Question Time (PMQT) was introduced in the seventh parliament. Rule 41 of the RoP stipulates that the first hour of every sitting shall be available for the asking and answering of questions, and on every

Wednesday of the session, an extra 30 minutes will be made available for PMQT. Rule 59 provides opportunity for short notice questions on matters of public importance.

Discussions in the parliament can take place in different ways. They include half-an-hour discussion (Rule 60), discussion on matters of public importance for short duration (Rule 68), and calling attention of ministers to matters of urgent public importance (Rule 71). There are also discussion on principles of bills (Rule 78) and general discussion of the annual budget (Rule 115).

The framework for moving motions for adjournment on a matter of public importance is provided under Rule 61 of RoP. Here, the Speaker remains the key player in deciding whether such motions can be admitted in the JS. Motion of no-confidence can be moved under Rule 159.

Section 5 reviews how the parliaments in Bangladesh have been conducting their scrutiny and oversight functions.

3.4 Issues for Discussion and Suggestions

Issues and suggestions related to the roles and functions of the parliament are analysed later in Sections 4 and 5. We highlight here several problem areas related to the structure and institutions of the parliament, which need further discussion. Concrete measures need to be developed to address these structural shortcomings in the JS's operations.

3.4.1 Speaker and Deputy Speaker

As the Speaker plays a pivotal role, he/she should be perceived to be someone who is neutral. However, the neutrality of the Speaker has often been called into question in Bangladesh. The fact that all adjournment motions tabled by the opposition were rejected by the Speaker and Deputy Speaker in the eighth and ninth parliaments has been cited as one of the examples of their partisan bias.[23]

Several suggestions have been put forward by different studies and groups to protect the neutral image of the Speaker and Deputy Speaker. One suggestion is to appoint the Deputy Speaker from the opposition bench. Another suggestion is to follow the practice of the UK House of Commons where the Speaker resigns from the party and becomes a non-party person.[24] During the next parliamentary election, the Speaker is listed on ballot papers not with a party affiliation, but as 'Speaker Seeking Re-Election.' Another suggestion is to follow the Indian practice where the Speaker is generally selected after informal consultation with all the parties and not unilaterally by the ruling party/alliance (Rahman 2000).

3.4.2 Parliamentary Committees

Committees play an instrumental role in securing the compliance of officials and government. Data indicate a slow progress over the years in the functioning of the committees. Initially the committees were chaired by the ministers. This was changed in the seventh parliament when non-ministers became chairs. In the current parliament, many senior members of the ruling alliance have been given chairs and even two committees are being chaired by opposition MPs. Some of the committees in the ninth parliament are active and drawing media attention.

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[23]Mondal (2011).

[24]The role of the British Speaker has been described by the House of Commons and the document can be accessed at: http://www.parliament.uk/documents/commons-information-office/m02.pdf (accessed on 6 September 2011).

However, the performance records of the committees are mixed. One committee chair interviewed by the CPD-CMI study team claimed that he was successful in getting the committee's recommendations accepted and implemented by the ministry concerned, as they brought new ideas and the committee developed good working relationship with the ministry. Some other committee chairs and members, however, presented a very different picture where they argued that their recommendations were not being taken into consideration by the ministry concerned.

Different studies as well as CPD-CMI team interviews have underscored several problems faced by the committees.[25] First, many agencies fail to supply relevant documents to the committees, and respondents also refuse to turn up to give evidence. Media reports have highlighted several such cases. For example in the ninth parliament, an adviser to the Prime Minister and a head of an autonomous agency refused to respond to the committee's summons.[26] Second, through reports, the committees can only make suggestions which need not be acted upon. Third, committees lack resources to carry out detailed inquiries and scrutiny. Finally, many committees are also constrained because some of the committee members have conflict of interest in the areas of work. Though Rule 188 (2) prohibits a member with a personal/pecuniary interest in a matter to become a member of a committee, this is not adhered to in practice. Generally the Prime Minister and the Chief Whip decide who becomes a member of a parliamentary committee, and there is no mechanism to screen out committee members who may have conflict of interest.

Various suggestions have been put forward by different studies to improve the functioning of the committees. Good practice examples from UK and India have been cited as models. British parliamentary committees formally enjoy wide range of autonomy and power. They can determine their own agenda and appoint specialist advisers if necessary. All select committees have power to send for persons, papers and records and have power to publish the names of persons who have appeared as witnesses before them. Also, recommendations of the committees, in particular PAC, are invariably accepted by the government (BIPS 2009). Government departments also respond to the reports of the committees within two months of their submission to the House of Commons.

In India, ministries submit 'actions taken reports' to the parliament, providing details on progress in the implementation of recommendations of various departmentally related standing committees, set up in 1993, and explaining the reasons for delay or rejection, if any. The chairs of PAC and the Public Undertakings Committee (PUC) are drawn from opposition MPs (ibid).

Several suggestions have also emerged from CPD-CMI team's interview. First, the MPs should be carefully evaluated to assess their suitability in serving in different committees. Particularly, care should be taken to screen out members with conflict of interest. Second, chairpersons of the committees should be allocated proportionally to the seats held by the parties but the chairperson of key committees of financial accountability, such as PAC and PUC, should be member from the opposition party.

Finally, since the RoP falls short of making it mandatory for the ministries to comply with the committees' requests, it was suggested that a timeframe may be prescribed in the Rules for implementation of committee recommendations. If ministries have reservation on the implementation of any recommendation, a statement may be made by the concerned minister again within a prescribed time limit set by the RoP.

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[25]One of the most detailed documents is the Conference Report prepared by the Bangladesh Institute of Parliamentary Studies (BIPS) (BIPS 1999).

[26]See the reports by *The Daily Star*: http://www.thedailystar.net/newDesign/latest_news.php?nid=18972; http://www.thedailystar.net/suppliments/2010/02/ds19/segment1/substance.htm (accessed on 10 October 2011).

There are contestations about some of the suggestions related to improving the committees' work. For example, some interviewees argued that the committee meetings should not be held in private and should be made open to the public. This has happened in South Africa where committee proceedings are now open to the public which has forced MPs to be more aware about the topic of debates (Beetham 2006: 43). However, some others have argued that the current system of keeping committee work private should continue as parliamentarians feel more comfortable to come to a consensus and practice give and take, when they discuss issues in private. If committee work is made public, then MPs from opposition parties may even be tempted to start boycotting committee meeting as they may not want to be seen in making trade-offs in reaching agreements.

3.4.3 Parliament Secretariat

Until the enactment of the *Parliament Secretariat Act* in 1994, most of the class-I officers of the parliament secretariat were deputed from civil service, implying heavy dependence on the approval of the Ministry of Establishment and the Ministry of Finance for creating new posts. Following the enactment of the *Parliament Secretariat Act*, the officials who were deputed to the secretariat were absorbed as parliament secretariat staff (Hashem 2001: 18-21).

However, human resources that are available in the secretariat are not adequate for the committees and there are problems with career development of officials. Though like India, the Bangladesh parliament secretariat has a separate set of laws regulating the recruitment of its officials, the senior management posts of the secretariat, including the secretary, are still filled in by deputation. There had also been allegations of corruption in the recruitment of officials against the Speaker of the eighth parliament.[27]

In recent times, the financial independence of the parliament secretariat has come under scrutiny. In August 2011, the parliament secretariat rented out the pavement on the premises of the parliament for shops in an attempt to generate revenue.[28] The parliament secretariat received Tk. 0.2 million for permitting a month-long fair with 40 shops showcasing various merchandise. This has negatively affected the image of the most powerful law making institution of Bangladesh.

It is difficult to ascertain the factors hindering the workings of the parliament secretariat since it has been granted both administrative and financial autonomy. In the CPD-CMI interviews, there was a common perception that there was no guaranteed staff for the parliament secretariat. Frequent job-rotation hindered capacity building of the parliament secretariat and the secretaries have the same tenure as the Speaker (one government term), and thus, their position needs to be protected. It was, therefore, felt that the Speaker-secretariat relationship should be examined, and the secretariat should be made more independent.

4. REPRESENTATION AND ACCOUNTABILITY TO THE CITIZENS

As noted earlier, representation is a key role of the parliament since the legitimacy of its other functions such as law making, budget making, scrutiny and oversight of the actions of the executive branch of the government derives from the fact that the parliament is the House of the people's representatives.

The representation role has many dimensions and involves many functions (Beetham 2006: 13). A democratic parliament not only represents popular will, it is also expected to reflect social

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[27]See the report: http://www.thedailystar.net/newDesign/news-details.php?nid=167725 (accessed on 10 October 2011).

[28]See, Ali (2011).

diversity, and debate and negotiate differences between different groups. At its best, through democratic discussion and compromise, the parliament is supposed to work for public interest that is more than the sum of individual or sectional interests. At the same time as a representative institution, the parliament has to be responsive to people's needs. This generally gets translated in practice by the parliamentarians' being responsive to the needs of their specific constituencies.

The representation role of the parliament is closely associated with its accountability to the electorate. The voters and citizens expect that the parliamentarians will be accessible to them, will be transparent in their business, and will in the final analysis be accountable to them.

In this section we focus on the above two interrelated issues. We investigate how the parliament is performing as a representative institution, and how it is discharging its accountability to the voters and the citizens.

4.1 Representation of Popular Will: Elections

The first criterion of a democratic parliament is that it should represent popular will. This is generally expressed through the choices people make for their representatives and for political parties in whose name they contest the elections. Electoral rules and procedures are important to ensure that the parliament is politically representative. A basic requirement is to guarantee free and fair elections. As discussed earlier in Section 2, Bangladesh has been struggling since independence to institutionalise a system to organise free and fair elections acceptable to all contestants so that the representative character of the *Jatiya Sangsad* is not impaired. Unfortunately this still remains an unfinished agenda and needs urgent attention.

In addition to the fairness of the electoral process, the choice of an electoral system is also important as it affects the political representativeness of a parliament, particularly in defining 'majority' and 'minority' which can sometimes be misleading. First, under the 'first past the post' electoral system, a party can claim to represent majority popular will by winning a majority of seats in parliament despite securing less than majority popular vote. As Table 6 shows, in the fifth and the seventh JS the majority party forming the government secured only 30 per cent and 37 per cent of popular votes respectively. Indeed since the restoration of democracy in 1991 none of the governments, except the current one, secured majority popular vote.

Second, under the FPTP system a small difference in vote share can go hand-in-hand with a large difference in seat share. For example, as indicated by Table 6, in the fifth JS, the Awami League with 30 per cent of vote share got 29 per cent of seats. In contrast the Bangladesh Nationalist Party also with 30 per cent of votes got 46 per cent of seats. In the eighth JS, the AL with 40 per cent of vote share received only 20 per cent of seats. In contrast, the BNP-led Four Party Alliance with 47 per cent of votes got 72 per cent of seats and, thus, a two-thirds majority in parliament. Similarly, in the ninth JS, 57 per cent of popular vote yielded 87 per cent of seats for the winning AL-led Grand Alliance. The creation of an overwhelming majority in parliament, despite a relatively small difference in popular vote share, gives a disproportionate advantage to the winner who may then lose incentives to engage in a discussion and compromise with the opposition. In Bangladesh the victorious Four Party Alliance passed the fourteenth amendment of the constitution and the Grand Alliance passed the fifteenth amendment of the constitution without consulting the opposition.

Table 6: Votes Share vs Seat Share of Major Parties/Alliances

Parliament	Indicators	Awami League (AL)	Bangladesh Nationalist Party (BNP)	Jatiya Party (Ershad)	Jamaat-e-Islami
Fifth	Votes (%)	30.1	30.8	11.9	12.1
	Seats (#)	88	140	35	18
	Seat share (%)	29.3	46.6	11.6	6
Seventh	Votes (%)	37.4	33.6	16.4	8.6
	Seats (#)	146	116	32	3
	Seat share (%)	48.6	38.6	10.6	1.0
Eighth	Votes (%)	40.2	47.2	7.2	
	Seats (#)	62	216	14	
	Seat share (%)	20.6	72.0	4.6	
Ninth	Votes (%)	57.1	39.9		
	Seats (#)	262	34		
	Seat share (%)	87.3	11.3		

Source: Ahmed (2002: 55); Nohlen *et al.* (2001: 525-537); Ahmed (2010: 71); http://123.49.39.5/result/report4. php? lang=en (accessed on 9 November 2011).
Note: Major parties only. For the eighth parliament the BNP share includes all Four Party Alliance partners. For the ninth parliament the AL share includes all Grand Alliance partners, whilst the BNP share includes all Four Party Alliance partners.

Time has come to discuss and debate the pros and cons of different electoral systems, their impact on the functioning of a representative parliamentary democracy, and the risks and gains of changing the electoral system in Bangladesh. For example, in contrast to the FPTP, the proportional representation system distributes seats in parliament proportional to popular votes, and it is therefore, designed to produce a parliament that broadly reflects the electorate's choices for the respective parties and the spread of political opinion. It also ensures the representation of small parties.

However, there are also some drawbacks of the PR system. First of all it may weaken connections between the voters and an identifiable local representative, a connection that is important for facilitating access of the electorate to the MPs and for representing local interests. In a country such as Bangladesh where administration is highly centralised, MPs play a vital intermediary role representing local issues to the centre and bringing development resources from the centre to the locality.

Secondly, a PR system makes the party more important as in drawing up list of candidates parties need not pay much attention to the local winability factors of a candidate. In Bangladesh, a PR system may lead to even more concentration of power in the hands of the party leadership who need not take into consideration any other quality of a candidate except his/her personal loyalty to the leader in drawing up party lists.

However, many countries are opting for a mixed system, a combination of FPTP and PR. Nepal has recently adopted a mixed electoral system. The experiences with the mixed system need to be further studied in Bangladesh to assess its implications for improving the quality of representation.

The issue of the electoral system and its impact on political representation will be discussed more in detail later in Section 4.5.

4.2 Representation of Social Diversity

Democratic parliaments these days are expected to represent social diversity of the population in terms of gender, religion, ethnicity and other politically significant markers of differentiation. Many countries around the world have adopted special measures to address the issue of under-representation of different social groups in parliament as a parliament that does not reflect social diversity leaves some social groups feeling excluded from the political process. In Bangladesh, the persistent problem of women's under-representation has been discussed and debated for a long time and special measures have been taken. But the under-representation of other groups, most notably the religious minorities such as the Hindus, has not been much discussed.

4.2.1 Representation of Women

Women remain the most under-represented group in Bangladesh. Though women are nearly 50 per cent of the population and the two major political parties have been headed by two women leaders for the last 30 years, the number of women directly elected to parliament has been painfully low, from 2-3 per cent to a maximum of 6 per cent in the ninth JS. Less than 10 women were directly elected in the fifth, seventh and eighth parliaments. The ninth JS registered some progress with 19 directly elected women members (Table 7).

Table 7: Women's Representation

Parliament	Quota	Directly Elected	Total Number of Women MPs	Total Representation in Parliament (%)
First (1973-75)	15	-	15	4.8
Second (1979-82)	30	2	32	9.7
Third (1986-87)	30	5	35	10.6
Fourth (1988-90)	-	4	4	1.3
Fifth (1991-95)	30	4	34	10.3
Sixth (1996-96)	30	3	33	10.0
Seventh (1996-01)	30	8	38	11.5
Eighth (2001-06)	45	7	52	15.1
Ninth (2009-)	45	19	64	18.6

Source: Panday (2008) for first to eighth parliaments; authors' calculation for the ninth parliament.

The need for adopting special measures to address the issue of women's under-representation was recognised early on. As discussed in Section 3, the constitution provided for a quota of 15 women's reserved seats which was subsequently increased through constitutional amendments, and now stands at 50. However, merely increasing the number of women's reserved seats does not address the multifaceted challenge of ensuring gender parity in political representation. Women's organisations have been demanding for a long time adoption of other measures such as a women's quota in different tiers of political party organisation, a quota for party nominations for parliamentary elections, and direct elections for the women's reserved seats. Before the 2008 elections, the Bangladesh Election Commission issued guidelines to the political parties suggesting a quota for women as office bearers at different levels of organisation. None of the political parties have met these guidelines. Though the *Din Bodol* (Change) manifesto of the AL pledged direct election for the women's reserved seats, the fifteenth amendment only increased the number of women's reserved seats and did not change the indirect election system.

4.2.2 Representation of Religious Minorities

Though Hindus constitute nearly 10 per cent of the population, as Table 8A shows they have consistently remained under-represented in the parliament. In the fifth JS the number of Hindu MPs was six, which dropped to five in the seventh, and three in the eighth, and increased to 10 in the ninth JS (3 per cent). It is interesting to note that of all the Hindu MPs elected to parliament since 1991, only one was from BNP and the rest were from the AL.

Table 8A: Religious Minority (Hindu) Representation

Parliament	Total	Awami League (AL)	Bangladesh Nationalist Party (BNP)	Other Parties
Fifth	6	5	0	1
Seventh	5	4	1	0
Eighth	3	3	0	0
Ninth	10	10	0	0

Source: Calculated by authors from Ahmed (2010) and NDI (2009).

Hindus tend to get nominated and elected from certain constituencies where they constitute a significant vote bloc. The constituencies from which Hindu MPs have been elected more than once since 1991 are Sunamganj 1, Barguna 1, Narail 1, Tangail 6, Khulna 1, Dinajpur 2 and Magura 2. There are eight other constituencies from which Hindus have been elected at least once.

The issue of under-representation of Hindus and special measures to increase their representation in parliament need to be placed on the agenda of electoral and parliamentary reforms.

4.2.3 Representation of Ethnic Minorities

In contrast to Hindus, ethnic minorities who are popularly known as *Adivasis*[29] and who are largely concentrated in specific geographical areas, are represented in parliament proportionate to their population size. They constitute barely over 1 per cent of Bangladesh's total population. Table 8B shows that 3-4 MPs from the *Adivasi* communities have been regularly elected to the parliament since 1991. The constituencies from which *Adivasis* have been consistently elected are located in Chittagong Hill Tracts (CHT) and Mymensingh l. Again all the *Adivasi* MPs elected since 1991 except one belong to the AL.

Table 8B: Ethnic Minority (Adivasi) Representation

Parliament	Total	Awami League (AL)	Bangladesh Nationalist Party (BNP)	Other Parties
Fifth	4	4	0	0
Seventh	3	3	0	0
Eighth	3	2	1	0
Ninth	4	4	0	0

Source: Calculated by authors from Ahmed (2010) and NDI (2009).

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[29]The constitution refers to *Adivasis* in Article 23A as "tribes, small ethnic groups, ethnic sects and communities. The article states that the state shall take steps to protect and develop the unique local culture and tradition of the tribes [upajati], minor races [khudro jatishaotta], ethnic sects and communities [nrigoshthi o shomprodai]". The *Avidasis*, however want to be classified as indigenous people.

4.2.4 Representation of the Resource Poor

Representation of the resource poor is a major challenge in any electoral democracy as the expenses associated with running election campaigns have been rising prohibitively high in all countries, particularly those under the FPTP system. Bangladesh is not an exception to this global norm. As a result increasingly people with money are getting party nomination and being elected to the parliament.

Table 9 shows the changes in the professional and educational background of the MPs in Bangladesh since independence. It indicates that increasingly urban-based, educated and wealthy people are getting elected to the parliament, and people with limited resources or those based primarily in rural areas, can no longer aspire to win parliamentary elections.

For example, there is a big change in the professional background of the MPs. Whereas less than 30 per cent of the MPs elected in the 1970s were businessmen or industrialists, more than 50 per cent of the MPs in the fifth, eighth and ninth parliaments belong to this category. The percentage of MPs with a legal or professional background is decreasing, from 42 per cent of the MPs in the first parliament to 22 per cent of MPs in the ninth parliament. The number of full-time politicians is also decreasing in parliament from 13 per cent in the first to 5 per cent in the ninth parliament. In contrast, retired civil and military bureaucrats are increasingly getting elected to the parliament from 3 per cent in the Constituent Assembly elected in 1970 to 10 per cent in the current parliament.

Table 9: Background of MPs

Indicator	1970 (CA)	First	Fifth	Seventh	Eighth	Ninth
Gender (Directly Elected)						
Male	100	100	98	97	98	94
Female	n/a	0	2	3	2	6
Profession						
Businessman/industrialist	27	24	53	48	57	56
Civil/military bureaucrat	3	n/a	8	8	8	10
Lawyer	30	27	19	17	11	15
Professional	17	15	14	9	11	7
Politics	5	13	2	4	7	5
Others	19	21	4	14	6	7
Education						
Postgraduate	22	27	38	40	42	37
Graduate	41	42	46	45	47	45
Undergraduate	24	27	16	11	10	15
Others	3	4		4	1	3
Parliamentary Experience						
No experience	n/a	34	68	40	29	55
Experience of one term	n/a	57	17	27	28	16
Experience of two terms	n/a	10	7	33	27	8
Experience of three terms	n/a	n/a	4	0	11	3
Experience of four terms	n/a	n/a	4	0	4	2
Experience of five terms	n/a	n/a	0	0	1	0

Source: Jahan (1976a) for the CA and the first parliament; Hasanuzzaman and Alam (2010) for fifth to eighth parliaments; authors' calculation from NDI (2009) for the ninth parliament.

An interesting indicator of the development of a stable political class can be found in the difference in the parliamentary experience of the MPs. When elections are routinised, a higher percentage of MPs with previous parliamentary experiences tend to get elected. But when there

is a break in the system new faces get nominated and elected. For example, in the first parliament 34 per cent of the MPs came with no previous parliamentary experience, and in the eighth parliament 29 per cent had no such previous experience. In contrast, 68 per cent in the fifth and 55 per cent in the current parliament have no previous parliamentary experience.

There appears to be huge discrepancies between popular expectations about the background of the MPs and the reality. Table 10 reports on a survey result conducted by the Transparency International Bangladesh (TIB) in 2008 which shed light into citizen's expectations about parliamentarians. It shows that only 8 per cent of the respondents wanted the MPs to come from the business community though in practice at present 56 per cent belong to that community (TIB 2009: 28). Lawyers (20 per cent) and teachers (17 per cent) were the peoples' preferred professional background of the MPs, though in reality their percentage is decreasing over the years.

Various measures such as limits on election-related expenses, and affirmative action by political parties can be considered to address the issue of under-representation of the resource poor. These and other measures that can be considered to make the parliament reflect social diversity better will be discussed later in Section 4.5.

Table 10: People's Expectation of MPs' Background

Profession	Number of Respondents	Percentage of Respondents
Lawyer	648	20.4
Teacher	548	17.3
Retired government official	284	9.0
Businessman	268	8.4
Retired military officer	107	3.4
Other professions	1157	36.5
Do not know	161	5.1
Total	3173	100.0

Source: TIB (2009: 28).

4.3 Representation of Constituencies

4.3.1 Prioritising Constituency Development Work

Under the FPTP electoral system, representation of the interests of specific territorial constituencies becomes the central concern of MPs as their electability depends on how the voters of their specific constituencies evaluate their performance. While the voters are conscious of a parliamentarian's other roles and functions such as law making, scrutiny and oversight, they generally assign high priority to the parliamentarian's role in addressing the concerns of the specific constituency from where he/she is elected.

Table 11 reports the results of the TIB survey noted earlier on citizen's preferences about the expected roles of the parliamentarians, which show that the parliamentarian's accountability function has the highest salience (89 per cent) with the citizens followed by constituency representation functions (87 per cent) (TIB 2009: 28). Law making (83 per cent) and oversight functions of the committees (72 per cent) are given less importance. However, we should point out here that the differences in people's preferences amongst the various functions are not so significant. In addition oversight activities are in reality a part of the accountability role of the parliament.

Table 11: People's Expectation of MPs' Role in Parliament

Role	Want No Involvement	Minimal Involvement	Frequent Involvement	Regular Involvement
Place the constituency problems in parliament	0.2	0.1	12.7	87.0
Law making for the welfare of the people	0.3	0.4	16.8	82.6
Making the government accountable to the people	0.4	0.9	19.4	89.2
Oversight government's activities through parliamentary standing committees	0.4	1.4	25.8	72.4

Source: TIB (2009: 49).
Note: Figures in percentage.

When asked about the roles the MPs should play at the constituency level (Table 12), assistance in developing infrastructure received the highest priority (90 per cent) from the respondents followed by assisting people with their personal needs (80 per cent) (ibid: 48). People also wanted to see MPs play a role in supervising the law and order situation (69 per cent) and implementation of projects at the local level (68 per cent) (ibid). Infrastructure development appears to receive high priority in response to several other questions asked by the TIB survey. For example, 57 per cent listed it as a factor in considering voting for a candidate.

Table 12: People's Expectation of MPs' Role in Local Area

Role	Want No Involvement	Minimal Involvement	Frequent Involvement	Regular Involvement
Infrastructural development	0.3	0.3	9.3	90.0
Serving people at the personal level	1.5	1.2	17.0	80.3
Supervise local level project implementation	1.7	3.7	26.7	67.9
Getting involved in implementing projects	69.8	11.6	6.3	12.3
Supervision of law and order situation at the local level	8.2	3.5	19.7	68.7
Leading different local committees	23.5	16.4	27.9	32.1

Source: TIB (2009: 48).
Note: Figures in percentage.

The parliamentarians appear to be responsive to this priority placed by the electorate on the development of the specific territorial constituency. Table 13 presents data on the geographical focus of motions placed in the first to the ninth parliaments by the parliamentarians. The Table indicates that nearly half of the motions tabled by the parliamentarians in the fifth, seventh, eighth and ninth parliaments focused on the concerns of their local areas or that of the region where the constituency is located, e.g. North or South-West, etc. National concerns constitute roughly a third of the motions: 23 per cent in the fifth and seventh, 40 per cent in the eighth, and 30 per cent in the ninth parliament.

Table 13: Geographical Focus of Motions in Parliament

Parliament	First	Second	Fifth & Seventh	Eighth	Ninth
Focus	N = 32	N = 253	N = 4622	N = 416	N = 193
Local (%)	15.6	41.5	62.3	41.6	43.5
Regional (%)	18.6	11.2	14.2	13.5	21.2
National (%)	18.6	25.7	23.5	40.1	30.6
International (%)	-	5.5	-	3.6	2.1
Others (%)	46.9	15.4	-	1.2	2.6

Source: Ahmed (2002) for first to seventh parliaments; authors' estimate for the eighth and ninth parliaments.
Note: For the first to seventh parliaments, all motions moved in the JS irrespective of whether these have been discussed, lapsed or shifted. For the eighth and ninth parliaments, motions moved in the JS irrespective of whether these have lapsed or shifted.

Similarly, seeking policy benefits for the locality ranks highest in the demand nature of issues discussed in the parliament (Table 14). In the eighth and ninth parliaments, 33 per cent and 32 per cent of the issues discussed fall in this category of seeking benefits for the locality. Seeking benefits for specific groups or areas also rank high: 30 per cent in the seventh, 12 per cent in the eighth, and 18 per cent in the ninth parliament. In contrast, fewer questions are asked seeking explanations for policy failure or non-implementation of policies, or seeking clarification about administrative lapses. Moreover there appears to be a decreasing trend in discussing general policy issues.

Table 14: Nature of Issues Discussed in Parliament

Indicator	First	Second	Fifth	Seventh	Eighth	Ninth
	N = 32	N = 253	N = 238	N = 271	N = 416	N = 193
Seeking policy benefits for locality	0.0	4.8	18.1	23.6	32.9	31.6
Asking explanations for policy failure/non-implementation of policy	9.4	7.5	9.2	1.1	3.4	2.1
Seeking clarification on administrative lapses	18.7	16.2	23.1	4.8	5.8	6.2
Demanding remedial actions	12.5	23.7	17.7	21.4	21.6	22.8
Seeking benefits for specific groups/ areas	9.4	17.8	8.8	29.9	12.5	18.1
Seeking policy reversal/modification	3.1	6.7	6.7	10.3	21.9	17.1
Others	46.9	23.3	16.4	8.9	1.9	2.1
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source: Ahmed (2002) for first to seventh parliaments; authors' estimate for the eighth and ninth parliaments.

These findings about the parliamentarian's prioritisation of development work in their constituencies partly explain why the MPs are not so proactive in discharging their core functions of law making, budgeting and oversight of the executive. The poor performance of successive parliaments in these core functions will be analysed later in Section 5.

4.3.2 MPs and Elected Local Government

As noted earlier in Section 3, MPs are allocated Tk. 30 million per year for development work in their constituencies. In addition they are assigned a formal role as advisers of Upazila Development Co-ordination Committee Council (UDCCC), and their recommendations on the form submitted to the Project Implementation Officer (PIO) usually ensure the approval of the projects (Lewis and Hossain 2008).

An MP usually approves projects from union council chairmen who are affiliated to his/her party. The MP also often has a say in selecting the people who would implement the projects. Generally, a ruling party MP chooses people from his/her own party. He/she can put pressure on the Upazila Nirbahi Officer (UNO) who in turn can put pressure on the upazila or union council chairmen to select projects/people favoured by the MP. The MP also influences distribution of Test Relief (TR) and other social safety net programmes. For example, he/she usually provides the unions with a list of his/her own people for distribution of cards for Vulnerable Group Feeding (VGF) and Vulnerable Group Development (VGD) programmes. Moreover, the MPs are often advisers of various committees of schools, clinics/hospitals or sit on their boards and can influence access to these services. All of these provide opportunities to the MPs to distribute patronage, build personal and party support, and indulge in corruption.

The role of MPs as gatekeepers of wide-ranging development goods and services are often viewed unfavourably by other elected officials of local government bodies such as chairmen of upazila councils and union councils, who want to be more autonomous in deciding their local priorities. The local leaders also want to control public resources to build up their own patronage network. The MPs' authorised roles in local development activities have created tension and conflict between MPs and representatives of local governments in many areas. The potentials of conflicts are more acute when the MP and the representatives of local bodies belong to opposing parties.

4.4 Accountability to the Citizens

The accountability of the elected representatives to their electorates is a basic requirement of democracy. This accountability is monitored through various processes. In this study we have mainly focused on two overlapping dimensions of the parliamentarians' accountability to the public. The first is the idea of "giving an account" of their actions by the representatives to their electorates through ongoing dialogue (Beetham 2006: 95). The second is the "requirement on an office-holder to meet certain standards of performance and integrity in the conduct of their office, subject to adjudication by a responsible body which has the power to impose some sanctions in the event of serious failure to meet these standards" (ibid: 95). Usually the parliamentary committees and the parliament itself are empowered to impose sanctions on the parliamentarians for failure to meet standards. "In this sense also parliamentarians are accountable to their electorates, who can impose the ultimate sanctions of non-reappointment through the electoral process" (ibid: 95).

In the following two sub-sections we first investigate how the elected representatives give an account of themselves to the electorate. Second, we look at whether the elected representatives have developed certain standards of performance and integrity in the conduct of their office, and how they are being held accountable for failure to meet these standards.

4.4.1 Rendering Account: Direct Contact

'Rendering account' to the electorate requires transparency of the activities of the parliamentarians. It also requires citizen's access and their ability to question their representatives. In many countries formal mechanisms are in place to ensure accountability of the parliamentarians to the electorate such as regular reporting on an annual or sessional basis of all their activities; townhall style face-to-face meetings, recall procedures and so on. In Bangladesh where apart from elections, formal mechanisms of 'rendering account' are absent, face-to-face interaction is regarded as an important instrument of ensuring accountability of the parliamentarians to the electorate and the citizens.

Both the public and the parliamentarians give priority to maintaining regular personal contact. Generally MPs try to spend the weekends (Friday/Saturday) in their constituencies when the

constituents can meet them personally and raise their concerns. Popular expectation is that an MP will spend some days a month in his/her constituency. The TIB survey noted earlier found that one-third of the respondents expected the MPs to spend 4-7 days, and another one-third wanted the MPs to spend two weeks or more in a month in the constituency (TIB 2009: 44). The constituents prefer to meet the MPs personally and in their homes rather than in an office at the constituency: 81 per cent of the respondents wanted to meet the MPs directly and 49 per cent wanted to meet them at home (ibid: 43).

Box 1 provides a brief account of an MP's weekend visit to his constituency that describes the range of activities he gets involved in and the kinds of requests and demands he faces from the constituents. The demands are put forward both by individuals and organised groups and institutions. The political party and its affiliated organisations are the major pressure groups demanding accountability from the elected representative.

Box 1: A Weekend in the Constituency

Generally, an MP attends different programmes and social ceremonies in his/her constituency over the weekend (Friday and Saturday). As part of the CPD-CMI study, we accompanied an MP in order to better inform our understanding about his role at the local level.

Day 1 (Friday): Upon his arrival in the morning, the MP, as a Chief Guest, participated in a seminar on the 'indigenous' (traditional) methods for using pesticides. After offering *Jumma* (congregational) prayer at the upazila office Mosque, the MP attended a meeting with local party leaders, member of the Muktijoddha Command Council (MCC) and the UNO. Discussions took place about selection of candidates for the MCC election. After the meeting, he inaugurated one of his party men's newly built house where he also took his lunch.

In the afternoon the MP went to visit a local primary school where the school authority requested him to enlist the school in the Monthly Pay Order (MPO), alongside renovation of the old school building. The MP then inaugurated a post-office, a community health clinic and a multistoried building of a high school, where similar demands were made as the previous one. In addition, requests were made to build bridges in the local bazar, link roads and cold storages. In his speech, the MP assured the audience of roads, a multistoried building for the high school and a doctor for the community health clinic. When the MP was leaving, one handicapped person approached him to ask for financial help and the MP subsequently helped him.

In the evening the MP held meetings with party leaders, local government representatives, e.g. upazila parishad chairmen, school, mosque and madrasa managing committees, where he was updated on the local issues and intra-party rivalry in view of the upcoming local (union parishad) election. When the MP was requested to decide on the candidates, he insisted on reaching consensus within the local party leadership and activists through dialogue. The MP's intervention was requested in settling a land dispute. The MP finally went home and had dinner after midnight.

Day 2 (Saturday): From early morning people, comprising local government representatives, party leaders, members of the local law enforcing agency, e.g. Officer in Charge (OC) and local residents came to meet the MP at his house. Reasons for their visit varied from inviting the MP to be the chief guest for the annual prize giving ceremony and inauguration of the newly built gate of the school, to attend weddings, requesting for jobs, resolving disputes among citizens, and most commonly to seek *doa* (blessings) by various candidates aspiring to run for different elections.

In the afternoon the MP attended one of his relative's *Chollisha* (40-day death mourning event). He offered his condolences to the grieving family and had lunch with them. Some local children were waiting outside the house to meet the MP and raise funds for organising a village sport competition. Before leaving for Dhaka, the MP once again met the local party leaders and local government representatives at the upazila rest house where they discussed the strategies to win the upcoming local government election. Again, some of the candidates came to get his *doa*. The MP left for Dhaka in the evening.

Source: Authors' own.

As can be seen that the constituents demand that the MPs solve a host of problems. These range from delivering development goods and services such as building roads and bridges, supplying electricity, building schools and clinics, or enlisting schools under the MPO programme to resolving personal problems such as getting jobs, settling land and other disputes and so on.

It is also interesting to note that the MP gets heavily involved in the election processes of local government bodies and other civil society organisations (CSOs). Every local election involves contests not only between different political parties but more importantly between various factions and groups within a party. As demonstrated by Box 1, an MP is expected to settle intra-party factional feuds for various kinds of elections in local government bodies and other organisations, and keep a control over the party in his constituency. A successful MP is supposed to be the party boss in his/her constituency. He/she is accountable to the party and various organisations affiliated with the party to hold together factions/groups within the party and its affiliated organisations.

Unlike in the Western democracies where a parliamentarian faces questions from constituents regarding his voting record or performance in legislation or committee work, in other words his performance within the parliament, in Bangladesh an MP primarily faces questions related to his work outside the parliament, i.e. his record of bringing development resources to the constituency and his performance as the party boss of the local area.

4.4.2 Codes of Parliamentary Conduct

In recent years, the codes of conduct of the parliamentarians have come under increasing public scrutiny in many countries because of allegations of financial misconduct to advance either the MP's own personal economic interests or the interests of individuals and organisations which they are being rewarded in some ways to represent. As a result, countries have adopted principles and codes of conduct for parliamentarians which can be enforced horizontally by a specific agency acting on behalf of the people (Beetham 2006: 98).

A central issue here is the distinction between public and private interests. Parliamentarians are supposed to represent public interests and not advance any private interest of either the representative or his/her personal connections. Many parliaments now-a-days require MPs to register a list of their financial interests and/or assets to determine whether any area of their work may potentially cause a conflict of interest (ibid: 100).

There are other issues related to the code of parliamentary conduct. They include use of language and behaviour in parliament which is disrespectful of other MPs or the presiding officer, attendance in sessions, and misuse of parliamentary allowances.

In Bangladesh, the issue of conflict of interest is being regularly discussed in various media reports. There are many allegations of parliamentarians using their influence to advance personal financial gains or gains of certain interest groups. Box 2 presents two cases of such conflict of interest reported in the media. Though the *Din Bodol* election manifesto of the AL pledged disclosure of information about the income and assets of MPs and their family members on an annual basis, upto now this pledge has not been implemented.

There have also been many allegations of misuse of parliamentary allowances against MPs and a former Speaker. In 2009, the Speaker constituted an 11-member all-party parliamentary body to probe allegations of financial anomalies, misuse of power and wastage of public money

against the previous Speaker. The body found that the immediate past Speaker 'illegally' drew Tk. 2.8 million as medical bill.[30]

Box 2: Conflict of Interests

In Bangladesh, MPs are prohibited from being appointed to a parliamentary standing committee where they may have a "personal, pecuniary or direct interest in any matter which may be considered by that committee" (Rule 188 [2]). This provision in the RoP ensures that an MP's inclusion in a committee does not run counter to the public interest or with any class or section, thereof or on a matter of state policy. However, the media reports have highlighted many cases of violations of this rule.

One much discussed case was that of an MP on whom the High Court passed a rule on 15 December 2009 to explain why he was holding the post of a member of the parliamentary standing committee on Housing and Public Works Ministry[i] as he is a real estate businessman and also the President of Real Estate and Housing Association of Bangladesh (REHAB), a trade organisation of real estate developers. According to media reports, the MP claimed that Rule 188 [2] is not applicable to him since it does not serve his direct interest and more pertinently, many lawmakers would not be eligible to be members of parliamentary bodies if the provision was strictly enforced.

However the issue of his conflict of interest came to limelight later in 2010, when he along with a businessman, engaged in an unpleasant verbal encounter with the State Minister for Housing and Public Works over the implementation of the Detailed Area Plan (DAP) for developing Dhaka which envisages reserving 21 per cent of the capital's land as waterbodies where no real estate development work will be permitted.[ii]

Another case reported in the media was that of another MP who is also member of the Standing Committee on Housing and Public Works Ministry who acquired land owned by a city corporation to build a 16 storey city centre for his construction business.[iii]

Source: Compiled from media reports: [i]http://www.thedailystar.net/newDesign/news-details.php?nid=117850 (accessed on 3 September 2011); [ii]http://www.thedailystar.net/newDesign/news-details.php?nid=142596 (accessed on 3 September 2011); [iii]http://www.thedailystar.net/newDesign/news-details.php?nid=198474 (accessed on 3 September 2011).

The media has also reported on unparliamentary language used by MPs in parliament. The parliamentarians (no matter the party) have many times used abusive language attacking the opposite side. The Speaker had to step in and expunge these statements from parliamentary proceedings. In the current parliament, the Speaker had repeatedly expressed his personal disapproval of the use of unparliamentary language by the parliamentarians and remarked that he had not witnessed such behaviour in the 40 years of his parliamentary life![31] It should, however, be noted that no parliamentarian has yet received any sanction from the Speaker for repeated use of unparliamentary language. The only action taken by the Speaker so far is expunging the remarks from the official proceeding.

Quorum crises and of course boycott of parliamentary sessions are other indicators of breach of parliamentary codes of conduct in Bangladesh. Though these issues are much discussed and public opinion favours some kind of sanctions against non-attendance of parliamentary meetings, upto now no measure has been taken to penalise for 'unreasonable' absence in the parliament. The TIB Survey found that 86 per cent of respondents wanted a cut in the salary of MPs for boycotting parliamentary session (TIB 2009: 51). The problems associated with breach of parliamentary code of conduct and suggestions to address them will be discussed in Section 4.5.

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[30]See a report by *The Daily Star* http://thedailystar.net/newDesign/news-details.php?nid=83983 (accessed on 3 September 2011).

[31]See a report by *The Daily Star* http://www.thedailystar.net/newDesign/news-details.php?nid=178552 (accessed on 3 September 2011).

4.5 Issues for Discussion and Suggestions

The above analysis of the various aspects of representation and the parliamentarians' accountability to the public highlights several challenges which need to be addressed. These are briefly discussed below.

4.5.1 Electoral System

A key challenge for Bangladesh is to institutionalise a system of regular free and fair election that is acceptable to all contestants. As discussed earlier in Section 2, many elections, particularly those held under the military rule, were alleged to be rigged. The ruling party always won when elections were held under an incumbent government. Bangladesh introduced a unique system of organising elections under a Non-party Caretaker Government, which drew international attention as a model for replication in other countries to ensure a level playing field for all contestants.

But after three national elections, certified as free and fair by domestic and international observers, this system has now been abolished and the two opposing major political parties, the Awami League and the BNP, are again in contestation about the modalities of holding the next parliamentary elections. The AL-led government wants to organise the next elections under the incumbent government with an independent BEC running the show arguing that this is usually the practice in other parliamentary democracies. But the BNP-led opposition has rejected this and wants the NCG system back to ensure the non-partisan stand of the state during the elections. An agreement between the two major parties on the mechanisms for organising credible elections acceptable to all sides is now a top priority, otherwise there is a risk of another major confrontation and crisis which would not help prospects of democratic consolidation.

There are several other issues related to reforms of the electoral system and electoral processes that need discussion and debate. First, proposals for reforming the electoral system, most notably proposals for changing the FPTP system, need greater scrutiny and debate. Further research on the pros and cons of different types of electoral systems such as PR or mixed system and their implications in the specific context of Bangladesh politics are needed before initiating any reforms of the electoral system. A change of the electoral system may not necessarily lead to any improvement and worse still may lead to additional undemocratic practices.

Second, there is a need to discuss what measures would address the deficiencies of the current electoral processes. Some proposals have already been widely discussed and partially implemented, such as limits on election-related expenses, disclosure of information about the candidates, townhall style meetings and debates between candidates, and so on. The conditions laid down by the RPO should be enforced more forcefully by the BEC. Other measures are required to eliminate the use of money and muscle power in elections.

4.5.2 Representing Social Diversity

There is a need to study, discuss and debate the advantages and disadvantages of various measures that can be taken to ensure that the parliament reflects social diversity. Lessons from Bangladesh's own experiences as well as the experiences of other countries and their suitability for adoption in Bangladesh need to be carefully assessed.

Bangladesh had adopted special measures to increases women's political representation. But the provision of indirect elections for women's reserved seats has come under criticism from the women's movement itself. Many have argued that the provision of reserved seats has only increased the number of women in parliament but it has not done much to improve the quality

of women's participation. Some have argued that the system of a quota for women within party organisational hierarchy and in giving party nominations in general seats is a better way to improve the quality of women's representation. Some others are in favour of maintaining the women's reserved seats but support substituting the present system of indirect elections with direct elections. The political difficulties and complexities of implementing these various proposals, most notably direct elections for women's reserved seats and women's quota in party nominations are rarely discussed with an eye towards finding solutions. There are many male aspirants who seek party nominations for parliament and party organisational committees. They are not interested to accommodate women in positions where they themselves are candidates. Here the leadership of political parties need to play a critical role in pushing forward the agenda of women's representation.

The issue of special measures to ensure the representation of religious minorities, e.g. the Hindus, also need discussion. Here various measures can be considered such as reserved seats in parliament, a party quota in nominations and redrawing constituency boundaries (affirmative gerrymandering). Again each measure has its pros and cons and need to be carefully assessed in the specific context of Bangladesh.

Measures to ensure the representation of the resource poor require the most innovative thinking as the global trend is to make the parliament a 'rich man's club.' Here again the role of political parties in grooming a leadership recruited from the resource poor is critical. Other actors such as civil society and social movements also need to play a role.

4.5.3 Representing Constituencies

In Bangladesh, the idea of representation of constituency has generally been translated in popular imagination as the development of the specific territorial constituency such as construction of roads, buildings of schools, clinics, supply of electricity, etc. But the parliamentarian's involvement in development work has often led to allegation of corruption and partisan distribution of patronage. This has also created conflict between MPs and elected representatives of local government. The roles and responsibilities of the MPs, and representatives of upazila and union councils need to be clearly demarcated, and measures need to be put in place to ensure transparency and accountability in the development and implementation of local development projects.

In addition to representing interests of specific territorial constituencies, the MPs represent interests of specific groups. The most discussed in the media has been the representation of the interests of the business community. How far and how well the parliamentarians have represented the interests of the underprivileged or excluded groups, who cannot mount pressure on the MPs like the powerful groups such as the business community, need to be investigated.

The women MPs, who are elected on women's reserved seats, have a special obligation to represent the interests of the women. Here again it is not evident that women MPs can rise above partisan loyalty and make common cause across party divide to move forward the agenda of gender justice and women's empowerment. The role of the women parliamentarians from women's reserved seats need to be systematically studied.

4.5.4 Code of Parliamentary Conduct

Two issues of the parliamentarians' code of conduct have been much discussed in Bangladesh. They are the issues of the conflict of interest and the boycott of the parliament. Some measures have already been proposed by civil society groups to address these two problems. For example, a registry of MPs' financial and professional interests and making the registry public can facilitate the monitoring of the MPs' conduct. The BEC requires disclosure of information about

assets and income of candidates seeking election, but the information provided is not systematic and transparent. It is also not regularly updated. It is difficult to monitor an MP's conduct based on the disclosed information. Annual disclosure of parliamentarian's financial and professional interests needs to be made mandatory.

Second, a variety of measures have been proposed by civil society ranging from censure to a cut in salary and privileges, and loss of seats to address the problem of boycotting of parliamentary sittings. However, consensus amongst all major political parties is required to address the issues related to code of parliamentary conduct. Without such a consensus no measure can be adopted that would be sustained by successive governments.

5. HORIZONTAL ACCOUNTABILITY: LEGISLATION, BUDGET AND OVERSIGHT

In general, horizontal accountability is the capacity of various state institutions to provide checks and balances on the executive. This study conceives horizontal accountability as the ability of the parliament of Bangladesh to scrutinise the executive, its agencies and public officials about their decisions and actions. The executive is accountable to the citizens through the parliament for raising and using public funds, and the parliament holds the executive accountable for its policy decisions. In this section, we analyse the performance of the Bangladesh *Jatiya Sangsad* as a horizontal accountability mechanism, where we look at the parliament's role in making laws, approving the annual budget of the government, and most importantly, its scrutiny and oversight of the executive's actions. We have earlier discussed in Section 3 the roles and functions bestowed on the parliament by the constitution and the *Rules of Procedures*. In this section, we analyse how well these functions are actually being performed.

The powers, procedures and sanctions that a parliament is bestowed with to perform its horizontal accountability tasks vary from country-to-country. According to the Parliamentary Powers Index (PPI), the parliament in Bangladesh is relatively well-powered (Fish and Kroenig 2009). The PPI is constructed through a perception-based survey covering 32 items such as parliament's ability to monitor the executive and the bureaucracy, parliament's freedom from presidential/prime ministerial control, parliament's authority in specific areas, and the resources that it brings to its work. The Index ranges from 1 to 0, where one suggests a total parliamentary power over the executive, and zero suggests a total parliamentary subservience to the executive (ibid). Bangladesh scores 0.59 in the PPI which is above the performance of parliaments in Malaysia, Laos, Belarus, Cuba and many others, slightly below South Africa and India (0.64 and 0.63 respectively), but well below established democracies like Canada, Germany, Denmark and Norway.

In the following four sub-sections, we look at how the parliament in Bangladesh has been discharging its legislative functions, its budget making duties, scrutiny and oversight role, and finally, provide suggestions for improving these functions. Although the parliament of Bangladesh is the supreme law making authority according to the constitution, several researchers, observers and international organisations say there is widespread dominance of the executive in the legislative process (see for instance, Ahmed 2002; Khan 2006). There is a lack of consultation and consensualism due to the absence of opposition members whereby the bills enacted, carries less legitimacy than is the case in many other countries (Ahmed 2002).

5.1 Law Making

One of the most basic functions of any parliament is to make the laws, including the constitution and amendments to it, and the state budget, which is usually formulated as a bill. Legislation helps to establish the basic political and institutional 'rules of the game' where the opposition is presumed to play a constructive role in debates and deliberations. As discussed earlier in Section 3, the parliament is the supreme law making authority in Bangladesh (Article 65). The

formal responsibility for making laws rests with the legislature, and laws are unique resources that governments need, among others, to survive in power (Ahmed 2002). The President can issue ordinances (also called decrees or executive orders), which have the same legal effect as laws enacted by the parliament. However, the President cannot promulgate ordinances or exercise authority independently of the advice of the Prime Minister. There are also some limits to the judicial review of legislation actions in Bangladesh since the Supreme Court has been restricted from reviewing money bills.

5.1.1 The Process

There are a number of guiding principles and benchmarks for the best practices of parliamentary law making. In many legislative systems, the body of a bill is preceded by a statement that explains the purpose and scope of the proposed legislation, which is generally called a 'Statement of Purpose/Explanatory Note' or a 'White Paper.' The purpose of the note is to inform the public on the reasons for the new law, the problems addressed by the bill and its connection to existing laws. When the government is presenting a white paper on an important issue, various concerned groups, individuals and interest groups can publicly debate the issue, and contribute further on the conditions of the bill. Then, in taking the various opinions and their own political concerns into consideration, the government can revise the white paper, and based upon this, formulate and present a new bill to the parliament. In case of Bangladesh, however, there is no precedence of white paper.

There are three readings in the parliamentary stages of the legislative process: (a) first reading when the title of the bill is announced; (b) second reading when discussion on the principles of the bills takes place; and, (c) third reading when a motion is moved to pass the bill. A new stage in the legislative process, called the committee stage, is also now frequently referred to in many parliaments. This stage came into existence in Bangladesh when the seventh parliament set up a special committee, composed of members belonging to both ruling and opposition parties, to review all bills referred to the JS (Ahmed 2002). Every proposal in the parliament of Bangladesh has to be presented in the form of a bill. If notice for introduction of the bill has been given by a minister, it is known as government bill; and if a non-minister MP introduces it, it is known as private member's bill. The legislative process in Bangladesh, as in other countries, comprises of three stages: deliberative, parliamentary and administrative.

If a minister or a member wants to make a motion for leave to introduce a bill, he/she must submit the written notice of his/her intention to do so before seven days (for government bills) and 15 days (for PMB) to the secretary of the parliament. The notice is accompanied by two copies of the bill, together with objectives and reasons. If permission is granted by the speaker, the member-in-charge, when called, formally moves a motion introducing the bill, and on the motion being made, the bill stands introduced. This process constitutes the first reading stage of a bill.

In the second reading, the member-in-charge may make any of the following motions:

- that it be taken into consideration by the JS either at once or on some future day;
- that it be referred to a standing committee or a select committee; or
- that it be circulated for the purpose of eliciting opinion on the bill.[32]

Following any of the above mentioned motions, the lengthy, and to some extent complex, stage of the second reading commences, the details of which are defined in the RoP. In the first phase of this stage, no amendment to the bill may be moved. However, any member may make a

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[32]Information on the legislation process is available on the Bangladesh JS website: http://www.parliament.gov.bd/general-10.html (accessed on 1 October 2011).

counter-motion calling, for example, for the circulation of the bill to elicit public opinion on it. The principles and the general clauses of the bill are discussed. The third reading stage is short. The member-in-charge makes a motion that the bill be passed and the Speaker will then put the motion to vote without allowing any discussion on it.

5.1.2 The Outputs

One of the important ways to measure the nature of activism of a legislature is to calculate the volume of laws passed by it over a period of time. It is, however, not to argue here that the more the output, the better the legislature. It is to be recognised that the number of outputs can provide a useful indicator to comprehend the scope of activities undertaken by a legislature.

Table 15 provides a comparative account of legislative outputs of different parliaments elected since independence. The Table shows that in terms of producing legislative outputs, the ninth parliament has performed nearly to the level of the first parliament. The number of bills passed annually and per session is almost at par with each other. Though the first parliament remains special given its emergence and 'newness' at that time, one of the factors that could explain the high level of bills passed by the ninth parliament is the number of ordinances promulgated during the Non-party Caretaker Government 2007-08, which needed ratification by the current parliament. This shows that although the parliament is the supreme law making institution in Bangladesh, the law making authority is shared with the executive.

Table 15: Tenure, Bills and Sessions of Parliament

Parliament	Tenure (Month)	No. of Sessions Held	No. of Bills Passed	Bills Passed per Session	Bills Passed per Year
First	28	8	154	19.25	66
Second	35	8	65	8.12	22
Third	17	4	38	9.50	27
Fourth	31	7	142	20.30	55
Fifth	56	22	173	7.80	37
Sixth	0.4 (12 Days)	1	1	……	……
Seventh	60	23	189	8.21	37
Eighth	60	23	185	8.04	37
Ninth	24 (upto 2010)	7	130	18.57	65

Source: Ahmed (2002) for the first to seventh parliaments; authors' calculation for eighth and ninth parliaments.

However, the sessional and yearly average of legislative outputs in Bangladesh is low vis-à-vis other countries, for example, in UK, where more than 100 laws are passed by the House of Commons on an annual basis.[33] Similar to many other countries, the principal initiative in the legislative arena in Bangladesh comes from government members (ministers).

Table 16 shows the number of ordinances issued and the number of ordinances passed into bills for all legislatures in the history of Bangladesh. For instance, almost 35 per cent of all laws passed in the fifth JS originated as ordinances, which demonstrates that the parliament was reduced, for a large part, to validating government action. The Awami League government of the seventh JS continued this trend by promulgating a large number of ordinances and having these ratified later by parliament. Though the seventh JS shows improvement in terms of institutionalising the committee system (92 per cent bills were scrutinised by the committees),

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[33]Visit the following website for more information: http://www.parliament.uk/documents/education/online-resources/printed-resources/making_laws.pdf (accessed on 1 October 2011).

according to one researcher (Moniruzzaman 2009), the AL government deliberately by-passed the seventh JS on many occasions through promulgation of a number of ordinances later ratified by parliament. Among the most important were the *Ganges Water Sharing Treaty with India* (1996), the *Chittagong Hill Tracts Peace Treaty* (1997), and the *Anti-Terrorist Bill* (2000).

Table 16: Number of Ordinances Passed by Parliament

Parliament	Total Ordinances Issued	Ordinances Turned Bills
First 1973-1975	94	90
Second 1979-1982	295	15
Third 1986-1987	323	14
Fourth 1988-1990	92	89
Fifth 1991-1995	102	70
Sixth 1996	19	-
Seventh 1996-2001	21	19
Eighth 2001-2006	5	5
Ninth 2009-present	122	65

Source: Halim (2009); World Bank (2010: 80).
Note: Auto-legality was given to the remaining ordinances by the second and third parliaments.

There are, however, some problems in estimating the number of ordinances. The number of ordinances turned bill is disputed. Notwithstanding the fact that many ordinances were turned into bills by the ninth parliament, of these, some were modified and then enacted, whereby it cannot be said to be an ordinance of the NCG. This is the case of the *National Human Rights Commission* which found its place in the ordinances, but was not enacted until June 2010 after undergoing the government's modification. More importantly, as the RoP dictates, the parliament has to pass the ordinances within the first session of its establishment which will mean only 28-30 ordinances were turned into bills in the pure legal interpretation.

The number of PMBs allowed for discussion and passed by parliament can be considered as two indicators of parliamentary initiative. In Bangladesh, between 20 and 30 bills were introduced by private members in the fifth and seventh JS. From the commencement of the ninth JS and till 2011, 13 PMBs were raised, and of these, two were sent to the committees for review (Iva 2011). This indicates that there is some more interest by non-government MPs in law making in the current parliament but the overall prevalence is still low.

Ahmed (2002) observes that all bills passed by the parliament since the early 1990s were initiated by the government, and Iva (2011) notes that only six PMBs have been passed in the last 38 years. Thus, it can be said that passing a PMB is rare in the parliament of Bangladesh. Ahmed (2002) provides some explanations for the low volume of PMB turned laws, such as individual members' lack the technical competence and specialist guidance, members are encouraged to following party initiatives and they face difficulties in terms of time constraints, procedural complications, and refusal by the Speaker to allow such bills for discussion.

5.2 Budget Making

As with most other laws, the national budget is initiated, discussed and accepted in the form of a bill. The legislature discusses, amends, and approves it, before the President finally promulgates it. However, the budget is more than just a single document; it is a year-long cycle whose different phases offer citizens and their representatives opportunities to influence how public resources are raised and spent.

5.2.1 The Process

The 'budget cycle' can be broken down into four major stages. First is the formulation stage, when the executive branch puts together the budget proposal. This is a highly technical stage, involving policy planning, resource analysis and revenue estimation. Second is the approval stage, when the legislature debates, negotiates, alters (if it has the power and will to do so), and approves the budget. The third is the execution stage, when the government implements the policies in the budget. To this belong also budget revisions when budgets need to be amended. The fourth is the oversight and control stage, which includes auditing and legislative assessment of public expenditures.

The legislature, as the central institution of democratic control, is expected to play several roles in the budget cycle. First, it represents citizen interests and it may advise the government through pre-budget hearings of the finance committee. Second, it empowers the executive by providing it the necessary legal authority and financial grounds for action. The third role is a core feature of the parliament's accountability function which is to scrutinise and control the government's performance in terms of budget implementation. This is done through budget debates, review of estimates by standing committees, and scrutiny and oversight by the Public Accounts Committee and the Auditor General. The PAC is considered to be the most powerful and important committee for scrutinising and monitoring public expenditures. In general, parliaments that do not have a PAC will often appoint a finance or budget committee for monitoring financial matters (Mahiuddin 2009).

The Bangladesh budget is the *Annual Financial Statement* of the government, intended for a fiscal year from 1 July to 30 June. It is presented in the parliament by the Finance Minister in early June which is approved by the end of the month. The budget is the key instrument for public expenditure, referring to the aggregate expenditure incurred by the public sector at the level of the central and local authorities. Government's expenditure proposals in the budget are typically presented in the form of Demand for Grants. These include expenditures proposed in terms of organisational units and objects of expenditures against projects. Apart from the original budget document, a Revised Annual Development Programme (ADP), referred to as the 'supplementary budget' is prepared three months prior to the end of the fiscal year, i.e. in April/May.

The budgetary procedure may be functionally divided into four phases: executive preparation and submission (formulation stage), legislative review and enactment (approval stage), executive implementation (execution stage), and expenditure control and auditing (oversight and control stage). Throughout these phases, the Ministry of Finance performs the central role and remains exclusively responsible for the preparation of the budget. Various ministries and their divisions are also involved in the process. The parliament, as the key agent of the government, is directly involved in the second and fourth stages.

The administrative units where the expenditures take place send their expenditure estimates to the Auditor-General and MoF through their controlling authority. These estimates consist of revised estimates for the current year and the budget estimates for the forthcoming year. Budget meetings are held during March-April between MoF and other ministries, where the latter are allowed to discuss their needs with the MoF.

Four indicators can be used to assess the parliament's accountability performance in the budget process: (a) range and power; (b) openness and transparency; (c) participation; and (d) impact. The following sub-sections analyse the performance of the parliament of Bangladesh with regard to the aforesaid indicators. We then suggest some good budgetary practices as provided by the International Budget Partnership (IBP) and offer some examples of civil society involvement in the budget process.

5.2.2 Range and Power

As with all other bills, the first opportunity for members to discuss the finance bill is at its second reading. However, the parliament of Bangladesh has limited powers to amend the budget, and the parliament has only to a low degree utilised its constitutional powers to amend budgets according to its preferences. The budget power is centralised in a closed executive branch, and the parliament is given three weeks to debate on the budget proposals. In the CPD-CMI interview, one of the key informants alleged that the parliament has never made any significant alterations to the government's budget proposals. According to the Rule 111 (3) of the RoP, the budget cannot be referred to any committee. This makes it difficult to ascertain to what extent the non-government members can participate in the budget deliberation process.

5.2.3 Openness and Transparency

Transparency in the budget process has been weak in Bangladesh and has led to weak accountability. According to the Open Budget Index (OBI), prepared by the IBP, the government provides the public only with 'some' information on the central government's budget and financial activities during the course of the budget year (IBP 2011). The OBI ranks countries based on a survey consisting of 91 questions, which mainly focus on the public dissemination of eight key budget-related documents. In Table 17, five countries of South Asia have been placed according to their OBI ranks alongside their individual scores for each of the key documents.

Table 17: Budgetary Consultation and Accountability Processes in South Asia

Document	Sri Lanka	India	Nepal	Pakistan	Bangladesh
OBI Score 2008	64	60	43	38	42
OBI Score 2010	67	67	45	38	48
Pre-Budget Statement	B	E	E	E	E
Executive Budget Proposal	B	B	C	C	B
Citizens Budget	A	B	E	E	E
Enacted Budget	A	A	E	A	B
In-Year Reports	B	A	C	E	B
Mid-Year Reviews	B	B	B	E	E
Year-End Report	B	D	D	E	E
Audit Report	C	B	D	E	E

Source: Compiled from country reports, *Open Budget Index*, 2008 and 2010. Reports can be accessed at: http://internationalbudget.org/what-we-do/open-budget-survey/full-report/ (accessed on 3 October 2011).
Note: *Grades for the comprehensiveness and accessibility of the information provided in each document are calculated from the average scores received on a subset of questions from the *Open Budget Survey*. An average score between 0-20 (scant information) is graded as E; 21-40 (minimal) is graded as D; 41-60 (some) is graded as C; 61-80 (significant) is graded as B; and 81-100 (extensive) is graded as A.

The OBI scores countries from zero to 100, where a score of 81-100 indicates that a given country provides extensive information in its budget documents, a score of 61-80 indicates significant information, 41-60 indicates some information, 21-40 indicates minimal information, and 0-20 indicates scant or no information. It can be deduced from the Table that the governments of South Asia are yet to become fully transparent in the consultation process whence they can be held accountable for their budgetary spending.

Only seven countries in the world provide extensive information on their budgetary consultation process and spending – France, New Zealand, South Africa, UK, United States (US), Norway and Sweden. South Africa is at the top of the OBI and its score is 92 out of 100, which is the highest score amongst the 94 countries surveyed by the IBP in 2011. This implies that South Africa provides the most extensive information on the central government's budget and

financial activities. This open budget system ensures the existence of a strong legislature and supreme audit institution to provide effective budget oversight and provides opportunities for the public to participate in the budget process.

In case of South Asia, the governments of Sri Lanka and India provide significant budget-related information though the former is the only country where the government releases a pre-budget statement prior to the actual budget proposal. The remaining three governments of Nepal, Bangladesh and Pakistan tend to be barely transparent in their budget making so that the scope for holding them accountable for their spending remains limited (ibid). In all of these countries (and also Sri Lanka), the government does not attach much importance towards publication of a 'Citizen's Budget' which is a simplified summary of the budget in the vernacular languages and through media that are widely accessible to the public. The 'In-Year Reports' on revenues collected, expenditures made and debt incurred, are prepared by all the South Asian governments (barring Pakistan) though other documents such as the 'Mid-Year Reviews' and 'Year-End Reports' are not made publicly available in Bangladesh.

According to the IBP, in Bangladesh the government's budget proposal does not provide comprehensive details, and information on the impact of different macroeconomic assumptions on the budget is not presented (ibid). Besides, the proposal lacks information on certain fiscal activities that can have a major impact on the government's ability to meet its fiscal and policy goals, including information on extra-budgetary funds, quasi-fiscal activities, tax expenditures, contingent and future liabilities, and financial and non-financial assets, etc. When this information is lacking, the public cannot know the government's complete fiscal position.

More importantly, Bangladesh is not making any non-technical presentation of the state budget, intended to enable the public, including those not familiar with public finance, to understand the government's plans (usually called a citizen's budget). However, in-year reports are published in the form of Bangladesh's 'Monthly Reports on Fiscal Position,' but some details regarding the composition of government debt is missing, and they could be released in a more timely manner (i.e. within one month after the end of the reporting period as opposed to two months later which is currently the case) (ibid).

5.2.4 Participation

It has been argued that the budget process in Bangladesh "does not allow for any parliamentary scrutiny of expenditure proposals before these are actually passed, thus limiting the parliament's ability to exercise accountability in fiscal matters" (Rahaman 2010: 487). The World Bank argues likewise that there are weaknesses in budget execution related to accounting, reconciliation, and reporting delays, which hinder transparency and create opportunities for mismanagement of public funds (World Bank 2006).

The finance debate, therefore, is very predictable with the backbenchers usually giving all praise to the budget proposal, while the opposition usually does not find anything good in it. Governments have generally not paid much attention to the issues and demands raised in the budget debate, except for a few cut motions and a few examples of tax reductions following deliberation (Ahmed 2000). Recently the opposition party, the BNP, has opted to present its 'shadow budget' outside the parliament.

5.2.5 Impact

On the fourth performance criterion, policy and programme impact, the budget process in Bangladesh provides limited information on outputs and outcomes, such as the number of beneficiaries for expenditure programmes and performance indicators for expenditure programmes. This makes it difficult to monitor the budget's impact (IBP 2011).

5.2.6 Good Budgetary Practices

While Box 4 and Box 5 illustrate specific case studies of civil society's work relating to making the budget transparent and accountable, Box 3, based on the *Open Budget Survey 2010*, highlights practices which are likely to facilitate the process of establishing transparency and accountability mechanisms in the budget making and implementing process.

Box 3: Good Practices for Establishing Transparency and Accountability Mechanisms

According to the *Open Budget Survey 2010*, throughout the budget process, governments should make information available in the eight key documents presented in Table 17. A **Pre-Budget Statement** should be issued at least one month before the executive submits the budget proposal to the legislature. It should contain the assumptions used in developing the budget, expected revenue earnings, expenditure and debt levels, alongside, the broad allocations between sectors. The executive's **Budget Proposal** should be the result of the formulation stage and it needs to be submitted to the legislature at least 90 days prior to the start of the fiscal year to allow for proper review. The **Enacted Budget** should then be made publicly available, as it is the legal document that authorises the executive to implement the policy measures that the budget contains. Since the budget is usually a technical and lengthy document, a **Citizens Budget** ought to be published at the same time of the actual budget publication. Finally, during the budget execution stage, three key documents can help ensure that the authorities are held accountable for their spending, allocation, and more importantly, for any changes in economic fundamentals.

First, the executive should issue on a monthly or a quarterly basis, if possible **In-Year Reports** which would inform analysts on issues such as revenues collected, expenditures made and debt incurred. These factors allow citizens to monitor whether the government is spending as much as promised on key sectors, as well as whether these funds are reaching the targeted institutions and beneficiaries. Second, a **Mid-Year Review** should be issued to discuss any changes in economic assumptions which have an effect on approved budget policies. Third, and finally, the executive should publish a **Year-End Report** summarising the situation at the end of the fiscal year. This report should include an update on progress made or failures experienced in achieving the policy goals in the **Enacted Budget** (and also other national development plans).

Best practice requires that a body that is independent from the executive, issues an annual **Audit Report**. The supreme audit institution (OCAG in case of Bangladesh) should report its findings on an annual basis to the legislature, as well as the general public. The report ought to be issued within 12 months of the end of the fiscal year.

All the above reports/documents should make explicit references to government's actions which are directed specifically to the excluded groups.

Source: International Budget Partnership (IBP).

Civil society engagement can have a strong impact on the parliament's performance in the budget process. There are examples of civil society organisations that have developed strong relationships with different parts of the national legislature, including the committees in charge of the areas in which the groups are involved (i.e. India, South Africa). Parliamentarians, who often do not have the technical or economic background, may need information on the context of the budget, and ideas on ways in which they can influence it. The groups provide parliamentarians with regular briefings, manage questions from parliamentarians and their staffs, and submit analyses for their consideration (Renzio and Krafchik 2011: 21). Box 4 presents a case study from India about a CSO which mobilised its effort to enable the poorest citizens to demand their rights.

Box 4: Civil Society Budget Work: India

The Development Initiatives for Social and Human Action (DISHA) was founded in 1985 in the Indian state of Gujarat as a social movement dedicated to the political and economic empowerment of the poorest citizens, in particular tribal minorities, scheduled castes, and landless labourers. Since the mid-1990s, DISHA has used budget analysis as part of its effort to mobilise its members to demand their rights. DISHA seeks to ensure that the state government adheres to its constitutional mandate of providing resources and services to marginalised communities, by analysing government spending commitments and expenditure outcomes in areas that are of greatest concern to the poor. DISHA has also trained other Indian non-government organisations (NGOs) in budget work, which has given rise to the formation of budget groups in other states and stimulated interest in the use of budget analysis to improve government accountability.

Because many CSOs, journalists, and even parliamentarians lack the basic skills to engage meaningfully with budget issues, DISHA has invested considerable effort in raising the general level of budget literacy in society and building an active audience for budget work. For instance, DISHA analysts work to simplify, interpret and disseminate budget information to parliamentarians, media and civil society. There is a natural partnership between budget groups and legislatures. Both have a key function in ensuring accountability during the budget process. Budget groups need access to data and advocacy channels, while legislators need access to research capacity and independent advice. Also, former civil society budget practitioners are elected MPs and serve on the Finance Committee of the Indian parliament.

Source: Renzio and Krafchik (2011).

In Bangladesh, a number of CSOs have taken up the challenge of not only exposing the budget to much more rigorous analysis, but to also present their analysis for public discussion. Box 5 presents a case study of a CSO which has succeeded in making the budget process more transparent and accountable.

Box 5: Civil Society Budget Work: Bangladesh

The premier role in analysing the budget was assumed by the Centre for Policy Dialogue (CPD), an independent CSO established in 1993. One of the CPD's flagship programmes is its *Independent Review of Bangladesh's Development* (IRBD), initiated as an annual exercise back in 1995. A major objective of the CPD's IRBD programme is to put the AFS estimates under scrutiny by analysing its conformity with actual performance of the Bangladesh economy. The IRBD is prepared prior to the publication of the national budget in June every year, and is tabled for public discussion shortly after the publication of the budget. The annual dialogue on the IRBD had for at least a decade after its inception, has become an established institution for evaluating the performance of the government during the fiscal year. Since for much of the time the IRBD was published the opposition party over four successive regimes was boycotting parliament, the CPD's IRBD dialogue provided a range of opportunities where government and opposition could hold debates on various budget proposals.

CPD has exposed the budget to immediate analysis and scrutiny just after its publication through a public presentation before the entire print and electronic media. This presentation provides the nation with an analytical, insightful yet easily comprehensible review of budget. A week or so after the media presentation of CPD's budget review, the report is then submitted to the Finance Minister, the shadow Finance Minister, key policymakers, high government officials and representatives of major stakeholder groups. In the absence of informed discussion and debate on the budget, the report has, over the years, proved helpful to the Finance Minister, MPs and even the opposition members if they choose to participate in the budget dialogue and even seek modification in the budget. Another CSO in Bangladesh which has occasionally exposed the budget to public scrutiny by focusing on pro-poor aspects is *Shamunnoy*.

Source: Authors' own.

5.3 Scrutiny and Oversight

Section 3 described the different techniques made available to the MPs, by the constitution of Bangladesh and the RoP, for holding the executive accountable. These can be grouped into two categories: collective and individual. The best example of the collective method is the system of the committees. It is the parliamentary standing committees that do the bulk of scrutiny of government policies and actions and where substantial debate and deliberations take place. Besides, committees provide a potentially important setting for inter-party bargaining and compromise.

In addition to committees, the opposition plays a critical role in holding the executive accountable. The opposition is the 'watchdog of the watchdogs' particularly in the Westminster-style parliamentary system. In Bangladesh, the opposition's role is much more important because of the presence of Article 70 which imposes strict party control.

The individual members can also use several techniques for scrutiny and oversight. As may be recalled from Section 3, these include questions, adjournment motions, motions for half-an-hour discussion and call-attention motions. The extent to which the various individual techniques are capable of securing the accountability of the executive and administration depends on a number of factors, of which, two deserve special mention: the *willingness* and the *ability* of MPs to make maximum use of them (Ahmed 2002). The following two sub-sections assess the performance of the Bangladesh JS in scrutinising the executive's actions and holding it accountable.

5.3.1 Committees

Section 3.2.4 elaborated on the type and scope of mandate of committees as envisaged under the constitution of Bangladesh and the RoP. Committees are an essential feature of the modern legislature performing a wide range of functions such as examining bills, financial proposals and expenditure, scrutinising administration, and giving backbenchers an opportunity and incentive to participate in proceedings (Ahmed and Ahmed 1996). The constitution makes it mandatory for the parliament to set up a Public Accounts Committee and a Committee on Privileges (CP), and empowers it to constitute as many standing committees as it considers necessary. Table 18 below presents the structure of parliamentary committees set up by the parliaments since 1991.

Table 18: Structure of Parliamentary Committees

Nature of Committees	Number of Committees			
	Fifth	**Seventh**	**Eighth**	**Ninth**
Standing Committees				
Department-related Committees (DPC)	35	35	37	37
Financial Committees	3	3	3	3
Investigative Committees	2	2	2	2
Scrutinising Committees	1	1	1	1
House Committees	3	3	3	3
Service Committees	2	2	2	2
Ad-hoc Committees				
Committees on Bills (select and special)	5	1	0	0
Special Committees	2	1	0	0
Sub-committees	53	119	134	132

Source: Mahiuddin (2009) for the fifth to eighth parliaments; authors' estimate for the ninth parliament.

It was only with the establishment of the seventh parliament in 1991 that the parliament of Bangladesh established a proper committee structure. The parliamentary committees were recognised as important institutions, and they provoked some public interest and debate. One of the reasons for this change may be the spread of new ideas from the international community, and aid projects aimed at parliamentary reforms (Ahmed 2000). With the establishment of the ninth parliament, the committees have come to work significantly better than their predecessors, but some factors still limit their influence.

Some positive trends can be noted about the ninth parliament (IGS 2009). For instance, for the first time in Bangladesh's history, all standing committees were formed during the first session (earlier, this could take years). Furthermore, in the ninth parliament the chairs of two standing committees have been given to the opposition.

Committee proceedings in Bangladesh, however, are not made public as is the case with some other countries. The proceedings of the parliamentary standing committees are open in countries like Canada, South Africa and Cayman Island. In the US *House of Representatives,* the public hearings of the committees are telecast live. The Swedish and the Spanish Assembly permit journalists to be present in the committees' sessions. In Canada, a member of parliament who is not a member of a committee may participate in the proceedings but may not vote or be counted in the quorum or move motion. The constitution of South Africa requires the involvement of the public in parliamentary procedures, and thus, South African parliamentary committees are open to both public and media.

Tables 19 and 20 report on the performances of ministerial and financial committees. Comparatively, the ninth parliament is more active than the previous ones. The department-related committees have already held more than 1,000 meetings and the highest number of sub-committees has been formed under the current parliament. Also, the ninth parliament has already overtaken the eighth parliament in terms of submitting reports.

Table 19: Nature of DPCs Activism

Nature of Activism	Parliament			
	Fifth	**Seventh**	**Eighth**	**Ninth**
Number of meetings held	118	1175	982	1101
Number of sub-committees formed	38	107	102	120
Number of reports submitted	13	12	34	36

Source: Ahmed (2002) for fifth and seventh parliaments; authors' estimate for the eighth and ninth parliaments.

Table 20: Nature of Finance Committees Activism

Nature of Activism	Committee	Parliament			
		Fifth	**Seventh**	**Eighth**	**Ninth**
Number of meetings held	PAC	52	103	46	76
	EC	27	23	27	24
	PUC	40	26	49	47
Number of sub-committees formed	PAC	4	1	9	8
	EC	5	7	11	2
	PUC	4	3	3	2
Number of reports prepared	PAC	4	3	1	2
	EC	-	-	2	1
	PUC	2	-	2	1

Source: Ahmed (2002) for the fifth and seventh parliaments; authors' estimate for the eighth and ninth parliaments.

To cite an example, Ohiduzzaman (2010) argues that there is more activism in the workings of the Standing Committees on Ministry of Environment and Forests. This particular parliamentary committee prioritised routine matters of the ministry during the seventh parliament, and by the eighth parliament, it started dealing with more substantial environmental issues. However, given the domination of government members in the committees, it faced difficulties in working in an environment with limited resources and lack of expertise. In the ninth parliament, a significant improvement came with the nomination of an opposition MP to the committee.

In the CPD-CMI interviews, the Chair of the Standing Committee on Ministry of Post and Telecommunications argued that his committee was successful in getting many of its ideas accepted and implemented by the ministry because of the novelty of its ideas and the committee chair's good relationship with the minister. However, he noted problems with the MoF.

For the first time in Bangladesh's parliamentary history, the PAC met so frequently that it is in a safe position to surpass the record set of 103 meetings held in the seventh parliament. The PAC has already submitted two reports to the JS. The Public Undertakings Committee and Estimates Committee have already met more than their predecessors.

One of the basic weaknesses of the most important financial oversight and control committees, the PAC, is the fact that it is still headed by a treasury bench MP, in contrast to other democracies (including India and Sri Lanka). The World Bank recommended in 2002 that the PAC should be headed by an opposition MP, as is the case in many other Westminster-style parliaments (World Bank 2002). The same study noted that the PAC carried out its investigations based entirely on the Office of the Comptroller and Auditor-General's reports, without any independent inquiries or committee investigations. The problem here is that the reviews take place years after the money has been spent.

MPs are hampered by practical problems and poor facilities. For instance, the PAC suffers from lack of adequate staff and research capacity, the committee usually does not invite professionals and specialists to provide advice, and there is no system of discussing reports and findings in the plenary (World Bank 2006: 54).

There are also a number of limitations which restrains the proper functioning of the other parliamentary committees. These include MPs' lack of interest in committee works, and lack of expertise as many MPs are relatively newcomers to parliament and consider parliamentary work as part-time activity. In addition, committees suffer from lack of resources and meetings are often irregular.

However, some researchers have argued that these limitations originate from the environment in which the parliament operates, rather than from a lack of willingness of the parliamentarians to be proactive (IGS 2009). For instance, it has been argued that MPs are taking less interest in the business of the parliament as they are more preoccupied with affairs of their constituencies, which is noted as one of the main source of corruption and of a restricted scope of parliamentary oversight (Alamgir *et al.* 2006) (see also Section 4.3.1).

5.3.2 Questions and Motions

There are several individual ways in which MPs can provide oversight and raise important issues for debate in the JS. These techniques can be categorised into discussions, motions and questions. Of these, the most frequently used technique is questions to the Prime Minister and ministers. Question time originated in the Westminster system of the UK and it is now a well-known and widely used mechanism. There is in fact hardly any Westminster-style parliament that does not have arrangements for questioning ministers on the floor of the parliament. In many legislatures, it occurs daily while parliament is sitting.

One of the important ways to measure the activism of MPs is to calculate the number of notices received by the parliament secretariat, denoted by 'N' in the following Tables. Among the techniques, questions are used more frequently which provide the mainstay of parliamentary scrutiny. The number of notices received for raising questions has increased over time. One of the striking findings from the current research is, however, the large volume of questions which are rejected by the Speaker on procedural grounds. What is also of relevance here is that a significant amount of questions which are accepted for balloting, often do not reach the floor due to the conclusion of the plenary session (referred as *Tamadi*).

In the context of the Prime Minister's Questions Time, Table 21 shows that 53.9 per cent, 44.5 per cent and 58 per cent of questions were rejected by the Speaker on procedural grounds in the seventh, eighth and ninth parliaments (upto December 2010) respectively. This rejection on procedural grounds is worth deliberating because MPs are assumed to participate in orientation programmes, before the commencement of the parliament's first plenary session.

Table 21: Prime Minister's Question Time (PMQT)

Parliament	Question Answered	Question Rejected	Question Lapsed	Question Withdrawn	Total
Seventh (upto March 1999)	13.5	53.9	32.3	0.3	100 (N=1500)
Eighth	17.1	44.5	38.2	0.0	100 (N=1734)
Ninth (upto December 2010)	13.4	58.0	28.4	0.1	100 (N=1688)

Source: Ahmed (2002) for seventh parliament; authors' estimate for the eighth and ninth parliaments.

With regard to questions to ministers, however, Table 22 reveals a trend of allowing more questions from members since 1991. The total number of questions received by the parliament secretariat has increased over time alongside the share of answered questions. The number of questions which fall under the 'Tamadi' category appears to be stagnant at 40 per cent. There is a caveat to be considered in interpreting the figures on questions. We have not been able to review the nature of questions and assess whether they focus on scrutinising the executive's activities.

Table 22: Questions to Ministers

Questions to Ministers*	Fifth	Seventh (upto 1999)	Eighth	Ninth (upto 2010)
Total questions received (N)	*44206*	*29537*	*33956*	*24909*
Total answered (%)	25.2	32.8	41.9	45.8
Question rejected (procedural ground) (%)	23.1	27.5	15.9	8.1
Tamadi (%)	51.7	39.7	41.2	42.5
Question shifted/withdrawn (%)	0.02	0.0	1.0	3.6

Source: Ahmed (2002) for the fifth and seventh parliaments; authors' estimate for the eighth and ninth parliaments.
Note: *Both 'Starred' and 'Unstarred' questions. Starred question means a question for an oral answer and unstarred is a question for a written answer.

In the context of admissibility of notices, comprising all different motions Table 23 reveals the low level of notices which are accepted for discussion in the JS. What is alarming is that from the seventh parliament onwards, neither adjournment motions nor half-hour discussion motions were allowed by the Speaker. Of all the notices for moving motions received by the parliament secretariat, the call-attention motions constitute the most frequently used technique by the MPs.

Rule 71, which deals with the call-attention motions, has undergone some changes since the seventh parliament and MPs can now move three motions (instead of one) in a sitting. In addition, there is a provision for allowing members to speak for two minutes on their motions. MPs use these techniques to advocate mostly their constituency concerns. The demand nature and geographical focus of such motions were earlier discussed in Section 4.

Table 23: Status of Motions

Parliament	Call-Attention Motions	Short Discussion	Adjournment Motions	Half-Hour Discussion
Fifth				
Notice submitted	5156	774	1704	133
Notice discussed (%)	4.0	3.4	0.2	0.8
Seventh				
Notice submitted	15228	561	4450	21
Notice discussed (%)	3.0	6.0	0.0	0.0
Eighth				
Notice submitted	10407	226	2530	8
Notice discussed (%)	4.0	2.0	0.0	0.0
Ninth				
Notice submitted	5183	19	338	0
Notice discussed (%)	3.7	0.0	0.0	0.0

Source: Ahmed (2002) for the fifth and seventh parliaments; authors' estimate for the eighth and ninth parliaments.

5.3.3 Opposition

In Sections 2 and 4, we looked at the performance of the opposition in the parliament of Bangladesh. For a variety of reasons, the opposition has not been able to play its role adequately. First, Bangladesh has a confrontational political climate. On the one hand, the ruling party (no matter the party) has always used the incumbency advantage to the full, and tried to establish a hegemonic control over the political agenda and over the use of public resources. On the other hand, the opposition (no matter the party) claims to be politically marginalised and that parliamentary work is without purpose. They have preferred extra-parliamentary politics and even taken to the streets instead of engaging actively in parliamentary work. The practice of boycott has particularly weakened the opposition and damaged its public image.

Second, the 'first past the post' system has created a parliament where the majority party is over-represented and the minority party is proportionally under-represented (see Section 4).

Third, the Westminster-style of government weakens the influence of the opposition because of the weak separation of powers and the inclination of the MPs of the ruling party to not to speak or to vote against their own party and government. In Bangladesh, 'floor-crossing' and votes against the party line are explicitly forbidden.

5.4 Issues for Discussion and Suggestions

As discussed earlier, the Bangladesh parliament is a relatively well-powered institution in theory. This section has highlighted some of the shortfalls in the performance of the parliament in terms of its most basic functions: legislation, budget, scrutiny and oversight of the executive branch. In response to the request from the Government of Bangladesh to submit recommendations for reforming the RoP, the UNDP prepared an 'Advisory Opinion on the Reform of the Rules of Procedure' suggesting various reforms of the RoP to enhance the participation of the members and the effectiveness of the parliament (Soliman and Collins n.d.).

In the following sub-sections we note a few of these recommendations which we also consider to be relevant and useful.

5.4.1 Reforming the Legislative Procedure

Suggestions have been put forward for automatic referral of bills to committees in order to establish the principle 'no bills without committee.' In Bangladesh, though MPs boycott plenary sessions, they generally take part in the committee meetings. In view of this backdrop, the establishment of such a principle can ensure opposition's participation in the deliberation process. In general, the UNDP report has recommended for adding a new clause, "in consultation with the Leader of the Opposition" in case of determining the calendar of budgetary discussions and motions, allotting days for the discussion of government bills and parliamentary approval/rejection of presidential ordinances, and when declaring a sitting of the JS as secret.

5.4.2 Reforming the Budget Process

In line with the recommendation for establishing the 'no bills without committee' the UNDP report recommended that the budget should be automatically referred to the concerned committees, and thereby paving way for the establishment of the principle 'no budget without committees.' It calls for constituting a new Budget and Finance Committee where more controversial, important or novel clauses are referred, and remainder of the budget is referred to the DPCs.

The parliament of India has allowed its DPCs to scrutinise the budget on a sectoral basis. The Speaker is mandated to adjourn the session for at least 15 days and if the meeting of a committee is not called within the stipulated timeframe, the Speaker may direct the secretary to call a meeting of that committee (Rule 248). In order to promote the opposition's role in the budget debate process, the UNDP report recommends a balance either through a written rule or through a well-established convention. In case where the Finance Minister exercises his right of reply at the end of the discussion, the opposition will have the right to speak immediately before.

5.4.3 Reforming the Scrutiny and Oversight Techniques

The report by Soliman and Collins observes that the syndication of question is the most serious danger that threatens the credibility of the PMQT. It is mentioned by the authors that the seventh report from the *Select Committee on Procedure of the House of Commons* on the PMQT noted that this procedure should not be used by ruling party members to elicit opinion on the activities and failures of the past governments, but be concerned with probing the operations of the present government. The issue of the neutrality of the Speaker of the Bangladesh parliament has been discussed earlier in Section 3. It is suggested that a random system be introduced by a computer shuffle system, as is the case in the House of Commons, in order to protect the impartial character of the Speaker.

In order to improve the performance of the collective method of scrutiny, there is a need to ensure that the key committees of public interest are headed by opposition members to provide a check over the executive's action. In UK, the chairperson of the PAC is invariably elected from amongst opposition members, something that has begun to be a consolidated practice in the parliament in India. In order to empower the committees, its recommendations approved by the JS should oblige the ministries to report before the committee on implementation and difficulties, if any, within three months.

5.4.4 Strengthening the Opposition

It is recognised that the FPTP system tends to produce 'ruling advantage' for the majority party in the parliament, and various procedures have been put in place in different countries to strengthen the opposition and safeguard the separation of powers. One of these measures is to grant the opposition a constitutionally recognised role and status, and earmarked resources. Therefore, in most Westminster-style parliaments, the opposition is recognised by an established and recognised status of the 'Leader of the Opposition' who is traditionally the leader of the largest party not in government. He/she is often seen as the alternative Prime Minister. The opposition may also form a semi-official 'government-in-waiting' where it will 'shadow' the responsibilities, policies and actions of the corresponding cabinet ministers.

There is a negative trend in the Bangladesh parliament in that many notices, accepted to be raised in the JS, cannot be discussed due to end of the plenary session. In order to ensure that the opposition's notices do not account for the lion's share of these *Tamadi* notices, the introduction of 'opposition days' can help protect the opposition's interest in the parliament. The UNDP report recommended for such a measure under Rule 24 where the business will be decided by the opposition. In UK, opposition days are allocated in the House of Commons in each session for the discussion of subjects chosen by the opposition. There are 20 days allocated for this purpose per session and the opposition generally uses them to raise questions of policy and administration.[34] This provision may also help to reduce the scope for prolonged boycotts from the parliament and make it mandatory for the opposition to engage constructively in the legislation process.

5.4.5 Specialised Institutions of Horizontal Accountability

We noted earlier in Section 3 that the PAC is dependent on the reports of the OCAG. The constitution of Bangladesh guarantees the OCAG with complete independence, i.e. it is not subject to any other authority in having access to all documents required for carrying on audit. The audit jurisdiction of the OCAG covers all government, semi-government offices, autonomous bodies, public sector corporations, statutory public authorities, public enterprises and local government bodies. However, the effectiveness of the OCAG as a supreme audit institution and an independent institution has been put under scrutiny (IGS 2010). It has been recommended that in order to make the OCAG's works more effective, its independence should be promoted and protected.

Finally, the Bangladesh constitution envisages the establishment of the office of Ombudsman, as enshrined in Article 77. The advantage of the Ombudsman lies in its power to direct legislative and government attention to address grievances of citizens (Iftekharuzzaman 2008). The need for establishing such autonomous, independent watchdogs has attracted new attention in India, following civil activist Anna Hazare's 12-day fast in which he sought to combat corruption through such institutions. In April 2011, Hazare started a *Satyagraha* (non-violent resistant) movement demanding the passing of the *Jan Lokpal* (Citizens' Ombudsman) bill. Following Hazare's hunger strike, Indian Prime Minister Manmohan Singh stated that the bill would be re-introduced in the parliament. To date, the prospects for establishing such an autonomous entity have not translated in Bangladesh. Strengthening horizontal accountability institutions is necessary in view of the weakening position of some other accountability institutions such as the Anti-Corruption Commission.

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[34]The term 'opposition days' has been defined at: http://www.parliament.uk/site-information/glossary/opposition-days/ (accessed on 5 October 2011).

6. KEY CHALLENGES AND WAY FORWARD

This study has attempted to analyse the evolution of the parliament since the independence of Bangladesh. We have highlighted the areas of progress as well as deficits. We have identified some of the challenges that constrain the work of the parliament and suggested measures to address them. A few of these suggestions can be easily adopted by changing existing rules and processes. Others will, however, be more difficult to implement as these will require building consensus amongst all political parties to change some of the current undemocratic political practices which have hindered effective functioning of the parliament. We present below the critical challenges and suggestions. We hope our analysis will contribute to knowledge and actions that will lead to the building of a democratic and effective parliament in Bangladesh.

6.1 Institutionalising Credible Parliamentary Elections

Organisation of regular, free and credible elections acceptable to all contestants is regarded as a first step for institutionalising democracy. Unfortunately, this has always been a challenge for Bangladesh. As discussed in Section 2, there had been persistent allegations of partisan use of state machinery and other fraudulent practices. Elections held under military rule were perceived as 'engineered.' The ruling party never lost an election when it was held under an incumbent government.

To remove the possibility of an incumbent political government influencing electoral processes, Bangladesh instituted a unique system of Non-party Caretaker Government to organise parliamentary elections. Elections held under the NCG were certified as free and fair by domestic as well as international observers. The last incumbent government always lost these elections and there was a rotation of power between parties. Nevertheless, the losing sides always complained of some element of electoral fraud as the source of their defeat. Attempts were made to make even the NCG partisan and it became a politically contested issue. Finally, the NCG system was abolished by the fifteenth amendment of the constitution in 2011.

There is now no system acceptable to all contestants to organise a credible parliamentary election. The government, led by the Awami League and its Grand Alliance, is now proposing to hold the next parliamentary election under the incumbent government going into a caretaker mode with an independent Bangladesh Election Commission. The BNP-led opposition wants return of the NCG, and is threatening to boycott the election if it is held under the incumbent government.

This ongoing political contestation is gathering intensity and needs to be resolved urgently. Otherwise the opposition may not only boycott the parliamentary election due in 2014, but may seek to frustrate the holding of elections. Such moves may have far-reaching consequences for the sustainability of the democratic process. Both sides, therefore, need to come to an understanding and agreement about the modalities of holding free and fair elections.

In addition to an agreement on the modalities of the system of government, under which elections will be held, the independence and unchallengeable authority of the BEC must be established, and the neutrality of the state machinery during elections must be ensured.

A number of measures were introduced during the last parliamentary election to address several other problems related to election. These measures include corrected voter list; voter ID; restrictions on election-related expenses; disclosure of information about candidates; maintenance of peace and law and order, etc. These need to be continued and enforced by the BEC. Unless BEC can punish the violation of election guidelines by candidates irrespective of their party affiliation, it would not be able to establish its credentials as an independent agency.

6.2 Building a Representative Parliament

We have highlighted in Section 4 some of the challenges of building a representative parliament. The problems associated with the 'first past the post system' electoral system, particularly the issue of discrepancy between vote share and seat share in parliament, have been discussed. We have also shown the shortfalls in the representation of marginalised groups: women, religious minorities, and the resource poor.

6.2.1 Reforming the Electoral System

The FPTP electoral system has created a situation where a political party or an electoral alliance, has been able to achieve a huge majority of parliamentary seats despite a narrow or a small advantage in popular vote share. For example, in the fifth parliament both BNP and AL received 30 per cent popular vote. Yet BNP won 140 seats and AL got 88 seats. The gap between popular vote share and seat share is even more evident in the eighth and ninth parliaments. A difference of 7 per cent in the eighth and 17 per cent in the ninth parliament resulted in more than a two-thirds and three-fourths majority for the governments respectively.

This variation between vote and seat share is a function of strategic coalition-building under the FPTP electoral system. In Bangladesh, successive governments have invoked this overwhelming majority in seat share in parliament to pass constitutional amendments without attempting to reach any accommodation with the opposition, even though the latter continues to command sizeable electoral support.

This tendency towards extreme majoritarianism underscores the need for reforms of the electoral system so that political representation in parliament closely reflects the popular vote. Time has come to discuss and debate the merits and demerits of different electoral systems and the prospects for reforms and change. The existing electoral system, FPTP, has some advantages, e.g. closeness to the electorate, but also some disadvantages, e.g. the gap between vote and seat share, and the temptation for MPs to prioritise constituency interests over national interests.

An alternative electoral system, e.g. proportional representation system has its own particular advantages, e.g. seat share according to vote share but also some risks. For example, the PR system which gives power to the party to select candidates on the electoral lists, may lead to even greater concentration of power in the hands of party leaders who may select candidates on grounds of loyalty to the party leadership, rather than their merits as prospective parliamentarians. More research and discussion is needed about the pros and cons of different electoral systems in order to assess their relevance in the specific context of Bangladesh.

6.2.2 Representing Social Diversity

Bangladesh has introduced some modest measures to enhance the representation of under-represented groups in parliament. For example, to compensate for the weak representation of women in parliament (usually 2-3 per cent in directly elected seats and at present 6 per cent), a system of reserved seats for women has been provided by the constitution. The number of women's reserved seats has been increased from 15 in the first parliament to 50 by the latest amendment of the constitution. Women in these reserved seats are selected by the parties based on their seat shares in parliament.

This affirmative action measure to increase women's representation has not done much to improve the quality of women's participation. Critics have termed these women as merely ornamental additions. Women's organisations have demanded other measures such as direct elections to the women's reserved seats, and/or a women's quota in party nominations for

electoral contestation to the parliament. However, more deliberation is needed to devise specific actions which can address the practical political and operational problems inherent in such reforms. Here, the leadership of political parties needs to play a more proactive role in pushing forward the agenda of women's representation.

The religious minorities, particularly the Hindus, who constitute nearly 10 per cent of the population, also remain under-represented in parliament (usually 2-3 per cent). The AL has a much better record of giving party nominations to minorities. All but one of the Hindu MPs elected to the parliament since 1991 belong to the AL.

At present there are no affirmative measures to increase the representation of minorities. Various options such as establishment of party quotas or reserved seats, or redrawing of constituency boundaries (affirmative gerrymandering) can be considered. The merits and risks of different options need to be evaluated by the political parties. Here again, political parties need to assume a catalytic role in pushing forward the agenda of minority representation.

The most difficult challenge is to ensure the representation of the resource poor. The expenses associated with running an election campaign have been rising prohibitively high in all countries including Bangladesh. As a result, there is an increasing trend for the parliament to degenerate into a 'rich man's club.' For example, whereas in the 1970's less than 25 per cent of the MPs declared themselves as businessperson/industrialist, at present 56 per cent of MPs fall under this category.

Measures to ensure the representation of the resource poor require the most innovative thinking. Political parties have to be committed to recruit prospective parliamentary candidates drawn from among the resource poor who can then be groomed, nominated and elected to the parliament. The financing of their election campaign will also need to be underwritten. However, the representative participation of the subaltern groups need not remain contingent on the good will of the political parties. Other measures to transform the collective strength of the resource poor into a political resource need to be explored. Here civil society and social movements can play an important role.

6.3 Representing Constituencies

Under the FPTP electoral system parliamentarians generally prioritise the interests of their specific territorial constituencies. In Bangladesh this gets translated in popular imagination as bringing development inputs to the constituencies such as construction of roads, schools, clinics, supply of electricity, etc. Apart from their salaries and allowances, the MPs get a special allocation of Tk. 30 million per year for development work in their constituencies. Moreover, the MPs work as gatekeepers of wide-ranging development goods and services.

The MP's authorised as well as unauthorised role in local development activities provide them with opportunities to distribute patronage, build personal and party support, and indulge in corruption. However, this role has created tension and conflict between MPs and representatives of local governments as the latter also want to control public resources to build up their own patronage network. The potential for conflict is more when the MP and the representatives of local bodies belong to opposing parties.

The prioritisation of constituency development work is underscored by the questions and motions raised in the parliament. As indicated in Section 4, nearly half of the motions tabled by the parliamentarians from the fifth to the ninth parliaments have focused on local concerns. Nearly one-third of issues discussed in parliament have sought benefits for specific localities. This preoccupation with constituency development partly explains why the MPs are

not so proactive in discharging their core functions of law making, budgeting and oversight of the executive.

Academics as well as civil society activists have suggested that the local development role of the MPs should be made more limited and transparent, and that the roles and responsibilities of the MPs and elected local government representatives should be clearly demarcated. However, specific steps are yet to be identified. These will have to be devised, debated and agreed upon by all stakeholders.

6.4 Formulating a Code of Parliamentary Conduct

Several issues related to the parliamentarians' code of conduct have been discussed in Bangladesh. These include allegations of misuse of power, privileges and funds; conflict of interest; use of unparliamentary language; and, above all, boycott of parliamentary sittings by the opposition. The media has extensively reported on various cases of breach of parliamentary codes of conduct. We have highlighted them in Section 4.

Unfortunately, none of the allegations about the MPs' conflict of interest or misuse of power and funds have so far been investigated. The Speaker has initiated disciplinary actions against a few MPs, most notably against the former Speaker, for breach of privileges but these actions have been directed against opposition MPs. The only action taken so far by the Speaker against use of unparliamentary language has been to expunge this from the proceedings of the parliament.

The boycott of parliamentary meetings by the opposition, which started with the fifth parliament, has continued and indeed increased over successive parliaments. The opposition has boycotted sittings of 43 per cent of the seventh, 60 per cent of the eighth and 74 per cent of the ninth parliament.

Specific measures can be taken to tackle the various forms of breach of parliamentary code of conduct. For example, a registry of MP's financial and professional interests and making the registry public can facilitate the monitoring of the MP's conduct. The BEC requires disclosure of information about assets and income of candidates seeking election, but the information is not systematic and is not regularly updated. Annual disclosure of parliamentarians' financial and professional interests needs to be made mandatory.

The appointment of MPs to the parliamentary committees should be carefully assessed to screen out members with potentials for conflict of interest. Allegations of conflict of interest and other breaches of code of conduct should be investigated.

The Speaker needs to make more use of Rule 16 in *Rules of Procedure* which allows him/her to punish members for misconduct in the *Jatiya Sangsad*.

Finally, a variety of measures ranging from censure to a cut in salary and privilege and even loss of seats can be considered to address the practice of boycott of parliamentary sittings.

Though many of the breaches of code of conduct can be addressed under the existing provisions of RoP, it will be useful to formulate and adopt a *Code of Parliamentary Conduct* that will make the principles and codes explicit and transparent. A consensus amongst all major political parties will be required to formulate a code of conduct. Without such a consensus no measure can be adopted or sustained by successive parliaments.

6.5 Improving Performance

The parliament's performance in Bangladesh in terms of its core functions such as legislation, budget, scrutiny and oversight, lags far behind citizen's expectations and global standards. We have elaborated the shortfalls in the parliament's performance in Section 5. Notwithstanding its supremacy over law making as mandated under the constitution, the parliament has exercised its law making role rather weakly. Initiatives for legislation generally originate from the government. There is also the tendency to pass laws through ordinances which are later ratified by the parliament. Debate on legislation and particularly on the budget is far from rigorous. The budget is not referred to committees, and only three weeks are allocated for budget discussion in parliament. Scrutiny and oversight of the government's actions remain inadequate to the task of establishing accountability. Citizen's involvement in the parliament's core functions is limited and not formalised.

Structural constraints as well as institutional weaknesses have contributed to the ineffective performance of the parliament. Measures need to be taken to remove these constraints and strengthen the key institutions. Changes in the existing processes and techniques of law and budget making, along with stronger scrutiny and oversight, are needed to improve the performance of the parliament.

6.5.1 Removing Structural Constraints

Article 70 of the constitution, which prohibits floor-crossing, has long been cited by MPs as a constraint on their freedom of expression. Though the article only forbids voting against the party, parliamentarians have been reluctant to even express views critical of any policy or programme of their parties for fear of 'withdrawal of the party whip' leading to the loss of their parliamentary seat.

The majority of key informants interviewed by this study recommended that the stringent conditions of Article 70 should be relaxed and the parliamentarians should be allowed to speak and vote against their parties except in a no-confidence motion.

6.5.2 Strengthening Institutions

Some of the vital institutions of the parliament such as the Speaker, committees, and the parliament secretariat are relatively weak. There is no mechanism to ensure the neutral role of the Speaker. The committees are not adequately empowered. The parliament secretariat is under-staffed and under-resourced. Specific measures need to be taken to strengthen these critical institutions.

The Speaker's neutral image can be protected by following the practices of either the UK or India. In UK, the Speaker resigns from the party and is identified not with a party affiliation but as the 'Speaker Seeking Re-Election' in the next parliamentary election. In India, the Speaker is generally selected on the basis of all party consultation and consensus, and recuses from party affairs.

To promote neutrality, the Speaker should consult with the Leader of the Opposition in setting the agenda of the parliament. A random system by a computer shuffle for selecting questions to the Prime Minister (PMQT) can be introduced to ensure the Speaker's neutrality.

The committees, which play an important scrutiny role, are particularly important in Bangladesh, because the opposition participates in committee meetings even when they boycott plenary meetings of the parliament. In the current parliament, the committees have demonstrated some activism. All the parliamentary standing committees were established in the first session. For the

first time two committees are being chaired by the opposition. Furthermore, committee meetings are held more regularly and their reports issued more frequently.

Still committees face many hurdles. Ministers or public agencies fail to supply documents and public officials sometimes refuse to give evidence. Ministries are not required to act on the recommendations of the committees. Here again, Bangladesh can adopt measures which are being followed in other countries. For example, the committees can be empowered by establishing the principle of 'no bills without committees,' and 'no budget without committees.' A timeframe should be the prescribed by the RoP for the implementation of the recommendations of the committees. Key committees such as Public Accounts Committee and Public Undertakings Committee should be chaired by opposition members as is the custom in UK and India. In order to be better informed and be more effective, the committees should be provided with appropriate research and technical support as well as given the opportunity to invite experts to give testimony before them.

Finally, the parliament secretariat should be made more autonomous with guaranteed staff and avoid frequent rotation of senior staff. The professional capacity of staff needs to be improved.

6.5.3 Reforming Legislatives and Budgetary Processes

Changes in legislative and budgetary processes can enhance the parliament's performance. Several changes in legislative and budgetary process can be considered. For example, the widespread practice of legislation by ordinance should be restricted. Transparency and public participation as well as debate on policy making should be enhanced by commissioning 'white papers' or background reports on critical policy issues as a prelude to the introduction of legislation. Proposed legislation and budgets should be automatically referred to committees for scrutiny before being placed in the parliament. A new Budget and Finance Committee may be established to deliberate on the budget. Partnership with civil society groups should be encouraged to broaden participation in the law making process as well as to make parliament's work, including budget work, more transparent and accessible to the public.

6.6 Engaging the Opposition

The practice of boycott of the parliament by the opposition, which is unique to Bangladesh, has been a major cause for the weak performance of its accountability function. In a Westminster-style parliamentary system, it is the opposition's special responsibility to scrutinise the work of the government as the ruling party members are expected to extend support to the executive. But the opposition has boycotted more than half of the parliamentary sittings since 1995, complaining lack of opportunities to voice their concerns inside the parliament. The opposition has instead focused its attention on street agitation.

Bringing the opposition back into the parliament as well as keeping them engaged in parliamentary work remains the principal and most challenging task. Several procedures which have been put in place in different countries to safeguard and strengthen the opposition's role can also be adopted in Bangladesh. One of the important measures is to grant the opposition a constitutionally recognised role and status backed by earmarked resources. Following the model of the Westminster-style parliament, in Bangladesh, the Leader of the Opposition enjoys the status of a minister. However, contrary to the tradition of the more established democracies, Bangladesh's opposition has not developed the practice of forming a semi-official 'government in waiting.' A move in this direction where the opposition will 'shadow' the responsibilities, policies and actions of the corresponding cabinet ministers will help to strengthen the role and the status of the opposition.

Other measures can also be introduced. For example, the Speaker should consult with the Leader of the Opposition in setting the agenda of the parliament. Following the UK model 'opposition days' can be introduced when the opposition will choose subjects for discussions. The opposition should be given the right to speak immediately before the Finance Minister's reply at the end of the budget session. The opposition can be given the opportunity to chair a larger number of parliamentary committees than may be proportionate to their seats in parliament.

However, it will not be possible to engage the opposition in parliamentary work unless all parties agree to abandon the political culture of confrontation, exclusion and violence. Since the restoration of parliamentary democracy in 1991, the ruling party (no matter the party) has always exploited its incumbency in order to establish a hegemonic control over the machinery of governance and to use this to monopolise the disposition of public resources.

The opposition (no matter the party) has, thus, felt marginalised and victimised, thereby opting for the path of protest and street mobilisation outside the parliament rather than to engage in parliamentary work. Unless all parties agree to make the parliament, rather than the streets, the central place for holding political debates and resolve contestations, the parliament will not be able to establish itself as the central institution of democracy in Bangladesh.

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