

When do ministers have to offer resignations?



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Representative democracy does require that those who have power in the executive (members of gov-

ernment) are accountable. Representative democracy for all its faults is the best available system. As Sir Winston Churchill once said: "Democracy is the worst form of government except all those other forms that have been tried from time to time."

Examples of acceptance of responsibility

There are many instances where Prime Ministers/executive Presidents had accepted full responsibility of actions under their supervision. In 1835 Sir Robert Peel, the British Prime Minister, assumed full responsibility for government's actions, despite the letter of the law but also with the spirit of the Constitution.

Principles involved in resignations

In essence, there are two principles involved in resignations. First is the principle of positive morality which is described as the beliefs that political leaders have to conduct themselves in accountable manner and the second is the principle of critical morality that is expressed in rules that the political actors ought to feel obliged to resign if they have failed to discharge their ministerial responsibility.

Ministerial responsibility/accountability is one of the essentials of parliamentary democracy because it manifests account-

ability to the people to whom all powers belong (Article 7 of the Bangladesh Constitution). Erskine May's Treaties on Law, Proceedings and Usage of Parliament says: "Ministers have a duty to Parliament to account and be held to account for their policies, decisions and actions of their Ministries/Departments."

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Situations under which resignations are offered

Furthermore, analysis of past Ministerial resignations broadly indicates three situations:

First, it requires Ministers to resign for personal fault. For instance, last year Murli Manohar Joshi offered his resignation from India's Union Cabinet in the wake of judicial judgment on the demolition of Babri mosque in 1992 and on 10th November Union's Junior

Cabinet is expected to ensure that all members of the Cabinet are responsible for their departments/Ministries' actions and if any one breaches this obligation, either the Minister concerned should offer resignation or be dropped from the Cabinet.

In recent times the Parliamentary Committee of the Shipping Ministry of the Jatiya Sangsad (Parliament) was reported to have criticised the Shipping Ministry for

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Conclusion

Many political observers believe that modern politics, like modern cricket, has largely left behind its long-held conventions ushering in a new politics of "whatever you can get away with". The great British Parliamentarian Edmund Burke (1729-1797) reminded us of the duties of MPs when he said: "Your representative owes you, not his industry only, but his judgment".

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BOTTOM LINE

Some authors have attributed to resignations as "political pragmatism". Ordinarily the decision behind the resignations depends on the Prime Minister and the Parliamentary Party. Whether a Minister resigns or not is to be first decided by the Parliamentary Party. However a resignation seldom occurs unless Prime Minister considers non-resignation of Ministers dwindle political support of the ruling party in the country.

should pass on the blame to CIA, he refused. In 1961 President Kennedy accepted full responsibility of a US-sponsored failed invasion by anti-Castro exiles (known as Bay of Pigs invasion). Although he was advised by his brother Attorney General Robert Kennedy to blame others for it, President Kennedy refused.

All the instances show that an executive head of the government (a Prime Minister or a President as the case may be) accepts responsibility for commission or omission of an act or conduct of government, whether or not it is known to the Prime Minister/President.

Similarly a Minister is responsible for the Ministerial/Departmental actions, although the Minister may not be personally responsible for the action or omission. In Britain, it was Parliament's ability to force resignation that gave substance to the belief that Ministers were required to resign for serious departmental fault. It was the power of the House of Commons to move and carry a motion censuring the individual Minister without necessarily dislodging the government.

During the 80s and 90s several British Ministers had to resign (for instance Fairbairn, Carrington, Atkins, Parkinson, Brittan, Currie, Nicholls, Ridley and Mellor). Assessments as to these resignations clearly indicate about the convention of individual ministerial responsibility.

Bangladesh context

The Ministerial responsibility has been enshrined in Article 55 of the Bangladesh Constitution of 1972 and sub-section 3 of the Article specifically provides that "the Cabinet shall be responsible to Parliament". This provision may be interpreted to mean that the Prime Minister who chooses Ministers in

its failure to take necessary action to prevent launch accidents. Last year, on July 8, over 400 persons were reportedly drowned in a launch capsized at Chandpur. The Committee's chairperson Golam Mohammad Siraj is reported to have stated that, "We are embarrassed for the launch accidents." In recent days another launch accident occurred incurring loss of lives. If such accident occurs during winter time, who knows what will happen during monsoon season?

Furthermore, the Committee also noted the prevailing poor situation of the Mongla port because of corruption, irregularities and low business. The Committee's report appears to be a sharp disapproval of the Ministry's performance that in turn eventually passes on to ministerial responsibility.

This brings to the question when are Ministers compelled to resign?

No Minister would deny his/her individual and collective responsibility for executive actions. Ministers subscribe to conventions and ministerial responsibility is tempered by positive morality. There is a view that if Ministers do not resign because of their purported negligence in the discharge of public duties, it undermines the constitutional morality and is often seen as contrary to political pragmatism.

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