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System needs radical change

Under the existing system, it is the PM along with the cabinet of ministers who are not only holding the total executive power of the country, but also deciding the activities and the out come of the Parliament for all practical purposes. Naturally, the PM's office has become the focal point of all activities and attention. All the policy decisions for governance are taken and implemented unhindered in the PMO.

G. M. QUADER

BAKLADESH at the present moment is a democratic country governed under a parliamentary form of government system. In a parliamentary system of government, parliament functions as the most important institution for all state activities, and the formation of the government and all activities of the government are decided and guided on the floor of the parliament.

The constitution of Bangladesh states that there shall be a Parliament in which shall be vested the legislative powers of the Republic. It also states that Parliament shall consist of three hundred members to be elected from single territorial constituencies by direct election. As per a provision of the fourteenth amendment, forty five reserved seats for women members are added to the three hundred Members of Parliament.

The chief executive officer of the country is the Prime Minister as stipulated in the constitution. On the selection and appointment of the Prime Minister, the constitution states: "The President shall appoint as Prime Minister the Member of Parliament who appears to him to command the support of the majority of the Members of Parliament."

The Prime Minister shall be appointed from amongst the Members of Parliament. Ministers, Ministers of State, and Deputy Ministers are to be selected by the Prime Minister with the condition that at least nine-tenths of their number shall be appointed from among Members of Parliament.

A section of MPs thus form the government with the Prime Minister as its chief. The constitution says: "The executive power of

the Republic shall be exercised by or on the authority of the Prime Minister." The constitution further states: "The cabinet shall be collectively responsible to Parliament."

The PM with the entire cabinet is accountable to the rest of Parliament. The MPs are supposed to guide and persuade the government to perform in a way which reflects the wishes and desires of the people. The constitution also provides the Parliament scope for changing the government or even dissolving the Parliament.

It is stated: "If the Prime Minister ceases to retain the support of a majority of the members of Parliament, he shall either resign his office or advise the President in writing to dissolve Parliament."

This is an ideal condition where the system guides the government to work for the people and Parliament assumes the driving function to ensure such a situation. Parliament reserves the option up to the extent of dismissing the government and/or dissolving the Parliament to enable the people to decide afresh on formation of government and Parliament. But there lies some big flaws in our system which hinders its proper functioning.

As per article 70(1) of the constitution, the MP nominated by any particular political party is not allowed to vote against the decisions of the party from which he/she is nominated, otherwise that particular MP loses his/her seat in the Parliament. MPs belonging to the ruling party or ruling alliance are to support the actions of the government, irrespective of its merits, as per the above provision of the constitution.

As such, the government is ensured of getting support of the Parliament for all its activities, as

the majority number of MPs is bound to be on its side in the parliament, at all times, on any issue. The government feels free and comfortable for taking any decisions on its own, knowing full well that it would have a comfortable sailing in the parliament where it possesses a captive majority needed for acceptance of any of its propositions.

As such, the provision of the constitution for making the government accountable to the parliament really becomes meaningless for all practical purposes. Obviously, no government takes the Parliament seriously and the Parliament may be termed no more than a debating club and serves no better purpose. This

situation has allowed the government to become autocratic and made Parliament a rubber stamp to legitimise all activities of the government.

This may be considered a big flaw in our system as it provides scope for the government to act on its own without any accountability to the people through its elected representatives in the Parliament. This could lead the government to act against the interest of the people. The people may find no reflection of their wishes in the affairs of the country. They would not have proper and effective means to ventilate or enforce the same under the system.

If democracy is understood to

the system. It must be either purely parliamentary form in which case the restrictions on the activities of the MPs imposed with the provisions of Article 70(1) as stated above must be amended.

The major logic for the stated provision has been that the MPs of our country are not trust worthy. There could be horse-trading with them and the stability of the government would be fragile, hampering continuity of policies. There is also the concern that decision making of the government would be difficult resulting in hindrance to good governance.

This is a self-defeating logic. If we cannot trust the MPs elected by the people why should we practice Parliamentary system of

necessary to interfere, the committees can function freely.

Moreover, the committees are all advisory bodies, their authority limited to giving recommendations only. If the government does not accept or implement the recommendations, the committees have no power to force the government to do so. In most of the cases, the government departments and the concerned ministers just ignore the whole thing and put the recommendations in the deep freeze to be totally forgotten in course of time.

It should be made mandatory that recommendations of the standing committees be implemented within a certain time by the concerned authority. If this

party that he is neutral and working without bias. As per our constitution, Speakers are elected and can be removed as per the majority vote of MPs. This provision allows the government party scope to remove the Speaker whenever it so desires. Thus it is very difficult for the Speaker to maintain his neutrality. He needs to follow the dictates of the government party to continue in office or else he may be voted out of office. As such, to have an effective Speaker, there must exist scope that the Speaker be in a position to act neutrally.

This is possible, in case the removal of the Speaker is made somewhat more difficult by bringing some amendments of the



be, in Abraham Lincoln's famous words, "government of the people, by the people, and for the people," our system lacks the final quality of a democratic government, the assurance that it would act "for the people." In light of the above, government under the existing system does not qualify fully as democratic.

With this minimised role, in Bangladesh the Parliament cannot be what it should have been in a truly parliamentary form of government. In a parliamentary form of government Parliament needs to be strong enough to enforce its guidance. In reality, our system has made the Parliament too weak to be effective. This raises the question, in absence of the said effectiveness of the Parliament, can our system of government be called parliamentary form of government. From the above, it may be concluded to be otherwise.

Under the existing system, it is the PM along with the cabinet of ministers who are not only holding the total executive power of the country, but also deciding the activities and the out come of the Parliament for all practical purposes. Naturally, the PM's office has become the focal point of all activities and attention. All the policy decisions for governance are taken and implemented unhindered in the PMO. As such, the system of governance we have been following may be termed "Prime Ministerial system" which so far as I know exists nowhere else in the world.

The first major reform we need is to change the basic character of

governance in the first place? An amendment proposal of the constitution (on this) has already been submitted for consideration of the Parliament. It is proposed that the MPs would be allowed to express their views free of party dictates and vote accordingly on all issues on the floor of the Parliament except on two occasions only. Those are during formation of government and in case there come a vote of "no confidence" against the government in which case they would have to act according to party whipping or else lose their seat in the Parliament.

In addition to the activities of Parliament in the floor of the House, there are provisions in the constitution for Parliamentary Standing Committees on different ministries. The committees are to make scrutiny of different functionaries of the government with a view to establishing accountability on the day to day activities. But in all the committees, the majority members are from the government party due to the fact that its members are nominated mostly as per party-wise proportionate representation in the Parliament.

Since government party MPs follow the dictates of the government, it is very difficult for the committees to make government ministers or government party men responsible for any wrongdoing, though in a country like ours those are the basic root of almost all irregularities. The committees take decisions as per desire of the government in most of the cases. Only on very rare occasion when the government does not feel

not possible for any reason, the authority must inform the committee the causes for non compliance within that time to be reconsidered.

The other bottleneck has been that the government party tends to fill up all the committee chairman positions from amongst its own party MPs. The opposition is totally excluded or at best accommodated at a bare minimum. If a government party MP is in the chair, he generally tends to protect his party minister and does not allow his party government to be embarrassed for the activities of the ministry.

It is proposed that chairmen of most of the standing committees, especially of important functionaries like Public Accounts Committee, etc. are to be MPs belonging to the opposition bench. There exists a provision in many countries that the leader of the opposition takes over as chairman of public accounts committee.

Last but not the least, it is seen that due to different reasons and circumstances, formation of standing committees are delayed indefinitely. It is proposed that the rules of procedures of the Parliament should be amended to include a provision that all the standing committees are to be formed within the first two sessions of any Parliament.

The Speaker has some definite role to play to make Parliament more effective. In order to perform his role properly, the Speaker needs to earn the confidence of all the members of the house including those belonging to opposition

existing provisions in that respect, say, by making the removal possible only with two-thirds majority vote of MPs. Provisions can also be made so that the positions of Speaker and Deputy Speaker are provided to the treasury and opposition bench respectively. In some developed countries there exists a convention that the constituency belonging to the Speaker is not contested by other political opponents in the next general election so that he need not have to worry for re-election and can perform his duties more freely.

Our present system is neither fully democratic nor is it parliamentary. As such, following the present system, we are not in a position to pave the way for fulfilling the hopes and aspirations of the people for a happy and prosperous society. It is high time the political parties should consider bringing radical change to our system of governance by making amendment of the existing constitution of Bangladesh and the rules and procedures of the Parliament.

To practice democracy we must have faith in peoples' wisdom and give due importance to the people's representatives. To institutionalise parliamentary democracy, the role of Parliament and Members of Parliament should be enhanced further to make the institution of Parliament more effective with a wider horizon of activities in running the affairs of the country.

The author is a Member of Parliament of Jatiya Party.

Keeping MPs under the thumb

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which his can be explained in a manner that suits the party leader. This explanation is even used to expel a member from the party if a dispute arises on some political issue e.g. continuous boycotting of the parliament. The party in power and the party that was in power, have both very strongly and loudly criticised the boycotting of the parliament, and that too for a longtime, as a wrong practice, unethical, unparliamentary and against the interest of the people and democracy as a whole.

Most unfortunately a lone MP has been slaughtered under Article 70, though he neither voted against nor resigned from the party but only attended parliament sessions in keeping with his firm belief in the aforesaid rationales. It is an irony that no member of our highly conscious civil society had

raised his voice on the issue, but they are now provoking various members of the party in power to raise their voice against the government.

By keeping Article 70 intact in the Constitution, true democratic practices cannot be carried out in the country and there will be no chance of getting good quality persons elected as MPs. No party chief will ever nominate a person who has the slightest potential to challenge any of his/her decisions.

Article 70, no doubt is the strongest safeguard for stability of the government but it is one of the strongest hindrances to promotion of democratic norms and making the parliament effective for protection the interests of the people.

Given the present standard of the MPs, Article 70 is perhaps the best instrument to control the corrupt rent seekers. But if we can improve the quality of the MPs as a whole and attract more dedicated, honest, self-respecting and committed people in politics to build better Bangladesh and to change our society for the better, then Article 70 needs to be modified and rewritten as per the requirement of the time. Article 70 definitely has a negative impact but then how can one stop 'horse trading' of MPs?

Today, in our society we need an MP to change an OC or a TNO, or to get posted in remunerative position, or to get a tender without competition, or to get a plot for a CNG station, or a NAM flat, or to keep an IG even if he is convicted or to make a candidate pass in the Public Service Commission Exam even on a blank paper, or even for extension of service for some loyal public servant to obey anything

ordered or even to beg or get extension for only four months for a post like that of the Governor of the central bank.

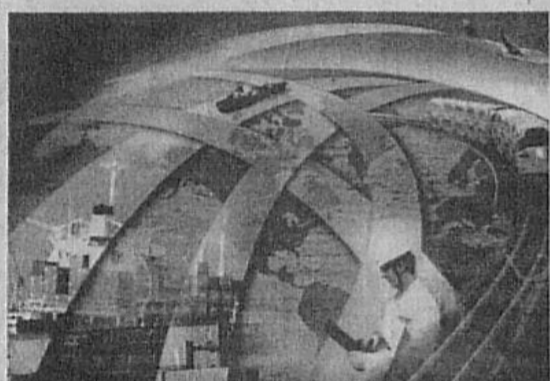
When we, the MPs, can justify our actions irrespective of their nature and necessity than we can do anything anytime for any reason to serve anybody's purpose. With this state of our character, one would definitely concur that party chiefs in power also need protection from the 'best sons of our nation' and only Article 70 of the Constitution can do that most effectively. So, before making any changes in Article 70, our civil society should deeply and seriously consider changing the character of our 'best sons' including their own.

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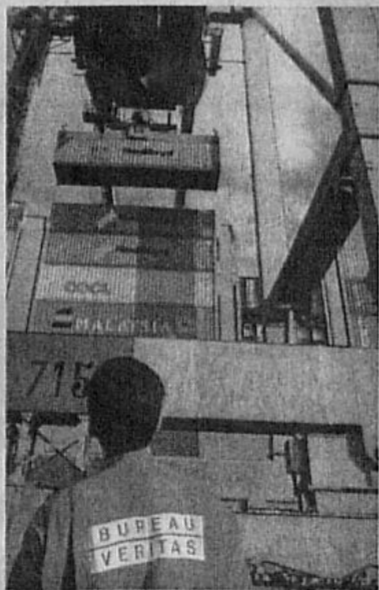
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