change to these fourth amendment clauses.

The twelfth amendment in 1991 brought back the original provision of the Constitution regarding the matter, but at the same time it increased the restrictions on MPs some more.

"[Original] Article 70 puts a reasonable restriction on the function of a member of parliament, but the amended article 70 makes him a prisoner of his party," the Supreme Court observed in a verdict on April 27, 2006.

Due to the restrictions on MPs, the parliament's ability to ensure accountability and transparency of the executive branch has been reduced, although the cabinet is Constitutionally collectively responsible to the House. Lawmakers of the treasury bench cannot cast votes against any government decision, and no lawmaker can abstain from voting unless his or her party decides to do so, nor can he or she cast votes when the party decides to abstain from voting.

**Political parties and politicians must understand that constitutional provision alone cannot prevent extra-constitutional takeover.**

The provision gave rise to an all-powerful prime minister in the parliamentary form of government, who, according to critics, turned into a "parliamentary dictator". The premier, usually the chief of a ruling party, simultaneously holds the office of the leader of the House. In this capacity, the premier picks MPs of his or her choice to lead the parliamentary standing committees, which are assigned to ensure the executive branch's accountability to the parliament. The prime minister's absolute control over the treasury bench makes it impossible to bring a no-confidence motion in the House against the cabinet.

The fourth amendment, on the other hand, had made the then president all-powerful, empowering him or her with the authority to veto any bill passed by the House.

The Appellate Division of Supreme Court in its recent judgment, nullifying the fifth amendment, observed that the fourth amendment had reduced the parliament's power. Although the first martial law regime dismantled many provisions of the fourth amendment, it kept the president's sweeping power intact. In some cases, changes to the Constitution during the regime increased the already too powerful president's authority. The Supreme Court observed that the changes made the parliament subservient to the president. It said that, under the fifth amendment, if the parliament failed to make grants or to pass an annual budget, or refused or reduced demands for grants, the president could dissolve the parliament at his or her pleasure.

Thus the president and CMLA of the first martial law regime, Maj Gen Ziaur Rahman, became an all-powerful chief executive without any check either from the parliament or any other state apparatus, the apex court observed. Following Zia's assassination, Gen Ershad grabbed state power and declared himself the president, enjoying similar sweeping authority during his entire tenure up to December 6, 1990.

Although the twelfth amendment in 1991 restored the parliamentary system of government replacing the presidential form, it kept intact the fifth amendment-ratified martial law regulation that allowed the president to promulgate ordinances when the parliament stood dissolved. And the retention of that fifth amendment provision kept the parliament's exclusive legislative power still a distant dream.

The original Constitution did not allow the president such a sweeping legislative authority, except for promulgation of ordinances on urgent financial matters, while parliament would stand dissolved. It also allowed the president to promulgate ordinances on any urgent matter when a functioning parliament would not be in session. The president's sweeping legislative power, allowed by the fifth amendment, was declared illegal and void by the apex court's recent judgment.

Finally, the thirteenth amendment in 1996 introduced the caretaker government system, against a backdrop of agitation by Awami League (AL) and an electoral stalemate between AL and BNP, making the parliament non-existent for at least three months prior to a parliamentary election. During this period, the state does not function as a republic, as an