

# The Parliament of Bangladesh: Challenges and way forward



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**I**n the forty years since independence Bangladesh has rotated between electoral democracy and military rule, and between parliamentary and presidential systems of government. The frequent systemic changes have hindered the institutionalisation of democracy and adversely affected the development of an effective parliament.

After the restoration of electoral democracy in 1991 there have been some positive developments. Parliamentary elections are being held more regularly and parliaments are completing their terms. While none of the first four parliaments during 1973 to 1990 could serve its full five year term, all the parliaments since 1991, with the exception of the sixth, have more or less completed their tenure. In recent years, the parliamentary committees are also becoming more active. The committee meetings and their reports are more regular and the departmental committees are no longer being headed by ministers. Nevertheless, the two year break during 2007-2008 in the regular cycle of parliamentary elections has underscored the fragility of the parliamentary system.

Two decades of electoral democracy have exposed certain structural weaknesses in the system of representative government in Bangladesh. The parliament does not adequately represent the nation's social diversity. Women, minorities and the resource poor remain persistently under-represented. The parliament's overall performance in terms of its core functions such as legislation, budget, scrutiny and oversight lags far behind citizen's expectations and global standards. Initiatives for making laws and budget largely rest on the executive branch of the government. The role of parliament as the principal instrument of accountability over the executive remains weak. The political opposition has effectively abdicated its watchdog role in parliament since nearly half of the working days of the parliament have been boycotted by the opposition on one ground or another since the mid-1990s. Instead, the opposition has focused on street agitation and has repeatedly called for *hartals* and other modes of mass protest which has achieved little in establishing accountability from the government. As a consequence, discussion, debate and scrutiny of the proposals put forward by the executive to the parliament are limited. Furthermore, parliamentarians remain largely unaccountable for breaches of parliamentary codes of conduct.

We have recently completed a study on the parliament of Bangladesh (see Rounaq Jahan and Inge Amendsen, *The Parliament of Bangladesh: Representation and Accountability*, CPD-CMI Working paper 2, April, 2012), which highlights a number of challenges that constrain the work of the parliament. Some of these challenges and suggestions to address them are presented below. Many of our recommendations are not new. They are drawn from existing studies and reports. A few of these suggestions can be easily adopted by changing rules and processes guiding the working of parliament; others will, however, be more difficult to implement as these will require building a consensus amongst all political parties to change the current undemocratic practices.

**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. During the pre-1991 era there had been persistent allegations of partisan use of state machinery and other fraudulent practices which compromised the credibility of electoral outcomes. Unsurprisingly, 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 (NCG) to preside over parliamentary elections. Four elections were held under the NCG and the incumbent government always lost these elections. As a result, there was a rotation of power between the two major parties -- the Awami League (AL) and the Bangladesh Nationalist party (BNP). While the losing sides always complained that some element of electoral fraud contributed to their defeat, they eventually accepted the legitimacy of the election and took the oath of office to enter parliament.

Notwithstanding the misgiving of the defeated party, the NCG system received universal recognition as a credible electoral process which presented all political parties with a fair chance to compete for power. Unfortunately, within Bangladesh's confrontational political culture, attempts were made to make even the NCG partisan so that it became a politically contested issue. Eventually, the current ruling alliance led by the AL decided to abolish the NCG system through the 15<sup>th</sup> Amendment of the constitution in 2011. Ironically, the 15<sup>th</sup> Amendment was introduced by the very political party, the AL, which led a political movement between 1994 and 1996 to establish the NCG system and was elected to the 9<sup>th</sup> Parliament under this same system with an overwhelming

plurality. No less ironically, the opposition party, the BNP, which now continues to challenge the 15<sup>th</sup> Amendment, strongly opposed the NCG idea when it was in office between 1991 and 1996.

There is now no system acceptable to all political contestants to organise a credible parliamentary election. The government, led by the AL and its Grand Alliance, is proposing to hold the next parliamentary election under the incumbent government going into caretaker mode, drawing on an independent Election Commission (EC). In a role reversal of the events of 1995-96, the BNP-led opposition has launched a campaign for the restoration of the NCG system and is threatening to boycott the forthcoming election if it is held under the incumbent government. This ongoing political contestation needs to be resolved urgently. There is no technical solution to the problem. Both sides need to come to a political understanding and agreement about the modalities of holding free and fair elections.

In addition to an agreement on the system of governance under which elections will be held, the independence and unchallengeable authority of the EC must be established, and the neutrality of the state machinery during elections must be ensured. A number of measures which were introduced during the last parliamentary election to ensure the integrity and credibility of the electoral process need to be continued and enforced by the EC. Unless the EC can assume full control over the administration and law enforcement agencies and command the power to punish all violation of election guidelines by candidates, irrespective of their party affiliation, it would not be able to establish its credentials as an independent agency.



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*Unless all political parties agree to make the parliament, rather than the streets, the central place for holding political debate and resolve contestations, the parliament will not be able to establish itself as the central institution of democracy in Bangladesh.*

**Building a representative parliament**

The parliament of Bangladesh does not adequately represent social diversity. Women, who constitute approximately 50% of the population, are under-represented (usually 2-3% in directly elected seats and at present 6%). Similarly, the religious minorities, who constitute nearly 10% of the population, are under-represented (usually 2-3% of seats). The most difficult challenge, however, is to ensure the representation of the resource poor. As the expenses (mostly unofficial and hence illegal) associated with running elections are rising prohibitively, there is an increasing tendency for the parliament to turn into a "rich man's club." This trend is manifested by the fact that in the first Parliament less than 25% of the MPs were business persons. In contrast, at present 56% of the MPs formally claim to belong to that category while a larger proportion may be indirectly or less conspicuously engaged in business.

Bangladesh has adopted affirmative measures to compensate for women's under-representation. The constitution has provided for women's reserved seats in parliament to be filled through indirect elections. Starting with 15, the number of women's reserved seats has now been increased to 50. But women's organisations have criticised this measure as ineffective as it reduces the credibility of a member who is nominated rather than elected to the House. Women's groups have demanded direct elections to women's reserved seats to enable women to independently establish their own electoral base. Women's quota in party organisation and nominations for electoral contestation are other steps that need to be considered by political parties to increase women's representation.

No affirmative action is yet in place to enhance

the representation of religious minorities or the resource poor. Various measures can be taken to increase their representation of. Here, the political parties need to play a more proactive role. Party quotas or reserved seats can be considered to increase the representation of religious minorities. Political parties need to recruit prospective parliamentary candidates from the resource poor who can then be groomed, nominated and elected. The financing of their election campaign will also need to be underwritten by the party or through a reformed system of election financing from the public exchequer.

**Strengthening key institutions of the parliament**

Some of the vital institutions of the parliament such as the Speaker, parliamentary committees and the parliament secretariat are relatively weak in Bangladesh. There is no mechanism to ensure the neutral role of the Speaker. The committees are not adequately empowered. The ministries are not required to act upon the recommendations of the committees. 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 United Kingdom (UK) or India. In the UK the Speaker resigns from the party and is identified not with a party but as 'Speaker Seeking Re-Election' in the next parliamentary election. In India, the Speaker is usually selected through all-party consultation and consensus and is recused from party affairs.

The parliamentary committees which play an important scrutiny role are particularly important in Bangladesh because the opposition participates in committee meetings though they may boycott the

should be increased to reduce the number of *Tamaddun* (lapsed) questions.

**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. Unfortunately, very few of these allegations have so far been investigated.

The parliamentarians' authorised as well as unauthorised roles in local development activities provide them with opportunities to distribute patronage, build personal and party support and indulge in corruption. This role has created tension and conflict between MPs and elected representatives of local governments, as the latter also want to control public resources to enable them to discharge their electoral mandate as well as to build up their own patronage network. In addition, the prioritisation of their local development role diverts the MPs' attention from their core functions of legislation and oversight.

Specific measures need to be taken to tackle the various forms of violation of the parliamentary code of conduct. For example, a registry of MPs' financial and professional interests should be maintained and made public, which can facilitate the monitoring of the MPs' conduct. 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 a potential for conflict of interest. Allegations of conflict of interest and other breaches of the code of conduct should be investigated. The Speaker needs to make more use of Rule 16 of RoP, which authorises him to punish MPs for misconduct in the parliament. The local development role of the MPs should be kept limited and transparent. The roles and responsibilities of parliamentarians and local government representatives should be clearly demarcated. Finally, a variety of actions ranging from censure to a cut in salary and privileges, and even vacation of seats can be considered to address the practice of boycott of parliamentary sittings.

Though many of the breaches of the 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. The media has already reported that such a code of parliamentary conduct would soon be placed in the parliament for deliberation and approval. However, a consensus amongst all major political parties will be required, without which no measure can be adopted or sustained by successive parliaments.

**Engaging the opposition in parliamentary work**

The practice of boycott of the parliament by the opposition is unique to Bangladesh. It has been and continues to be a major cause for the weak performance of the parliament's 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 support the executive. But, the opposition has boycotted the sittings of 43% of the seventh, 60% of the eighth, and over 80% of the ninth Parliament. This has left four successive governments effectively unaccountable to the parliament and eventually the electorate.

Bringing the opposition back into the parliament as well as keeping them engaged in parliamentary work remains the most challenging task. Several procedures which have been put in place in other countries to strengthen the opposition's role can be considered in Bangladesh. For example, following the UK model, 'opposition days' can be introduced when the opposition will choose subjects for discussions. The opposition can be given the opportunity to chair a larger number of parliamentary committees than may be proportionate to their seats in parliament, including the important PAC and PUC. The Speaker should consult with the leader of the opposition in setting the agenda of the parliament. Finally, a move towards forming a semi-official 'government in waiting,' 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.

It will, however, not be possible to engage the opposition in parliamentary work unless there is a consensus amongst all major political parties to abandon the politics of confrontation, exclusion and violence. Unless all political parties agree to make the parliament, rather than the streets, the central place for holding political debate and resolve contestations, the parliament will not be able to establish itself as the central institution of democracy in Bangladesh. If parliament remains unable to sustain itself as the central pillar of our democratic process then our very system of democracy stands endangered.

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