

# STRONG INSTITUTIONS FOR GOOD GOVERNANCE

DHAKA FRIDAY FEBRUARY 15, 2019, FALGUN 3, 1425 BS 22

## How (not) to make parliament functional



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Can we imagine the incident that took place in the House of Commons on January 15, in our Jatiya Sangsad? On that night, UK MPs rejected Prime Minister Theresa May's Brexit deal by 230 votes. Following a long negotiation with the European Union, May struck the deal which sets out the terms of Britain's exit from the EU on 29 March 2019. Parliament voted 432-202 against her deal. The most intriguing thing for us is that as many as 118 MPs of May's own party, the Conservative party, voted with the opposition parties against the deal. It is the largest defeat for a prime minister in British history. But it appears as one of the glaring examples of the power of MPs in a parliamentary democracy.

This will never happen in our democracy because of Article 70 of the Constitution. The constitutional provision imposes stringent restrictions on MPs. They are not allowed to vote against party decision in the House. If anybody defies his/her party whip and votes in the parliament against the party stance on any issue, the member will risk losing membership in the House. The kind of parliamentary democracy we have been practising is different from the one in the UK—the birthplace of the Westminster model of democracy.

Protest is vital in a democracy. Importance of dissenting voices is immensely significant for a vibrant democracy. But our MPs cannot protest against any decision of their party even if it appears to be a blunder. They cannot upset their party's stance on any issue in parliament. They are not free to act out of their own conscience; they are not free to vote as they wish. Their respective party dictates them.



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According to a High Court judgement, they have become prisoners of their own parties. How, then, can we expect a vibrant parliament?

The prevailing situation does not come as a surprise. It was predicted in 1972 when the constitutional provision was made to rein in MPs. A number of MPs, who were members of the Constitution Drafting Committee in 1972, had strongly opposed the inclusion of Article 70 to impose restrictions on MPs.

Awami League leader Asaduzzaman Khan, who became leader of the opposition in the 1979 parliament, was

one of them. He had given a note of dissent against restrictions on MPs where he explained that the inclusion of this article was against all principles of democracy and violated the rights of the voters, and that it would make MPs subservient to their party high-ups, and more so when they occupy top positions in the government. Two other AL MPs, Hafiz Habibur Rahman and Muntaquim Chowdhury, had also strongly opposed Article 70, and like Khan had released notes of dissent in this regard. However, their opposition did not work. Restrictions were imposed

on MPs in the 1972 Constitution of a newly independent Bangladesh.

After restoration of parliamentary democracy in 1991 following the end of the autocratic Ershad regime, this restriction was widely blamed for the birth of the large-scale House boycott culture since 1995. It was noticed that whenever the main opposition decided to boycott the House, none of its MPs dared to join the House defying the decision.

Over the years, the stringent restrictions imposed on MPs by Article 70 have widely been blamed for making our parliament dysfunctional. But, the

situation remains unchanged, forcing democracy to pay heavily. If the government wants to make the new parliament functional, it should immediately move to set MPs free by amending Article 70. This should be done if we want to prove true the claim that we follow the Westminster model of democracy. What we noticed on January 15 in the House of Commons is the strength and beauty of the Westminster model of democracy. The other part of the story is also noteworthy. Our MPs enjoy unlimited freedom of speech in the House.

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