

Parliament and democratic consolidation in Bangladesh

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Introduction

This paper explores the role of the parliament in the process of democratic consolidation in Bangladesh. Since the restoration of the parliamentary system of government in 1991, the parliament of Bangladesh has undertaken several measures to reform its procedure and to redefine its relations with other actors, especially the executive. These reforms theoretically have some potential to contribute to the process of democratic consolidation in the country. What follows provides a critique of these reforms, explaining the ways these are likely to strengthen the parliament and also identifying their drawbacks. Also explored are the factors that tend to limit the effectiveness of the reforms to contribute to democratic consolidation.

One step forward, two steps backward

Parliament provides the bedrock of democratic governance and accountability. It is the premier representative institution in a democracy. In recent years, especially since the global transition to democracy, legislatures have received important, if not widespread, recognition across the developing countries. Rarely can ruling elites in the newly democratising countries neglect parliament to the extent they could even a decade ago. In many cases, legislatures have provided one of the important means of transition from authoritarianism to democracy. Their role, however, in the process of democratic consolidation has not yet been assessed properly. Consolidation involves both the elimination of residues of the old system that are incompatible with the workings of a democratic regime and the building of new institutions that reinforce the democratic rules of the game.¹ It refers to the institutionalisation of a myriad of organisations [including parliament] and

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procedures that facilitate the transparency, accountability and responsiveness of governance.² There exist substantial differences of opinion on the role of parliament in democratic consolidation. While some argue that it has a significant role in the consolidation process, others consider its contribution at most superfluous. Still others consider parliament as only one of the possible — and relatively rare — paths to democratic consolidation.³ It is, however, now generally recognised that a parliament has relatively better prospect of contributing to democratic consolidation in those cases where the conflicting actors agree, among others, on the need to evolve rules to make parliament a central site of conflict resolution.

In other words, the ‘parliamentarisation of conflict’ is considered to be an important condition of consolidation. The more the conflicting actors consider parliament as an important instrument of conflict resolution, the better is the prospect of consolidation. Also the more the public finds parliament as a useful institution, the better is the prospect for garnering popular support for it. Liebert⁴ observes that parliament possesses — perhaps more than any other organisations — properties which allow it to provide for the integration of political and socio-economic groups and peaceful conflict regulation among them largely independently from its decision-making competences. Parliamentary institutionalisation, which involves establishing and maintaining organisational structures and linking the organisation to its environment,⁵ is often considered as critical to consolidation. An institutionalised legislature which exhibits a number of characteristics such as autonomy, formality, uniformity and complexity,⁶ can help the process of democratic consolidation in a number of ways. For example, an institutionalised legislature is most likely to participate as a significant actor in making national policy decisions. It can also serve as a central site where societal demands and interests are transmitted in to the governmental process.⁷ On the other hand, a weak legislature may render the task of democratic consolidation difficult, if not impossible.

The parliament of Bangladesh has in recent years, especially since the restoration of the parliamentary system of government in 1991, become more visible and resilient. It has adopted a series of measures for its institutionalisation which compare favorably with policies taken by some other legislatures in the region. Theoretically speaking, the Bangladesh parliament now has a better capacity to affect policy outcomes than before. The nature of public support for parliament, if measured in terms of the rate of turnout in recent elections, does not appear to have many parallels. There also exists widespread consensus on the system of government as well as on the method of regime change.⁸ There is no serious threat to political order from anti-system opposition. Nor can any major difference be noticed in the economic, administrative and social policies of the two dominant parties — *Awami League* (AL) and *Bangladesh Nationalist Party* (BNP) — which have ruled Bangladesh since 1991. Both parties also pledged before the last parliamentary elections to make parliament the centre of politics and policy in the country.

Yet, paradoxically, rather than contributing much to the consolidation of the nascent democratic process, the parliament has actually declined. The ability of the Parliament to undertake its mandatory functions of making the law/policy and exercising oversight still appears to be extremely limited. The role of the members of parliament (MPs) is also limited, as is the scope of backbenchers to become policy advocates. What discourages parliament from becoming proactive and its members assertive, is described in this paper. The paper specifically explores the scope and limits of reforms undertaken by recent parliaments and their significance for democratic consolidation in the country.

The parliament in constitutional framework

Bangladesh now has a parliamentary system of government patterned on the Westminster model. Members of the executive are mostly drawn from the parliament and they are accountable to it. The parliament of Bangladesh formally enjoys an important status. The constitution — the supreme law of the Republic — grants various high status symbols such as immunity, procedural independence, freedom of meetings and inviolability to the parliament which are considered to be necessary to ensure its superior position in the framework of government.⁹ It also provides for the supremacy of the parliament, at least in lawmaking and empowers it to frame rules of procedure to regulate its own activities and those of its members. These rules are not subject to approval by any outside body. The constitution also requires that the interregnum between two sessions of parliament should not exceed 60 days. It is intended to ensure that the parliament meets regularly. The constitution grants some special privileges to the parliament and its members. Article 81(3) of the constitution provides: ‘Every money bill, when it is presented to the President for his assent, bears a certificate that under the hand of the Speaker that it is a money bill and such certificate shall be conclusive for all purposes and shall not be questioned in any court.’¹⁰ In addition, Article 78 of the constitution provides:

1. The validity of the proceedings in parliament shall not be questioned in any court;
2. A member or officer of parliament in whom powers are vested for the regulation of procedure, the conduct of business or the maintenance of order in parliament, shall not in relation to the exercise by him of any such powers be subject to the jurisdiction of any court;
3. A member of parliament shall not be liable to proceedings in any court in respect of anything said or any vote given by him in parliament or in any committee thereof;
4. A person shall not be liable to proceedings in any court in respect of the publication by or under the authority of parliament of any report, paper, vote or proceeding.¹¹

There are, however, limits to what the parliament can do. The constitution provides for judicial review of legislative actions, thereby imposing some checks on the arbitrary exercise of powers by the parliament. More importantly, the constitution

restricts floor crossing and prescribes a 'delegate' role for the MP. An MP who is elected as a nominee of a particular party cannot vote against her/his own party in the parliament. Nor can s/he abstain from voting defying party directives. The need for inserting this restrictive clause in the constitution was to ensure political stability, which was seriously lacking in the early years of the Pakistani rule. Bangladesh formed part of the state of Pakistan from 1947 to 1971. Experience, however, shows that the over-enthusiasm with promoting government stability risks reducing the status of parliament to a rubber stamp. One of the most important problems facing policymakers in Bangladesh is to identify how to ensure a stable but accountable government as well as a parliament that is assertive as well as responsible.

The 'changing' parliament

The parliament of Bangladesh predates the establishment of similar bodies in many countries of the Third World. But until the beginning of the 1990s, it did not have any steady development. None of the (four) parliaments elected in the first two decades of independence (1971–90) could complete its five-year term; an average parliament survived slightly more than half (29 months) of its five-year term. All four parliaments were dissolved prematurely either by the military or under popular pressure. None of the parliaments also enjoyed the legitimacy needed to become an effective institution. Part of the reason was the way it was elected rather than the manner it worked. All four parliamentary elections were alleged to have been rigged. Besides, the second and third elections were held under military rule; these were intended mostly to legitimise the military rule respectively of General Ziaur Rahman (hereafter Zia) and General Hossain Mohammad Ershad (hereafter Ershad), who together ran the country from 1975 to 1990. Both Generals adopted an almost similar policy to party-building, with Zia establishing the BNP and Ershad patronising the creation of *Jatiya* Party (JP), to mobilise support for their regimes both inside parliament and outside of it.

There has, however, been a new beginning in parliamentary politics since the election of the fifth parliament (1991–95). The parliaments elected since 1991 have enjoyed greater legitimacy and better public support than their predecessors; they have also survived longer and appeared to be more vibrant than the parliaments elected in the past. The AL and the BNP, which have alternated in state power since 1991, now enjoy the support of four out of five voters in the country. The two parties have also shared most of the seats in the successive parliaments. The other parties, particularly the JP and Bangladesh *Jamaat-I-Islami* (BJI), do not appear to have any independent capacity to influence the electoral outcome. The various parties differ with each other in a number of respects, as explained elsewhere.¹² Several factors such as the introduction of a new mechanism to hold elections,¹³ positive roles played by external donors and the resilience of the electorate¹⁴ have accounted for the emergence of a strong party competition in parliament in recent years.

Table 2: Party performance in different parliamentary elections (1991–2008)

Parliament ¹⁵	Tenure (in months)	Turnout in elections (%)	Party-wise distribution of MPs and votes (%) (N=300)				
			AL	BNP	JP	BJI	Others
Fifth	56	55.4	29.3 (30.1)	46.7 (30.8)	11.7 (11.9)	6.0 (12.1)	6.3 (15.1)
Seventh	60	74.9	48.7 (37.4)	38.7 (33.6)	10.6 (16.4)	1.0 (8.6)	1.0 (4.0)
Eighth	60	74.8	20.8 (40.2)	64.1 (42.3)	4.7 (6.5)	5.7 (4.2)	4.7 (6.8)
Ninth	2009 -	86.3	76.6 (48.1)	10.0 (32.4)	9.0 (7.1)	0.6 (4.6)	3.8 (7.8)

Notes: N= Number of MPs.

Figures in paranthesis indicate the percentage of votes secured by different parties

Source: Ahmed 2011, 'Critical Elections and Democratic Consolidation', *Contemporary South Asia* 19(2), p. 141; Ahmed 2011, 'Abolition or Reform' *The Round Table* 100 (414) p. 317.

Some changes have also taken place in the social composition of parliament, although the extent to which these are likely to be beneficial is difficult to ascertain. The parliament has in effect become less representative in social composition in recent years, although it has become more representative in party composition. Business people now dominate the parliament more than any other social groups. The representation of full time politicians and professionals has declined considerably over the years. The rise of business interests to political prominence has led to the marginalisation of those who played a key role in parliamentary politics. The parliament, however, has more higher-educated members now than in the early years of independence or before. More than four-fifths of the MPs are at least graduates. The percentage of experienced MPs has varied from one parliament to another, with the current (ninth) parliament having the largest number of new members. More than half of the popularly elected members in the ninth parliament (2009–) are beginners in parliamentary politics; in contrast, three fifths of the members of the seventh and eighth parliaments had the experience of at least one parliament. Many of these newcomers, however, have better professional background than the beginners in the fifth parliament or before. The implications of the change in the composition of parliament will be explored in subsequent sections.

Parliamentary reforms and democratic consolidation

The recent parliaments remain unique in several respects; they have adopted several measures with the potential to upgrade the status of parliament from a marginal to a policy-influencing legislature, at least in a formal sense. Reforms undertaken in recent years, besides restoring the parliament's original constitutional status, have created better opportunities for its members to become proactive. The parliament is now better suited, from a structural point of view, to perform its main functions of

lawmaking, oversight and representation. Besides restoring the parliamentary system of government in 1991 and establishing its own independent Secretariat in 1994, both of which can be considered as substantial improvements, the parliament has made several procedural reforms. Probably the most important is the provision for prime minister's question time (PMQT). Under the new arrangement, the prime minister answers the questions of MPs once a week for thirty minutes. Members are required to ask policy-related questions, and not questions that are routine and relate to general operations of the government. There also now exists better opportunity for the MPs to discuss the performance of ministers on the floor of the House.

The seventh parliament (1996–2001) amended the rules of procedure, replacing the minister as the chairman of the standing committee on the ministry (SCM) by a backbencher. This was considered as a major achievement. Until 1997, ministers headed different standing committees on ministries. As a result, these parliamentary bodies did not have much scope to make the ministries accountable for their work. The scope of activity of the SCMs has been broadened and their powers expanded. The seventh parliament initiated a new trend in parliamentary committee scrutiny of government bills. Although the provision for committee scrutiny of bills has existed since the rules of procedure were first approved in 1974, bills were rarely sent to standing committees or select committees. As a result, the adoption of legislation was a routine matter. It was thus not unusual to find bills completing the three readings within the same day. Even constitutional amendment bills did not remain an exception. On the other hand, almost all bills passed in the seventh parliament had a committee-stage scrutiny. The successive parliaments have retained this tradition. No bill is now generally passed without having a committee-stage scrutiny after the first reading. Televising parliamentary proceedings is another important innovation of the recent parliaments. It is an important step to bring parliament within the public domain. In fact, the parliament has started its own television channel in early 2011 to televise live its proceedings; while the live broadcast of proceedings on state-owned radio has continued for nearly 15 years.

The practice of referring bills to committees represents a major improvement over the past when bills were passed in haste. This could be considered as an important step toward empowering Parliament to undertake in a more effective manner its traditional function of lawmaking. As with other Westminster-style parliaments, most bills in Bangladesh originate in the government. Private members bills are few in number and do not have any realistic prospect of being passed. The main function of parliament in relation to legislation is thus to ensure that government bills do not pass without serious scrutiny. No uniform pattern, however, can be observed in the committee scrutiny of bills. While some bills undergo major changes during committee scrutiny, others may remain unchanged. In the eighth parliament (2001–2006), 37% of the bills referred to committees were returned to the House without any amendment. In case of 63% of bills referred to committees, the number of amendments recommended ranged from 1 to 78. The average number of amendments per bill as suggested by standing committees remained almost the same in the eighth and ninth parliaments: 5.9 in the eighth parliament and 5.6 in the

ninth parliament. It is not argued that the more are proposals for amendment, the better. In fact, many amendments are trivial in nature; while others may be seen as having far-reaching implications. In the case of a number of bills, committees in the eighth parliament suggested many major amendments such as inserting new clauses and/or sections and the House readily agreed to pass those amendments. Significant amendments suggested by committees, as a natural rule, relate to new bills than to amendment bills. The nature of proposals suggested to amend existing laws does not appear to be very significant.

The scope of committee scrutiny does not remain restricted to bills; it also extends to other issues. Most committees routinely review the implementation of laws and policies by different ministries; they also inquire into the irregularities and lapses of ministries and report to the parliament. In particular, SCMs have become more active following the change in the chairmanship of committees. SCMs now meet more regularly. An average SCM in the ninth parliament has met at least once a month; previously it met infrequently — once in every two months. The SCMs also now use their ‘deterrent’ power — the power to inquire — more frequently than before. The number of reports produced by committees has also increased considerably. Committees also provide an important avenue to MPs to specialise in policy matters; some may even use their position in committees to seek benefits for their constituencies. The average number of questions asked in each sitting day in the ninth parliament has increased to 54.5 from 30.1 in the eighth parliament and 21.5 in the seventh parliament. Part of the reason accounting for this increase is the recent tendency to table written answers to oral questions. The number of other types of scrutiny has also increased and these are more directed at ensuring government accountability. Members of parliament (MPs) often use these techniques including their positions in committees to promote the interests of their constituents. As the scope for outright electoral fraud to get elected has been minimised, the need for responding to needs and priorities of constituents has substantially increased. Recently each MP has been allocated a huge amount to choose projects for his/her constituency development. Each MP can now recommend infrastructural projects amounting TK. 30 million (US\$ 400,000) every year for his/her constituency. This is intended, as the MPs argue, to establish and maintain regular contact with their constituents. The responsibility for implementing those projects, however, rests with state bureaucracies.

On the whole, one can notice that the changes that have been made in parliamentary rules and procedures over the last few years are noteworthy, at least compared with the past. These have the potential to upgrade the status of parliament, making it an important actor in the process of governance. In particular, there exists cross-party consensus on these reforms. Reforms introduced by one parliament have been retained by the next one. In contrast, many reforms made in other sectors by one government often do not survive a change in government. Many of these reforms have the potential to help parliament redefine its relations with others, particularly the executive.

Limits of reforms

The reforms initiated by recent parliaments ideally should have helped the parliament acquire greater viscosity — the power to resist, change and retard the executive branch's legislative proposal — to borrow Blondel's terminology,¹⁶ and enabled it to become the main centre of party and politics in the country. In practice, the parliament has gradually declined. This appears to be paradoxical. The reasons for such a paradox will be explained in the next section. This section explores the limits of reforms. It is to be stated at the outset that the limits stem not from the drawbacks of reforms *per se* but mostly from the behavioural tendencies of members and parties. For example, although the committee scrutiny of government bills represents a forward step, it still remains far from perfect. Not only do committees have a tendency to scrutinise bills in haste; they do not also apparently have any inclination to diversify sources of support and advice. Most committees heavily depend upon the government for support and services. Moreover, committee meetings are held in private. There is no example of committees inviting public submissions on bills or other inquiries. Nor is there any tradition of voluntary submissions by interested groups or civic organisations on issues and problems considered by committees. Committee chairmen and members also often remain disadvantaged as many of them lack specialised knowledge and experience. But they are not apparently keen to compensate for this deficiency by inviting experts from outside, which the rules allow. In fact, many of them are not aware of this provision.

There thus remains a major gap between what the rules of procedure prescribe and the ways members of committees behave. In general, members of the SCMs have a tendency to focus more on the breadth than on the depth of scrutiny. Important issues are very often referred to subcommittees, half of which did not report to main committees in the eighth parliament. Partisan issues, which committees used to avoid in the past, now find prominence in committee behaviour. This is particularly evident in the ninth parliament. Many committees have started inquiring into 'alleged' corrupt activities of the last four party government (2001–2006) and caretaker government (2007–2008). There is a risk in overstressing on the activities of past governments and not inquiring into the activities of the present government. The opposition, which may consider it as a strategy to harass it, in the long run, may lose its stake in the maintenance of the legislative system. Various government agencies also do not accord much importance to what SCMs recommend; many committees have alleged that most of their recommendations remain unimplemented. Fiscal oversight carried out through committees or on the floor of the House is extremely inadequate. In fact, the rules of procedure do not allow any committee-level scrutiny of the budget or two other important financial documents — the finance bill and the appropriation bill. The budget debate takes place more as a ritual; rarely does it probe into the financial operations of the government in any serious manner. The *ex post facto* scrutiny of expenditure done by Public Accounts Committee (PAC) is less than satisfactory. Audit objections have stockpiled.

If the committee scrutiny of legislation and other government activities does not appear as effective as it should be, neither can other oversight techniques be considered as anyway different. Parliamentary questions do not always elicit appropriate ministerial response. Even the PMQT does not remain an exception. Partisanship widely characterises it. Those raising questions during PMQT mostly use it to attack the opposition than to require the Prime Minister to account for her actions. As the questions are on notice, there is a serious risk of syndication — passing large number of questions to backbenchers in order to increase the probability of question time being dominated by ‘desirable’ questions.¹⁷ Probably the most important defect is the lack of opposition participation during PMQT mostly for two reasons: first, to deny legitimacy to the new technique, and second and more importantly, the unwillingness of the prime minister and the leader of the opposition, both happen to be women, to confront each other. The two want to prosper at each other’s expense. In the context of the opposition boycott, the PMQT has become a futile exercise. No leader of the opposition in any parliament has ever attended any PMQT. This contrasts sharply with the situation in Britain where the leader of the opposition routinely confronts the prime minister during the PMQT. As Alderman argues, ‘the PMQT not only provides leaders of the opposition with guaranteed and frequent opportunities to demonstrate their power in face-to-face confrontation but is also one of the rare occasions upon which it is they who have the chance to set the agenda for the confrontation’.¹⁸ But Bangladesh provides a deviant case. As observed earlier, government backbenchers use the opportunity more to grill the opposition than the Prime Minister, while the main opposition mostly boycotts the session.

It is clearly evident from discussion above that changing the rules of procedure appears to be easier than making/allowing the actual change to occur in Bangladesh. What accounts for this gap between what the rules say and the way(s) members of parliament (MPs) behave will be explained in the next section.

Parliamentary institutionalisation and democratic consolidation

The parliament of Bangladesh, notwithstanding an increase in its level of assertiveness in recent years, still remains a marginal institution. Its potential to contribute to democratic deepening still remains limited. One of the important prerequisites of democratic consolidation, as observed in the introduction, is parliamentary institutionalisation. The more institutionalised a parliament is, the better the prospect for consolidation. Reference has already been made to some of the measures taken for institutionalisation by recent parliaments, although the extent to which these are capable of realising the goal is difficult to assess. Institutionalisation is a complex process. As Rose observes, ‘It takes time, a decade or more to demonstrate a regime’s commitment to the rule of law and to changing control of government in response to changes in the electoral behaviour’.¹⁹ One of the important prerequisites of institutionalisation is the stability of parliament itself. If a parliament does not survive long, rarely can it expect to evolve routinised

methods of work or procedures for conflict resolution. Frequent dismissal of legislative bodies, as happened in Bangladesh in the past, hinders the growth of a stable pattern of rules and procedures, encourages discontinuity in membership and disadvantages representative institutions in relation to other sources of power.

Longevity is, however, a necessary but not a sufficient condition of institutionalisation. Patterson and Copeland²⁰ identify four main attributes of institutionalisation: autonomy, formality, uniformity and complexity. Patterson²¹ has also referred to two other dimensions of institutionalisation: coherence and adaptability. Many of the attributes of institutionalisation, as mentioned above, could not be found in Bangladesh until the early 1990s. As observed earlier, the parliament did not have an uninterrupted experience of work for a long period of time. In fact, lack of continuity in constitutional rule was one of the important factors that discouraged the institutionalisation of parliament in the past. On the other hand, not only has the parliament met more frequently (notwithstanding crises) since 1991; more importantly, the reforms carried out in recent years have a better potential, at least formally, to contribute to consolidation/institutionalisation of parliament.

For example, the restoration of the parliamentary system by the fifth parliament (1991–95) on the basis of consensus is considered as a big leap forward. It helped resolve a major controversy that separated the main parties for a long time. It has also reduced the risk of protracted conflict between the executive and the legislature as one often finds in a separation of power system or even in a hybrid system. Besides, the establishment of an ‘independent’ parliament Secretariat, which is headed by the Speaker, is expected to make the parliament relatively free from the control of the executive government. Formally, this is likely to help the parliament gain autonomy and uniformity. The parliament can now plan its activities without outside intervention. It can prepare its own budget, which is not subject to approval by any external agency. The parliament can also decide its own agenda; this autonomy is, however, relative, not absolute. Since most of the business transacted in the House is government business, the autonomy of the parliament is somewhat limited. Besides, different external parties have important control/ influences over the way(s) their members behave inside the parliament.

The introduction of the provision for holding elections under NPCGs by the short-lived sixth parliament is an important Bangladeshi innovation. The new system is likely to strengthen the base of democracy by reducing, if not totally eliminating, the scope for election fraud which routinely took place when party governments oversaw the conduct of elections in the past. It is also likely to increase the credibility of parliamentary elections and has the potential to encourage the conflicting actors to abide by the ‘rules of the game’. The changes made in the committee system can help parliament acquire complexity and gain uniformity. In its structural manifestation, the committee system is now comparable, at least up to a certain extent, to similar systems in many other parliamentary democracies. Measures taken/underway to strengthen committees by providing more secretarial and research services may also help parliament acquire uniformity. Besides, the

provision for half-an-hour PMQT once a week is also intended to achieve uniformity. The decision to telecast/broadcast live the parliamentary proceedings is an important step toward making the parliament more transparent, in particular, to allow the public to have an understanding of what their representatives do inside the parliament. The formation of different standing committees in the first session of the ninth parliament and the allocation of two committee chair positions to the main opposition party can be seen as a major step toward the empowerment of parliament.

Notwithstanding the introduction of different reforms/changes, the scope for parliamentary institutionalisation and democratic consolidation still remains limited. Various structural, procedural, behavioural and political factors tend to discourage the parliament from becoming an effective institution. One of the important structural/procedural constraints to parliamentary effectiveness relates to the limited number of sitting days. The parliament does not meet very frequently. The average number of sitting days per year (75) is exceedingly low; as is the average length of each sitting day (3.32 hours). In both respects, the parliament of Bangladesh compares quite unfavourably with other parliaments. In the context of the infrequent meetings and limited sitting time, the MPs do not have much scope to raise issues they consider important. The problem compounds further because of the government domination of parliamentary business. An important procedural innovation — the policy of broadcasting parliamentary proceedings live on electronic media — has also turned out to be major problem, affecting the image of parliament. In particular, the ‘deviant’ way the opposing parties in parliament often abuse the parliamentary time by attacking each other risks affecting the public image of parliament. The tendency of the members of the two benches to focus more on ‘non-issues’ than on substantive issues of policy and administration while debating in parliament is also likely to cause more harm to the institution of parliament.

Another important factor discouraging institutionalisation is the domination of parliament by part-timers. Only a few MPs, as observed earlier, are full-time politicians. Most of them are business people who, as a rule, have to remain busy with other work. Over the years the number of business people joining the exclusive ‘parliamentary club’ has increased. They have now outdistanced those who had traditionally controlled politics — full-time politicians and professionals. The rise to political prominence of business people risks affecting the process of consolidation in two ways: first, by making election contests costly, thereby driving out those who are politically committed but economically disadvantaged; and second, by discouraging members from being proactive. Because of the heavy demands of their profession, many businessmen-turned-parliamentarians are unlikely to be able to pay much attention to what happens inside the chamber or in committees. Since they often remain busy with their own work, parliament is likely to suffer. The predominance of business people also risks the marginalisation of other social groups and their lack of integration with dominant groups, which is considered to be an important prerequisite of consolidation.

This, however, is not to argue that the election of a large number of full-time politicians will necessarily help parliament become more assertive. An important structural constraint to making the parliament effective is the lack of scope for independent voting in the House. MPs, irrespective of their readiness to work full time or part time on parliamentary business, have relatively little freedom to act as trustees. As observed in an earlier section, they remain seriously disadvantaged vis-à-vis their parties. Article 70 of the constitution restricts their freedom of action. The MPs have to vote according to the dictates of their parties, failing which they risk losing their membership of parliament. It should be mentioned here that nowhere in Westminster systems are MPs free agents; everywhere their freedom of action, especially in the case of voting, is limited. The extent of intra-party control is so widespread in Bangladesh, however, that it risks turning the parliament into a 'rubber stamp'. As stated in an earlier section, those who fail to vote according to the party line and/or remain absent from voting or attending parliament sittings defying party directives risk losing their membership of parliament. MPs in other countries in the South Asian region — India, Pakistan, and Sri Lanka — also face similar restrictions. Rarely can one find in the region 'conscience votes' as in advanced democracies.

The problem compounds further because of the trend toward establishing dynastic domination of politics and the lack of intra-party democracy. None of the major parties is democratic in composition in the real sense. None of the major parties makes any distinction between the parliamentary chapter and the organisational wing. The leadership of both wings is combined in the same hand. This is intended to discourage any serious threat to the authority and dominance of the 'supreme' party leaders. Renewal of leadership through democratic means at periodic intervals, which is considered to be an important prerequisite of a 'responsible' party system, is lacking in Bangladesh. Lack of democracy within the party not only discourages the development of responsible leadership; it may, in the long run, destabilise the party system.

Probably more important than intra-party relationship is the dominance of adversarial nature of inter-party relationship. Politics in Westminster system is essentially adversarial. But everywhere there exists some scope for accommodation and consensus. The government and opposition agree on the basic rules of the game. The rules stipulate that while the government must be allowed to govern, the opposition must be given opportunities to oppose. This basic rule is rarely honoured in Bangladesh. Since the restoration of the parliamentary system of government in 1991 on the basis of consensus, the two main parties — AL and BNP — have rarely agreed on any issue confronting the nation. Although the two parties have more similarities now than before, especially in terms of orientation, ideology and organisation, the two remain far apart. Both have adopted similar strategies — staging walkouts and boycotting parliament proceedings — to exert pressure on each other to realise objectives. The duration of walkouts and boycotts range from few minutes to several months. The fact that the two parties now routinely engage

in confrontational politics can be considered as the most important threat to the institutionalisation of parliament and the consolidation of democracy.

Several factors account for the growth of confrontational politics in Bangladesh. For example, historically, political parties are more oriented to confrontational politics than to politics of consensus or compromise. Those who have exercised state power often consider it as a zero-sum game. Rather than considering power as a means to an end, they often consider it as an end itself. This has resulted in the exclusion of the minority who, finding no legitimate way to express dissent, often turn to the street. The plurality system of elections, which tends to over-represent the party in power and under-represent the opposition,²² also makes confrontation inevitable. The tradition of *andolan* (movement) — engaging in street agitation activities and often using violence to destabilise the government — that Bangladesh has inherited further exacerbates the problem. The main political parties in Bangladesh are more oriented to politics on the street than in parliament. parliamentary politics and *andolan* politics are opposed to each other, with the latter discouraging the institutionalisation of the former. The most obvious consequence of *andolan* politics is slow and limited development of democratic values, institutions, practice and traditions through day-to-day governance of the country.²³ But it has survived because, as Rahman argues, ‘it is deeply rooted in our political culture as the main modality of political process and it often becomes the only way to get serious issues resolved’.²⁴ Several other reasons such as ideological differences among parties and ineffectiveness of countervailing institutions account for widespread confrontation in Bangladesh politics.

Probably the most important factor is the existence in Bangladesh of what can be called a culture of distrust. That Bangladeshis distrust each other to a considerable extent has long been recognised. Low levels of inter-personal trust contribute to lack of cooperation and institutional growth and promote the development of factionalism. This culture of distrust is more entrenched in political institutions, especially in political parties, than in other institutions. Distrust discourages inter-party collaboration and encourages confrontation. The reasons the main parties distrust one another are many and varied. At the root of the confrontational politics lies the historically and structurally created enemy discourse that has become the most significant aspect of the political culture. Confrontational politics has several negative consequences, probably the most important being that it has the potential to cause political decay. It can be seen as an obstacle to the growth of responsible government in the country. In Westminster traditions, party governments are often referred to as responsible governments. The supremacy of the parliament is widely recognised. But confrontational politics, resulting from inadequate appreciation by the government and opposition of each other’s role, risks making the parliament virtually non-functional, democracy meaningless, and economic activity, crime-based. More importantly, confrontational politics is likely to cause mis-governance by encouraging rent seeking behaviour among political activists and increasing corruption. Economic growth is seriously hampered.

Conclusion

The parliament of Bangladesh, which failed to attract any serious public attention during the first two decades of independence, has assumed special significance since the election of the fifth parliament in 1991. It is more visible and theoretically possesses more potential to affect policy outcome than before. But experience shows that it still finds considerable difficulties in asserting its power and authority. There remains a major gap between public expectations about the role of the parliament and the way it has actually fared. The public, at least a large part of it, has become sceptical about the ability of the parliament to become an important and useful national institution. This, however, is not to argue that the recent parliaments cannot claim any success. To the contrary, they have fared better than their predecessors in almost every respect. Many important reforms have also been undertaken by the parliament in recent years, as explained in earlier sections; these should ideally help parliament acquire and exercise better policy influence. These reforms have the potential to upgrade the status of parliament from a secondary to a more significant actor. In general, however, there remains a major gap between the potential and the performance of the parliament. Various measures have been suggested to improve the capacity of the parliament to undertake its functions. These range from democratising the parties and amending Article 70 of the Constitution, thereby granting more freedom to MPs, to providing adequate facilities to MPs and changing the rules of procedure to create more space for them to be proactive. Many of these reforms have long been canvassed by different civil society organisations, although without much success.

These reforms are, however, a necessary but not a sufficient condition to make the parliament effective. What is needed is to undertake reforms in other 'political' sectors, especially the political parties and the bureaucracy, which have long remained unreformed. Parliamentary reforms in Bangladesh have proceeded at a much faster rate than changes in other 'political' sectors, especially the bureaucracy and the party. The latter provide serious constraints to the efficient working of the parliament. Experience shows that those proposing reform of the two sectors are likely to witness serious resistance. As examples, reference can be made to the abortive attempt by the last Fakhruddin caretaker government (2007–2008) to reform the political parties²⁵ and the failure of the successive governments to reform the bureaucracy.²⁶ As long as these two institutions, which have independent capacity to influence the behaviour of parliament and parliamentarians, remain unreformed, no substantive improvement in the operation and effectiveness of the parliament can be expected. There is apparently an 'ambiguous' consensus among the main parties, allowing the two institutions behave the way they do now. This consensus must change to allow the parliament to institutionalise parliamentary values and contribute to democratic consolidation. ▲

Notes

- ¹ Munck, G., 1994, 'Democratic Transition in Comparative Perspective', *Comparative Politics* 26(3), p. 362.
- ² Sandbrook, R., 1996, 'Transition without Consolidation', *Third World Quarterly* 17(1), p. 85.
- ³ Liebert, U. and M. Cotta (eds), 1990, *Parliament and Democratic Consolidation in Southern Europe*. London: Printer Publishers.
- ⁴ Liebert, U., 1990, 'Parliament as a Central Site in Democratic Consolidation: A Preliminary Exploration', in U. Liebert and M. Cotta (eds), *Parliament and Democratic Consolidation*. London: Printer Publishers, p. 18.
- ⁵ Patterson, S. and G. Copeland, 1994, 'Parliaments in the Twenty-First Century', in G. Copeland and S. Patterson (eds), *Parliaments in the Modern World*. Ann Arbor: Michigan University Press, p. 4.
- ⁶ Patterson and Copeland, 'Parliaments in the Twenty-First Century': 4
- ⁷ Park, C.W., 1997, 'The National Assembly in the Consolidation Process of Korean Democracy', *Asian Journal of Political Science* 5(2) p. 97
- ⁸ Bangladesh evolved a unique system for holding parliamentary elections. Under the constitutional arrangement existed until recently, a non-party caretaker government (NPCG), headed by a former chief justice, called chief advisor (CA), and composed of ten more advisers, assumed the responsibility for administering the country between the dissolution of a parliament and the election of a new one. Its main responsibility was to hold parliamentary elections and to hand over power to a new prime minister when s(he) was elected. No caretaker could be a member of any political party. Nor could s/he take part in elections. Since the NPCG did not have any stake in their outcome, elections were likely to be held in a free and fair manner. Elections held under NPCGs between 1991 and 2008 confirmed it. Recently the Supreme Court has declared this provision unconstitutional and the parliament has amended the constitution restoring the original provision for holding elections under a party-led caretaker government. This is likely to lead to serious political confrontation between the two main parties and to cause political instability. The main opposition has demanded reintroduction of the provision for NPCG and threatened to resist elections under any party caretaker government in the future. On the other hand, the prime minister has categorically declared that the next elections due in early 2013 would be held under the new arrangement, i.e. under a party government.
- ⁹ Blondel, Jean, 1973, *Comparative Legislatures*. Englewood-Cliffs, N.J.: Prentice Hall p. 31.
- ¹⁰ Government of Bangladesh, 2008, *The Constitution of the People's Republic of Bangladesh* (as amended up to 2008). Dhaka: Government Printing Press. p. 102.
- ¹¹ Government of Bangladesh, *The Constitution*. pp. 96–97.
- ¹² Ahmed, Nizam, 2009, *From Confrontation to Consultation: Politics and Party Competition in Bangladesh* (Working Paper). Dhaka: World Bank.
- ¹³ See note 8.
- ¹⁴ Ahmed, Nizam, 2003, 'From Monopoly to Competition: Party Politics in the Bangladesh Parliament', *Pacific Affairs* 76 (Spring).
- ¹⁵ No reliable data exists for the sixth Parliament which was elected in February 1996 amidst opposition boycott and had only four sittings before it was dissolved. Elections could not

be held in many constituencies because of violence. Even the Election Commission does not have data for several constituencies. The sixth Parliament has thus been excluded from the purview of discussion here.

- ¹⁶ Blondel, Jean et al., 1970, 'Legislative Behavior: Some Steps Towards A Cross-National Measurement', *Government and Opposition* 5(1) pp. 67–86.
- ¹⁷ Alderman, R.K., 1996, 'Prime Minister's Questions in the British House of Commons' *The Parliamentarian* 77(3) pp. 291–92.
- ¹⁸ Alderman, R.K., 1992, 'The Leader of the Opposition and Prime Minister's Question Time' *Parliamentary Affairs* 45(1) p. 67.
- ¹⁹ Olson, David, and Philip Norton (eds), 1996, *The New Parliaments of Central and Eastern Europe*. London: Frank Cass. p. 231.
- ²⁰ Patterson, S. and G. Copeland, 1994, 'Parliaments in the Twenty-First Century', p. 4.
- ²¹ Patterson, Samuel 1995, 'Legislative Institutions and Institutionalization in the United States', *The Journal of Legislative Studies* 1(4) p. 14.
- ²² Alamgir, Jalal, 2006, 'The Challenge of Democratic Consolidation in Bangladesh', *Journal of Social Studies* 110 (April-June) p. 9.
- ²³ Rahman, ATR, 2006, *Bangladesh in the Mirror*. Dhaka: UPL. p. 22.
- ²⁴ Rahman, *Bangladesh in the Mirror*. p. 20.
- ²⁵ For a detailed account of the potential and pitfalls of party reform efforts by the caretaker government see Ahmed, Nizam 2010 'Party Politics Under a Non-party Caretaker Government: The Fakhruddin Interregnum', *Commonwealth and Comparative Politics* 48(1) pp. 23–47.
- ²⁶ For elaborate accounts of the resistance to bureaucratic reforms, see Khan, M. M. 2009. *Administrative Reforms in Bangladesh*. Dhaka: UPL.