

**Examining Parliamentary Accountability System in Bangladesh:
Theory and Practice**

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Abstract: *This paper addresses the parliamentary accountability system in Bangladesh. With a view to that Bangladesh constitution (CoB) and the Rules of Procedure (RoP) of Bangladesh parliament were analyzed. The mechanisms for ensuring accountability are questions, discussion, budgetary debate, motions, ombudsman, committees and resolution. The effectiveness of these mechanisms is determined by various factors such as active parliament, expertise and interest of parliamentarians, unbiased role of the Speaker and dynamism in committee systems. Absences of such factors have made multifarious problems in ensuring accountability of the executive branch of government through parliament. The implication is to remove all the barriers to ensure accountability for better democratic governance.*

1. Introduction

Bangladesh is a country where a parliamentary form of democracy has been adopted and practiced. The parliamentary democracy was introduced in 1935 by the British and developed with major disruptions by military dictatorship and presidential form of government during Pakistan period. After the division of India, the constitution of 1956 was promulgated with a blend of presidential and parliamentary forms of government, which did not work because of gridlock between the chief executive and the parliament. General Ayub took the opportunity to take over power in 1959 and introduced indirect democracy known as “Basic Democracy”, where basic democrats elect the parliamentarians and the president. Ayub Khan also formed Convention Muslim League as his political party, which dominated the 1965 parliamentary elections. As a result, the parliament turned into a debating club instead of supreme law making body. General Ayub was overthrown by a popular uprising in 1969. Another army General, Yahia Khan took over the power in Pakistan and election was held in 1970. In that election the Awami League from the then East Pakistan had a landslide victory. The Pakistani ruler delayed the process of transformation of power to Awami League and started genocide in East Pakistan, which resulted in the War of Independence in 1971 and subsequent independence of Bangladesh (Khan 1997). After the emergence of Bangladesh in 1972, parliamentary democracy was adopted in the Constitution. But within three years the government moved to presidential form of government in 1975 for political unrest and economic stagnation. From 1975 military or military backed government occupied state power for fifteen years and the military finally departed from power through a successful

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popular uprising in 1990. In 1991, parliamentary form of democracy was re-established through twelfth amendment of the Constitution and it has continued for the last two decades. There are some literatures which reflect the role of parliament, including accountability, e. g. Ahmed 2002; CPD 2012; Obaidullah 2001; Alamgir et al. 2006; Rahman 2008; Mahiuddin 2009). These studies are inadequate as these are limited to one/two aspects of accountability for example, some studies only emphasize on committee system/ombudsman. The effectiveness of the parliament depends on its role in all aspects to ensure accountability of government. Therefore, it is important to identify how far the parliament is working to ensure the accountability of government. The Constitution of Bangladesh and rules of procedure of Bangladesh Parliament are studied to examine the extent of political accountability. In this paper an attempt was made to identify the gaps between procedures and practice in the system of accountability and problems in this regard.

2. Data and Method

This paper has been written based on content analysis. Data were collected from secondary sources which include books, journals and online contents. Data were analyzed based on four themes which are *active role of the parliament*, *expertise and interest of parliamentarians*, *unbiased role of the Speaker* and *dynamism in committee systems*. Data were presented both quantitatively and qualitatively.

3. Parliamentary Accountability System in Bangladesh

Bangladesh is a unitary state with a parliamentary form of government and a unicameral legislature. The parliament composed of 350 seats where 300 seats are general and 50 seats are reserved exclusively for women. The members for general seats are elected through direct election and the members for reserved seats are distributed based on the proportion of general seats achieved by each party. In parliamentary democracy, the oppositions play a critical role in ensuring accountability. According to the provision of the Bangladesh Constitution, the ministers are collectively responsible to the Parliament (CoB Article 54). They are also individually responsible to parliament for their respective ministries. The ministers are political executive to whom administrative executives are responsible. In each ministry, Secretaries are administrative executives and answerable to their respective ministers.

The mechanisms of ensuring parliamentary accountability are questions, motion, discussions, budget approval, parliamentary committees and ombudsman. The parliament members can ask questions to ministers about the affairs of their concerned ministry. The first hour of every sitting is assigned for raising and answering questions. Moreover, on Wednesdays, extra thirty minutes are assigned for asking questions to the Prime Minister (RoP, 41-59). However, it has been observed that, during the question session the parliament members discuss irrelevant issues other than their questions and waste valuable time of the session. One reason may be the qualification spelled out in the Constitution to be a member of parliament which stipulates that a member must be at least twenty five years of age and be a Bangladeshi citizen. As a result, many parliamentarians do not relevant questions on important policy issues. The motion is another way to ensure accountability of the Government through the Parliament to discuss specific important public related matters. A written proposal is to be submitted by any Parliament member to the Speaker to consider whether the matter is important enough to discuss in the Parliament. The Speaker then in consultation with leader of the House can allot a day/days/part of a day for the discussions

(RoP 61, 146-157). However, in practice hardly any proposal for motion is accepted by the Speaker though many such proposals were raised by the parliament members. The reason is time constraints on the grounds of tendency of members to discuss unscheduled debates. "In most sittings the House debated issues not previously included in the order of the day, thereby leaving important issues unattended" (Ahmad and Khan 1995: 577). The Constitution also has provision to establish Ombudsman by Parliament. The Ombudsman's responsibility is to enquire maladministration by any public authority (CoB Article 77). Though an act was passed in 1980 with necessary provisions, the office is yet to be established. In some countries like Sweden, Finland, Denmark, Norway, the United States and New Zealand Ombudsman play a vital role to make the public official answerable to citizens. As a result, absence of the office of the Ombudsman in Bangladesh has given public official opportunity to engage in maladministration. The Parliament is empowered to approve the budget of the government. Every year government prepares budget and submit it to parliament for its approval. The members of parliament can propose to reduce the expenditure demanded by government (RoP 111-127; CoB Article 81). However, they cannot propose to increase expenditure on any area. Moreover, the budget cannot be referred to any committee. Consequently, the budget is not under any scrutiny by the Parliament before it has been passed (Rahaman 2010). Considering that the budget is a very technical and complex matter, and many members may not be able to fully understand its' various aspects, as a result in practice, members of the government party praise the budget and the opposition members do not find anything good in it. There are also weakness and delays in budget execution, accounting and reporting. Consequently, opportunities may arise for misappropriation of funds (World Bank 2006). The extreme way to ensure accountability of government is motion of non-confidence. If a Parliament member proposes *motion of non-confidence* and thirty members support this proposal and the Speaker give consent, then it will be presented in the House for discussions. The Government will resign if it loses support in the Parliament due to such no-confidence motion (RoP 159). In a democratic country like India, motion of non-confidence is effectively practiced, as for example when Bajpayi government had to resign as they were defeated in a confidence vote. However, in Bangladesh, as there is a strong disciplinary measure existing in the Constitution against any member who violates party's decision, motion of non-confidence is a mechanism which enforcement is impossible.

There is also another provision to raise resolution by any member or minister. The resolution are raised to declare opinion or recommendation, or approval or disapproval of the government's policy or act by the House, or to express any message; or command, urge or request an action; or call attention to a matter or situation for consideration by the Government (RoP 130-145). The mover of the resolution may speak for 15 minutes and discussant may speak 3 minutes and then the concerned Minister in the next session sitting will inform the House on what action has been taken on that relevant resolution passed by the House. Any member can propose half an hour discussion on a matter of public importance and the Speaker can decide on the proposal for discussion in the House (RoP 60). Moreover, any member can give notice to discuss a matter of important public importance for short duration. There is a provision which allots an hour discuss such matter (RoP 68-70). Moreover, any Parliament member can give calling attention notice on any important public matter and concerned Minister gives brief statement on the issue before the House. The Speaker may refer the subject to the relevant standing committee of Parliament to submit a report after ministers' statement, considering the importance of the matter (Rule 71). However, the discussions and calling attention rarely focus on administrative lapses, cases of corruption and other administrative malpractices (Ahmed and Khan, 1995; Siddiquee, 1999). As a consequence, these mechanisms are not effectively practiced due to inactive parliament,

the passive role of Speaker and lack of efficient parliamentarians, which will be discussed later.

In a democratic polity, Parliament works as a link between government and governed. Parliament not only formulates policies but also works as watchdog to oversee actions of government. In this context, the parliamentary committees play a critical role to make government accountable for its actions (Mahiuddin 2009). These committees scrutinize bills, proposals and activities of public organizations. Moreover, the committees have power to summon any individual or organization for testimonies and give report for consideration by the Parliament. The details of committees concerning their formation and responsibilities are enclosed in the Constitution and Rules of Procedures (CoB 76; RoP 187-226). The concerned ministers cannot be chairman or member of any standing committee of their respective ministries.

Findings and Discussion

The success of ensuring accountability depends on how political parties play active role in the Parliament. Though parliamentary democracy has been continuing in Bangladesh, democratic practices have not been wholly successful due to conflict among major political parties and lack of consensus over national issues. In parliamentary democracy, oppositions work as a shadow government through its critiques and watchdog of government activities. However, in Bangladesh, as ruling parties get an enormous majority most of the time, except in the fifth and seventh parliaments (see Table 1 below) this encourages them to largely ignore the opposition. Moreover, during the elections the political parties form alliances which also stop them from raising voice against the executive when their alliances come to power. Moreover, both ruling and opposition parties engage in blame game, which limits their active role in parliament. The annual budget is an example of how the government does not give ear to opposition voice. The budget proposed by the government is usually passed without any substantial debate and consequent amendment and the proposals made by private members do not get importance. There is also a trend of continuing boycotting parliament sessions by the opposition. Consequently, the political parties never tried to make each other accountable through the Parliament, which is in vogue in most democracies. Therefore, the major problems are ineffective Parliament due to the absence of effective opposition in the Parliament, lack of presence of opposition in the Parliament during sessions and aculture mistrust between major political parties as opposed bipartisanship.

Table-1: Numerical Strength of Government, Opposition and Independents in the Parliament

Parliament	Ruling Party	Year of Elected	Number of MPs			Total	Tenure (month)
			Government	Opposition	Independent		
First	AL	1973	308 (97.78)	02 (0.63)	05 (1.59)	315 (100)	33
Second	BNP	1979	248 (75.15)	77 (23.34)	05 (1.51)	330 (100)	37
Third	JP	1986	206 (62.42)	115 (34.85)	9 (2.73)	330 (100)	19
Fourth	JP	251	251 (83.67)	24 (8.00)	25 (8.33)	300 (100)	34
Fifth	BNP	1991	168 (50.91)	159 (48.18)	03 (0.91)	330 (100)	56
Seventh	AL	1996	175 (53.03)	155 (46.97)	0 (00)	330 (100)	60
Eighth	BNP	2001	193	102	6	300	60
Ninth	AL	2008	274	74	2	350	60

Source: Ahmed 1996; Ahmed 2001; EC 2011.

The lack of efficient and seasoned politicians is another problem of political accountability (Table 2). In all parliaments, most of the parliamentarians were businessmen/industrialists and lack of experience. In Bangladesh, the Prime Minister, the leader of the Parliament and the leader of the ruling party is the same person and personality cult play a significant role where the party head is all in all of political parties. There also seems to be a lack of democratic practices within parties. Consequently, a patron-client relationship develops in political parties and politicians are more interested towards party position. They neither try to make ministers accountable nor try to make administrative executive accountable. As a result, brilliant and expert politicians hardly nurtured and developed in political parties. Besides, the parliamentarians are only busy with their own constituencies and thus neglect giving attention to crucial oversight functions of the Parliament (Alamgir et. al 2006). One of the often cited problems of Parliament is quorum crisis, which indicates parliamentarians are not that interested in participating in parliament activities. Moreover, in recent times the number of businessmen is rising as parliamentarians and they tend they use memberships as a medium to enhance their business interests (Jahan 1976; Hasanuzzaman and Alam 2010; NDI 2009; CPD 2012).

Table 2: Background of Parliamentarians (%)

Indicators	CA (1970)	First	Fifth	Seventh	Eighth	Ninth
Profession						
Businessman/Industrialist	27	24	53	48	57	56
Civil/Military Bureaucrat	3	n/a	8	8	8	10
Lawyer	30	27	19	17	11	15
Professional	17	15	14	4	11	7
Politics	5	13	2	4	7	5
Others	19	21	4	14	6	7
Education						
Postgraduates	22	27	38	40	42	37
Graduates	41	42	46	45	47	45
Undergraduates	24	27	16	11	10	15
Others	3	4		4	1	3
Parliamentary Experience						
No Experience	n/a	34	68	40	29	55
Experience of One terms	n/a	57	17	27	28	16
Experience of two terms	n/a	10	7	33	27	8
Experience of three terms	n/a	n/a	4	0	11	3
Experience of four terms	n/a	n/a	4	0	4	2
Experience of five terms	n/a	n/a	0	0	1	0

Source: Jahan 1976; Hasanuzzaman and Alam 2010; NDI 2009; CPD 2012

The role of Speakers is crucial to ensure constructive discussions within Parliament. The ruling party is entrusted to elect the Speakers. However, they cannot give up their party membership when they become Speakers. Thus, they largely tend to not to take any decision violating their party's interests. Although the number of questions asked to ministers has increased gradually from 33% in 7th Parliament to 46% in the 9th Parliament (see Table 3).

However, all motions of adjournments seems to be rejected in the Seventh, Eighth and Ninth Parliament (Table 3) (CPD 2012; Mondal 2011). It is also evident from different findings (Table 4) that the number of notices for discussion has declined rapidly, as most of the notices were not discussed in the House. This trend is discouraging the parliamentarians to submit notices for discussions. Like the notices for discussion, the number of calling attention notices is declining day by day, since only 4% of them have been discussed in the 7th, 8th and 9th Parliament for rejection by the Speaker (Table 4).

Table 3: Questions to Ministers

Parliament	Questions Answered %	Questions Rejected %	Question Lapsed %	Questions Withdrawn %	Total
7 th (Up to March 1999)	32.8	27.5	39.7	0.02	N=29537
8 th	41.9	15.9	41.2	0.0	N=33956
9 th (Up to December 2010)	45.8	8.1	42.5	1.0	N=24909

Source: Ahmed, 2002; CPD, 2012

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Table 4: Motions and Discussion

Parliament	Call Attention Notice	Short Discussion	Adjournment Motions	Half Hour Discussion
7 th (Up to March 1999) Parliament				
Notice Submitted	15228	561	4450	21
Notice Discussed %	3.0	6.0	0.0	0.0
8 th Parliament				
Notice Submitted	10407	226	2530	8
Notice Discussed %	4.0	2.0	0.0	0.0
9 th (Up to December 2010) Parliament				
Notice Submitted	5183	19	338	0
Notice Discussed	3.7	0.0	0.0	0.0

Source: Ahmed, 2002; CPD, 2012

The constitutional provision is another impediment to ensure accountability within Parliament of our country. In the Article 70 of the Constitution, it is stated that if a Parliament member gives vote against his party, or if he/she keep himself/herself absent from Parliament session, ignoring his/her party decision, then the seats of that member will be declared vacant. As a result, the members of Parliament do not raise voice against his/her own party and participate in cross-voting like the Congress of the USA and many other countries.

Multiple factors work regarding dynamism of Parliamentary committees. The Parliamentary committees are entrusted to prevent corruption and to ensure transparency (Alamgir et al. 2006). As most of the committees' members come from the ruling party, they are not interested to investigate the faults. In addition, these committees can only recommend measures to the House, but the ministries are not obliged to enforce their recommendations. Moreover, the Ministries at times may not give full information on the grounds of national

safety or interest. Most interestingly, the recommendations of some important committees (e.g. Public Accounts, Public Undertaking, Public Estimates, Assurance, and Standing Committees on ministries) are not discussed in the Parliament. Consequently, the Parliamentary committees, though more functional compared to the past, are not fully effective as most of their decisions are not implemented. Moreover, no mechanism exists to screen out a member with conflict of interest on a particular issue or policy. Besides, lack of interest among MPs, limitation of resources, irregular meeting and lack of expertise and staffs are other problems of the committee system (CPD 2012; World Bank 2006). To cite examples, the Public Accounts Committee cannot work properly for poor auditing system of the state. Although the Comptroller and Auditor General's Office is a constitutional body it cannot work fully independently as it has to rely on many things on the government and even its' auditing system is not up to date.

4. Conclusion

Parliamentary democracy has been continuing in Bangladesh for more than two decades. Therefore, a strong accountability system is essential for the success of parliamentary democracy. The political parties need to build consensus amongst them and work together to establish and ensure such accountability system. Moreover, the election system also needs to be changed so that expert, honest and dedicated persons can become the members of Parliament and can play effective role in ensuring accountability. As the Speaker plays a key role in the House, he/she needs to work independently with absolute neutrality. There are different suggestions after being elected as a Speaker he/she must resign from his/her political party to ensure neutrality like in the UK. One of the obstacles to ensure accountability in Parliament is Article 70 of the Constitution. This should be amended so that the parliamentarians can play more effective and transparent roles through more active role in Parliament and if necessary take part in cross-voting like the USA. Moreover, the proportion of the members from opposition in different Parliamentary Committees needs to be increased and these committees should publish their reports timely. As most of the recommendations by Parliamentary Committees are not being implemented by ministries, there should be provisions to make the concerned ministries responsible to report and explain to the committees on what ground the recommendations were not implemented. Last but not the least, the post of independent and powerful Ombudsman should be established without delay to oversee mal-administration and to ensure more accountability within the State.

REFERENCES

- Ahmed, N. (2002) *Parliament of Bangladesh*, Aldershot: Ashgate.
- Ahmed, N. (2001) "Parliamentary committees and parliamentary government in Bangladesh", *Contemporary South Asia* (2001), 10(1), 11–36 available at <http://unpan1.un.org/intradoc/groups/public/documents/apcity/unpan012792.pdf>, Accessed 07 July 2015.
- Ahmed, N. and S. Khan. (1995) "The Development of Parliamentary Oversight in Bangladesh: A Research Note." *Legislative Studies Quarterly* 20, 573–583.
- Alamgir, F. A., Tanvir M. and Iftekharuzzaman (2006) 'Corruption and Parliamentary Oversight: Primacy of the Political Will', Presented at the Seminar to mark the

- International Anti-Corruption Day, Dhaka available at <http://www.ti-bangladesh.org/research/Corruption&ParliamentaryOversight.pdf>, accessed 24 March 2013.
- CPD (2012) *The Parliament of Bangladesh: Representation and Accountability*, CPD-CMI Working Paper 2, Dhaka: Center for Policy Dialogue available at http://www.cpd.org.bd/pub_attach/CPD_CMI_WP2.pdf , accessed 10 April 2015.
- CPD (2012) *The Parliament of Bangladesh: Challenges and Way Forward*, CPD-CMI Policy Brief, Dhaka: Center for Policy Dialogue available at http://www.cpd.org.bd/pub_attach/CPD-CMI_PB1.pdf , Accessed 10 April 2015.
- GOB (1972) *The Constitution of the Peoples Republic of Bangladesh* available at <http://www1.umn.edu/humanrts/research/bangladesh-constitution.pdf>, accessed 10 April 2015.
- GOB (2007) *Rules of Procedure of Parliament of the Peoples Republic of Bangladesh* available at <http://www.parliament.gov.bd/rprocedure.htm>, accessed 10 April 2015.
- GOB (2011) *Bangladesh Gazette, Bangladesh Parliament, Law No 14* available at <http://www.humanrights.asia/countries/bangladesh/laws/legislation/ActNo.14of201115thAmendment-BangladeshConstitution.pdf> , accessed 10 April 2013.
- Hasanuzzaman, A.M. and Alam, M.S. (eds.). (2010), *Political Management in Bangladesh*. Dhaka: A H Development Publishing House (AHDPH).
- Jahan, R. (1976a) “Members of Parliament in Bangladesh”, *Legislative Studies Quarterly*, 1 (3): 339-361.
- Khan, Z. R. (1997) “Bangladesh’s Experiments with Parliamentary Democracy”, *Asian Survey*, 37(6): 575-589.
- Mahiuddin, K.M. (2009) *The Parliamentary Committee System in Bangladesh: An Analysis of its Functioning*, Ph.D. Dissertation, available at http://archiv.ub.uniheidelberg.de/volltextserver/9565/1/Parliamentary_Committees_in_Bangladesh.pdf, accessed 10 April 2015.
- Mondal, M.A.L. (2011) ‘What Impedes Neutrality’, *The Daily Star*, available at www.thedailystar.net/newDesign/news-details.php?nid=95574, accessed 03 April 2015.
- NDI (2009) *Member Directory: Ninth Parliament of Bangladesh*. Dhaka: National Democratic Institute for International Affairs (NDI).
- Obaidullah, A.T.M. (2001) ‘*Democracy and good governance: The Role of Ombudsmen*’, Bangladesh Institute of Parliamentary Studies, available at <http://www.undp.org.bd/projects/prodocs/SPD/Obaidullah.pdf>, accessed 04 May 2015

Rahman, T.(2008) *Parliamentary Control and Government Accountability in South Asia*, Newyork: Routledge.

Rahaman, M.M. (2010) “The Limits of Foreign Aid in Strengthening Bangladesh’s Parliament: Analysis of the U.N.’s Strengthening Parliamentary Democracy Project.” *Asian Survey*, 50 (3):474-496.

Siddiquee, N. A. (1999) “Bureaucratic Accountability in Bangladesh: Challenges and Limitations”, *Asian Journal of Political Science*, 788–104.

World Bank (2006) *Bangladesh Country Assistance Strategy*, Dhaka and Washington, D.C.: The World Bank.