

The Constitution of Bangladesh **Search for a Just Society**

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Backsliding and Endurance of the Parliamentary System in Bangladesh

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Abstract

Bangladesh's parliamentary system has endured an eventful journey through one-party monopoly, military dictatorship, non-political caretaker governments and an era of competitively authoritarian bipartisanship. The country is now settled in for another round of one-party dominance. However, the Parliament continues to exist for the sake of existence. The failure of the parliamentary system in Bangladesh has some understandable reasons if not justifications. Two fundamentally opposed political parties feature Bangladesh's post-1990 politics of competitive authoritarianism. They disagree on almost everything, including the fundamental principles of the original Constitution of 1972. The bloody political coups and countercoups have instilled a perpetual sense of hostility, distrust, and intolerance among the two political blocks. These parties are internally undemocratic. They are patriarchal and clientelist, too. Bangladesh's party system appears to be the most formidable roadblock to parliamentary assertiveness. In this context, this chapter argues that an incremental approach to increasing the Parliament's public engagement and people's ^{access} ~~success~~ in the Parliament could be a modest step forward. If the Parliament can attain its support base independent of the

political parties and their leaders, it could potentially place the institution in the very foundational spring broad standing on which it can hope to start contributing to the country's constitutional project.

Keywords

Parliamentary system, Competitive authoritarianism, Political parties, Constitutional accountability, Bipartisanship, Clientelist, Intra-party democracy, Legislative branch, Public engagement and Dynastic politics

Introduction

Bangladesh's original constitutional scheme of 1972 adopted a parliamentary system. However, during the fifty years of its existence (1973-2023), Bangladesh *Jatya Sangsad's* constitutional position has remained tainted, and its contribution to the country's constitutional project has been negligible. In 1973, two of the essential requirements of the Westminster parliamentary model were missing in Bangladesh. First, a stable two-party system based on conservative-liberal competition¹ and second, a culture of intra-party democracy that could support the backbench assertiveness crucial for government accountability and leadership challenge within the parties.

Democratic bipartisanship is based on recognising and appreciating democratic contests and compromise between liberal and conservative rivals. Bangladesh's history of parliamentary politics is not of mere ideological competition between the conservative and liberal forces. It is rather a

¹ M. Steven Fish, 'Stronger Legislature, Stronger Democracies' in (2006) 17(1) *Journal of Democracy* 5.

clash between the pro- and anti-liberation war forces ideologically aligned along secular and non-secular lines. Forces opposing each other over the state's core values and working in an atmosphere of personal hatred and vindication are highly unlikely to behave in a way expected of an ideal bipartisan democratic system. Failure of bipartisanship has been supplemented by the country's hierarchical and clientelist societal norms. The lack of democracy and backbench autonomy within the dynastic and patriarchal political parties have created an arrangement of 'one kingdom and two dynasties'.² It threatens intra-party accountability and, by extension, the government's constitutional accountability to the Parliament. Since the parochial political parties have vested interests in preventing changes in the status quo, this chapter argues that reforms should come incrementally and through self-conscious initiatives of the parliamentary office bearers. This chapter suggests they adopt an incremental public relations, engagement, and trust-building strategy that could supply the Parliament with a public support base independent of the parties and their leaders.

A "False Start"

During the war of 1971, Bangladesh adopted an absolutist presidential form of government.³ Once the war was over, a provisional constitution was adopted.⁴ The interim Constitution of January 1972 was the guideline for the Constitution to take effect in December 1972. The wartime

² Ali Riaz, *Bangladesh: A Political History since Independence* (I.B. Tauris, London 2016)

³ The Proclamation of Independence 10 April 1971 annexed to the Constitution of Bangladesh as the Seventh Schedule.

⁴ The Provisional Constitution of Bangladesh Order, 1972.

presidential arrangements gave way to a Westminster-styled parliamentary form in the Provisional Constitution. The Constituent Assembly took the role of the legislative branch. It, however, had a limited mandate of framing the Constitution. The President, advised by the Prime Minister, continued to exercise the legislative power of the republic. It was argued that assigning the legislative and budgetary functions to the constituent Assembly could be suicidal. It would distract the Assembly from its principal mandate of framing the Constitution. By the time the Constitution was adopted in November 1972, the bulk of Bangladesh's civil, administrative and public laws were built upon by presidential orders. The legislative branch started with a low profile. Parliaments throughout the later history of Bangladesh would remain more of deliberative forums than law-making bodies. Professor Salimullah Khan calls this a "false start" for the Constitution.⁵

The Initial Restlessness

Election to the First Parliament (1972-75) was held in March 1973. Amid the allegations of rigging and use of force in different constituencies, the overall result of the first parliamentary election was not unexpected. Awami League, the party spearheading the 1971 liberation war, gained an absolute majority. Only six MPs were elected from the opposition parties. The first Parliament did not give the parliamentary committees and backbench voices a chance expected of a standard Westminster parliament. Outside the Parliament, the government faced subversive activities from political opponents. In response, Prime Minister

⁵ Salimullah Khan, 'Bangladesh began badly: Remembering the roots of the impasse', *The Daily Star*, Constitution's 50 Anniversary Supplement (4 November 2022)

Bangabandhu Sheikh Mujibur Rahman attempted to switch the parliamentary system into a presidential one.⁶ The system devised by the Fourth Amendment of 1975 was far more autocratic than a mere presidential one. It introduced a one-party political system. Parliament and the judiciary were made subservient to the presidency.⁷ *Bangabandhu* is believed to have discarded the parliamentary system without enough consensus-building and intra-party consultation.

The one-party system was short-lived. *Bangabandhu* was brutally killed along with almost all his family members by a segment of the army on 15 August 1975.⁸ After the assassination, military rulers Zia and Ershad ascended to power and ruled till 1990. They helped the pro-Pakistani and anti-liberation war forces re-establish in the mainstream of Bangladesh politics. Politicians accused of openly collaborating with the Pakistani military forces during the liberation war were rehabilitated within ten years of Bangladesh's liberation from Pakistan. Awami League strongly believed that Ziaur Rahman and his wife, Begum Khaleda Zia, harboured the militant, fundamentalist and anti-liberation war forces as a deliberate policy.⁹ Awami League

also believes Zia to be involved in the killing of Bangabandhu. On Khaleda Zia's part, she had reasons to think that Awami League could have a secret entente with Ershad, who was widely believed to be involved in toppling Zia.¹⁰ This line of personal animosity would paralyse the Westminster bipartisanship once the army left the scene in the early 1990s.

As regards the legislative branch, Zia's Second (1979-81), Ershad's Third (1986-88), and Fourth (1988-90) Parliaments earned the badge of "rubber stamps",¹¹ which would legitimise the military dictators' wishes rather than legislate. The military rulers suppressed, harassed and tortured the real opposition in the street while patronising the "domesticated oppositions"¹² in the House. Therefore, three parliaments under military rulers had little to offer in democratic accountability.¹³ Those parliaments did anything but legislation, oversight and policy influencing.¹⁴ Thus in the wake of the revival of the 1972 constitution in 1991, a mere reintroduction of parliamentary government was not the only challenge facing Bangladesh.¹⁵ As an observer argued, it was a question of reviving a Westminster spirit rather than

⁶ Zillur R. Khan, 'Bangladesh's Experiments with Parliamentary Democracy', (1997) 37(6) *Asian Survey* 575, 580.

⁷ The Constitution (Fourth Amendment) Act 1975.

⁸ Emajuddin Ahmed, 'The Military and Democracy in Bangladesh' in R.J. May, Viberto Selochan (ed), *The Military and Democracy in Asia and the Pacific* (ANU Press 2004) 105.

⁹ As Stanley A Kochanek explains it BNP is drawn upon "a broad-based coalition of political forces opposed to the Awami League drawn from the military, the bureaucracy, the business community, pro-Chinese radicals, pro-Islamic elements, and former members of the League who opposed Mujib's one-party state. Many of these groups had been banned by the organization and ostracized as collaborators because of their pro-Pakistani sympathies" (Stanley A. Kochanek, 'Governance, Patronage Politics, and Democratic Transition in Bangladesh', (2000) 40(3) *Asian Survey* 530, 531-33).

¹⁰ Nizam Ahmed, 'Non-Party Caretaker Governments and Parliamentary Elections in Bangladesh: Panacea or Pandora's Box?' (2004) 11(1) *South Asian Survey* 49, 69.

¹¹ Azizul Haque, 'Bangladesh in 1979: Cry for a Sovereign Parliament', (1980) 20(2) *Asian Survey* 217, 221-2.

¹² M. Rashiduzzaman, 'Political Unrest and Democracy in Bangladesh', (1997) 37(3) *Asian Survey* 254.

¹³ Syed Imtiaz Ahmed, 'Civilian supremacy in democracies with 'fault lines': The role of the parliamentary standing committee on defence in Bangladesh', (2006) 13(2) *Democratization* 283.

¹⁴ Nizam Ahmed, 'Parliamentary Committees and Parliamentary Government in Bangladesh', (2001) 10(1) *Contemporary South Asia* 11, 13-4.

¹⁵ Talukder Maniruzzaman, 'The Fall of the Military Dictator: 1991 Elections and the Prospect of Civilian Rule in Bangladesh', (1992) 65(2) *Pacific Affairs* 203.

restoring an organisational structure.¹⁶ Issues of the culture, motivation and orientation with the principles of accountable governance and democratic oppositions would directly impinge upon the performance of the post-1990 parliaments.

The Post-1990 Parliaments

By the time the military left the scene, one of Bangabandhu's two surviving daughters, Sheikh Hasina, was at the helm of his political party, Awami League. Helm of the anti-Awami League forces, on the other hand, fell in the hands of Begum Khaleda Zia, the widowed wife of Major Ziaur Rahman.

Elected under a non-party caretaker government led by the Chief Justice of Bangladesh, the Fifth Parliament (1991-1995) saw the largest number of opposition members elected till then. The initial years of the Fifth Parliament witnessed livelier, more participatory and extremely vigilant legislative and scrutiny activities. It consensually restored the parliamentary system sixteen years after it was abolished in 1975. Ruling party backbenchers showed an unprecedented scale of independent opinion. Even cross-party alignment on certain contentious issues was noticeable.¹⁷ However, the domination of the party leadership over the legislative and other parliamentary processes soon took its toll. Facing a vibrant backbench, the BNP government of Khaleda Zia explored the shortcut of law-making through ordinances and then getting those approved by the House. Thus, the government bypassed the floor and committee scrutiny.¹⁸

¹⁶ Craig Baxter, 'Bangladesh a Parliamentary Democracy, if They Can Keep It', (1992) 91 *Current History* 563.

¹⁷ Nizam Ahmed, 'Parliamentary Opposition in Bangladesh: A Study of its Role in the Fifth Parliament', (1997) 3(2) *Party Politics* 147.

¹⁸ Nizam Ahmed, 'In search of Institutionalization: Parliament in Bangladesh', (1998) 4(4) *The Journal of Legislative Studies* 34, 55.

Good days for institutionalised opposition also did not last for long. In response to a wide-scale rigging of votes in a 1994 by-election, the parliamentary opposition forces started boycotting the Parliament. Politics was again taken to the streets, and Parliament was put backstage. At one point, 147 opposition members of the 300-member Parliament resigned *en masse*. The opposition parties demanded introducing a 1991-styled caretaker government for elections to the subsequent parliaments. The ruling party was defiant, and a one-party election was held on 15 February 1996. In the face of violent opposition outside, the Sixth Parliament (1996) could live only for three months. An election-time caretaker government was introduced through a constitutional amendment.

The Seventh Parliament (1996-2001) saw the Awami League in power for the first time after the 1975 coup. Begum Zia's Bangladesh Nationalist Party (BNP) secured 116 seats against 146 seats of the ruling party. Later, the Seventh became the first Parliament in Bangladesh's history to fulfil its constitutional tenure. One major success of the Seventh Parliament was changing the committee system's composition and procedure.¹⁹ Bills were being referred to a special parliamentary committee for scrutiny. Different ministerial oversight committees started shadowing the ministries and considering bills related to those. The number of Ordinances also fell substantially, beginning a new era in democratic law-making.²⁰ However, like its predecessors, this Parliament was struck by ongoing boycotts and walkouts of the opposition parties.

¹⁹ Muhammad Mustafizur Rahman, 'Parliament and Good Governance: A Bangladeshi Perspective' (2008) 9(1) *Japanese Journal of Political Science* 39, 54.

²⁰ Ahmed (n 18).

BNP dominated the Eighth Parliament (2001-2006). Apart from several committees working to some extent, the opposition's continuous boycott marred the Eight Parliament. Most of the committees remained dysfunctional. Compared to that, the Ninth Parliament (2009-2014) was partially successful in institutionalising the committee system. Marginalised and consistently boycotting opposition, however, remained the constant headache. This Parliament controversially dispensed with the caretaker system introduced by the Sixth Parliament.

A Dominant Party System

The Tenth Parliament (2014-2018) may be considered the least effective in holding the government accountable. One of the major political parties, BNP, boycotted the parliamentary election in 2014. The election to the Eleventh Parliament (2018-present) also was practically opposition-less. Both the Tenth (2014-2018) and Eleventh (2019-2023) Parliaments did not see any opposition in the rightful sense of the term. With the main opposition party boycotting the Tenth parliamentary election and being marginalised since then, the current official Opposition party, Jatya Party (JP), has proved a poor alternative. In fact, JP is a political ally of the ruling party, "pretending"²¹ to be an opposition.²² Under the current circumstances, the election to the twelfth Parliament (scheduled in January 2024) seems to be heading towards another opposition-less and one-party legislature.

²¹ M. Jashim Ali Chowdhury, 'In Search of Parliamentary Opposition in Bangladesh' (IACL-AIDC Blog, 21 January 2021) <<https://blog-iacl-aidc.org/2021-posts/2021/1/21/in-search-of-parliamentary-opposition-in-bangladesh>> accessed 22 October 2022.

²² R.B. Andeweg, 'Parties in Parliament: The Blurring of Opposition' in Müller W., Narud H. (eds.), *Party Governance and Party Democracy* (New York: Springer 2013) 99-114.

Hence, Ali Riaz brands the current system as a 'hybrid regime' with some democratic semblances but more authoritarian features.²³ A 'hybrid regime' comprises a weakened judiciary and a 'rubber stamp' legislature that manipulates the Constitution and other democratic institutions (*i.e.*, the election commission) to legitimise an otherwise illegitimate regime.²⁴

The Problems of Parliament

The fifty years of Bangladesh's parliamentary history suggest that Parliament has failed to attract the attention, respect and stature necessary for a democratic institution. Over the years, the trust gap in Parliament grew so conspicuously that the people have shown little interest in knowing it, participating in its process, or petitioning it to redress their grievances. In its turn, Parliament has shown the least sensitivity to its public appreciation.²⁵

The electoral process has always been a matter of deep concern.²⁶ Starting from the very first parliamentary election of 1973, governments – civilian or military alike – have considered the Election Commission a mere subordinate body subject to the wish of the occupants of power.²⁷ A

²³ Larry Diamond, 'Thinking about Hybrid Regimes' (2002) 13(2) *Journal of Democracy* 21.

²⁴ Ali Riaz, *Legislature as A Tool of The Hybrid Regime: Bangladesh Experience, Political Science and Politics* (Cambridge University Press, 2021) 275-76.

²⁵ Statistics show that only three out of the 248 public petitions submitted to Parliament between 1991 and July 2010 were accepted. The rest were either rejected, withdrawn, settled or simply lapsed (Nizam Ahmed, 'Parliament and Citizens in Asia: The Bangladesh Case', (2012) 18(3-4) *The Journal of Legislative Studies* 463, 467.

²⁶ Ahmed Shafiqul Huque and Muhammad A. Hakim, 'Elections in Bangladesh: Tools of Legitimacy', (1993) 19(4) *Asian Affairs: An American Review* 248.

²⁷ Nizam Ahmed, 'Critical Elections and Democratic Consolidation: The 2008 Parliamentary Elections in Bangladesh', (2001) 19(2) *Contemporary South Asia* 137, 149.

caretaker government was introduced in 1996.²⁸ However, it exposed and vilified the judiciary before the public eye. The Chief Justices of Bangladesh leading the Caretaker governments during 1991-2006 were ruthlessly criticised by the warring political parties. The ruling parties politicised the judiciary on an unbelievable scale to ensure that the next caretaker government remains loyal to them.²⁹ Controversial and exposed, the system was declared unconstitutional³⁰ and scrapped by the Awami League government in 2011.³¹ This time again, Awami League did not wait for enough consensus building or public consultation over the issue. Its leaders just hurriedly buried the caretaker government. A functionally doomed Election Commission continues to pose a persistent headache for the parliamentary system.³²

Next, democratic bi-partisanship is critical for the Westminster Parliament's efficient working.³³ Arendt Lijphart famously distinguished the majoritarian Westminster Parliamentary System from the consociational democracies of continental Europe.³⁴ Westminster's

²⁸ Craig Baxter, 'Bangladesh: Can Democracy Survive?' (1996) 95 *Current History* 600.

²⁹ M Jashim Ali Chowdhury, 'Elections in "Democratic" Bangladesh', in Mark Tushnet and MadhavKhosla (eds.), *Unstable Constitutionalism: Law and Politics in South Asia* (Cambridge University Press 2014) 192-229.

³⁰ Civil Appeal No. 139 of 2005 with Civil Petition for Leave to Appeal No. 596 of 2005, <http://ago.portal.gov.bd/sites/default/files/files/ago.portal.gov.bd/page/7f393557_475c_4317_b42a_5a850868beae/Constitutional%2013th%20Amendment%20Case.pdf> accessed 5 November 2022.

³¹ The Constitution (Fifteenth Amendment) Act 2011.

³² Ali Riaz, 'Bangladesh's Failed Election', (2014)25(2) *Journal of Democracy* 119, 121.

³³ Peter Trubowitz and Nicole Mellow, "'Going Bipartisan': Politics by Other Means', (2005) 120(3) *Political Science Quarterly* 433, 434 (Bi-partisan adversarial competition between the government party and opposition party is a key requirement for the Westminster Parliamentary System to be operative)

³⁴ Arend Lijphart, *Patterns of Democracy* (Yale University Press 2012).

majoritarian system features a bare majority government in control of the executive and legislature, excluding the opposition from the policymaking process.³⁵ Continental Europe's consociational or consensus system, on the other hand, looks for greater power-sharing between majority and minority parties and favours multi-party coalition governments over single-party governments.³⁶ Many pure or near-pure majoritarian systems (e.g., Belgium, Netherlands, Switzerland and even the United Kingdom) have recently adopted some of those consociational traits.³⁷ It is due to the recognition that the pure majoritarian and exclusionist tendency of Westminster majoritarianism carries with it a significant democratic deficit. Still, even a very old-fashioned Westminster system recognises the importance of parliamentary opposition. It is not merely ornamental. It is rather a government in waiting. Though a strong discipline within the government party, which provisions like Bangladesh's Article 70 may further enhance, could weaken the opposition's influence over policymaking. The mere presence of opposition in a standard Westminster parliament keeps the government alert to the pulse of its backbenchers. Also, sometimes a strategic opposition, instead of an agitative and destructive one, exploits the exigencies of

³⁵ Saul Rose, 'The New Constitutions in South Asia', (1973) 63(252) *The Round Table* 439, 444.

³⁶ Andrew Harding, 'The 'Westminster Model' Constitution Overseas: Transplantation, Adaptation and Development in Commonwealth States' (2004) 4 *Oxford University Commonwealth Law Journal* 143, 147-148.

³⁷ W. Elliot Bulmer, *Constituting Scotland: The Scottish National Movement and the Westminster Model* (Edinburgh University Press 2016) (W. Elliot Bulmer called the process the Westminster constitutionalised.); Julian Bernauer and Adrian Vatter, 'Can't get no satisfaction with the Westminster Model? Winners, Losers and the Effects of Consensual and Direct Democratic Institutions on Satisfaction with Democracy' (2012) 51(4) *European Journal of Political Research* 435; AkashPaun, 'After the Age of Majority? Multi-party Governance and the Westminster Model' (2011) 49(4) *Commonwealth and Comparative Politics* 440.

situations that may require the government to travel beyond the party line. Hence, in situations of not-too-much-polarised parliaments or minority governments, the opposition can exert significant pressure upon the government. We can conveniently take the adoption of the twelfth amendment (1992), despite the ruling party leader Prime Minister Begum Khaleda Zia's unwillingness to adopt it, as a classic example of the strategic role played by the Awami League-led opposition parties in the fifth Parliament.

As mentioned earlier, in Bangladesh, conditions supportive of a liberal-conservative bi-partisanship are largely absent due to historical accidents. The opposition here is seen as a matter of suspicion and destabilisation. Hence, the majoritarian tendencies embedded in the Westminster Parliamentary System appear highly lucrative for the ruling parties. On the same logic, Westminster's common law and constitutional convention-based protections to the opposition are unpalatable for them.³⁸ Therefore, the crude majoritarianism that results from a Westminster system minus its conventions makes our bi-partisan competition unprincipled and destructive.

Within the political parties, the structural calculus of politics revolves around the personality cult and inheritance of a few leaders. This trend of personal megalomania in Bangladesh resembles the narratives of 'patron-clientelism' and 'neo-patrimonialism'.³⁹ Stanley Kochanek has offered a socio-

³⁸ Harshan Kumarasingham, 'Eastminster - Decolonisation and State-Building in British Asia', in HarshanKumarasingham (ed.), *Constitution-Making in Asia - Decolonisation and State-Building in the Aftermath of the British Empire*, 1-35 (Routledge: London, 2016) 23.

³⁹ S. Aminul Islam, 'The Predicament of Democratic Consolidation in Bangladesh,' (2006) 3(2) *Bangladesh e-Journal of Sociology* 4.

cultural explanation behind the sustenance of 'patron-clientelism' in Bangladesh. Material wealth, success and opportunity here are derived from individuals in higher strata rather than from institutional sources and fair administrative processes. In return, individuals on the receiving end feel obliged to legitimise the personalised system of governance by the well-placed.⁴⁰ This relation of patron-client generates a power distance within the political institutions where the inferiors would accept their fate and define their 'peaceful society in the name of their trust in their superiors',⁴¹.

Neo-patrimonialism is built upon the social base of patron-clientelism, where the bureaucratic and administrative machinery of the state would be suitably manipulated to endorse, legitimise and perpetuate the personalised regime of governance.⁴² This general pattern of social relationships perpetuates the institutional weaknesses, underdevelopment and corruption within the political system. It poses a threat to democratic governance and parliamentary assertiveness in several ways:

First, since the governments rule by personal exchanges rather than law, discontent over a regime's supply capability might result in an attempt to sabotage it by the disgruntled quarters. Opposition to the government would hardly follow

⁴⁰ Kochanek (n 9), 547-49.

⁴¹ Md. Saidur Rahman, 'Institutionalization of Democracy in the Political Parties in Bangladesh Does culture matter?', *LL.M. Thesis* (North South University, 2010) 33-36.

⁴² Mohammad Mozahidul Islam, 'The Toxic Politics of Bangladesh: A Bipolar Competitive Neo-patrimonial State?' (2013) 21(2) *Asian Journal of Political Science* 148, 149-51; Sabina Sharmin and Dr. A. K. M. Jamal Uddin, 'Characteristics of Political Culture in Bangladesh: A Critical Analysis from the perspective of Political Development and Under development', (2013) 1(1-2) *Jagannath University Journal of Social Sciences* 74, 77.

the parliamentary or institutional routes. Opposition parties would rather boycott the Parliament and prefer street agitation and back-door negotiations to topple the government.⁴³ However, such violent regime changes seldom guarantee a qualitative change in the system. It would instead install a new group of patrimonial elites from the other political party or, worst case – the military.

Secondly, the personalising tendency of politics shuts down the prospect of intra-party democracy. Inside Bangladeshi political parties, leadership selection and policy formulation vest in the absolute monopoly of the dynastic leaders.⁴⁴ Intra-party diversity and competition of ideas give way to person-centred factionalism. Parties frequently disintegrate over personality clashes and monetary interests.⁴⁵ The parochial leaders ruthlessly crush the ideological objectors. Instead, the business-based bourgeoisie takes the mainstream of politics and sees it as a highly unpopular rent-seeking profession.⁴⁶ The trend has clogged the peoples' access to political parties and encouraged corruption, back-door negotiation and money-muscle correlation in politics.⁴⁷ As a

⁴³ 135 out of 400, 163 out of 382, 223 out of 373, 316 out of 370 parliamentary sitting days were boycotted by the opposition parties in the fifth, seventh, eighth and ninth parliaments, respectively (Shahidulla Kaiser, 'Culture of Parliament Boycott and The Future of Parliamentary Democracy in Bangladesh', (2015) 19(1-2) *Himalayan and Central Asian Studies* 44.

⁴⁴ Muhammad Mustafizur Rahman, 'Origins and Pitfalls of Confrontational Politics in Bangladesh', (2007) 14(1) *South Asian Survey* 101, 106-07; CMI, *Dynasty or democracy? Party politics in Bangladesh*, CMI Brief (Dhaka 2013) 2-3.

⁴⁵ Mahfuzul H. Chowdhury, 'Dynamics of Political Parties in Bangladesh', (1995) 2 *South Asian Survey* 63.

⁴⁶ Rounaq Jahan, 'Members of Parliament in Bangladesh', (1976) 1(3) *Legislative Studies Quarterly* 355.

⁴⁷ Quamrul Alam and Julian Teicher, 'The State of Governance in Bangladesh: The Capture of State Institutions', (2012) 35(4) *South Asia: Journal of South Asian Studies* 858, 864; Rounaq Jahan, 'The Parliament of Bangladesh:

result, the Parliament conspicuously lacks representation from intellectuals, civil society, professional groups and the working class.⁴⁸ The businessmen-turned-politicians have a questionable disposition, criminal records⁴⁹ and allegations of corruption and offences involving moral turpitude.⁵⁰ Politics has been criminalised, and political bullies have been able to secure legitimation and protection within the political process.⁵¹

Thirdly, Bangladesh's political and legal relationships are built upon a "complex of personal relationships" different from the West's norms and cultures.⁵² The Parliament functions within an "authoritarian framework of constitutionalism" where the rules of law are applied to a single or dominant party's favour and towards perpetuating a particular person or group of persons' power.⁵³ Once the personalisation of power is accepted at the top echelon of a party structure, a series of personalities or dynasties take root at different stages of the party hierarchy. In the process, the prospects of intra-party democracy and the bottom-up leadership selection process wither away. With this goes the prospect of the government's meaningful accountability to the Parliament, its committees and members. The MPs invariably play a mere partisan delegate (or mercenary) role.

Representation and Accountability', (2015) 21(2) *The Journal of Legislative Studies* 250, 252.

⁴⁸ Md. Rajib Hasnat Shakil and Kaniz Marzia, 'Problems of Party Funding and Expenditure Political Parties and Good Governance: Bangladesh Perspective,' (2013) 8(5) *IOSR Journal of Humanities And Social Science (IOSR-JHSS)* 37, 42.

⁴⁹ Alam and Teicher, (n 47) 866.

⁵⁰ Ahmed (n 27), 149.

⁵¹ Arild Engelsen, 'The Political Bully in Bangladesh', in Anastasia Piliavsky (ed) *Patronage as Politics in South Asia* (Cambridge, 2017) 305, 306-307; Mahfuzul Hoque Chowdhury, 'Violence, politics and the state in Bangladesh,' (2003) 3(2) *Conflict, Security & Development* 265, 274.

⁵² Kumarasingham (n 38) 11.

⁵³ *ibid* 26.

Conclusion and the Ways Ahead

The principal weakness of Bangladesh's Parliament is the lack of intra-party democracy. It is likely that a genuine political will to address Parliament's procedural and technical flaws will continue to be missing.⁵⁴ Therefore, an optimist's approach to the problem might be to focus, for the time being, on some strategic reforms that might be achievable within the current structure of patriarchal politics.

First, the parliamentary offices, including the Speaker, should focus on finding strategic tools to raise the impact of parliamentary debate and scrutiny. To this end, advocacy for raising the standards and formats of parliamentary questions and debates by training the MPs and supplying them with expertise and capabilities through research support could go a long way. For example, introducing parliamentary internships for the top-ranked law and political science graduates could enrich the MPs. It would also help build up political leadership for the future.

Secondly, parliamentary offices should focus on enhanced public relations and greater dissemination of parliamentary norms, processes and activities. It would likely help the Parliament develop an independent public support base of its own. Under the current system, the Parliament lacks institutional linkage to the people. People see and evaluate the Parliament through the parties that comprise it. A relatively recent study of public trust in Bangladesh's institutions showed a "paradoxically" high percentage of

⁵⁴ Editorial, 'Decline of Parliamentary Governance: Indian Scenario', (2017) 3(2) *Rostrum's Law Review* <<https://rostrumlegal.com/journal/category/rlr-volume-iii-issue-ii/>>

confidence in the Parliament.⁵⁵ It potentially indicates that the people have a serious "cognitive lacking" of the institution – what it does and should do.⁵⁶ Therefore, it should be a top priority for the Parliament to reach out to the people and develop a public base for itself. It will enhance its institutional prestige and alert the executive to the parliamentary "obstacles to be surmounted" while pressing through its controversial policies.⁵⁷

Thirdly, a supplementary strategy could be to look for scopes of greater public access to parliamentary business and committees. It would challenge the political parties' elitist domination⁵⁸ over the parliamentary agenda and ensure greater democratisation of the institution. As is noted by Lipset, democratic institutions, including the legislatures, survive on the force of a politically engaged middle class.⁵⁹

The more the MPs become self-conscious of their scrutiny role and the more the citizens turn up to their Parliament, the more will be the ruling elite's pressure to allow the institution to stand on a footing of its own. Fortunately, a critical aide of the institution's democratisation process is vibrant in Bangladesh. The existence of an assertive and

⁵⁵ Steinar Askvik & Ishtiaq Jamil, 'The Institutional Trust Paradox in Bangladesh', (2013) 13 *Public Organization Review* 459, 466-67.

⁵⁶ Muhammad Sayadur Rahman, 'Role of the Members of Parliament in the Local Government of Bangladesh: Views and Perceptions of Grassroots in the Case of Upazila Administration', (2013) 13 *Public Organization Review* 71.

⁵⁷ Paul G. Thomas, 'Parliament and Legislatures: Central to Canadian Democracy?' in John C. Courtney and David E. Smith (eds.), *The Oxford Handbook of Canadian Politics* (Oxford 2010) 160.

⁵⁸ Ersin Kalaycioglu, 'Why Legislatures Persist in Developing Countries: The Case of Turkey', (1980) 5(1) *Legislative Studies Quarterly* 123, 123-24.

⁵⁹ Seymour Martin Lipset, *Political Man: The Social Bases of Politics* (New York 1963) 72.

autonomous civil society and a politically aware young generation are essential catalysts for democratic governance. Though autocratic regimes show intolerance towards an independent civil society, the remarkable development of information and communication technology and social media activism among the ordinary citizenry would remain a strong resistance to a total silencing of critique. Therefore, an incremental public relations approach has a chance— how slim it might appear now.