

# The Efficacy of Parliamentary Question: A Comparative Investigation into the House of Commons and *Jatiya Sangsad* Practices

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## Abstract

Westminster institution of Parliamentary Question Time (PQT) has a special significance in enforcing ministerial responsibility. While PQT focuses mainly on departments and ministries, the Prime Minister's Question Time (PMQT) in the UK Parliament and other Westminster traditions remained more of a theatrical episode than an affective accountability tool. Bangladesh's experience with PMQT also presents a theatrical monologue. PQT and PMQT taken together, accountability impact of these in Bangladesh are not uncontested. Purpose of this paper is to assess the accountability impact of the PQT and PMQT in Bangladesh *Jatiya Sangsad* and compare it with the UK House of Commons with reference to the procedural rules governing the sessions, structural issues guiding the speaker's discretion in conducting sessions and the attitudinal issues regulating the individual legislators' and ministers' approach to the device. While the authors share the view that parliamentary questions in Bangladesh are "generally not successful in ensuring responsible behaviour", the current paper seeks to travel beyond this generalised claim and find the deeper reasons contributing to the failure.

## 1. Introduction

Westminster institution of Parliamentary Question Time (hereinafter PQT) has a special significance in enforcing ministerial responsibility.<sup>1</sup> Asked and answered mostly on individual ministry basis, and at the beginning of each day's parliamentary business, parliamentary questions are important in the sense that these are dominated mostly by individual and private members. Since the question time is not controlled by parliamentary agenda setting power of the ruling party, the opposition and individual MPs may project 'spotlight upon every corner'<sup>2</sup> of the administration. An additional advantage of the question time is that unlike adjournment motions, motions for scheduled or unscheduled debates and motion of no confidence, MPs wishing to table parliamentary questions would not need a parliamentary majority behind their move.<sup>3</sup> If selected through balloting, government and opposition members alike get scopes to ask questions and solicit information and

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<sup>1</sup> Frances H. Ryan, 'Can Question Period be Reformed?' (2009) *Canadian Parliamentary Review* 18, 22.

<sup>2</sup> Michael Cole, 'Accountability and quasi-government: The role of parliamentary questions' (1999) 5(1) *The Journal of Legislative Studies* 77, 83.

<sup>3</sup> Nizam Ahmed, 'Development and Working of Parliaments in South Asia' (2001) 9(1) *Asian Journal of Political Science* 18, 29.

accountability. This explains why parliamentary questions get more attention than other individual tools of parliamentary work.<sup>4</sup>

While PQT focuses mainly on departments and ministries, Prime Minister is less stringently attached to the parliament than his/her ministerial colleagues. Though the Prime Minister's presence, participation, speech and statements in the floor is advocated as a key accountability mechanism,<sup>5</sup> the Prime Minister's Question Time (hereinafter PMQT) in the UK Parliament and other Westminster traditions remained more of a theatrical episode than an affective accountability tool.<sup>6</sup> Bangladesh's experience with PMQT also presents a theatrical monologue. PQT and PMQT taken together, accountability impact of these is not uncontested. Sceptics argue that output of parliamentary question as an accountability tool and a method of extracting information is considerably circumscribed.<sup>7</sup> Apart from being used as part of the wider political confrontation,<sup>8</sup> its efficacy as an accountability tool is in decline.<sup>9</sup>

Purpose of this paper is to assess the accountability impact of the PQT and PMQT in Bangladesh *Jatyā Sangsad* and compare it with the United Kingdom House of Commons with reference to the procedural rules governing the sessions, structural issues guiding the speaker's discretion in conducting parliamentary business and the attitudinal issues regulating the individual legislators' and ministers' approach to the device. While the authors share the view that parliamentary questions in Bangladesh are "generally not successful in ensuring responsible behaviour",<sup>10</sup> the current paper seeks to travel beyond this and find the reasons why.

## 2. Parliamentary Questions as an Accountability Tool

Depending on the institutional and politico-cultural set up of different countries, parliamentary questions are generally asked for extracting information from government,<sup>11</sup> demanding accountability,<sup>12</sup> sponsoring constituency interests<sup>13</sup> and enhancing the individual MPs' career prospects.<sup>14</sup> However, effectiveness of parliamentary questions in enforcing accountability is widely debated. While PQT's importance is acknowledged, its impact varies depending on the process that regulates the session (procedural aspect), the political set up

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<sup>4</sup> Nizam Ahmed, *Parliament and Public Spending in Bangladesh: Limits of Control* (Bangladesh Institute of Parliamentary Studies, Dhaka, 2000).

<sup>5</sup> P Dunleavy and G Jones G, 'Leaders, politics and institutional change: The decline of prime ministerial accountability to the House of Commons, 1868–1990' (1993) 23(3) *British Journal of Political Science* 267, 267; GT Thomas, 'United Kingdom: The prime minister and parliament' (2004) 10(2-3) *The Journal of Legislative Studies* 4.

<sup>6</sup> R. K. Alderman, 'The Leader of the Opposition and Prime Minister's Question Time' (1992) 45(1) *Parliamentary Affairs* 66, 66.

<sup>7</sup> Franklin, et. al., 'Questions and Members', in Franklin and Norton (eds), *Parliamentary Questions* (Clarendon Press, Oxford, 1993) 10.

<sup>8</sup> N. Johnson, 'Parliamentary Questions and the Conduct of Administration' (1961) 39(2) *Public Administration* 131, 144-146.

<sup>9</sup> J. Mackintosh, *The Government and Politics of Britain* (Hutchinson, London, 1970) 27.

<sup>10</sup> N. Ahmed and A. Ahmed, 'The quest for accountability: Parliament and public administration in Bangladesh' (1996) 18 *Asian Journal of Public Administration* 70, 92.

<sup>11</sup> Oliver Rozenberg, et. al, 'Not Only a Battleground: Parliamentary Oral Questions Concerning Defence Policies in Four Western Democracies' (2011) 17(3) *The Journal of Legislative Studies* 340.

<sup>12</sup> Shane Martin, 'Parliamentary Questions, the Behaviour of Legislators, and the Function of Legislatures: An Introduction' (2011) 17(3) *The Journal of Legislative Studies* 259.

<sup>13</sup> Michael Kellermann, 'Electoral Vulnerability, Constituency Focus, and Parliamentary Questions in the House of Commons' (2016) 18(1) *The British Journal of Politics and International Relations* 90.

<sup>14</sup> Stefanie Bailer, 'People's Voice or Information Pool? The Role of, and Reasons for, Parliamentary Questions in the Swiss Parliament' (2011) 17(3) *The Journal of Legislative Studies* 302, 303.

within which the system operates (structural aspects) and the way the MPs utilize it (attitudinal aspects).

Seen from a *procedural perspective*, presence of scope to ask spontaneous questions and initiate debate is most likely to generate significant political confrontation<sup>15</sup> and backbench autonomy<sup>16</sup> which in its turn would extract more information<sup>17</sup> and generate greater accountability. Rules regarding the subject matter and number of questions, requirement of oral or written answers, scope of initiating further debate on answers given by the ministers, etc would determine how much pressure the executive may be put into.

On a *structural consideration*, PQT's success would largely depend on the minister's obligation to answer the questions on the first place and then to answer it wholly and truthfully in the second place. Party agenda and concealed constraints of partisan hierarchy within the process would hamper the PQT's accountability bites substantially.<sup>18</sup>

*Attitudinal problems* like MPs' partisan manipulation of the session<sup>19</sup> ('dorothydixers' or friendly questions by the ruling party MPs for example), ministers' tendency to evade questions or provide vague answers or the speaker's inaction or partisan leniency towards the ministers would greatly reduce the accountability potentials of PQT.<sup>20</sup>

## **2.1. Modalities and Problems of Parliamentary Questions in the UK**

### **2.1.1. Procedural Issues**

PQT procedure of the UK House of Commons require three days prior notice to table a question. Balloted through the computerised Shuffle process, a member is entitled to ask supplementary question once his question is answered. Ministers answer parliamentary on rotational basis. Questions are of two types – oral and written. Oral questions are placed in the Order Paper as numbered in the Shuffle, while written questions appear in the order paper and answer to those forms part of the proceedings and are printed in Hansard (UK parliament's official record of proceedings). Members are usually limited to one oral question per five-week-cycle of departmental rotation. As regards written question there is no such limit and members need not wait until the rotation of the minister concerned comes.

### **2.1.2. Structural Issues**

The Speaker has discretion to make sure that sufficient supplementary questions are asked,<sup>21</sup> members from government and backbench ask alternately in a traditional bi-partisan mode and the respective Shadow Minister (opposition member in watch of a ministry) is called in at

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<sup>15</sup> F Russo and M Wiberg, 'Parliamentary Questioning in 17 European Parliaments: Some Steps towards Comparison' (2010) 16(2) *The Journal of Legislative Studies* 215, 226.

<sup>16</sup> S Lazardeux, 'The French National Assembly's Oversight of the Executive: Changing Role, Partisanship and Intra-Majority Conflict' (2009) 32(2) *West European Politics* 287. See also: David Judge, 'Backbench Specialisation- A study in Parliamentary Questions' (1973) 27(4) *Parliamentary Affaires* 171, 171.

<sup>17</sup> M. Wiberg, 'Parliamentary Questionings: Control by Communication?' in H. Doering, (ed.), *Parliaments and Majority Rule in Western Europe* (St. Martin Press, 1995) 183.

<sup>18</sup> *Supra* note 4.

<sup>19</sup> John Bercow, 'Prime Minister's Questions in the United Kingdom' (2012) *Canadian Parliamentary Review* 6, 9.

<sup>20</sup> Parameswary Rasiah, *Does Question Time fulfil its role of ensuring Accountability?* (Australian Audit, Discussion Paper 16/2006) <<https://apo.org.au/sites/default/files/resource-files/2006/04/apo-nid3966-1077431.pdf>> accessed on June 15, 2019.

<sup>21</sup> Andrew McGowan, 'Accountability or Inability To what extent does House of Representatives question time deliver executive accountability comparative to other parliamentary chambers? Is there need for reform?' (2008) 23(2) *Australasian Parliamentary Review* 66, 72.

some point.<sup>22</sup> As regards supplementary questions, it is a standard rule that supplements are not opportunity to ask questions without notice. The essence of supplementary question therefore must be extracted from the original question.<sup>23</sup> Once the Speaker feels that enough spaces has been made through original and supplementary questions he may move to the next question.

An addition to the ministers' advantages is the British administrative notion of 'Next Step Agencies'. Next Step Agencies are the bodies delegated with operational responsibilities pursuant to broader principles framed by the ministers. It has been held that ministers are responsible for broader principles and executive heads in the Next Step Agencies are accountable for the failure of operational rules. The problem with this distinction is that ministers can frequently rely on this to deflect responsibility entirely.

Yet another advantage to the ministers is the emergence of so-called Osmotherly Rules in the UK. Named after E.B.C. Osmotherly, a civil servant who first drew up the rules in 1980, the rules would allow the executive heads answer questions asked by MPs to the minister. Should the member of parliament feel that the executive head's answer is insufficient, and the minister should answer the question, minister would step in. Agency heads would also answer the select committees 'on behalf and with approval' of the ministers. The UK Government Resource and Accounts Act 2000, Osmotherly Rules of 2009 and Ministerial Code of 2010 combined have secured parliamentary approval for this practice. It appears that the Osmotherly Rules would camouflage the actual role played and intervention done by the ministers in operational process.

### **2.1.3. Attitudinal Issues**

Though the individual members, ministers and the Speaker attach a high level of importance to parliamentary questions, attitudinal seriousness fail to yield the expected level of accountability for the structural issues outlined above. As a commentator argued, the PQT as conducted presently "perpetuates the belief that [the individual ministerial responsibility] convention is simply a facade behind which the government can hide".<sup>24</sup> Given the context, individual ministerial responsibility to the House of Commons is now effectively limited to a minister's responsibility not to mislead it by supplying inaccurate and untrue information.<sup>25</sup> A minister misleading the parliament should resign.

## **2.2. Modalities and Problems of Parliamentary Questions in Bangladesh**

Parliamentary Questions are asked and answered during the first hour of every sitting day except the day on which budget is presented. On Wednesday, the Prime Minister answers for an extra half an hour (PMQT).<sup>26</sup>

### **2.2.1. Procedural Issues**

Members of the Parliament are required to submit at least fifteen days' notice of their questions.<sup>27</sup> At the beginning of each session, rotation of question time for individual

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<sup>22</sup> Ibid.

<sup>23</sup> D McGee, (ed.), *Parliamentary Practice in New Zealand* (Office of the Clerk of the House of Representatives, Wellington, 2005) 566.

<sup>24</sup> Diana Woodhouse, 'Ministerial Responsibility: Something Old, Something New' (1997) *Public Law* 262.

<sup>25</sup> The UK Ministerial Code 2010, Para 1:2

<sup>26</sup> The Rules of Procedure (RoP) of *Jatya Sangsad*, rule 41.

<sup>27</sup> Ibid, rule 42.

ministries is decided by the Speaker in consultation with the ministers concerned.<sup>28</sup> Ministers would answer questions in relation to matter officially connected with his/her ministry or department. Question may be posed even to a private member who might be in charge of any Bill, resolution or other matter connected with the business of the House.<sup>29</sup> Urgent or short notice questions may be allowed by the Speaker subject to the agreement of the minister concerned. If the minister agrees s/he would answer within no later than five sitting days of the notice. It will be answered at the end of the questions enlisted and ordered for the day concerned.<sup>30</sup>

Questions are categorised either as starred questions requiring oral answer in the floor or as unstarred questions sufficing with written answers.<sup>31</sup> Though member in charge of a question would indicate whether his/her question is a starred or unstarred one, ultimately it is the Speaker who determines whether a question would be starred or not.<sup>32</sup> On the given day for a starred question, the member will ask the question by reference to its number only. Questions will be printed in advance and the minister shall reply orally. The member concerned, and then any other member permitted by the Speaker, may ask supplementary questions.<sup>33</sup> Unstarred questions will not be answered orally but printed answers are laid before the floor and there is no scope of supplementary question over that.<sup>34</sup> If a starred question is not called for answer on the day scheduled, the written answer already supplied will be considered laid on the table and no supplementary question will be allowed. In a given case, a minister may request delaying a question towards a subsequent day reserved for the ministry concerned.<sup>35</sup>

As a follow-up to any answer given by a minister, a member may submit a three days' notice requesting a half-an-hour discussion on the answer given and solicit further clarification and detailing.<sup>36</sup> There could be allotted a maximum of two half-an-hour session in a given week.<sup>37</sup> Speaker may, with the consent of the Minister concerned, waive the requirement three days' notice.<sup>38</sup> Speaker is allowed a wide discretion to accept or reject such notice if she feels that it 'seeks to revise the policy of the Government'.<sup>39</sup> As regards the conduct of the discussion, there is no formal motion or voting thereon. It is just a discussion that includes a short statement from the member and a reply from the minister concerned. Upon prior intimation of their interest, the Speaker may allow two other members to participate the discussion by asking questions.<sup>40</sup>

### **2.2.2. Structural Issues**

On a structural analysis, unlike the UK House of Commons, the PQT in Bangladesh *Jatya Sangsad* is not given a bi-partisan fabric. It means that confrontational aspect of the session is generally missing. Also, the parliamentarians are handicapped by serious shortfall of materials (office, logistics for example computer, and modern research library) and human resources

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<sup>28</sup> Ibid, rule 47.

<sup>29</sup> Ibid, rules 43 & 54.

<sup>30</sup> Ibid, rule 59.

<sup>31</sup> Ibid, rule 44.

<sup>32</sup> Ibid, rule 45.

<sup>33</sup> Ibid, rule 56.

<sup>34</sup> Ibid, rule 51.

<sup>35</sup> Ibid, rule 52.

<sup>36</sup> Ibid, rule 60:1.

<sup>37</sup> Ibid, rule 60:3.

<sup>38</sup> Ibid, rule 60 (2) proviso.

<sup>39</sup> Ibid, rule 60:5.

<sup>40</sup> Ibid, rule 60:6.

(research aids). As a result, they find it difficult to use the parliamentary methods of accountability effectively.

Speakers' neutrality and independent mind set up has been a major criterion for success or failure of the question answer session. Within the Rules of Procedure (RoP), the Speaker has a wide discretion in relation to approval or denial of questions. S/he decides on the admissibility of a question within seven days from the date of the receipt of the notice.<sup>41</sup> S/he may disallow a question for reasons like contempt of court, matter sub judice etc as mentioned in the Rule 53 of the RoP.<sup>42</sup> The Speaker may also disallow questions on some very vague grounds like 'obstructing or prejudicially affecting the procedure of the House'<sup>43</sup> and involving 'policy too large to be dealt within the time limits' of a question.<sup>44</sup>

The Speaker may change the order of questions listed through balloting. Statistics show that the successive speakers have used their discretion towards the government's favour. Until Ninth Parliament only 2.9 percent Half-an-Hour Discussion motion were accepted and discussed. 81.4 percent of the motions were rejected straight, while the others got lapsed or withdrawn.<sup>45</sup> Most disappointingly, no adjournment motions were accepted, and half-hour discussion took place in the Seventh and Eighth parliament.

Unlike the UK, the Speaker's discretion in Bangladesh unfortunately yields a retrogressive impact on the accountability potential of PQT. While Government's unwillingness to expose its lacunas to the parliament is understandable, the speaker's unwillingness to open the parliament secretariat itself up to the House is quite astonishing. As a rule, questions relating to the conduct of the members of the Parliament secretariat must be communicated to the speaker privately and answers to those questions are sent to the concerned members privately. No rationale whatever is offered so far as to why the House needs be by-passed on this important area of accountability.<sup>46</sup>

### **2.2.3. Attitudinal Issues**

Parliamentary questions in Bangladesh are also hurt by deep rooted attitudinal flaws nourished by the MPs and Ministers themselves. Questions posed by the lawmakers mostly concern their constituency issues, are merely informative or explanatory and lack critical reflection on the public administration of Bangladesh.<sup>47</sup> A study over 130 sample question from the Eight Parliament indicated that around 40.77 percent of the total questions involved constituency issues. Another 39 percent of the questions concerned national and contentious political issues, while 29.23 percent questions attempted to know government steps about various issues. To our utter disgrace no critical questions were asked 'seeking clarification on administrative lapses'.<sup>48</sup>

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<sup>41</sup> Ibid, rule 55.

<sup>42</sup> Ibid, rule 53 proscribes questions referring to the character or conduct of persons not in relation to his/her official responsibilities, matters not falling within the primary concern of the government, matters under active consideration of a parliamentary committee, matters sub judice, etc.

<sup>43</sup> Ibid, rule 55.

<sup>44</sup> Ibid, rule 53.

<sup>45</sup> Nizam Ahmed, *The Bangladesh Parliament A Data Handbook* (Institute of Government Studies (IGS), BRAC University, Dhaka, 2013) 223.

<sup>46</sup> Ibid, 212.

<sup>47</sup> Muhammad Mustafizur Rahman, 'Parliament and Good Governance: A Bangladeshi Perspective' (2008) 9(1) *Japanese Journal of Political Science* 39.

<sup>48</sup> Ibid, 48.

An earlier study took 500 questions from each session of 1<sup>st</sup> to 4<sup>th</sup> parliament. It is seen that 55.65 percent questions were expolatory. 34.30 percent of them were what-questions dealing with day to day functioning of public administrative bodies while only 10.05 percent were why-questions with accountability tunes.<sup>49</sup>

Ministers also have shown a general disregard for their obligation to answer parliamentary question. There is no mention in the RoP of the minister's power to deny answer nor is there any mention of the member's power to compel an answer. The Speaker decides on admissibility of questions.<sup>50</sup> Since a Member of Parliament in Bangladesh cannot compel a minister to answer questions, "the ultimate fate of a question depends greatly on both the Speaker's satisfaction and the minister's consent to address it".<sup>51</sup> Though the interest of the members in asking questions has increased over time,<sup>52</sup> statistics until the Ninth Parliament suggests that not more than 50 percent of the accepted ministerial questions are answered. While around 15-20 percent questions are rejected on procedural grounds, around percent of the accepted questions get withdrawn or lapse.<sup>53</sup>

Two other problems of the ministers are frequent requests for tabling of oral answers and transferring the answer to another day. Tabling of oral answer essentially covert a starred question into an unstarred one and thereby prevents the members from asking supplementary questions. In the third parliament, the rate of tabling oral answers reached as many as 90 percent.<sup>54</sup> Advance request for transferring to another day means effectively killing the question and avoiding the answer and thereby causing it to lapse.<sup>55</sup>

### **3. The Prime Minister's Question Time (PMQT)**

As stated earlier, PMQT is primarily directed towards the ministers rather than the Prime Minister. Except that of a collective motion of no-confidence in the government, a Westminster Prime Minister's individual responsibility is very slick.<sup>56</sup> Within the parliament, Prime Minister marks the single most powerful individual and is also hailed as the 'controller and interpreter-in-chief of the rules of the games.'<sup>57</sup> On that capacity, the British Prime Ministers have historically refused to be present and attest before parliamentary committees. It is only in 2002 that Prime Minister Tony Blair agreed to appear twice every year before a Liaison Committee comprising the Chairmen of every departmental select committees. British Prime Ministers also relinquished the position of the Leader of the House since 1942. This effectively removed the requirement for Prime Ministers to attend parliamentary sessions.

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<sup>49</sup> Salahuddin Aminuzzaman, 'Institutional Processes and Practices of Administrative Accountability: the role of Jatiyo Sangsad of Bangladesh' (1993) 10(2) *South Asian Studies* 44, 55.

<sup>50</sup> Supra note 26, rule 55.

<sup>51</sup> Institute of Governance Studies, *State of Governance in Bangladesh 2008, Confrontation Competition Accountability* (BRAC University, Dhaka, 2009) 42.

<sup>52</sup> Supra note 3, 33.

<sup>53</sup> Rounaq Jahan and Amundsen, *The Parliament of Bangladesh: Representation and Accountability* (Centre for Policy Dialogue and Chr. Michelsen Institute, Dhaka and Bergen, 2012) 54.

<sup>54</sup> Supra note 45, 219.

<sup>55</sup> Ibid, 220.

<sup>56</sup> Alexandra Kelso, et al., 'The shifting landscape of prime ministerial accountability to parliament: An analysis of Liaison Committee scrutiny sessions', (2016) 18(3) *The British Journal of Politics and International Relations* 740, 754.

<sup>57</sup> P Hennessy, *The Prime Minister: The Office and Its Holders Since 1945* (Penguin Press, London, 2000) 58.

Apart from the 30 minutes PMQT each Tuesday, the British Prime Ministers are not officially required to participate, intervene or vote in House debates. As regards the way of conducting the PMQT, Prime Ministers until Margaret Thatcher frequently transferred questions to relevant ministers over whose department or activity the question was asked. Margaret Thatcher for the first time agreed to answer during PMQT in detail any question over any ministry. Bangladesh also lacked PMQT until 1997 when Sheikh Hasina offered *ex-gratia* to face and answer parliamentary questions for 30 minutes a week.<sup>58</sup> Accordingly, the all-party Business Advisory Committee of the Seventh Parliament (1996-2001) initiated the process from its third session.<sup>59</sup>

### **3.1. Modalities and Problems of PMQT in the UK**

The House of Commons PMQT has shown a substantial agenda setting potential. Research findings indicate that usually the opposition leader and backbenchers combined set the discourse of the session that is followed by the government party backbenchers participating the session. Aided by the Speaker's discretion, the procedure of the session itself makes sure that opposition members ask more questions than the ruling party backbenchers. The 'theatrical' PMQT thereby controls the agenda for the sitting and makes the government face issues have shown a relative 'partisan dealignment'<sup>60</sup> and try to shape PMQT agenda independently from their leaders.<sup>61</sup> This makes the House of Commons PMQT even more meaningful.

#### **3.1.1. Procedural Issues**

British MPs submit Prime Minister's questions in advance which are then chosen through 'The Shuffle'. Shuffle is a random draw. MPs may either ask an engagement question (Question No. 1 that will usually ask the Premier to enlist his/her engagement for the day) or a topical question. The Shuffle list comprising fifteen MPs' names and their engagement or substantive topical questions is made available to the Prime Ministers and MPs in general.

In cases of more than one MPs seeking to table the engagement question, their name is only known from the list not the exact question they will be asking in the floor. PMQT starts with the engagement question. The MP asking this first question would have chance to ask a supplementary question which may be on any topic of current interest. All other MPs who tabled engagement question and enlisted in the Shuffle would be allowed to ask 'an untabled supplementary question'<sup>62</sup> question of their choice.

MPs enlisted with substantive topical questions in the Shuffle would mention their question numbers and Prime Minister would answer. S/he would then ask an untabled supplementary question. This means that the Prime Minister would not know in advance as to which questions, s/he would face. Prime Minister is therefore extensively briefed by government departments and ministries. MPs who have submitted topical questions but could not raise that in the floor due to time constraint, may expect written answer from the Prime Minister.

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<sup>58</sup> Jalal Firoj, 'Forty Years of Bangladesh Parliament: Trends, Achievements and Challenges' (2013) 58(1) *Journal of the Asiatic Society of Bangladesh (Hum.)* 83, 118.

<sup>59</sup> *Supra* note 10, 76.

<sup>60</sup> C.J Kam, *Party Discipline and Parliamentary Politics* (Cambridge University Press, Cambridge, 2009).

<sup>61</sup> Shaun Bevan and Peter John, 'Policy Representation by Party Leaders and Followers: What Drives UK Prime Minister's Questions?' (2016) 51(1) *Government and Opposition* 59, 78.

<sup>62</sup> Richard Kelly, *Prime Minister's Questions (Standard Note: SN/PC/05183)* (Parliament and Constitution Centre, House of Commons, London, 2015).



The incumbent Speaker of the House of Commons has a declared objective of allowing more backbench questions than ever. To that end, even members who are not enlisted in the Shuffle are often allowed the floor to ask supplementary questions. The Prime Minister lacking a scope to de-select any such question, PMQT, now-a-days adds substantial spontaneity, surprise and unpreparedness which enhances the accountability potentials. Trend for the Speaker is to extend the PMQT by fifteen to twenty minutes more than the officially fixed half an hour.<sup>63</sup>

### **3.1.2. Structural Issues**

The Leader of the Opposition (hereinafter LO) was not as prominent as s/he appears today. During the 1960s LO was called only once of the two days. By 1980s, agreement emerged to call the LO on both the days. Yet the LO would usually ask one question and a supplementary. It was Mr Neil Kinnock in 1980s that decided to take the chance of utilising theatrical lights for a boost of his stature visa-vis the Prime Minister Thatcher. Kinnock on an average asked 2.5 questions each session.<sup>64</sup> In 1997, Kinnock's threshold of around three questions in each of the two days' fifteen minutes sessions were combined into six questions for the LO in the current thirty minutes session of Wednesday. Additionally, two questions were assigned to the leader of the Liberal Democratic party in recognition of its emergence as a vital third-party group in parliament. Since 2010, the Liberal Democrats does not have two set questions since they formed a coalition government with the Tories. LO's question to the PM are not tabled nor do they go through the Shuffle.

The process being well regulated, established and consistent, it allows the most pressing issues of the day be raised directly to the top-notch of the government. That this political ritual of adversarial questioning is helping sustain 'political accountability'<sup>65</sup> to some extent is exemplified by the exchanges between formal Leader of the Opposition Ed Miliband and Prime Minister David Cameron over the British phone-hacking scandal. After around of debates over the issue Cameron conceded to Miliband's demand for public enquiry into the culture and practices of British newspapers, known as the Leveson enquiry.<sup>66</sup> An important contribution in terms of parliament-citizen relationship is made by the current Leader of Opposition Jeremy Corbyn. Corbyn frequently quotes direct messages from the emails and letters he receives from lay persons. Corbyn directly names the individuals and puts the people in direct interaction with the premier at the PMQT.<sup>67</sup>

### **3.1.3. Attitudinal Issues**

The present format of the House of Commons PMQT, however, is criticised as 'a political point scoring show' for the PM and LO.<sup>68</sup> The backbench members' chance to participate being curtailed, the PMQT has been labelled as 'scrutiny by screech'.<sup>69</sup> Additionally, the rough and adversarial<sup>70</sup> temperament of the session 'sanctions and rewards'<sup>71</sup> aggressive face

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<sup>63</sup> The Prime Minister's Questions on 22 May 2019, for example, lasted for around 54 minutes <<https://www.youtube.com/watch?v=Z4nwEmfPICl>> accessed on 18 December 2019.

<sup>64</sup> Supra note 19, 6

<sup>65</sup> Peter Bull and Pam Wells, 'Adversarial Discourse in Prime Minister's Questions' (2012) 31(1) *Journal of Language and Social Psychology* 30, 48.

<sup>66</sup> Peter Bull, 'The role of adversarial discourse in political opposition: Prime Minister's questions and the British phone-hacking scandal' (2013) 3(2) *Language and Dialogue* 254.

<sup>67</sup> Ibid.

<sup>68</sup> Supra note 19, 7.

<sup>69</sup> Ibid.

<sup>70</sup> Supra note 66.

threatening activities<sup>72</sup> and rowdiness.<sup>73</sup> Cumulative result of the evolution is that the PMQT in the UK is now a weekly political debate show between the Prime Minister and the Leader of the Opposition. With the backbenchers' scope to question the Prime Minister sacrificed and the theatrical 'Punch and Judy'<sup>74</sup> appearance exaggerated, the PMQT's potential to deliver accountability in substance was in question by the 2000s.

In 2002, a Liaison Committee comprising all the Chairmen of different select committees urged the Prime Minister to appear before it twice a year. After showing an initial disinterest, Prime Minister Tony Blair ultimately agreed to appear the Liaison Committee and answer a wide variety of questions from different committee chairs. Though the Liaison Committee style of cross-examining the Prime Minister twice a year is seen as a huge accountability development, the need for reform in the weekly parliamentary episode is no less emphasised either.<sup>75</sup> It has been suggested that the spectacular show of PMQT could be reformed through some procedural reforms without killing the spectacle itself.<sup>76</sup> Some of the recommendations include extending PMQT by quarter or half an hour, reducing the number of LO questions and ensuring a considerable number of backbench questions. Interestingly the present Speaker of the House of Commons seems to apply all these techniques out of his own initiative.

### **3.2. Modalities and Problems of PMQT in Bangladesh**

As mentioned at the beginning, Bangladesh followed the suit of UK styled PMQT in 1997 when the Prime Minister offered a unilateral gesture to face the parliament every Wednesday for a thirty minutes of question answer session. The offer is seen as having a great 'symbolic value'.<sup>77</sup> Still the yield of the process so far is meagre. Unlike the UK's Liaison Committee styled cross-examination of the Prime Minister, Bangladeshi PMQT represents a theatrical and political monologue.

#### **3.2.1. Procedural Issues**

First of all, questions to the Prime Minister are selected through an unclear process. Instead of prescribing any clear rule for the conduct of PMQT, the RoP excludes the general rules of PQT balloting, etc from its ambit.<sup>78</sup> The admissibility or non-admissibility of Prime Minister Questions is rather put at the personal disposal of the Prime Minister herself. S/he may select or de-select questions at her will.<sup>79</sup> This latitude to select the questions personally, rather than through balloting is inherently defective. Study reveals that among the questions submitted in the seventh parliament (February 1997 to May 1999), slightly more than 10% have been

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<sup>71</sup> Supra note 65.

<sup>72</sup> Stephen R. Bates, Peter Kerr, Christopher Byrne and Liam Stanley, 'Questions to the Prime Minister: A Comparative Study of PMQs from Thatcher to Cameron' (2014) 67 *Parliamentary Affairs* 228, 243.

<sup>73</sup> R. K. Alderman, 'Prime Minister's Questions in the British House of Commons' (1996) 77(3) *Parliamentarian* 29.

<sup>74</sup> David Cameron coined the phrase in 2005 as the Leader of the Conservative party. Punch and Judy is a traditional popular British puppet show, which features domestic strife and violence between the two central characters, Mr. Punch and his wife Judy (6 December 2005). See: Dr. Mark Shephard, 'Ending 'Punch and Judy' Politics? The State of Questions and Counter-Questioning during PMQs at Westminster', paper presented in the *Twelfth Workshop of Parliamentary Scholars and Parliamentarians* (Wroxton College, Wroxton, Oxfordshire, UK, 25-26 July 2015).

<sup>75</sup> Supra note 19, 8.

<sup>76</sup> Supra note 72, 276.

<sup>77</sup> Nizam Ahmed, 'Reforming the Parliament in Bangladesh: Structural constraints and political dilemmas'. (1998) 36(1) *Commonwealth & Comparative Politics* 68, 76-77.

<sup>78</sup> Supra note 26, rule 48

<sup>79</sup> Supra note 77, 85.

accepted and answered.<sup>80</sup> Rejection on procedural ground are alarmingly high. Around 53.9, 44.5 and 58 per cent of questions were rejected by the Speaker on procedural grounds in the seventh, eighth and ninth parliaments (upto December 2010) respectively.<sup>81</sup>

### **3.2.2. Structural Issues**

Though the scope of supplementary question are there, element of surprise for the Prime Minister is missing. There is no scope of the Speaker of Bangladesh exercising discretion in the way the Speaker of the House of Commons would exercise. Also, the Leader of Opposition is not treated in the way the his/her UK counterpart is treated. Hence there is no possibility of any direct exchange between the Prime Minister and the Leader of the Opposition. Nor does the Leader of the Opposition try to question the Prime Minister through regular ballot process. In fact, never ever in the history of PMQT in Bangladesh did the Leader of Opposition and Prime Minister faced each other.<sup>82</sup> The opposition party of the seventh parliament continuously boycotted the PMQT. Again, the governing party of the eighth parliament systematically refused the opposition party even an opportunity to table questions in PMQT.<sup>83</sup>

### **3.2.3. Attitudinal Issues**

In Bangladesh, the quality of questions asked, and the responses made by the prime minister, are of doubtful efficacy in general. Until recently it was believed in the UK that there might be an illiberal process of 'syndication' in questioning.<sup>84</sup> Though we do not have any recorded evidence for such a practice in Bangladesh, the general trend of questioning in Bangladeshi PMQT is unfortunately akin to produce the same result as expected of a syndication process. Under the syndication process, party whips pass series of favourable questions to backbenchers who then would raise those in the floor. These types of questions devoid critical tune. Members merely seek information through open questions like how did a particular foreign tour go, what is the plea of the government on a certain issue, and most prominently, what is the plan or opinion about a particular stance of the opposition party etc.<sup>85</sup> As per the data prepared by Nizam Ahmed, around 91 percent of the oral and supplementary questions asked to the Prime Minister of Bangladesh during seventh, eighth and ninth parliaments sought benefits for the constituencies, persons, party workers or mere information on the policy and programs of the government. Only 9.8 percent oral questions during this period involved requesting remedial actions for administrative or governmental lapses. Data also shows that 9.4 percent of the total supplementary questions asked during this period were mere blame shifting or vilifying the opposition under the guise of asking something to the Prime Minister.<sup>86</sup> Apart from the chances provided in the leading questions, successive Prime Ministers have taken their chance to utilize the PMQT as a platform to talk over the 'failures' of past government/s and the opposition rather than answering for the deficiencies of their own.<sup>87</sup>

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<sup>80</sup> Supra note 3, 34.

<sup>81</sup> Supra note 53, 53-56.

<sup>82</sup> Nizam Ahmed, *Parliament of Bangladesh* (Springer, 2016) 122.

<sup>83</sup> All Answers Ltd, 'Balancing Power of President and Prime Minister' (Lawteacher.net, June 2019) <<https://www.lawteacher.net/free-law-essays/constitutional-law/balancing-power-of-president-and-prime-minister-constitutional-law-essay.php?vref=1>> accessed on 16 June 2019.

<sup>84</sup> Philip Norton, 'Introduction: Parliament since 1960', in Mark Franklin and Philip Norton, (eds.), *Parliamentary Questions* (Oxford, 1993) 14-15.

<sup>85</sup> Supra note 58, 117-119.

<sup>86</sup> Supra note 45, 229-231, Tables 6.16. and 6.17.

<sup>87</sup> Supra note 77, 84-86.

#### 4. Cross-country experiences and Recommendations

Seen from a comprehensive point of view, the problems facing the Question Time in general, and Prime Minister's Question Time in particular, involves the following issues. It is suggested that lessons might be learnt from the practices of the UK Parliament and also from parliaments across the Commonwealth to address concerns.

The most fundamental concern has been the Speaker's non-partisanship and neutrality. Once elected, the House of Commons' Speakers have conventionally untied their political affiliation. This has yielded a miraculous statistic of only 4 percent parliamentary questions remaining unanswered in the UK,<sup>88</sup> while Bangladesh *Jatya Sangsad* offers a disturbing statistic of more than 50 percent questions remaining unanswered. Speaker's seriousness on PQT result in increasing question number, stopping "dorothy-dixers" or friendly questions<sup>89</sup> and encouraging supplementary questions. Further research need be done in relation to the Speaker's neutrality in Bangladesh. It also needs be seen what avenues are there, even within the current uneven field in Bangladesh, for the Speakers to assert greater discretion and autonomy in dealing with the session. Recent success of Speaker John Bercow in the British parliament has been pivotal in making the parliamentary question time livelier and more meaningful.

Another area to look at might be to allow questions without notice and instantly. In the Australian House of Representatives, parliamentary questions are asked without notice.<sup>90</sup> Party whips would provide a list of members asking questions and the Speaker would alternate the floor between the government and opposition.<sup>91</sup> Since the questions are asked instantly and without notice, the Speaker may not permit supplementary questions.<sup>92</sup> While Ministers and responsible in Bangladesh so far has parroted the written answer prepared by his/her ministries, it does not make any sense except utter disregard for the Parliament why a Minister or Prime Minister would not be able to answer instantaneous question over the department or ministry within his/her concern. The argument is more pertinent when we consider the already prevailing scope of asking supplementary questions over the pre-published questions. It will require a change in attitude and seriousness with which the ministers and members take the parliament itself.

Also, there are examples of conducting PQT in a partisan fabric elsewhere. Questions in the Canadian House of Commons are reserved exclusively for the opposition members. Participated by the major and secondary opposition parties, the question answer sessions in an such a partisan environment generate a confrontation tune and hence better accountability. Parties are given scopes based on the proportion of members they have the parliament.<sup>93</sup> An interesting feature is seen in the New Zealand parliament whose Standing Order 373(2) requires the members from different parties to ask questions in proportion to their strength in the parliament. Also, the government members are usually excluded, and the opposition parties are given more spaces.<sup>94</sup>

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<sup>88</sup> Supra note 1.

<sup>89</sup> P Rasiah, *Does Question Time Fulfil its Role of Ensuring Accountability* (Democratic Audit of Australia, Canberra, 2006) 5.

<sup>90</sup> I Harris, (ed.), *House of Representatives Practice* (Department of the House of Representatives, Canberra, 2005).

<sup>91</sup> Supra note 19, 7.

<sup>92</sup> Ibid.

<sup>93</sup> R Marleau and C Montpetit, (eds.), *House of Commons Procedure and Practice* (House of Commons, Ottawa, 2000) 422.

<sup>94</sup> Supra note 19, 9.

Compared to that Norway has taken a divided line of approach. Two different types of question sessions are designated there - Question Time and Question Hour. Question Time is based on individual member's independent preferences and without party control while Question Hour is more of front bench arena and conducted on a partisan basis with the party leadership taking active part in the session and back benchers being side-lined.<sup>95</sup>

The very limited duration of the PMQT encourages a tendency of political propaganda resulting in a very scanty accountability impact. Speaker's inability or unwillingness to allow spontaneous questions or questions that have not been pre-scripted and vetted by the party leadership results in the denial of meaningful questioning to the government.

With a face-to-face debate between the Prime Minister and Leader of the Opposition missing, Leader of the Opposition's service to the nation as the Prime Minister is compromised. Subjected to continuous weekly assessment of governmental performance, Prime Minister on the other hand would have kept her colleagues on their toes and thereby retain a better grip over the administration.<sup>96</sup> Such a reform would of course involve a risk of hyper-sensitising the day-to-day political differences and the rise of a UK-styled face threatening speeches. Still a weekly Prime Minister vs. Leader of the Opposition episode would help bring the *Jatya Sangsad* to the centre of public gaze and increase its institutional worth. It must be emphasised that Prime Minister's face off with the Leader of the Opposition is not suggested as a cure to all the ailments of our parliamentary process. While two persons facing each other does not in itself guarantee a dramatic increase in the accountability process, our purpose is rather modest in suggesting the course. What we can expect of the process is an immediate increase in public attention to the parliament and in preventing the PMQT from being a mere ruling party monologue. This scenic change in the landscape in its turn would pave ways for channelling our political rivalries into the parliamentary channels and reduction of violent opposition in the street. Given our experience with last 40 years of political violence and destruction, this is not a negligible input in any sense. The process as stood in 1997 has not faced any significant demand for modernisation so far.<sup>97</sup> Time for the call seems ripe now.

## 5. Conclusion

Analysis on the procedural, structural and psychological aspects of Parliamentary Questions in general, and Prime Minister Questions in particular, suggest that they have a very strong potential in delivering democratic accountability. The loopholes and inherent constraints within the Rules of Procedure of the *Jatya Sangsad*, however, prevent much of its potential from being realised. Addressing those loopholes would primarily require increased awareness and willingness on the part of the Speaker of his/her discretion and partisan neutrality. Minor adaptations in the rules of balloting and timing of questions, permitting maximum leeway for instantaneous supplementary questions and also a meaningful policy of following up the progress of implementation of the commitments and words given during the question answer time. From an attitudinal perspective, members of the parliament must show a visible commitment to ask critical questions and the government must show seriousness in dealing with the concerns of the peoples' representatives. It is however not expected that all of the

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<sup>95</sup> Bjørn Erik Rasch, 'Behavioural Consequences of Restrictions on Plenary Access: Parliamentary Questions in the Norwegian *Storting*' (2011) 17(3) *The Journal of Legislative Studies* 382, 388.

<sup>96</sup> *Supra* note 77, 86.

<sup>97</sup> *Ibid*, 77.

attitudinal, structural and procedural changes will happen overnight. Yet, some of the minor adjustment suggested in the previous part have the potential at least of opening the door of long-term reform.