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**AN ASSESSMENT OF THE EFFECTIVENESS OF LEGISLATURE IN BANGLADESH
(2001-2006): A QUEST FOR GOOD GOVERNANCE**

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Abstract:

The research focus on how the legislature functions as a representative organ with its oversight mechanisms exercised upon the executive during 2001-2006 in Bangladesh. The study finds that 185 bills were passed among which 78% of the total bills were enacted without proper scrutiny in the eighth parliament. This study has illustrated that 166 of the total bills were passed escaping the committee stage. It is also found that the eighth parliament made no fruitful effort of establishing parliamentary norms, culture and legislative compromise. The conflict of opinion between the treasury and opposition bench made it impossible to turn the ground into an effective institution to bridge their gap and to settle policy differences on crucial national issues by debate, discussion and negotiations. The research shows that the constant walkout and boycott of the parliamentary opposition helped the ruling bench to exert discretion. It is located that the opposition boycotted 223 out of the 373 working days. That means 60% working days of the 8th parliament were totally boycotted by the parliament. Finally, the research explores some dysfunctionalities and ineffectiveness of the 8th parliament which are the barriers of good governance in Bangladesh.

Key Words:

*Legislature, Good Governance,
Effectiveness and Eighth
Parliament.*

1. Introduction

The parliament as an important branch of the state has a crucial role in promoting and protecting democracy as well as good governance. As a representative body directly elected by the people legislature is considered as one of the most important organ of all democratic system (Beetham 2006). It is the only representative organization among the three organs of the government. It has a far reaching effect to establish good governance. As the people's elected body, the parliament is expected to play many roles. Actually the main functions of the legislature are to formulate laws. But law making is not the only task of the parliament. It enjoys a control of representing and shadowing mechanism over the executive actions. Bangladesh adopted the parliamentary democratic system after its birth as an independent nation. Although it has been long time in Bangladesh practices parliamentary form of government, the role and status of legislature has never been as strong as it need to be as a representative organ. For this reason, the attainment of good governance is the question of the day in Bangladesh. This paper discusses the parliamentary responsibility in promoting rule of law and assesses the effectiveness of the Bangladesh Parliament in ensuring governmental accountability and promoting good governance during 2001-2006. This paper is projected to detail the role of legislatures in good governance. It begins with an assumption that good governance on a continuing basis requires an effective institutional infrastructure and that functioning legislatures have proven their worth as part of the set of core institutions (Ahmed 2012). A further assumption is that good governance and some level of functioning democracy are related. As the part of political institutions legislature can play a vital role in promoting good governance. This research is to evaluate the connection between the effectiveness of legislature and good governance.

2. Methodology of the Study

The methodological framework of this study consists of a thorough review of the parliamentary proceedings, research papers, journals, books, working papers, strategy papers, conference proceedings, monographs and e-materials. The paper consists of both theoretical and empirical analysis relating to good governance and effectiveness of legislature in Bangladesh. For the purpose of this study, a three-step review process has been conducted. First, the relevant parliamentary proceedings, research papers, and documents were collected from parliament library, world's leading journals and publication houses as well as the daily national newspaper. Second, the collected documents were securitized based on the relevance

and reliability. Third, the exclusively relevant research papers and statistical facts are analyzed. In the study the qualitative methodology has been used. Data are collected from both primary and secondary sources.

3. Objectives of the Study

The broad objective of this study is to identify the effectiveness of legislature in Bangladesh. Further study is to find:

- i) The research is to explore the problems of good governance regarding the effectiveness of legislature in Bangladesh during the period of four-party alliance government (2001-2006).
- ii) This research is to explore the relationship between the effectiveness of legislature and good governance; and
- iii) The paper is to find the role of the parliament (Jatiya Sangsad) in the process of law making and democratic consolidation in Bangladesh.

4. Conceptual Structure

This part aims to present a brief overview of various academic theories of good governance and the legislature.

4.1 Good Governance

Good Governance is that which is opposed to the bad or mal governance. Good governance is that which maintain law and order, creates institutions to protect property rights, encourage investments to establish basic structures and provides services for the poor and be accountable and transparent (UNDP, 1997). The vital focus of good governance is to see how the government enables, simplifies and authorizes its people, irrespective of differences of caste, creed, class, and political ideology and social origin to think, and take certain decisions which will be in their best interest, and which will enable them to lead a clean, decent, happy, and autonomous existence (UNDP 1997). Further, it is an indeterminate term used in international development literature to describe various normative accounts of how public institutions ought to conduct public affairs and manage public resources (Hye 2002). It requires an effective executive, functioning legislature, an independent judiciary and the effective separation and balance of power among the three organs of the government as well as organized party system (Bevir 2013).

4.2 Legislature

Legislature is the deliberative assembly with the authority to formulate laws. It is called the national representative institution and its effectiveness depend on maintaining proper legislation process and surveillance over the executive actions. Alexis De Tocqueville opined that, “Of all political institutions the legislature is the one that is most easily swayed by the will of the people (Tocqueville 2000: 264).” The legislature is one of the major attributes of democratic governance and its effectiveness is able to ensure good governance proving a forum of grass root representation. It is an organized body having the power to make laws for political units (Islam 2003). The Roman Republic (existing between 509 BC and 27 BC) is often credited as being the first in the western world to have a representative government. Scholars have noted that the modern day legislature or representatives democracies are inspired by Roman model of government in which citizens elected representatives to rule on their behalf. Ancient Greece was another society that practiced a democratic representation between the 4th and 5th century BC, although their decision making is more direct and had adult male citizens to represent themselves directly at councils rather than via a representative body (TIB 2011:29). The Indian council act 1861 is considered as an important milestone in the development of parliament in British India. Later the “Indian Legislative Council act of 1892”, “Morley-Minto Reformation Act” of 1909 and “Montague Chelmsford Act” of 1919 provide a ground for the evolution of to establish a representative arms of the government in Bangladesh which is popularly known as Janiya Sangsad (Hasanuzzaman 2009: 28-29). However, legislature is introduced in different connotation or get a variety of appellation from country to country.

5. The legislature of Bangladesh: An Assessment of Effectiveness

The legislature plays the most prominent role in establishing good governance within a country. It plays a pro-active role not only in law making but also to hold the government responsible and accountable to its people (Hasanuzzaman 2009: 28-29). To practice the culture of good governance based on accountability and transparency the effectiveness of the parliament has to be considered. In order to measure the effectiveness and the role of the parliament in Bangladesh, it is important to scrutinize the proper functions and practice as well. In favor of the assessment, functions of the 8th parliament (October 2001 up to 2006) have been taken and highlighted as a research mechanism.

Table 1: Total working Days of Eighth Parliament

Year	Number of Session	Total Spent Hour	Total Working Days	Average Time Per Each Working Days(Hours/Minutes)
Oct. 2001	1	58:12:04	19	3:03
2002	4	244:34:00	75	3:15
2003	5	232:18:00	63	3:41
2004	4	267:46:00	83	3:13
2005	5	184:18:00	62	2:59
2006	4	202:21:16	71	2:51
Total	23	1189:29:20	373	3:11

Source: TIB, Eighth Parliament in Democratic Consolidation, 2001-2006, 12 February 2007, p.14

5.1 Legislation

One of the main functions of the parliament is making laws. Laws are the roadmaps to be followed by the government. These are the guidelines to be followed by the executives of the government in running its different functions to achieve a desired society especially to achieve rule of law (Halim 2012:187). When there is a scope of adequate deliberation and discussion over a bill, it creates environment to remove undemocratic provisions from it. As a core laws making ground, the parliament plays a very important role in the establishment of rule of law which paves the way of good governance. That’s why an effective parliament is an indispensable part of a country. Article 65(1) of the constitution of Bangladesh stipulates that, There shall be a Parliament for Bangladesh (to be known as the House of the Nation) in which subject to the provisions of the constitution, shall be vested the legislative powers of the republic (The Constitution of the People’s Republic of Bangladesh 2011).

The parliament of Bangladesh (Jatiya Sangshad) had been vested the legislative powers by the Constitution of the People's Republic of Bangladesh in 1972. Following the tradition, the 8th parliament in its tenure of 2001-2006, total 185 laws were passed by the parliament in its 23 sessions within 5 years that includes both the amendment of existing laws as well as new laws (Haq 2014:207-208). Out of these laws, 55 were passed by the Jatiya Sangshad according to its own initiative and the remaining 130 laws were processed by the relevant administrative ministry (Ministry of Law, Justice and Parliamentary Affairs 2006). Out of the 185 bills, 178 were basic bills and 6 were Ordinances issued at the interim session of the parliament

(Hasanuzzaman 2009:50). The maximum laws were passed in the middle of the year between the 8th parliament and in the end of the year of 2003 and 2006 (TIB 2011: 33-37). The trend of passing laws in such a way were increasing in 2003 but in 2004 and 2005 it was slightly reduced. However, in the year of 2006 this tendency turned out doubled than that of 2005. Due to the article 70, as the MPs cannot express any disagreement on each bill (Halim 2012:183-188), it may be either democratic or undemocratic, gets quickly passed or approved. But one day before the last parliamentary working days, the debated four bills without quorum were passed forcibly in a completely unconstitutional way despite extremely opposed by the major opposition party and the members of other opposition parties (TIB 2011:33-37). The leader of the Krishok Shromik Janata League Kader Siddiki said that the speaker created an unprecedented episode in the last moment to proceed the legal actions without quorum and also added that even the law was passed, it will never be correct (Daily Jugantor 2006). The eighth JS like its predecessor did not set up any special committee to examine the government bills. Therefore, compared to the seventh Jatiya Sangsad a large number of bills (33%) were passed in the House without scrutiny by any committee (Khan 2008: 120).

5.1.1 Legislation through Ordinances

Although the parliament enjoys the ultimate power to make laws for a country or any part of it, in some special situation the constitution of certain developing countries provide for provision of legislation by the nominal head of the country, the President. The power to make ordinances is acceptable to deal with the sudden and immediate situation and necessary for peace and good government in the country (Halim 2012:265). Under the article of 93(1) the President may make ordinances in following two situation: i) Parliament is not in session; ii) parliament stands dissolved.

Only in cases of above two situation, the President can promulgate ordinances to meet the emerging challenges. Most often the government tries to avoid debate and passes laws by ordinance and later get them approved by the parliament which destroy the spirit of rule of law. The trends of passing ordinances and then get them approved by the parliament is quite remarkable in the history of parliamentary democracy in Bangladesh. The 8th parliament was highly dominated by the executive. The following chart presents a statistics of passing laws through ordinances:

Table 2: Statistics of Ordinances Passed by the 8th Parliament (28 October 2001- 27 October, 2006)

Session	Number of Bills Passed Which Have Been Initiated from Ordinances	Total Ordinances Promulgated between Two Sessions
1 st	2	2
2 nd	0	0
3 rd	0	0
4 th	0	0
5 th	2	2
6 th	1	1
7 th	0	0
8 th	0	0
9 th	0	0
10 th	0	0
11 th	0	0
12 th	0	0
13 th	0	0
14 th	0	0
15 th	0	0
16 th	0	0
17 th	0	0
18 th	0	0
19 th	1	1
20 th	0	0
21 st	0	0
22 nd	0	0
23 rd	0	0
Total	6	6

Source: Halim, Md. Abdul: Constitution, Constitutional Law and Politics- Bangladesh Perspective, p.270.

The above discussion clarifies that, the major functions that is making law, has become a mere formality. Government drafts laws as per their choices and these are passed by the parliament exactly as desired by the government with the help of the majority number of ruling party MPs who are not allowed to differ for the restriction as per the provision of

article 70. So for the purpose of law making of the parliament has been reduced to nothing but a rubber stamp of legality for all government activities.

6. Legislative Control over the Executive

There are provision of legislative control over the executive in many countries. In Bangladesh the constitution of 1972, made that the executive body have to be responsible to the legislature jointly (The Constitution of Peoples Republic). As per the article 55(3) of the constitution of Bangladesh parliament has been bestowed with another important function that is to ensure accountability of the government. The responsibility of asking for and ensuring accountability of the government lies not only with the MPs belonging to the opposition parties but also MPs of the ruling parties are also equally responsible for demanding and ensuring accountability of the government for all its activities through the parliament. According to the functional rules of legislature by parliamentary question, adjournment motion, vote of censure, cut motion, vote of no confidence etc. The Constitution states that the Cabinet shall be collectively responsible to Parliament. The Rules of Procedure of Parliament has prescribed a number of devices to make the Government answerable and accountable to Parliament. These are as included: Half-an-hour Discussion, Call Attention, Resolution, Discussion for Short Duration, Motion (General), Adjournment Motion, and No-confidence Motion Question.

Among these devices, questions and call attention notices feature in almost all sittings. It is followed by call attention notices. Questions and call attention notices are the most common devices used to raise discussions on the floor of the House.

6.1 Parliamentary Questions

This is one of the common and effective devices of ensuring control is asking questions to ministers. Chapter VIII of the Rules of Procedure of the parliament provides for questions and short notice questions. In fact, the first hour of every sitting, unless otherwise directed by the Speaker, is earmarked for Members to ask questions on matters of public importance (Halim 2012:211). Ministers answer all questions in writing. However, oral answers are also given to 'starred' questions i.e. questions marked with asterisks by Members (Halim 2012: 212). Once a starred question has been answered, Members can ask supplementary questions. Parliamentary questions tend to keep the ministers constantly conscious of the fact that they will be called upon to give an account of what they do (Halim 2012: 210) At every sitting of

the Sangshad one hour is allotted to put questions to the minister. It helps to bring the work of various department under the public scrutiny. Prof. Lowell said that question time is search light upon every corner of the public service. The presence of the members in this phase make the parliament lively and more effective. It enables the public to get the information of day to day administration of the government through their representatives.

An assessment of 8th parliament shows that the ruling party MPs had an upper hand asserted 70% of the total questions (Hussain 2012). Thus the leader of the house answered 112 of questions of which more than 90% were asked by the treasury MPS (The Executive Summary of Jatiya Sangsad).

Besides the prime Minister answer the questions twice a week. The prime minister question time since the seventh parliament was considered to be an effective weapon in the disposal of the opposition to censure the activities of the treasury and criticize the ruling party measures. But it had proved futile because of several factors such as: Opposition Walkouts during the Prime Minister's Question Time (PMQT); Total unwillingness of the leaders of opposition to play a vital part in it; Tendency of the Prime Minister to select questions that would enable her to scrutinize the opponents avoiding unpleasant questions which might exposes the failure of government policies undermining their credibility.

6.2 Call Attention

Once a starred question has been answered, Members can ask supplementary questions. It is followed by call attention notices. Questions and call attention notices are the most common devices used to raise discussions on the floor of the House (Haq 2014: 213). In matters of calling attention as per the rule 71 of the rules of procedures of the Parliament, a total of 10,411 motions were raised of which 645 were tabled but discussion took place on 418 motions in the 8th parliament (Haq 2014: 211).

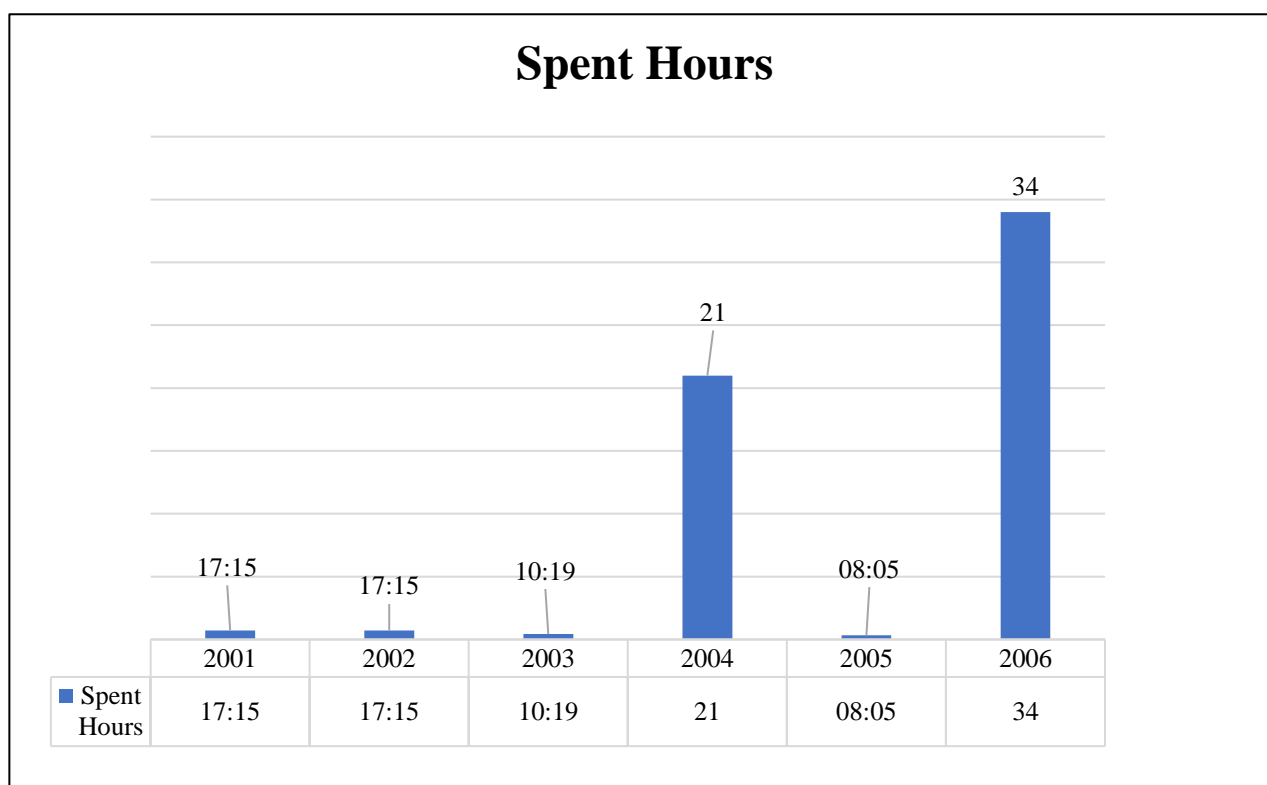
6.3 Adjournment Motion

An MP with the consent of the speaker for resolving the scheduled work of the parliament for the purpose of negotiating a recent and urgent issue can uphold the proposal of adjournment motion. However, the 8th parliament fell short of accepting none of the 2495 notices placed on the significant legislative device as per the rule 61. Besides, the opposition MPS took to the street when the speaker allegedly refused to allow discussion on the grenade attacks of the 21 August, 2004 (Hussain 2012: 151).

7. Unscheduled and Irrelevant Discussion

The importance of the participation of the ruling party in the parliamentary session is beyond explanation which is considered as their constitutional duty as the representatives of respective constituencies. They have to attend the meeting of the parliament and discuss on important public affairs. During the meeting of the parliament, the code of conduct of the MPS are discussed in detail in the statutes of 267, 270 and 273 of the rules of procedure of the parliament (The Parliamentary Rules of Procedures). Despite that most often the precious times of the parliament was wasted , not being used for the discussion on public welfare, by the MPS unscheduled and illogical discussion on unwanted praising of the Leaders or criticizing opposition MPS. An observed of the 8th parliament depicted that the MPS of both sides got involved in debates on unscheduled discussion and altercation took place on point of order, utterance of un- parliamentary terms and expunging those.

Graph 1: Total Wastage of Time on point of Order or Unscheduled Discussion



Source: Compiled by the Researcher

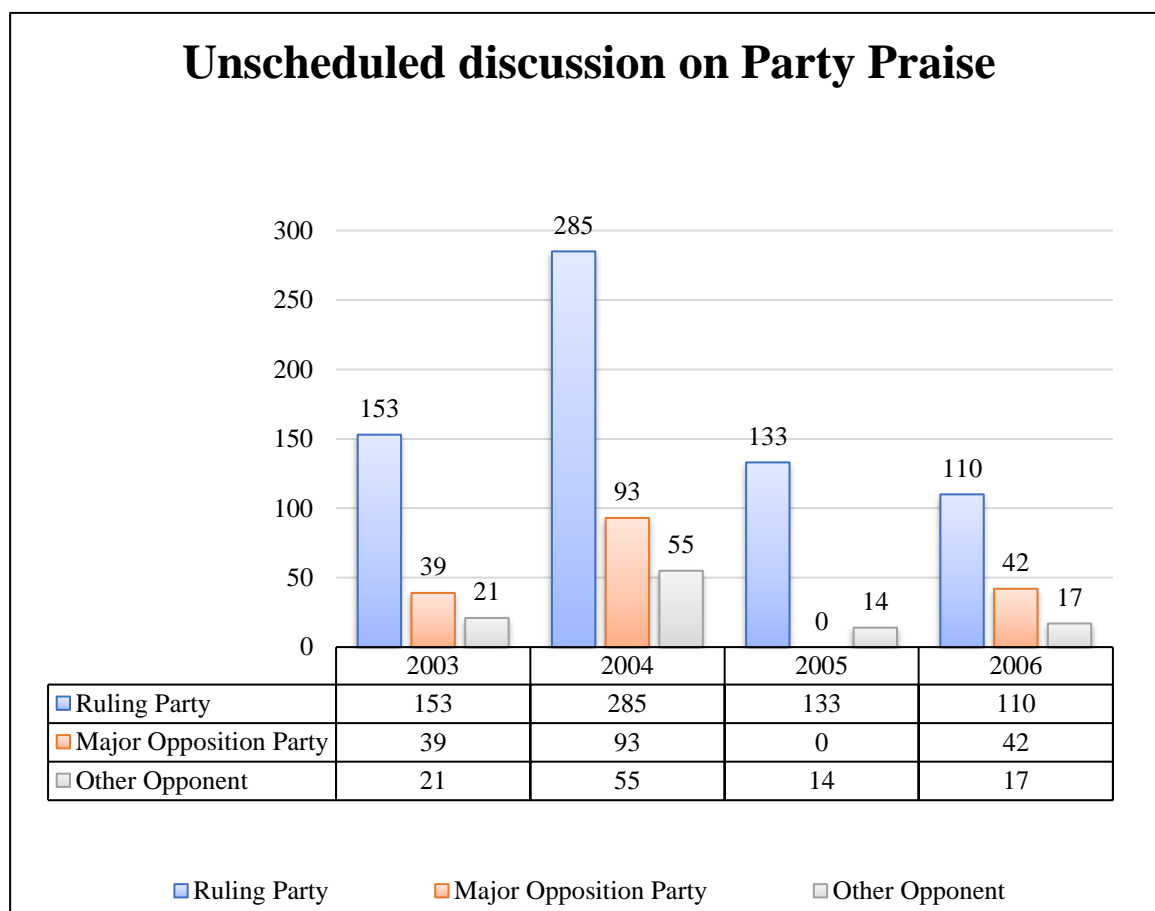
Table 3: Incidents of Unscheduled Discussion on Party Praise

Year	Party Praise	Scrutiny of Opposition Party	Discussion on Irrelevant Topic
2001	00	00	00
2002	00	00	00
2003	115	215	213
2004	626	491	433
2005	202	128	147
2006	115	156	169
Total	1058	990	962

Source: Compiled by the researcher from and annual reports published by TIB

The above discussion gives us an idea that it is seemingly impossible for the MPS to exercise “De Jure” control over the government rather they are extremely controlled by the government. Because Article 55(1) which stipulates that: There shall be a cabinet for Bangladesh having the Prime Minister at its head and comprising also such other Ministers as the Prime Minister may from time to time designate (The Constitution of the People’s Republic of Bangladesh 2011). Article 55(2) illustrates that the executive power of the Republic shall, in accordance with this constitution, be exercised by or on the authority of the Prime Minister (The Constitution of the People’s Republic of Bangladesh 2011). Article 56(3) depicts that The President shall appoint as the Prime Minister who appears to him to command the support of the majority of the members of the parliament (The Constitution of the People’s Republic of Bangladesh 2011).

Figure 3: Incidents of Unscheduled Discussion on Party Praise



Source: Compiled by the Researcher

8. Article 70 and Mystery of Parliamentary Democracy

The essence of parliamentary democracy is that the government have to be accountable to the parliament directly which denotes that the executive has no definite tenure to run the country. Article 57(2) states that, if the prime minister ceases to retain the support of the majority of the members of the parliament, he shall either resign his office or advise the president in writing to dissolve parliament, and if he so advises the president shall, if he is satisfied that no other member of parliament commands the support of the majority of the members of the parliament, dissolve parliament accordingly (The Constitution of the People’s Republic of Bangladesh 2011).

The above article makes the provision that the executive can govern as long as it can retain the majority members of the parliament. No sooner had it lost the support of the majority members, it fell. That’s why the parliamentary government has to run the country always in

fear and it has always to be attentive to its members but the provision of article 70 has turned the parliamentary democracy into elected dictatorship (Halim 2012: 185). Article 70(1) puts a new dimension to this clout of the Prime Minister. It says that, A person elected as a member of parliament at an election at which he was nominated as a candidate by a political party shall vacate his seat if he/she

- a) Resigns from the party;
- b) Votes in the parliament against that party; (The Constitution of the People's Republic of Bangladesh 2011).

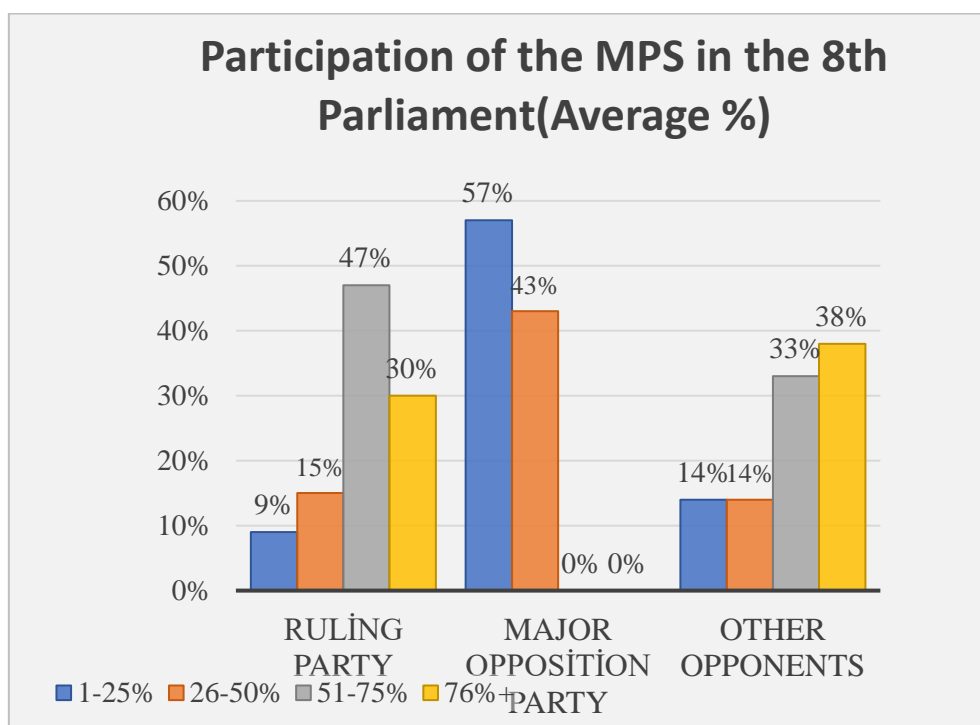
Be shall not thereby be disqualified for subsequent election as a member of the parliament. A member of parliament who has the people's mandate is expected to act democratically but the provision of this article is the bar to exercise their right to vote against party decision, or to be absent in the House in protest of party's undemocratic decision. Article 55 provides that the cabinet shall be collectively responsible to the parliament which has become a dead lock because of the Article 70, the cabinet is always sure that it is not going to be defeated by no-confidence motion. Further due to this Article 70, as the MPs cannot show any disagreement, every bill, it may be either democratic or undemocratic, gets quickly passed or approved. Most often the government tries to avoid debate and passes laws by ordinance and later get them approved by the parliament which destroy the spirit of rule of law. So the provisions of the constitution make the MPs subject to the executive, not the executive to the parliament. As a result the parliament fails to perform its duty as a representative organ of the people.

9. Participation of the Members in Parliament Session

The effectiveness of parliament is highly depended on to what extent of the members of the parliament are responsible to attend the meeting. The regular and vibrant presence of the members gives the parliament the real form of a representative organ. The spontaneous participation of the MPS is one of the preconditions to make the legislature effective. Besides the opposition party can play a dynamic role in order to maintain a balance with the members of the ruling party as well as to establish accountability and responsibility of the governing body by logical scrutiny of them in the parliament. The ruling party are also free to scrutinize the opposition vise- versa. The most important thing to establish such a culture is nothing but the participation of the members in the house. In fact it is the platform for the MPs to discuss on public affairs as well as the platform for the settlement of mutual conflict. However this culture is ignored by the MPS of both sides. In perspective of Bangladesh it can be easily

understood that there prevails a bad culture of confrontational politics inside the parliament as well as outside of this house. That’s why when the opposition party remain present in the parliament, the ruling party and other opposition leaders make a depredation on them by using unconstitutional language. Consequently it becomes likely impossible to create an environment for a healthy debate. When the ruling party tries to snuffle the opposition, they become bound to boycott the parliament. However this is absolutely true but sometimes the opposition party intentionally uses this unacceptable practices abnormally on their political decision. However the parliament has to stumble in the middle of the journey to achieve good governance.

Figure 4: Participation of the Members in Parliament Session



Source: Compiled by the Author

Table 4: Absence rate of MPs in the 8th Parliament

Absence Rate of MPS in Total Working Days of the 8 th Parliament (%)					
Party	(1-25)%	(25-50)%	(51-75)%	(76+)%	total
Government	80	94	30	17	221
Major opposition party	0	0	28	28	56
Others opposition party	8	7	3	3	21
total	88	101	61	48	298

Source: Transparency International Bangladesh, 2008

10. Opposition’s Walkout and Boycott

In a democratic system the opposition party bears the responsibility of establishing an effective and vibrant parliament. The opposition party plays a vital role to maintain balance of government power and to hold the government responsible for each decisions by their constructive criticism, comments and opposing power. Not only scrutiny but also to help the ruling party in many crucial issue is another important responsibility of the opposition MPs. The absence of the opposition parties in the parliamentary session decreases the quality of debate while passing any bills or other activities. So it is the constitutional duty of the opposition party is to highlight the government’s misdeed and inaccuracies to the public. The illogical and excessive application of walkout and boycott turns the parliament come to a standstill and ultimately paves the way of parliamentary autocracy of the ruling parties. During the 8th parliament the constant practice of walkout and boycott by the MPs rehashed the parliamentary development within this country. The history of the Bangladesh parliament is the history of walkouts and boycotts. This is especially relevant for the fifth, the seventh, the eighth and the ninth parliaments. Walkouts and boycotts have not only spoiled the maximum working days of these four parliaments but also posed a threat to the very lively existence of them. Walkouts and boycotts are dominant features of the Bangladesh Parliaments (Firoz 2013).

10.1 Walkout

The word ‘walkout’ means ‘coming out’. In the parliamentary usage ‘walkout’ means walking out of the House of the parliament by the parliamentarians. The parliamentarians

stage walkout for a short period. Walkout is a form of protest. Protest may be made against any decision/ruling of the Chair, any action/decision of the government or any member of the House. Usually the non-ruling party members use this tool of protest. The opposition members can walkout from the parliament to speak on behalf of the public interest.

The culture should be practiced on logical grounds only, but if we assess the 8th parliament it can be seen that the then opposition parties walked out from the parliament for 99 times in total working days among which the major opponents -Awami League staged 66 walkouts for 73 times and Krisok Shromik League for 15 times while Jatiya Party for 7 times and the Independent Members for 4 while Bicolpo Dhara made this for a time only (Jahan and Amundsen 2012).

Table 5: Total Walkout in 8th Parliament

Meetings	Awami League	Jatiya Party	Krisok Shromik League	Bicolpo Dhara	Satantra
1 st	0	0	0	0	0
2 nd	0	0	2	0	1
3 rd	4	1	0	0	0
4 th	3	0	0	0	0
5 th	6	0	0	0	0
6 th	11	1	3	0	0
7 th	6	0	1	0	1
8 th	0	0	0	0	0
9 th	0	0	1	0	0
10 th	0	1	0	0	0
11 th	0	2	4	0	0
12 th	10	1	1	0	0
13 th	2	0	0	0	0
14 th	5	0	0	1	0
15 th	0	0	1	0	0
20 th	4	0	0	0	0
21 st	4	0	0	0	0
22 nd	9	0	1	0	0
23 rd	9	1	1	0	0
Total	82	7	15	1	2

Source: TIB reports on the eighth parliament and compiled by researcher

10.2 Boycott

In the parliamentary terminology ‘boycott’ means abstaining from the parliament, that is to say keeping relinquished from the parliament. Abstaining or boycotting parliament is also a tool of protest (Firoz 2013:84). Usually the opposition members in the House use this tool in a protest against the decision/ruling of the Speaker or any action/decision of the government or treasury bench members. Boycott lasts for a longer period of time. Sometimes walkouts turn into boycotts. The 8th parliament was summoned on October 28, 2001 started with the boycott by the dominant opposition party Awami League (Firoz 2013: 110). They didn’t attend the first session of the parliament. They boycotted each of 56 working days in total of the first and second parliament meetings as a mark of protest against election rigging and the subsequent repressive acts against their workers and supporters. However, sometimes boycott is acceptable as a method of protest, but illogical and constant uses of boycott is neither acceptable nor conducive to an effective and smooth functioning of the parliament. In 2001-2006 the walkout and boycott tendency was remarkable which led the parliament to ineffectiveness.

Table 6: Oppositions Boycott in the 8th Parliament

Parliament	Total Working Days	Boycotted by the Opposition	Percentage
First	134	1	0.74
Second	206	67	32.52
Third	75	29	38.66
Fourth	168	3	1.78
Fifth	395	135	34.17
Sixth	4	NA	NA
Seventh	383	163	42.55

Source: Jalal Firoz: Forty Years of Bangladesh Parliament.

11. Quorum Crisis

Article 75(2) of the constitution of Bangladesh stipulates that, “If at any time during which parliament is in session the attention of the person presiding is drawn to the fact that the number of members present is less than sixty, he shall either suspend the meeting until at least sixty members are present, or adjourn it.”

In parliamentary democracy the delay in parliamentary meeting is nothing new due to the absence of quorum. But despite having the two third majority of the BNP with its pro- Islamic

allies, quorum crisis had become a regular subject in the 8th parliament. Although in the absence of quorum, the meeting of the parliament delayed for 45 minutes before, in the 8th parliament a new dimension added to that crisis which reached to 51 minutes. It is reported that most of the younger members of the treasury bench has stopped coming to the parliament (The Daily Star 2001). Parliamentary proceedings had to be cancelled due to a lack of quorum. However, overall in the 8th parliament, due to the quorum crisis, 13635 hours is wasted which is 1.5% of the total working hours of that respective parliament. Besides in the 8th parliament the parliamentary meeting were held only in nine working days (TIB 2011). In addition to that in the 23 sessions of Jatiya Sangsad, as the session was delayed due to the quorum crisis, the amount of wasted money was twenty crores and 45 lacs (TIB 2011). Scholar noted that the most worrying thing is that the ruling party doesn't feel worried or embarrassed about that rather they blame the opposition party for this crisis. Apart from that is a matter of concern that the Prime Minister popularly known as the leader of the house remain absent from the House (Daily Prothom Alo, Daily Ittefaq 2003). She is not playing the role to make the parliament effective. Even the leaders of the BNP, feel unnecessary to obey the rules of the parliament. Moreover the speaker announced that there is no such thing that 60 people needed to be attended in the parliament. Barrister Moudud suggested the Deputy Speaker that He can ignore the quorum fact. It has been proved that the MPs assess themselves neither as a lawmaker nor a national policy maker. Article 67(1) (b) of the constitution of Bangladesh stipulates that, if a member of parliament is absent from parliament for 90 consecutive days without leave, his/her seat shall be declared vacant. To avoid this provision the boycotting members hypocritically returned to the session for a day or two only to keep their membership alive. The facade of this boycotting culture is that, despite the absence from the parliament the boycotting members enjoys every rights. However the good will and keenness of the MPs needed to solve this problem. They should bear in mind that they are the voice of the people and have to be accountable to them rather than achieving party interest.

Figure 5: Session wise Maximum Wastage of Time Due to Quorum Crisis

Session Wise Maximum Wastage of Time				
Year	Total Session	Total Working Days	Misuse of Time Due to Quorum Crisis(Minutes)	Average Wastage of Time(Minutes)
2001	1	19	598	31
2002	3	75	2946	39
2003	5	63	2946	46
2004	4	83	3061	37
2005	4	62	1737	29
2006	5	71	2347	33
Total	23	373	13635	35.83

Source: Transparency International Bangladesh: The 8th Jatiya Sangsad to the Institutionalization of Democracy (2001-2006), 12 February 2007, p.38

12. Conclusion

An appraisal of above discussion regarding the 8th parliament depicts that quorum crisis, constant exercise of walkout and boycott, discretionary control over the Members by Executive Head, MPs inefficiency in conducting parliamentary activities, procrastination in forming the standing committees and their irregular meeting held the parliament ineffective.

The effectiveness of parliament depends on the spontaneous participation of the parliament. In the 8th parliament 23 parliamentary session were held within its 373 working days the presence of the MPs in the working of the House was not remarkable and the average participation rate was 55%. Most often the Members of the house waste their time on unscheduled discussion, unnecessary party appreciation and scrutiny of the opposition party. Besides the domination of businessman in the parliament was noticeable. Although the opposition party is the vital element to ensure an effective parliament, the opposition's walkout and boycott tendency crippled this institution. The opposition party boycotted 273 out of the 373 working days of the 8th parliament. Both the ruling and the opposition party barely shows any tolerance to each other to run the parliament.

The above discussion demonstrates that the 8th parliament passed 185 laws among which 58% of the total laws were modified. Most of the bills were passed within a short time without

ample discussion because of the absence of the opposition party or even for quorum crisis. Besides there was a tendency of passing laws through ordinances. There are some progressive approach of the 8th parliament. The new laws passed in the parliament in the reform of justice system including -The Criminal Procedure (Amendment) Act 2003, Repression of Women and Children (Amendment) Act 2003; the Disruption Offences (Speedy Trial) Act, 2002, Speedy Judicial Tribunal Act 2002 were notable. However having a two thirds majority the ruling party didn't show a little interest to pass the Code of Criminal Procedure Amendment Act (2006) and the Ombudsman act 1980 in order to separate the judicial and executive activities. So the 8th parliament paves the way to establish rule of man rather than a responsible one. The legislature failed to establish a responsible government rather the executive head exercise control over the House. Effective parliamentary committees reflects the functions and the standards of parliament as well as ensure the accountability and responsibility of the government. But the standing committees of the 8th parliament was delayed to form for about 14 months and failed to join the meeting as per the Parliamentary Rules of Procedure. An assessment on the working of those committees demonstrate that scarcity of political willingness, non- submission of reports and non- implementation of reports submitted hindered the committees to perform due responsibilities. After the restoration of parliamentary democracy in 1990 Bangladesh experienced the functioning of six parliaments. The problems discussed above was found almost in all the parliaments, difference was in its extent. However, if this practices continues, the parliament comes out unsuccessful to reach to achieve the desired form of governance.

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