I. INTRODUCTION

Bangladesh is at a critical crossroad in its journey to democracy. Towards the end of 1990 the country witnessed the culmination of a long and chequered popular movement which ousted the autocratic government of General Ershad. The fall of long years of autocracy paved the way for democratic transition in the country. The elections that were subsequently held under a caretaker government were acclaimed home and abroad as genuinely free and fair. The Bangladesh Nationalist Party (BNP) as the largest party in a truly representative multi-party Shangshad (Parliament) formed the new government.

Expectations over further progress towards democracy have been accelerated by the resolution of one of the most critical and long-standing issues in the Bangladesh polity, viz., form of government. The fifth parliament took an unprecedented consensus decision through an arduous and often delicate process - to return the country to a parliamentary form of government. The people's verdict obtained in favour of the change through the referendum held subsequently has provided a solid foundation to the process of transition to democracy.

Change of form of government per se does not imply a progress towards democracy. There are instances of highest form of democracy functioning in a presidential form as much as there are examples of parliamentary form turning into dictatorship. Nevertheless, in the context of Bangladesh this change is significant for at least two main reasons. Firstly, the change is more from an authoritarian than a presidential system as such. Secondly, there has been an unprecedented national consensus on the issue as reflected by the unanimous decision in the parliament followed by a popular verdict.
obtained through the referendum. Despite this significant and by all standards substantive positive change, however, Bangladesh has a long way to go before establishing the institutional basis of democracy. By switching to the parliamentary system, ways have been opened for ensuring accountability of the government.

To be sure, Bangladesh has in the course of two decades formally changed its pattern of government three times: it started off with a Westminster type of government immediately after independence, then after a brief experiment of about three years shifted to one-party presidential system in 1975. In the post-1975 period Bangladesh witnessed military rule with or without a civilian facade. Under successive periods of military and quasi-military regimes, the office of the omnipotent chief executive was instrumental in accentuation of autocratic tendencies. Concentration of power was so pervasive that the system was turned into an individual absolutism with hardly any means of accountability of the government.

In this context, as the country returned to the parliamentary system with high expectations for establishing the democratic order, it is imperative to undertake a study of the experiences of the practice of parliamentary system in Bangladesh. The present study offers an attempt in that direction. The main questions raised here include: what are the theoretical basis of parliamentary democracy? How is it practised? What are the lessons from the experiences of the practice of parliamentary democracy in Bangladesh? What went wrong and how are these related to the future prospect of parliamentary system in the country? We begin here with a brief exposition of the theoretical foundations of parliamentary democracy. The third part of the paper presents a review of the experiences of practicing parliamentary democracy in Bangladesh. We then highlight the problems and prospects of parliamentary democracy in the foreseeable future.

II. PARLIAMENTARY DEMOCRACY: A THEORETICAL OUTLINE

The word parliament that originally meant a place to talk is derived from the French word Parler (to speak or parley) and the Latin Parliamentum. In subsequent evolution of the term, it was applied to the after dinner conversations held by the monks in their cloisters, talks which the monistic state of the 13th century condemned as unifying. The term was also used to describe conferences such as that held between Louis XI of France and Pope Innocent IV in 1245 and diplomatic parleys between Alexander II of Scotland and Richard Earl of Corwell a year earlier. Mathew
Paris of St. Albans was the first to apply the word parliament to a great
council of prelates, earls and barons in 1239 and again in 1246. In medieval
times, a parliament was usually a meeting of the King in Council to which
Judges were summoned for the consideration of pleas and petitions (or bills)
to the King to redress grievances. On the other hand, the word parliament
was also applied to mean a colloquium, a meeting of the clergy, or any or
all of them. In any event, in the literal sense and the way the term has
evolved as a political concept, parliament signifies a body of persons
assembled for discussion.

In modern usage, parliamentary system is meant for a particular form of
government in which the executive authority emerges from, and is
responsible to, a popularly elected legislative body. The prime characteristic
of this system is that "the ultimate seat of governmental power is in the
legislature or parliament, and that the executive, instead of having power
coordinate with that of the legislative branch, has a status, subordinate to
the latter and is at all times responsible to it, both for his existence and the
manner in which he discharges his functions."

This system, it will be noted, is in direct opposition to the one
obtaining in a autocracy. Both are governments of union of powers; in an
autocracy, however, there is a union of powers in the hands of the executive
branch, while in a parliamentary or responsible government there is a union
of powers in the legislative branch. The basic content of an autocratic form
is the concentration of powers in a single hand or centre and mobilization or
use of force to prevent any opposition while the parliamentary form
presupposes deconcentration or dispersion of power and use of political
means to contain opposing views.

In parliamentary system, both the prime minister and his cabinet,
known together as the government and holding collectively the authority of
the state, are ordinarily members of parliament. They hold ministerial office
only as long as they have majority support in parliament. In a bicameral
legislature, this requirement usually means majority support in the
more popularly elected house. Occasionally a government may be made

1968, p. 509. Quoted in J. C. Johari, Comparative Politics, New Delhi, Streling


responsible to both houses. In any case, the rule of continuous legislative confidence and endorsement is the key to the legitimacy of the executive authority. The government draws its powers from the legislature and is to regularly demonstrate this legitimacy by the submission of its programmes and actions for parliamentary approval. A defeat for the government through an adverse legislative vote, on an important issue would indicate a lack of confidence and support of the legislature, and for that matter, of the people who are represented by the members of the legislature, and thereby would require the government either to resign or to attempt, by means of a general election to secure a new parliamentary support. It is also worth noting that in a multi-party system when it is found that a majority may be secured through various combinations of parties, no one of which has a majority, the titular chief executive (the President) may have some considerable degree of discretion in making the selection. Under these conditions it often happens that several leaders in turn are entrusted with the task of forming a ministry before success is achieved in finding one who can form a ministry that will receive the support of the parliament.

Parliamentary form of government, particularly in its British form, is the product of a long historical development. The outstanding feature of this historical experience was the evolution of parliament from a monarch's council to a supremacy of its own. Assembled originally, as early as in the medieval period, to provide advice and especially to give financial support to the monarch, the parliament became in modern history the means by which first an established land-owning oligarchy, then a commercial class, and finally representatives of the bulk of the population secured control of the machinery of government. The development was a long one covering three to five centuries.

Customs and conventions also helped greatly the evolution of this system in England. Neither the cabinet nor the office of Prime Minister was established by legislation or recognized by the courts of law. As already mentioned, the ministers are collectively responsible to the parliament whose vote of no-confidence would throw the cabinet out of power. There is an educated and effective opposition who not only provide criticism to the

administration but also provide the alternative government. Respect for opposition is most vital for a parliamentary set up. The opposition in this system is popularly called a shadow government. There is also the need for an enlightened public opinion. The press is always vigilant, ready to support the Government on the merit of the issues and to expose its weakness whenever desirable.

Although the parliamentary system has been differently conceived, not only over time but also from country to country, some of its common characteristics and important features could be summarized as follows:

(i) The executive government should be answerable to and dismissible by the people of their chosen representatives, and should be subject to the law as interpreted by the Judiciary.

(ii) Laws should be enacted by a legislature of one or more chambers in which members are elected by the citizens at regular intervals who exercise a preponderance of power.

(iii) Elections should be freely conducted by impartial officials; there should be no discrimination against a candidate for election because of any views he may hold.

(iv) Citizens should be free to hold opinions without interference and to organize themselves into groups or parties so long as their purposes are not subversive or treasonable, and it should be for the Judiciary to decide what constitutes subversive or treasonable activity under the law; citizens and their representatives should also be free to criticize Government policy or administration, and to offer themselves as an alternative government.

(v) The public service should be open to all, on the basis of merit; its task should not be to formulate policy but to advise the Government of the day and implement the policy approved by the legislature.

(vi) Rule of law should prevail everywhere in social life.

In institutional terms, parliamentary democracy needs to be supported by overriding powers of the parliament as the legislative organ; by elections to ensure smooth transfer of power; by free press and judiciary to ensure individual liberty, freedom of expression and rule of law and by healthy growth of party politics as the platform for mass participation in the political process. If democracy is the goal that is cherished to be achieved through the parliamentary form of government, it must "provide for a regularized system of periodic elections with a free choice of candidates, the opportunity to organize competing political parties, adult suffrage, decisions
by majority vote with protection of minority rights, an independent judiciary, constitutional safeguards for basic civil liberties, and the opportunity to change any aspect of the governmental system through agreed procedures.7

Two basic features need to be stressed in any discussion of democracy as against non-democratic or authoritarian or totalitarian system. First is the supremacy of the constitution or basic laws while the second is the existence of competitive party system. The essence of the constitution is that it "formalizes a set of fundamental norms governing the political community and determining the relations between the rulers and the people and the interactions among the centres of power."8 Again, there are three main aspects of this formulation process of political norms:

i) the constitution assigns certain specified functions to different state organs, particularly, executive, legislature and judiciary. It also defines the limits of powers of each organ and sets out the procedures for cooperative interaction between these organs or state offices.

ii) The constitution provides a catalogue of individual rights and liberties that are protected by, as well as against, the exercise of state power.

iii) It also contains provisions for amending the constitution. The main objective of the constitution and its provisions is to prevent concentration of power in a single centre of power whether it is an individual or a group. It should be stressed here that as opposed to democracy, the substance of an autocratic rule is the concentration of power in a single centre and prevention of opposition to emerge as a political force. The constitution also makes some areas of political and social life immune to governmental intervention and ensures peaceful change of political order.

The second basic feature of the parliamentary democracy is a competitive party system. Political parties are the institution through which the people take part in the exercise and transfer of political power. Political parties under a parliamentary democracy "are decentralized, concerned with the integration of many interests and beliefs, and open to public participation."9 For democracy to work two or more parties must function freely and in competitive atmosphere, each of them having some ability to influence the course of governmental action, if not to form a government itself. The party is the forum which represents mass electorate.

8. Ibid.
9. Ibid.
and it is also the instrument through which people exercise their power in peacefully replacing one government with another.

Parliamentary system, in essence, speaks for people's government. The supremacy and authority of Parliament in parliamentary polity emanate from the fact that the will of the people is expressed through parliament. The primary function of the parliament is to keep in closest touch with the emerging needs and problems of the people and to voice their urges, hopes and even frustrations. A legislature is there not only to mirror and articulate the opinions, aspirations and grievances of the people, but also to help secure the fulfillment of their wants and expectations, the redressal of grievances and the solution of the difficulties they face. In fact in a parliamentary system based on executive accountability to the legislature, the latter is the link or the bridge between the people and the government. The people are the ultimate masters. If government is answerable to parliament, parliament itself is answerable to the people. It has to keep a vigilant eye on the administration to ensure that laws and public policies are implemented efficiently and effectively and in a manner that causes no injustice or undue hardship nor any unearned advantage to any individual or any section of the society.

Notwithstanding its popular image and wide appeal, practicing parliamentary democracy is an arduous and challenging task. How well a parliamentary system works in a country depends mainly on five variable factors. First, the institutional structure or framework generally laid out in the constitutional document, itself and covering basic matters like the method by which the legislature is constituted; its term and functions; its position vis-a-vis the other organs of the government; and working and so on. Secondly, the rules or operative procedures which the legislature itself has evolved to regulate its working. Thirdly, a competitive party system to ensure effective and vigilant opposition so as to make the government responsible and accountable. Fourthly, the political culture of the society which, in turn, is conditioned by many variables, such as, economic conditions, extent of literacy or education, communication and mass media, role perceptions of different social, professional and institutional groups, the demographic situation including, in the case of heterogeneous societies, the inter-reliationship between the various groups. And finally and most importantly, the quality of the men and women the parliament happens to

be composed of at any time and the level of their commitment to parliamentary democratic values, practices and institutions.

III. PARLIAMENTARY DEMOCRACY IN BANGLA-DESH IN RETROSPECT

As indicated in the discussion above, parliamentary democracy is in essence the outcome of the long process of evolution. In any such process the past weighs heavily on the course of the present and the future, We proceed, therefore, to undertake a review of the experiences of Bangladesh's experimentation with parliamentary democracy.

a) Pre-1947 period

During the British period the colonial administration refrained for a long time from introducing representative institutions in this part of the world, because it was claimed that the participant citizen bodies did not exist there. Preservation and maintenance of the law and order situation was the principal concern of the colonial administration in India until the end of the nineteenth century. The priority was, therefore, on the strengthening of the military and administrative services while leaving everything else to the play of economic forces. The local educated elite and economically advanced sections developed dissatisfaction at the autocratic nature of the administrative set up and gradually resorted to agitational politics which resulted in the eventual introduction of representative institutions. The Indian Council Act of 1861 was the first step towards the establishment of a representative assembly. The Act provided for the nomination of six to twelve additional members, to the Governor General's Council. Half of these members were to be non-officials, and this provided a semblence of representation of the people. The next milestone was reached in 1882 when some further reforms were introduced to contain the growing demands of the Indian middle class who encouraged by the earlier achievements, put up further demands. The achievements this time included the conferring to the members of the Council the right to discuss the annual financial statements. They were now also permitted to ask questions under certain conditions.

The number of the non official members was increased under Morley-Minto Reforms of 1909 at both centre and the provinces. For the first time


the official majority in the provincial legislative councils was abandoned. In case of Bengal elected members were given a small majority. Under the Act of 1919, the provincial councils were further enlarged and the proportion of elected members in each case reached seventy percent and above. The principle of separate representation for each of the main communities and interests was followed, so that the composition of the Councils reflected a sort of Communal arithmetic.

The progress under the reforms of the 1919 Act was followed up under the Act of 1935 which has been viewed as the natural evolution and extension of the earlier reform process. Under the 1935 Act Indians were placed in positions of further responsibility as this time popular ministers who were responsible to the legislature were entrusted with elaborate provincial functions. Safeguards for the colonial interests were, however, retained in the form of especial responsibility and power of the individual judgment of governors.

Despite all these arrangements under the Government of India Act of 1919 and 1935, real authority remained far from transferred to the popularly elected legislature. Although the semblance of parliamentary government was introduced in the provinces, the tradition of keeping executive authority outside the purview of local representatives was maintained as special powers of the governors and Governor General responsible to the white Hall were kept in tact. In the ultimate analysis, state power of India was exercised in the name of the British crown by the British Parliament through the Secretary of the State and the Viceroy.

The impact of the above process of the constitutional development initiated by the colonial rulers under pressures from local western-minded middle class elites have nevertheless been far-reaching. These created the foundations for institutions of parliamentary democracy which, as rightly coined by an analyst, "oozed into the body politic of the sub-continent." The Acts mentioned above were indeed the political landmarks towards the flowering of responsible parliamentary government in this part of the world. As the long term effects of these reforms ecology of the society underwent notable change, a politically conscious and responsible class emerged, the business and economic interests got organized, and literacy got an impetus to increase. All these contributed to the building up of a political structure necessary for successful parliamentary government. On the other hand, the

educated middle class, the business and student community, the intelligencia and members of the legal profession as agents of parliamentary democracy developed a sense of affinity to the Westminster system.\textsuperscript{15}

\textbf{b) Pakistan Period}

The process of transfer of power from the hands of the British in 1946-47 resulted in the creation of the first Constituent Assembly of Pakistan. The members of the provincial legislatures elected the members of the Constituent Assembly in an indirect method of election. The Assembly was composed of 69 members which was subsequently raised to 74, the new members being nominated. The Constituent Assembly under the Indian Independence Act had two main items in its terms of reference: to prepare a constitution and to act as a federal Legislative Assembly or parliament until that constitution was enacted. The first session of the first Constituent Assembly was held in Karachi from 10 to 14 August 1947 in which Mohammad Ali Jinnah was elected President of the Constituent Assembly.

Any review of the experience of the functioning of the parliamentary system in Pakistan however, should take Jinnah's position, power and role in the new administration as the starting point. For, "like Bismarck of Germany, Jinnah's credentials as the father of the nation prompted him to indulge in certain activities which in no way was conducive to the growth of parliamentariansm".\textsuperscript{16} By virtue of his being the great leader, the architect and founder of Pakistan, he indeed exercised much more power than the Governor-General or President of the Constituent Assembly. Although some of the Governor-General's discretionary powers were taken away, he retained the rule-marking power which gave him the capability to determine the business of the Central Government. Allocation of portfolios among ministers was also at his discretion. The choice of Mr. Liaquat Ali Khan as the first Prime Minister did not come from the Constituent Assembly. It was Jinnah who brought him in.\textsuperscript{17} He also eventually nominated the members of the first cabinet.

Jinnah's concept of Governor-Generalship, substantially different from that accepted in other Commonwealth countries was never challenged in Pakistan, neither by the people nor the Cabinet and the legislative body. In fact, Jinnah followed a system that was closer to the viceregal pattern of the British period rather than a parliamentary one. The system survived the death

\textsuperscript{15} \textit{Ibid.}
\textsuperscript{16} \textit{Ibid.}
of Jinnah and Pakistan's politics continued to be characterized by the conflict over power between the office of the Prime Minister and that of the Governor General. The legislative body had hardly any say in the process that brought into power the successive cabinets. This see-saw struggle continued until parliamentary democracy was formally buried in October 1958 by the military Junta.

The provincial scene was also far from satisfactory. During 1947 to 1958 there were two legislative assemblies in East Bengal. The first assembly, constituted at the time of partition in 1947, continued until March 1954. The second assembly elected in March 1954, was dissolved four and a half years later in October 1958 when martial law was promulgated in Pakistan.

The First provincial assembly had a membership of 171 while the Second Assembly (1954-58) had 309 members. Political processes in the two assemblies presented fundamentally dissimilar features. In the first assembly the Muslim League enjoyed the monopoly of power. The essence of traditional parliamentary pattern was, to some extent, lacking there, because the parties in government and opposition - the Muslim League and Pakistan National Congress - did not basically reflect a purely political division which could be subject to change and alterations, but a comunal division into rigid and unalterable majority and minority.

The second assembly outwardly began with a similar pattern of party composition in that the United Front party won an overwhelming proportion of Muslim seats, about 223 out of a total of 237. But the Front was an election alliance, its unity delicately preserved through the electioneering and helped by the heat of anti-Muslim League feelings. In power, the unity broke down apparently over distribution of office and the Front gradually disintegrated. The disunity and disintegration of the Front necessitated coalition of politics; the political antecedents and divided representation of minority seats facilitated the coalitions. Coalitional politics and weak party organizations resulted in fragmentation in the ranks of the parties. The pattern was one of multiparty and multifactional politics and unstable governments.

The seasonal pattern of the second assembly was more varied and irregular due to the uncertainties of the political development and party alignments of the period. Before the newly elected assembly could meet for a session, parliamentary government was suspended in the province in May 1954. After the lifting of Governor's rule in June 1955, the assembly met for the first time on August 5, 1955.
It would appear that though a firm practice of regularity in sessions was not solidly established, the first assembly was not altogether neglected by the government. What seriously undermined the institutional status of the legislature during the period was the unrepresentative character which it gradually assumed because of the number of accumulated vacant seats as result of the Martial Law government's attitude toward by-elections. The uncertain seasonal patterns of the second legislature also indicated that the institutional position was not secure. Commenting on the attitude of the United Front coalition government (June 1955-August 1956), the Speaker maintained that the legislature was being by-passed and was thus reduced to a farce, and he thought that the government seemed to ridicule the legislature.

An analysis of the functioning of the East Bengal legislature during 1947-58 thus reveals some shortcomings. The legislative institution had weak organizational structure. It failed to develop a strong independent character for a number of reasons. The Muslim League government, in power during 1947-54, seemed to have preferred a docile and inert legislative body which could be conveniently ignored and easily controlled. During this important initial period the Speaker also failed to fulfill what should have been his primary task of strengthening the structure and organization of the legislature, removing it from the position of appendage of the executive government, so that in both its administration and its functions it could properly be deemed as a legislature of a responsible government system. The Speaker of the second assembly damaged the status of the legislature as he was not able to remain in his role as a neutral observer of party politics or to discharge fairly his administrative functions, but became instead involved as an active participant and an interested party. The procedural rules, the performance committees and the position of the assembly secretariat also reveal that the legislature did not have a strong institutional character. The dominance of the Muslim League and the attitude of the government during 1947-54 did not allow the assembly to develop and assert itself. Fragmentation of the parties, ministerial instabilities and the instances of suspension of parliamentary government during 1954-58 prevented the legislature from acquiring a strong and vigorous existence.

Those in power had a tendency to manipulate the rules of the game to meet their specific objectives. The life of the first assembly was extended

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by suitable interpretation of the provisions of the constitution. During these second assembly the rules of procedure of the House were frequently amended at convenience. On occasions members of the parliament were more interested in making and unmaking of the governments rather than parliamentary activities. Even subjective issues sometimes dominated the parliamentary proceedings which ended in tragedy as in 1954 when the Deputy Speaker was injured in the parliament and subsequently died in the hospital. The ruling party, facing an unfriendly speaker in the East Pakistan Assembly passed a resolution to the effect that the speaker was insane. A few days after this resolution, opposition members attacked the Deputy Speaker leading to the violence. The incident provided the central government with an excellent pretext to intervene.

It is, however, necessary to mention that in the discharge of its functions during 1947-58, the performance of the legislature though not impressive, was not entirely negligible and the government was subjected to some amount of accountability and control. Moreover, "the fact that the people had affection for, understanding in and commitments to the Westminster system could not be denied under any pretext. General Ayub's 10 year old straight-jacketed regime could not even make people get used to what they were getting. The events of late 1968 and early 1969 bore eloquent testimony to people's urge for parliamentary democracy."19

c) The Bangladesh Experiences (1972-75)
Bangladesh started off with one of the most popularly elected governments in the world under Sheikh Mujibur Rahman, a truly charismatic leader.20 Immediately after independence, the new government pledged its commitment to parliamentary democracy. On his return to Bangladesh from the Pakistani prison, Sheikh Mujibur Rahman announced the provisional constitutional order which stipulated a parliamentary form of government. Within a year of independence a constitution was adopted and came into force from December 16, 1972.

Establishment of a parliamentary democracy with a President as constitutional head of the state was the keynote of the constitution. The constitution provided for a unitary form of government in a parliamentary democracy. The executive powers of the republic were to be exercised by the Prime Minister. The Parliament to be known as 'Jatiya Sangsad' was declared

19. Shamsul Huda Harun, op.cit, p. 239.
sovereign. There was to be a cabinet collectively responsible to parliament. All executive actions of the government were to be taken in the name of the President. Under the constitution the Judiciary was separated from the executive and safeguards had been built to prevent the recurrence of previous political disruption like floor crossing. It also guaranteed fundamental rights including equality before law. The emergency powers of the President were to be limited. After the enactment of the constitution, the Awami League (AL) government of Shekh Mujibur Rahman had the first general elections on March 7, 1973. The AL won in 292 out of 300 seats in the parliament.

The hope generated by the 1972 constitution and the 1973 general elections for the properly democratic functioning of the government was, however, soon shattered. People found with their great astonishment how rapidly all constitutional and political powers were concentrated in the hands of one man, Shekh Mujibur Rahman. Eventually the party also became more powerful than the government and the legislature because Shekh Mujib identified himself more strongly with the party. Mujib was the head of government (as the Prime minister), leader of the legislature (as the leader of the parliamentary party) and head of the party (as President of the Awami League). He combined in his person all the sources of authority. Moreover, Mujib governed more by his charisma than through institutions. Results of all these were that "three years of parliamentary rule in Bangladesh was essentially a personal rule by Sheikh Mujib." 21

The essence of parliamentary system is accountability and constructive and active role of the opposition in the parliament helps ensure accountability of the government. But during 1972-75, the opposition was virtually non-existent in the Parliament. As mentioned earlier, the AL secured 292 out of 300 seats of the parliament. Besides, AL secured 15 women seats in Parliament who were elected by the members returned to Parliament in the general elections. The 1973 Parliament was thus characterized by a kind of single dominant party system. Even the negligible opposition was often subject to various kinds of suppression. "The single dominant party system and the constitutional provisions of party discipline reduced the actual power of the legislature and it became more or less a rubber stamp of the wishes of the ruling party. In the last three years the parliament neither worked as a check on government nor did it mirror public opinion." 22

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22. Ibid.
Socio-economic profile of the members of Parliament of 1973 shows that 33% of MPs did not have any legislative experience at all. Only 10% of MPs had experience of two assemblies including the Constituent Assembly, of 1972. 57% of MPs had experience in the Constituent Assembly (CA) only. But the CA was very shortlived (only for few months), thus membership in CA did not help the Members of Constituent Assembly (MCA) much to acquire debating and other parliamentary skills. The Parliamentarians often showed an intolerant attitude toward political opposition. "They often used derogatory terms, such as touts, miscreants, or anti-social elements, to describe the opposition."

Parliament met only for 118 days during its two and half years life from March 1972 to August 1975. During this period it enacted about 140 legislations. But 85 of the legislations (60% of the total) had been promulgated as ordinances by the President and placed before Parliament for re-enacting as laws. The way in which two most important bills—the Second Constitution Amendment Bill 1973 and Forth Constitution Amendment Bill 1975 were passed by Parliament clearly showed that Parliament did not have any autonomy in the discharge of its functions.

The Second Constitution Amendment Bill 1973 sought to empower the President to issue a proclamation of emergency when the fundamental rights provided in the constitution would remain suspended. The amendment marked the formal beginning of the erosion of parliamentary values and practices in post-independence Bangladesh. It also contained a provision extending the intervening period between the two sessions of Parliament from 60 days to 120 days. By reducing the frequency of the sessions the provision curtailed whatever influence the Parliament had on the executive. Ironically the Bill was passed without any opposition within two days of its introduction in the House.

In the same manner, the Parliament passed, without any serious discussion, a large number of Laws providing, inter alia, for preventive detention, suspension of the activities of unions and political parties, and setting up special tribunals for speedy trials and arrest or search without any warrant or cause, with no appeal against these actions. Prior to January 1975 the Judges of the Supreme Court had defied the government by releasing

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24 Rounaq Jahan, *op. cit.*
political prisoners held under various special powers acts. The court had been particularly critical of the activities of the Jatiyo Rakkhi Bahini (JRB). In one case a Supreme Court Judgment stated that "the Jatiyo Rakkhi Bahini is functioning without any rules of procedure or code of conduct". The court held further that "it is extremely doubtful that the functioning of the jatiyo Rakkhi Bahini has the necessary legal foundations".

The Forth Amendment of the constitution which caused further damage to the democratic principles and aspirations of the nation and had far reaching implications for the entire political system, was passed without any debate or discussion in the parliament unprecedented in the history of law making. It introduced a one party presidential system of government. The President became the chief executive having supremacy over all organs of the government. It soon became compulsory for a member of parliament to join the "national party". Through a special provision in the constitution Sheikh Mujibur Rahman was exempted from the normal procedure of election so that he could assume the office of the President immediately after the changes had been made. The amendment took away the sovereignty of the Parliament. Now the President could withhold assent to any bill. The powers, functions and status of the Judiciary was greatly curtailed. A judge of the Supreme Court could now be removed by the President who could appoint an additional judge of the Supreme Court without any consultation with Chief Justice. The Amendment also took away the power of the Supreme Court over the subordinate courts. The power of the Supreme Court to enforce fundamental rights under Article 44 and Article 120 of the original constitution was given to a Constitutional Court while the High Court's power of enforcing fundamental rights was withdrawn by the Fourth Amendment. Moreover, the enactment of the Special Powers Act, Press and Publication Act, etc., were clear signs of undermining the Judiciary and arbitrary use of power by the government.

There was strict press censorship and the newspapers were brought under government control and management. The number of newspapers had also been reduced to four national dailies - two in English and two in Bengali.

The Amendment provided for the creation, by the President, of a National Party and the dissolution of all political parties. Accordingly, a national party known as Bangladesh Krishak Sramik Awami League (BAKSAL) was constituted on June 6, 1975. It was immediately compulsory.

for a member of the Parliament to join the party. Only the National Party could nominate a candidate for Presidency and membership of Parliament. The government system introduced by the Fourth Amendment of the constitution essentially introduced a one party authoritarian regime and transferred all powers of the government to the chief executive. It destroyed all democratic values and institutions for which the nation had fought for and achieved. The transition passed off quietly, because no organization had the will and ability to protest. Furthermore, the main opposition political parties were already almost non-operational for about a year.

In explaining the rationale behind the repudiation of the parliamentary system and the introduction of the new system, Sheikh Mujib singled out the pressures from the forces outside the system i.e., the underground communist parties. He contended that the rising incidence of political violence had created a milieu of terror where it was difficult to practice constitutional politics. His own party members were demanding his permission to use violent means against the opposition. Parliamentary democracy was degenerating into a free style, free-for-all democracy and he had to put a stop to it.27 Mujib was so taken away by the abiding circumstances that he did not hesitate to blame the parliamentary system itself for the failures of his government and wanted to justify the change under the garb of a revolution. He was quoted as saying that, "the system we find today is the British colonial system....that is the system of the colonialists....to exploit the country.....I want to smash the old moth-eaten administrative system. I want to smash the moth-eaten legal system and create a new one ..... This new system of mine is the revolution".28

It may be added further that while Mujib referred to the pressure from outside, he did not mention the pressures from within the system. Sheikh Fazlul Huq Moni and his group who advocated the second revolution had been putting pressure in a planned way for about a year. It is worth noting that "the pressure of Moni's group worked in two ways in undermining the parliamentary system. First, by advocating Mujib's personal rule, and by threatening to launch a Suddhi Avijan (Purification Campaign) the group undermined the due process of the law. Second after making the system ineffective and weak through internal criticism and violation of democratic principles, the group advocated the establishment of a stronger system."29

27 Rounaq Jahan, op. cit.
28 Ibid.
29 Ibid.
An eminent scholar has pointed out that while pressures from outside, i.e., the underground communists, were a genuine threat to the parliamentary system, it was internal pressures which proved to be decisive in the erosion of regime's support from the parliamentary model. Internal criticism created a division within the ranks of the nationalist elite and generated a crisis in confidence. Another reputed political scientist has mentioned that "the pressure of the radical opposition, constant prodding by Sheikh Fazlul Huq Moni, (Sheikh Moni), Mansoor Ali and other pro-Moscow leaders, and Mujib's own proclivity for total power and his desire to subordinate the administrators to his party cadres, all propelled Mujib into the decision to introduce a one-party system".

IV. PARLIAMENTARY DEMOCRACY IN PRACTICE: PROSPECTS

Following observations emerge from the above review. These will be pertinent in any consideration of the future prospect of parliamentary democracy in Bangladesh.

a) Primacy of institutions
In the past, charisma of leaders received undue priority over institutions in the course of parliamentary practice. The result was that the values and institutions on which the system functions and sustains have not flourished. The parliamentary system, as already indicated is institution-based as distinct from autocracy. The parliamentary leaders, charismatic or not, need to be aware of the fact that the tendency to take advantage of their popularity at the expense of institutional norms turns out to be suicidal to the parliamentary system. Furthermore, although there is little scope of creating individual absolutism formally in a parliamentary system, informal avenues of concentration and abuse of power on the part of the executive remain open. This happened in the past, much would depend in the future on whether or not such trends would be prevented.

b) Commitment of the leaders
The choice in favour of parliamentary system on the part of the political leaders was prompted more by abiding circumstances, or at best in

30. Ibid.
31 Talukdur Maniruzzaman, Group Interests and Political Changes: Studies of Pakistan and Bangladesh, New Delhi, South Asia Publishers, 1982.
response to popular demand, rather than their genuine commitment to the values and institutions of the system. This was reflected in the recurrent trends towards authoritarianism on the part of the leaders. Parliamentary form has agreeably enough, returned with a national consensus. It remains to be seen, however, how much of the commitment of the political parties particularly the two major ones, the ruling BNP and the largest opposition AL was for tactical reasons and how much by way of conviction for an accountable government. And this may be crucial in the emerging political landscape of the country.

c) Healthy growth of party-system

In the past chronic underdevelopment of the party system has contributed to the erosion of parliamentary values and absence of accountability of the government. The nationalist leaders followed the footsteps of their colonial predecessors in undermining the importance of promoting healthy growth of political parties. The growth of political parties was particularly affected also by the recurrence of military rule and imposition of restriction on their activities. Success of parliamentary system, more specifically, accountability of the government depends to large extent on the healthy growth of the opposition and their constructive and vigilant role in the parliament.

d) Role and behaviour of the parliamentarians

Parliamentary system demands expediency, patience, tolerance and mutual accommodation on the part of the members of the legislative body. It is extremely important to preserve the values and norms of parliamentary practice. Constructive debates and argumentation are invariable aspects of decision-making process in the legislative body. These attributes have, however, not developed properly in Bangladesh and in the past these were often undermined for the sake of parochial interests. Inexperiences of the greater part of the members of parliament added to the problems. The composition of the present parliament is rich in terms of the presence of a considerable number of experienced parliamentarians both in the treasury and opposition benches. A large number of the members are, however, fresh entrants to the House. The success of the parliament would depend to a great extent on whether or not a pattern of decent parliamentary practice would evolve in the foreseeable future. Furthermore, members of the legislative

32. For details, see, Emajuddin Ahamed, "National Community and Political Institutions: A Research Note", in M. Abdul Hafiz and A. Rob Khan (eds), Nation Building in Bangladesh: Retrospect and Prospects, BISS, 1986.
body should be more concerned about the welfare of the common people than their own "privileges and benefits". There should also be appropriate recognition of all shades of constitutionally organized public opinions so that it can function as the truly representative body. Ways and means should be explored to ensure direct accountability of the MPs to the electorate of the respective constituencies in a Recall method.

e) Free press and media and independent judiciary

The importance of the free press and media and independent judiciary in a parliamentary system can hardly be over-emphasized. The system cannot work properly with any arbitrary limitations imposed on the functioning of these institutions. Experience has shown that any attack on the freedom of these has turned into the crippling of the parliamentary system as such. Ever since the fall of autocracy, the press and media have enjoyed considerable degree of freedom although the full autonomy of the electronic media has yet to be introduced as promised during the anti-autocracy movement. The independence of the judiciary has not yet been restored fully and immediate action needs to be taken in the parliament to do so.

f) Role of civil-military bureaucracy

The role of civil-military bureaucracy in a democratic political system is well-determined. And although it is not supposed to be a direct organic component of the parliamentary system, in the past it has been instrumental in damaging the parliamentary process. A relatively over-developed civil-military bureaucracy and their distorted role-perception contributed to the palace conspiracy and thereby impeded the continuity of the parliamentary system in this part of the world on several occasions. The bureaucracy, both civil and military, should be strictly professionalised and socialized with the democratic ethos. These institutions have agreeably enough, played some positive role in the restoration of democracy. The institutionalization of the democratic system will also depend to a large extent on a positive approach on their part towards the evolving system.

g) Upholding the national consensus

Political institutions develop and sustain when national consensus lies behind the establishment of such institutions. The unprecedented consensus

in favour of parliamentary democracy augered promising future for the system. The consensus was achieved at great cost, and the need to uphold this was sufficiently clear. Democracy presupposes the presence of divergent opinions. Such divergences should, however, remain within certain limits as to avoid political instability. The political parties of Bangladesh were able to reach a consensus on the question of returning to the parliamentary system despite their sharp differences on many other critical issues. In the immediate future, the parliamentary parties, particularly, the BNP and Awami League would involve themselves in political competition. And this would be desirable for the full flowering of democracy in Bangladesh. But such competition must remain "within carefully defined and universally accepted boundaries. Cleavages must be tempered by consensus."

To conclude, parliamentary system did never fail in Bangladesh. What happened is that it was not allowed to function properly and uninterruptedly. Like any other democratic form parliamentary system matures through trials and errors. Failures in the practice of the system do not justify imposition of an authoritarianism under any garb. Ensuring people's representation and accountability are the fundamental datum in democracy. Although the history of democracy in Bangladesh is not too glorious, people of Bangladesh never tolerated any attempt from any quarter to undermine it and to introduce autocracy under any plea. And there are sufficient evidences to suggest that they will not do so in the future. To quote A K Fazlul Huq who once told M A Jinnah, "the genius of the Bengali race revolts against autocracy .....", and it remains to be seen if our political leaders would remember this.