

Parliamentary Governance in Bangladesh: Focus on Quorum Crisis

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Abstract

In the parliamentary form of government, parliament plays two types of roles, i.e., legislative role and administrative role. Based on the constitutional provision parliament, formulates laws for the country as well as makes the administration accountable. The effectiveness of the parliament depends on the capacity of the parliament to use its instruments on these issues. The precondition of the parliamentary session is the presence and participation of the Members of the Parliament (MPs). The effectiveness of a parliamentary session primarily depends on the fulfillment of quorum in the parliamentary session. Ensuring quorum is one of the significant roles of parliamentary governance. Very often, Bangladesh's parliament suffers from a quorum crisis and makes a huge loss of time and money. The objective of this paper is to evaluate the quorum position in the Bangladesh parliament and its consequences. Article 75(2) of the Bangladesh constitution ensured the presence of a minimum number, not less than sixty MPs to be present before starting the session and during the session. A study of TIB (Transparency International Bangladesh) found that the ruling Awami League has 274 lawmakers in the parliament still, the 18th session witnessed over 152-hour quorum crisis which cost BDT 1.25 billion from the public fund.

Index terms— governance, parliament, quorum, public exchequer, financial lose.

1 Introduction

Parliament is an essential institution to ensure good governance in any country. It is one of the basic state institutions of democracy, playing key role in terms of legislation, oversight and representation of public demand. Its representational role includes ensuring that citizens and other stakeholders have a strong voice at the national level and are therefore, involved in national governance issues (Jahan, 2015). Due to the opposition boycott, the ruling party's negligence and the absenteeism of ordinary members, the standing committees of the parliaments were less effective, and parliamentary accountability of government was lacking (Rahman, 2014). The P Author: Associate Professor, Shahjalal University of Science & Technology, Sylhet, Bangladesh. e-mail: fatemapa@yahoo.com Bangladesh Parliament owes its origin to the British Parliament. After the partition of India and Pakistan in 1947, Pakistan commenced the parliamentary system of run the state. Eventually, immediately after the independence in 1971, Bangladesh introduced the same. The effectiveness of the parliament depends on the capacity of the parliament to use its instruments on these issues. The precondition of the parliamentary session is the presence and participation of the Members of the Parliament (MPs). The effectiveness of parliamentary session primarily depends on the fulfillment of quorum in the parliamentary session. Ensuring quorum is one of the significant roles of parliamentary governance. Very often Bangladesh parliament suffers from quorum crisis and makes huge lose of time and money.

2 II.

3 Objectives of the Study

The main objective of the study is to generate knowledge about state of good governance in Bangladesh Parliament. To attain this objective the study will include the following specific objectives -? To understand the parliamentary governance.

? To examine the situation of governance in Bangladesh Parliament; ? To explore the acute of quorum crisis in Bangladesh.

4 III.

5 Methodology of the Study

Qualitative and quantitative research methods have been chosen for the study and data have been taken from secondary source of data like books and book chapters, journal articles, research reports, Newspaper, activity reports, internet surveys etc. This paper specially focuses on the report of Transparency International Bangladesh on parliamentary governance. This study focuses on the 10 th parliament which was from 2014-2018. The collected data have been sort out both digitally and manually in order to make the study more revealing, investigative and beneficial for the researchers and policy makers.

6 IV.

7 Literature Review

Since early 1980s, the term governance gets popularity in the field of development coined by the World Bank. The term good governance means sound development of public sector. Good governance is a Parliamentary Governance in Bangladesh: Focus on Quorum Crisis form of governance that recognizes the core values of the society like economic, political and socio-cultural comprising human rights, and follow these values by an responsible and transparent administration.

Governance can be defined as the system of government focused on effective and accountable public institutions, democratic values and electoral system, representative and responsible construction of government, in order to establish an open and legitimate relationship between the society and the state (Halfani.et.al,1994). In general terms, Governance denotes the way by which the people are ruled, the businesses of state are administered and regulated along with a nation's system of politics and these function in relation to public administration and law (Mills and Serageldin, 1994). Governance can also be defined as "the manner in which power is exercised in the management of a country's economic and social resources for development" (World Bank: 1992).

The course of governance includes factors including transparency and accountability. On the other hand, governance content includes values like fairness and justness. The governance ought to guarantee that the general masses, particularly the deprived, have the uncomplicated desires to accomplish. Eventually, consistent elections can't be termed as good governance though it is misunderstood that regulation election only ensures good governance. Rather, if all the conditions are fulfilled it can be termed as good governance.

Bangladesh has a parliamentary system of government, known as Jatiya Sangsad, otherwise known as House of the Nation, since its birth though the military dictators ruled the country more than a decade. The constitution confers the legislature with nearly unobstructed powers over the executive. Thus, the government is fully dependent on the legislative branch of the government. The President of the republic is the constitutional head of the state and is elected by the members of parliament. (Jahan, 2012). On the basis of 1970s election, a constituent Assembly formed in March 1972 through Bangladesh Constituent Assembly Order. The prime function of this parliament was to frame constitution along with to perform daily responsibility of the government and policy formulation (Hakim, 2001). A committee was formed to frame a sovereign parliament. The committee divided the whole country into 300 constituents and they determine all the legislative authority to the parliament.

National Parliament is the apex legislative body of Bangladesh which is responsible to formulate the public policies. The current parliament of Bangladesh comprises 350 seats, including 50 seats reserved for women, who are selected on elected party position in the parliament in every five years. The members who are elected are known as the Members of Parliament or MP. The leader of the party holding the majority of seats becomes the Prime Minister and the head of the government. A total of 11 elections held in Bangladesh so far and latest one was in 2018.

8 Major Issues of Bangladesh Parliament

There are many issues related to Bangladesh Parliament. Some major are given below: The table shows that in first session of tenth parliament there were 36 working days of which 64% of the MP were present on an average. About 23.2% of the MPs were present 75% or more of the working days in the first session whereas it increases upto30 % in 14 th to 18 th session Source: (Transparency International Bangladesh, 2019)

9 a) Presence of Members of the parliament

The graph shows that most of the MPs were present 51-75% of the working days in tenth parliament. In the first session only 7% of the MPs were present less than 25% of the working days which decreased to 6% in 18 th session. The average attendance of the Members of Parliament (MP) in 14 th to 18 th sessions was 309 (88% of all) members. It is found that 30% members were present in different sessions on more than 75% workdays. However, in 9th Parliament corresponding figure was 50%. One member from the treasury bench was present on 2 days. Thirty one percent of the members of the treasury bench attended on more than 75% workdays.

10 c) Presence of Opposition party

Source: Transparency International Bangladesh, 2019) In the first session 30.8 % of the opposition MPs were present more than 75% of the working day which decreased to 28 % in the 14 th -18 th session. On the other hand, 38% members from main opposition were present between 51-75% of the working day in the first session which increased to 40% in 14 th to 18 th session.

11 Presence of Opposition Party

75% or more 51-75%

Figure 2

Figure 4

Only 18% ministers were present on more than 75% work-days in 14 th to 18 th session. Compared with that of the 9th Parliament, presence of ministers decreased. In the first session 32.7% ministers were present more than 75% work-days which drastically reduce to 18%. This is for the business of the ministers due to upcoming eleventh election in December 2018. The Leader of the Parliament was present in 78% workdays (60 days) and the Leader of the Main Opposition on 46% (35 days) work-days. This is a higher attendance by both compared to the 9th Parliament, but the attendance of the Leader of the Main Opposition is comparatively quite low.

12 e) Walkouts and Boycotts

Walkouts and boycotts are the common feature of Bangladesh parliament since its inception (Alamgir, & Mahmud, 2006). However, the situation was too much worst for the fifth, the seventh, the eighth and the ninth parliaments in a row. Walkouts and boycotts, of course, have not only ruined most of the working days of these parliaments but also witnessed a threat for the active presence of the parliament. The opposition parties extensively applied walkouts and boycotts to continue their protest and dissention in the fourth parliaments. The opposition parties did walkout from the parliament 57 times since 5 April 1991 to 1 March 1994 in the 5 th parliament. In addition, in the first thirteen sessions of the same parliament, the opposition parties made 76 walkouts and six walkouts per session in an average 75%

13 f) Quorum Crisis

Article 75(2) of Bangladesh constitution states that if at any time during which parliament the number of members present is less than sixty, the president of the parliament shall either suspend the meeting until at least sixty members are present, or postpone it. In every parliament the country lose a huge amount of money due to quorum crisis in the parliament. In the 10 th parliament the amount of lose is 125 billion. Quorum crisis happens due to delay of taking seats by certain number of members. The government party had a total of 274 members in the house, however, the 18 th session observed more than 152 hours from the crisis of quorum. As a result, the parliament had to adjourn its sessions by 30 minutes in every session for the crisis of sufficient parliamentarians, resulting a damage of around Tk 12.52 million from the government fund. The rules of procedures confirmed, at least 60 parliamentarians must be in the house for commencement of the proceedings. In the eighth parliament, the average quorum crisis in every sitting was 25 minutes, however, the subsequent parliament witnessed 32 minutes. When the parliament remains active, the amount of expenditure in every minutes is around Tk 63,686. The cost comprises the remunerations and paybacks of the parliament staffs and its utility services bills.

14 Source: (Transparency International Bangladesh, 2019)

The above graph shows that the cost of parliament due to quorum is increasing. In first session of 10 th parliament the amount was 2.184 million but in 18 th session it increased up to 4.19 million in every working day. The amount was 2.93 million in 2 nd to 6 th session whereas it goes up to 4.548 million during 7 th to 13 th session.

The prime reason behind the absent of the members of the parliament is to remain busy with their personal profession. It is observed that the professional backgrounds of the MPs are changing sharply. 30 per cent of the MPs elected in the parliament were businessperson or the owner of the industries in 1970s. The numbers of businessmen have increased in the subsequent parliament. The fifth, eighth, ninth and tenth parliaments witnessed more 50% parliamentarians are engaged with business. The percentage of MPs with a legal or professional background is sharply declining, 31 per cent to 13 per cent in the tenth parliament. The quantity of full-fledge politicians is also falling in the house from thirteen per cent in the first parliament to five per cent in the

149 tenth parliament. On the other hand, military and retired bureaucrats are gradually increasing and becoming
150 member of the house from 3% in 1970 to 10% in the tenth parliament ??Jahan,2012). The parliamentarians
151 remain busy with their business which result in quorum crisis and ultimately lose a huge amount of money from
152 public fund.

153 **15 VI.**

154 **16 Way Foreword**

155 To ensure good governance in the parliament the present of the people's representative is must. Here are some
156 recommendations to ensure the attendance of the parliamentarian in the house as follows:

157 **17 a) Enforcing Code of conduct**

158 Absences from the house or delay to be present in the sessions are the violation of rules of procedure. This issue
159 was criticizing in the literature and the media since the inception of the parliament but the government hasn't
160 showed any willingness to curb the scenario and bring back the parliamentarians in the house ??TIB, 2009).
161 However, the government still should enforce the code of conduct with highest priority to minimize the financial
162 loss and to ensure the proper utilization public money.

163 **18 b) Fetching the Opposition Parties in the Parliament**

164 Almost all the political parties have a preference to be absent from the proceedings of the house while they are
165 in the opposition. This bad culture and tradition is also common in other countries like India and Pakistan.
166 Interestingly, though the ruling party calls the opposition to come back into the house but they remain relaxed in
167 absence of them in the house. Similarly, the members of the opposition party remains absent in the parliament
168 but they don't think it as a shameful job to receive all sorts of financial and other benefits as a lawmakers. When
169 the opposition parties continues agitation and movement programs outside of the parliament and the ruling
170 political party feels safe in the house as the parliament turn into the rubber stamp body. It's a great barrier on
171 the way of parliamentary democracy. Therefore, to establish the house lively and active, proper initiatives should
172 be taken to fetch the opposition from street to the parliament. Constitutional, legal and procedural reforms
173 should also be welcomed in this regard.

174 **19 c) Ensuring Accountability of the Executive**

175 Ensuring accountability of the executive branch of the government is one of the significant functions of the
176 parliament. The country has developed different forms and tools for parliamentary enquiry of the government
177 activities. Some reform measures were made to increase the effectiveness of the parliamentary committees but
178 the committees failed to deliver the result as per expectation of the people. The government should bring some
179 changes and add some provision in the rules of procedure to ensure the accountability of the executive.

180 **20 d) Strengthening Offices related to the Parliament**

181 The leader of the house and the opposition leader of the house are the main policymakers of the govern-
182 ment/opposition and their parties. They also implement the policies with the help of executives. Their tons of
183 workload and burden of leadership positions hardly give them the opportunity to perform their roles respectively.
184 The government should strengthen the offices related to the parliament to minimize the loss from quorum crisis.

185 **21 VII.**

186 **22 Conclusion**

187 The journey of the parliament had not been very even since its inception. After the 4 th amendment to the
188 constitution which transforms the parliamentary system of the government to the presidential system, the
189 parliament got a gigantic shock indeed. After experiencing over on and a half decade of military and semi-
190 authoritarian rule, it started its painstaking journey towards democratization. It can be observed from the above
191 analysis that the parliament of Bangladesh is not a policy making rather than a bill approving body. Thus
192 the role of parliament of Bangladesh in law making is marginal and so is its role in holding the government
193 accountable. The role of parliament must be improved for ensuring good governance in a democratic country
194 like Bangladesh.

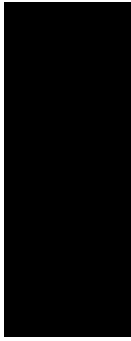


Figure 1: F



Figure 2:

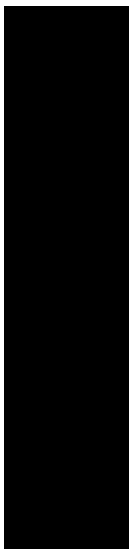


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Figure 4: Figure 3 (F

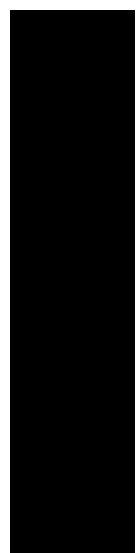


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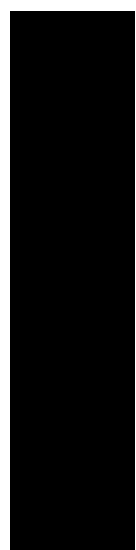


Figure 6:

1

Parliament	Date of Election	Voters (million)	AL	BNP	JP	JI
First	7 March 1973	35.21	293	N/A	N/A	N/A
Second	18 Feb. 1979	38.36	39	207	N/A	6
Third	7 May 1986	47.31	76	N/A	153	10
Fourth	3 March 1988	49.86	N/A	N/A	250	N/A
Fifth	27 Feb. 1991	62.18	88	140	35	18
Sixth	15 Feb. 1996	56.12	N/A	250	N/A	N/A
Seventh	12 June 1996	56.72	146	116	32	3
Eighth	1 Oct. 2001	75.00	62	193	14	17
Ninth	29 Dec. 2008	81.13	230	30	27	2
Tenth	5 January 2014	43.94	231	N/A	33	N/A

[Note: Source: www.parliament.gov.bd/general-4.html Knowledge Gap: The timely attendance of the members of the parliament is an important indicator of good governance in the parliament. Most of the researchers have studied the state of governance from different angles especially from public policy making perspective. However, the quorum perspective was not studied properly. That's why this paper has tried to explore the extent of quorum crisis and the cost of it in Bangladesh.]

Figure 7: Table 1 :

2

Sessions	Working Days	Average presence (per working days)				
1st	36	224 (64%)	23.2%	39.4%	30.4%	7%
2 nd -6 th	112	239(68%)	42%	39%	16%	3%
7 th -13 th	103	233(67%)	39%	36%	20%	5%
14 th -18 th	76	309(88%)	30%	43%	21%	6%

Source: (Transparency International Bangladesh, 2019)

Figure 8: Table 2

3

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	—	—
Seventh	383	163	42.55
Eighth	373	223	59.78
Ninth	337	283	83.97
Tenth	327	0	0
Total	2075	904	43.56

[Note: Source: (Transparency International Bangladesh, 2019) and EC, Dhaka.]

Figure 9: Table 3

4

Session	Time wastage	Total Cost	Cost per working day (BDT)
1 st	17 hours 7 minutes	80.1 million	2.184 million
2 nd -6 th	48 hours 41 minutes	326.236 million	2.93 million
7 th -13 th	48 hours 26 minutes	472.033 million	4.548 million
14 th -18 th	38 hours 3 minutes	373.695 million	4.910 million

Source: (Transparency International Bangladesh, 2019)

Figure 10: Table 4

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