

## Jatiya Sangsad: The Parliament of Bangladesh

*By Nizam Ahmed*



The [Jatiya Sangsad](#), as the Parliament is called in Bangladesh, predates the independence of the country in 1971. Its precursor, the Legislative Council of Bengal, was established during the British colonial rule in 1861 when only a few countries outside Europe and North America could claim to have established such an institution. But the Parliament did not have any steady growth until recently. Several structural, procedural and political constraints made the Parliament seriously disadvantaged vis-à-vis other sources of power, particularly the government, during the colonial days and nearly a quarter century of Pakistani neo-colonial rule (1947-71).

Since independence, Bangladesh has experimented with different types of government – multiparty parliamentary system patterned after the Westminster model (1971-74), one-party presidential system (1975), and multi-party presidential system (1978-82; 1986-1990). For eight years between 1975 and 1990, the country remained under absolute military rule. In September 1991 the multi-party parliamentary system was restored. Since then, Bangladesh has officially remained a parliamentary democracy. Ten parliaments have been elected over the last four decades (1973-2014), although only a few have been able to complete their five-year tenure. Among the Parliaments, those elected since the early 1990s have survived longer; the

only exception was the sixth Parliament (1996) which met for only four days. The 'recent' parliaments, which have enjoyed greater legitimacy than their predecessors, have also undertaken several measures to modernize procedures to improve their capacity to affect the policy outcome as well as to make the government behave.

Bangladesh has a 350-member unicameral Parliament. Of the total members, 300 are elected directly; the rest (50) are reserved for women. Those elected on popular votes elect the women members. The [Constitution](#) originally provided for reserving 5.0% of total seats for women; the percentage was increased to 10.0 in 1979, 15.0 in 2005 and 16.7 in 2011. At present, seats reserved for women are distributed among different parliamentary parties in proportion to their strength in the House. Previously, those winning a plurality of seats in an election were automatically assured of the 'reserved women seats'. The proportional system of representation for women, introduced in 2005, can thus be seen as an improvement over the previous 'winner-takes-all' system. The Constitution, however, does not impose any restriction on women to contest from general seats. In fact, the number of women elected on popular votes has also increased over the years – from 4 in 1991 to 19 in 2008.

The Constitution provides for a five-year term for Parliament. The duration, however, may be extended by an Act of parliament by not more than one year at a time when the Republic is engaged in a war. Formally, the Parliament enjoys an important status. The Constitution guarantees freedom of speech in the Parliament. The validity of the proceedings in Parliament cannot be questioned in any court. Members of Parliament enjoy immunity from proceedings in any court in respect of anything said or any vote given in Parliament or any committee. As in other parliamentary systems, an outgoing government in Bangladesh now acts as the caretaker administration during the election period. However, for about one and half decades, a non-party caretaker government exercised state power between the dissolution of Parliament and the election of a new Prime Minister. This system [was abolished in 2011](#) following a court verdict declaring it unconstitutional. However, unlike other countries, elections to a new Parliament can be held three months before the dissolution of the existing one by reason of the expiration of its term. In that case, the newly elected members have to wait to assume office until the tenure of the previous Parliament is expired.

Bangladesh has traditionally followed the "first-past-the-post" method of elections. The average size of each electoral district is about 180 square miles; it has a population of about 520,000, of which half are eligible to vote. There are generally no significant deviations from the average of registered voters in the single-member constituencies. Franchise is granted to all those who are 18 years of age and above, but those contesting parliamentary elections have to be at least 25. Candidates winning the largest single number of votes are declared elected. No absolute majority is necessary. This simple plurality system has remained in force for a long time. There are no threshold requirements in Bangladesh for parties to have representation in the Parliament. The [electoral law](#), however, specifies that if a candidate fails to win at least one-eighth of the total votes cast in a constituency, (s) he will lose his/her deposit.

As in other cases, the Bangladesh Parliament performs a number of functions of which three are very important: legislation, oversight and representation. [Article 65 \(1\) of the Constitution](#) provides: “There shall be a Parliament for Bangladesh in which subject to the provisions of this Constitution shall be vested the legislative powers of the Republic”. The Parliament, however, can delegate to any person or authority power to make orders, rules, regulations, by-laws and other instruments having legislative effect. Legislation mostly originates in government. Of the 1152 bills enacted between 1973 and 2012, only 7 were private members’ bills; the rest, government bills. Traditionally, bills did not undergo any committee-level scrutiny; these were passed in haste. But there exists better scope for parliamentary scrutiny of government legislation now. Most of the bills introduced in the House are now referred to [department-related committees](#) after the first reading. Available evidence shows that committees-scrutiny of bills very often helps improve, if not perfect, legislation. What is particularly important to note is that the ministers and government officials who did not have a positive attitude to parliamentary scrutiny of bills in the past now readily agree to amendments made by committees. The Parliament also mostly accepts amendments moved by committees.

Parliamentary committees are also emerging as an important site of administrative oversight. The [Rules of Procedure](#) allow some committees including the departmental ones to inquire into the irregularities and lapses of different departments. Many committees set up by recent Parliaments have used this ‘deterrent’ power more or less as a routine matter. A committee can regulate its sittings and decide the way it wants to conduct its business. It can obtain cooperation and advice from any expert in its field, if necessary. A committee may appoint subcommittees to consider issues/matters referred to it; each subcommittee has the power of the main committee. The Constitution even authorizes the Parliament to confer on committees power for enforcing the attendance of witness, examining them on oath and for compelling the production of documents.

The Rules of Procedure also provide for several other techniques that MPs can utilise to make the government accountable as well as to raise and popularise issues that concern their constituencies. These include: [questions](#), adjournment motions, motions for half-an-hour discussion, motions for discussion on matters of urgent public importance for short duration and call-attention motions. Those wishing to move these motions have to follow some rules. Available evidence shows that the scope of parliamentary assertiveness has increased over the years. MPs use different devices more frequently and perhaps, more effectively than before. The lawmakers, however, have a natural tendency to utilise different techniques more to promote constituency issues than to require the government to account for its activities. Only 4.3% of the oral questions and 12.4% of supplementary questions asked of ministers in the successive parliaments actually focused on accountability. On the other hand, nearly 40% of the questions asked were intended to promote the interests of constituents. Like questions, other techniques also are intended more to satisfy constituency needs than to promote accountability. Nearly half of the motions other than questions moved in the eighth and ninth parliaments sought policy benefits for the locality and/or for specific groups.

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Overall, Members elected to recent Parliaments have played a more proactive role than their predecessors in almost every respect – scrutinising legislation, exercising oversight and promoting constituency issues. The main problem is that the number of professional politicians entering the Parliament has decreased over the years; instead part-timers having background mostly in business now dominate the Parliament. This change in social composition of the Parliament and the dominant tendency of the two successive ruling parties to define politics in a zero-sum manner are likely to affect the process of institutionalisation of Parliament in the long run. The deviant strategy adopted by the main opposition in successive Parliaments – boycotting proceedings – to exert pressure on the government is likely to compound the problem. Until the government and the main opposition, which have strong support among the electorate, agree on the ‘basic rules of the game’, Parliament is unlikely to provide the bedrock of democratic governance and accountability.

## References

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