

THE WORKING
OF THE
BANGLADESH JATIYA SANGSAD
1973 - 1975

M.Phil

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HUMAIRA ISLAM

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This is to Certify that
Mrs. Humaira Islam has completed
her dissertation under my supervision.
This dissertation is submitted in partial
fulfilment to the requirements of her
M. Phil Programme.

Ramshankar Ghosh
Associate Professor
Department of Political Science
Jalpa University

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T H E S I S

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HUMAIRA ISLAM
DEPARTMENT OF POLITICAL SCIENCE
DACCA UNIVERSITY



Dated:

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The establishment of the parliamentary system of government has always been a very popular issue with the Bengalees. Therefore, the study of such an institution, which was established in 1973 after the emergence of Bangladesh and was suddenly dissolved, promised to be an interesting as well as a challenging subject.

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INTRODUCTION

I. THE PROBLEM OF STUDY

- a.(i) The Westminster system has been operating in Britain for many years. It has evolved over a period of years and has overcome a number of obstacles and vicissitudes. But, with every hurdle that was crossed with success the British Parliament has emerged as a stronger and a more viable institution. The stability of the British parliamentary system has also resulted in consistency in the pattern of orientation and behaviour of its members. Under a given situation the institution is expected to behave in a certain manner. As a consequence it is easier to make predictions about the British parliamentary institution. This is also true to a certain extent, about the Indian Parliament.

In Bangladesh however, the parliamentary institution had been working with jerks and breaks. This is due to two reasons viz., division of political boundaries and the inability of the political actors (the term is used to mean persons participating in the exercise of political authority), to make parliamentary democracy successful.

The genesis of the parliamentary institution which was established in 1973, was laid down in British India in the early twentieth century. But before much experience could be gained from it, India was partitioned. Parliamentary democracy was also adopted by Pakistan but there it met with a sad fate giving rise only to confusion and instability. The political actors proved totally inadequate to the task of working the institution with success as they also failed to set it on a sound footing. The former Pakistan broke up and the new state of Bangladesh came into existence in 1971. Bangladesh too adopted parliamentary democracy as its system of government.

With such a chequered existence, the study of parliament^{-any} institution in Bangladesh became problematic because although the institution was new in the context of Bangladesh, the people were acquainted with the system from a long time. Thus it became difficult to take for granted any behaviour and concept on the basis of the earlier institutions and therefore, additional study became necessary. Books and documents on the earlier parliaments had to be read and compared time and again with the present institution before opinion could be formed.

- a.(ii) The political leaders whom we have interviewed were not always co-operative. Suspecting that they might be quoted many of these leaders gave guarded answers inspite of being given repeated assurances of secrecy.
- a.(iii) Another problem was language. The proceedings of the Jatiya Sangsad were in Bengali and as such the hansard were also published in Bengali. I had to face problems at times, particularly in translating the contents from Bengali to English. It was felt very often that much of the essence, sentiments and vigour of the speech could not be portrayed in the manner in which some of the speeches were made. However, I have tried my best to depict the correct meanings of the speeches and debates.

I.b. THE OBJECTIVE OF STUDY

This dissertation has been an attempt to study the workings of the Jatiya Sangsad in its 22 months working period. The object of the research is to show that notwithstanding a series of obstacles of great magnitude the Bengali nation (the term is used to mean the people of Bangladesh) had tried to make parliamentary democracy work^{able} in Bangladesh and within limits, they were successful. An institution is established in order to perform certain functions. The Jatiya Sangsad in its 22 months working period had been successful to a large extent in performing those functions. It has also imbibed a considerable experience and training to those, whose conviction of parliamentary democracy as one of the best forms of government, has been of long standing.

1.c. JUSTIFICATION OF THE STUDY

The Bengali nation has proved its faith in parliamentary democracy ever since they learnt from the British the merits of this institution. Whenever any system other than the parliamentary institution was imposed upon them, they had repeatedly discarded those systems in favour of parliamentary government. The first real taste of self government and the experience and training gained from the Jatiya Sangsad which is under study, was bound to enhance the desire of the people who for ages have longed for self-government. The abrupt termination of the parliamentary institution did not mean rejections of the system, rather it has enhanced the scope that at the first opportunity the system is likely to be revived again.

2. METHODOLOGY

2.a. STRUCTURAL - FUNCTIONAL APPROACH

For any institutional structure there is a set of functional requisites i.e. operational conditions that must be satisfied if the institution is to continue to exist.

I have taken the structure i.e. members and their interrelated roles as independent variables and I have taken functions as dependent variables ~~that~~ affected the independent variables. Lack of thorough and minute deliberations, negligence of Committee meetings and lack of total commitment to the institution were some of the major functional deviations which adversely affected the Jatiya Sangsad.

2.b. BEHAVIORAL APPROACH

I have emphasized the behavioural approach in my study of the Jatiya Sangsad rather than the legal-formal approach in order to determine why the institution has not functioned in the same manner as its model i.e. the British Parliament. Taking the behaviour and the attitude of the parliamentarians as the principal determinants I have used the behavioural approach to determine how these factors have affected the working of the Jatiya Sangsad.

2.c. HISTORICAL APPROACH

I have used the historical approach in our findings regarding the growth and development of the parliamentary institutions in Bangladesh. In using this methodology I had to depend mainly on books and documents regarding the earlier institutions. Moreover, I was not confined to the methods mentioned earlier but took recourse to the descriptive method also. While doing so I did it in an analytical form.

2.d. INTERVIEWS

I interviewed a cross section of people among whom were leaders of different political parties, businessmen, civil servants, people belonging to middle class professions such as doctors, professors, lawyers and so on. The interviews were conducted with the aim to measure people's conviction in parliamentary democracy as one of the best forms of government, their confidence in the Awami League as a competent majority party and their opinion about an alternative political party to the party in power.

L E G A C Y

When Bangladesh became independent in 1971, her political leaders consciously chose parliamentary form of government. The leaders chose this form of government because of their ideological conviction, no doubt, but the choice was also influenced by the political history of this sub-continent.

The British had ruled over India for about two hundred years. During their stay they had introduced, for the conveniences of administration, various measures and reforms. One such measure was imparting to the Indians education in English. As a consequence one class of Indians who had received their education on western lines had come to respect the principles of democracy, and it was they who began to control Indian political movements with a view to establish parliamentary democracy in India.

Under increasing pressure by the Indian political leader for self-rule, the British government began to introduce democracy in gradual steps. A series of constitutional reforms were enacted. The reform Acts of 1861 and 1892 were passed with a view to induct Indians in the administrative machinery but as yet, it had nothing to do with self-government. By these acts membership of the Legislative Councils were increased, a substantial number of whom were Indians.

In Bengal, the first Legislative Assembly was established in 1866. Initially it consisted of 13 members but by 1909, the membership of the Assembly rose to 53, 26 of whom were elected.

As these measures in no way could satisfy the Indian demand for self-rule, the British government made further concessions. The first conscious step towards establishing self-government was conceded under the Act of 1919. Under this Act, political power was bifurcated into transferred and reserved halves. Administration of the transferred subjects were given in charge of ministers who were responsible to the legislature. The ministers were to resign on an adverse vote in the provincial Legislatures.

This Act sought to provide opportunities for the development of tradition and train the Indians in the art of parliamentary government based on the British model. Dyarchy¹ as the system was called, was introduced in nine provinces and worked for a period of sixteen years from 1920 - 1936.

The system was introduced amidst great political turmoil because it was at this period that Gandhi had launched his massive non-co-operation movement. As such, the co-operation of most of the political minded Indians in working out the reforms successfully, was lacking. The inevitable consequence of this lack of co-operation by the principal political parties and groups was that the growth of parliamentary parties inside the Legislature could not develop on a sound basis. Furthermore, the absence of a stable political party in the Legislature made the ministers depend on the votes of the official bloc for their survival. The ministers in their anxiety to stay in power had always to please the official bloc rather than depend on the help and co-operation of the elected party members inside the Legislature. As a consequence, the ministers were identified with the government. Thus the fundamental concept of the system of dyarchy, which was complete responsibility of a minister in certain defined field, had become "almost hopelessly obscured"². No minister could function independently of the government bloc and thus the ideal of real transfer of power of a few subjects to popular control, became meaningless.

Discontented with any tangible results from dyarchy the Indian political elites demanded a further set of reforms, the result of which was the Act of 1935. This Act was the "natural evolution and extension"³ of the reforms of 1919, under which complete provincial autonomy was conceded.

1. The System introduced partial responsible Government in the provinces.
For details:

See, G.W. Chowdhury, Democracy in Pakistan, (Dacca, Green Book House 1963.).

2. Ibid p. 17

3. Joint Select Committee on Indian Constitutional Reforms (1933-1934),
Volume I, Part I Report, H.L. 6/H.C.5 p - 9

The provincial elections were held in 1937. The Congress Party formed government in seven provinces and ruled for over two years. Morris Jones lays great importance on these two years experience by Congress leaders because "it gave experience precisely where it was needed; the men who began to learn governmental and parliamentary politics during 1937-1939 were to a great extent the men who took over total responsibility in 1947".⁴

The next concession that was conceded by the British government led to the partition of India and the creation of the new state of Pakistan. The political leaders of Pakistan chose to establish parliamentary democracy, but the system was faced with severe challenges in the new nation. The leaders had little practical "experience and training"⁵ in parliamentary politics. Politics in Pakistan was characterized by clash of personalities with real power vested in the office of the Governor General. The long tradition of strong executive first under the oriental rulers and then under the vice regal system of the British period had made a great impact on the political process of the country. The result was that while in theory, Pakistan had a parliamentary system, in practice it had a system characterized by a strong executive. There was a constant conflict between the bureaucratic and the political element of the government machinery. In the absence of strong well organised political parties the "bureaucratic elements had often dominated and reduced the democratic element of the government into a mere formality"⁶. In fact, from 1951 to 1954, political power in Pakistan was controlled by a few persons. Decisions of major consequences were taken by three persons, Ghulam Mohammad, Chowdhury Mohammed Ali and Iskander Mirza - all drawn from the Civil Service. This group with the support of some senior Army Officers and some senior Civil Servants "virtually ruled the country" till 1955.⁷

4. W.H. Morris Jones, Parliament in India, (London, Longmans, Green & Co. 1957,) p - 49

5. While dyarchy was in operation, in Bengal, there were generally two muslim ministers and in the Punjab, there was only one muslim minister, during the tenure of each council. The number of elected members in each council was 39 in Bengal and 29 in Punjab. See Talukdar Maniruzzaman. The Politics of Development: The Case of Pakistan (1947-1958) (Dacca Green Book House p -30 1971)

6. G.W. Chowdhury, Op. cit., p - XIV

7. See, Talukdar Maniruzzaman, Op. cit. p - 75

It was at this period that Pakistan after nine years attempt had finally succeeded in framing a Constitution, the cornerstone of which was parliamentary form of government. The system, however, was short lived and only two years later in 1958, the Constitution was abrogated and parliamentary government was replaced by a presidential one, the chief characteristic of which was a strong executive.

Referring to the defects of the parliamentary system in Pakistan which had operated from 1956 - 1958, the Constitution Commission⁸ was of the opinion that the system had proved a failure because of among other factors, lack of proper election, lack of leadership resulting in well organised and disciplined political parties and the lack of character of the politicians.

But, whatever the reasons for the failure in working the system, it must be noted that a considerable attempt was made in the art of parliamentary practice and training. Inside the National Assembly, as the parliament was called, grievances were ventilated, questions were asked, notices of adjournment motions were submitted and laws were enacted.

The findings of the Constitution Commission was challenged by the politicians. They contended that the parliamentary system had not been given a fair trial, and they held government responsible for obstructing the smooth functioning of parliamentary democracy in Pakistan. The reaction of the then East Pakistani political leaders was also very strong. They held that parliamentary democracy was the "only true road to progress and revolution"⁹. They also alleged that "a powerful clique in the bureaucracy did not want democracy to function in Pakistan"¹⁰.

The conviction of the Bengali political leaders that parliamentary democracy is the best form of government influenced their choice of government when Bangladesh became independent in 1971. Hence a single House legislature was established in 1973 which came to be known as the Jatiya Sangsad.

8. Reports of the Pakistan Constitution Commission, 1961

9. H.S. Suhrawardy, Dawn, September 13, 1956

10. Ataur Rahman Khan, See G.W. Chowdhury, Op. cit., p - 139

The long history of the attempt, at consciously working the parliamentary institution, which had begun in 1919, carried certain legacies which the new institution of Bangladesh inherited.

First, the long tradition of strong executive under the oriental rulers, then under the vice regal system of British period and finally, the extensive powers exercised by the Governor General and the President, in Pakistan had set forth a tendency of centralization of power in the Executive.

When parliamentary institutions were established, the power of the executive vis-a-vis the legislature was always stronger. Whatever concession the British had made towards the development of parliamentary institution, they had, at the same time retained final authority with the executive, in the form of safeguards and special responsibilities. By exercising these special powers the executive could always override legislative decisions of the parliaments. In the Pakistan period, ^{parliaments} were weakened by the existence of powerful and ambitious Governor Generals and Presidents.

Secondly, a second inheritance from the past, was the lack of well organised, broad based institutionalised opposition parties. However, one party which had played an effective role in the opposition during the Pakistan period was the Awami League but it was mainly a regional party which advocated the demands of the eastern wing of Pakistan.

The ruling political elites, both in the British period and later on, in Pakistan did not have any power base in the region and as such, were extremely sensitive to criticism and dissent. As political stability was equated with regime stability, the ruling elite branded criticism of the government as unpatriotic and condemned dissent as treason. Parties that were opposed to the government, were openly branded as miscreants and traitors and stringent measures were adopted at times to curtail their civil rights. This negative attitude towards the opposition, discouraged the development of strong and vigilant political parties in opposition either during the British period or in Pakistan.

It, however, must also be mentioned that the political parties in opposition seldom behaved responsibly. Most of the parties were based on personality cult rather than on the basis of any national issue and their main aim was usually the attainment of political power. It was a common practice for the opposition parties to indulge in irresponsible utterances, street demonstrations and unconstructive criticisms with the sole motive of discrediting the Government. Except for the Awami League, which sat in opposition to the Muslim League - United Front coalition Government in 1955 for a short period, no other political party was strong or well organised to put a challenge to the ruling party, either by way of showing mass support or by offering an alternative Government. The opposition parties could neither function as an effective institution nor could they build up an image for this national institution.

Finally, an important requisite of parliamentary democracy, which is vigilant and articulate public opinion, had not fully developed when Bangladesh began her career in parliamentary politics. An overwhelming majority of the people of Bangladesh live in the rural areas, a large number of whom can neither read nor write. These people are made aware of political issues by mouth to mouth communications and as such, they are bound to be influenced by the opinion of the communicator. To a great extent, democracy has suffered in this country because of the lack of political consciousness among the common peasants, whose *concern* is not so much with national issues, as with the problems of how to earn enough so that they may live, at least on subsistence level.

To conclude, all these boil down to the fact that when the political elites of Bangladesh chose parliamentary system of Government, they were putting into test a belief of which they had long been convinced, viz.; the belief that parliamentary system was the best mechanism for solving national problems. But in the application of this conviction, orientations and attitudes that were inherited from the earlier regimes, surfaced and stood on the way of the smooth working of the institution. Political authority gradually became subjected to executive control. The ruling elite began to use such authority for preserving the stability of their regime. They also began to show sensitiveness towards criticism and dissent against the Government and even enacted laws to check them. The opposition too, fell a prey to the past. They failed to earn respect for opposition as an institution as their behavior did not depict any sign of maturity and responsibility. They continued to indulge in irresponsible criticism and distorted truths solely with the intention of embarrassing the Government, as their predecessors had done before them. These factors contributed to the problems which the parliamentary institution was already facing in Bangladesh.

SCOPE AND COMPOSITION OF THE JATIYA SANGSADSCOPE

Article 65 of the Constitution of Bangladesh provided for a Parliament, known as the JATIYA SANGSAD: The Sangsad was vested with the supreme power to make the laws of the Republic. It was also provided with the power to modify or repeal any law. Furthermore, Article 142 of the Constitution gave the Sangsad the authority even to amend the Constitution, if it deemed necessary. All these powers, at once, made the authority of the Sangsad absolute and unlimited./

These powers, however, were similar to the ones exercised by the British Parliament, and in countries where Parliamentary system of Government are in practice. But, everywhere, the magnitude of these powers call for restraint and responsibility in the exercise of such authority. The power of parliament being unlimited to make laws, it is important that those who are entrusted with such authority should be cautious not to misuse it. Unless this happens, there is always the possibility of abuse and irresponsible use of such powers, the consequence of which cannot be happy. In extreme cases, there is always the possibility that the Government with a comfortable majority in the parliament may enact any bill in its own interest, even if such a law may not contribute to the greater interest of the country and may even jeopardize the working of the institution itself. But in parliamentary democracy, common good cannot be ignored, nor can public opinion be disregarded, and those who have used the parliament for their private ends, have done so at their own peril.

What is therefore needed, is a check or a balancing factor which would prevent the passage of any bad law. In the British Parliament, loyalty of the parliamentarians towards the institution, as well as the prevalence of a strong opposition with its threat of forming an alternative Government, has resulted in making the Government in power extremely cautious in its dealings in matters of policy and administration. The British Government, whether Labour or Conservative, will never dare to enact any law which has the remotest chance of negating the fundamental rights of the citizens, or which might adversely affect the larger national interest. This is because, the enactment of such a law would not only mean an end of that Government, but it would create a national uproar.

In the context of Bangladesh, in the period under study, the Awami League Government had upon occasions used the Jatiya Sangsad to give sanction to actions which were motivated to tackle the fast deteriorating law and order situations which the Government was unable to control as well as to keep the ruling party in power. The passage laws such as the Special Powers Act, the Emergency Powers Act (under which national emergency was subsequently imposed), the Jatiya Rakkhi Bahini Act, and the Press and Publication Acts, had all negated fundamental rights which had been guaranteed by the constitution. Whatever might have been the justification for the passage of such laws, the end result was the negation of the principles on which parliamentary democracy was based and subsequently, the end of the institution itself.

Law making, in the Bangladesh Parliament, however, as elsewhere in other parliaments, was only one of the functions. The justification behind a representative Government is the promotion of public welfare. This aim is achieved both by enacting laws as well as by deliberating on matters which concerns public interest. In the Jatiya Sangsad, if certain harsh laws were passed, many more good ones were also enacted. The University bills, bills concerning the workers of the various organisation which dealt with the terms and conditions of their services, the ^{Primary} Schools (Taking Over) bill and so forth, were all greatly hailed, for they fulfilled demands that were of long standing. And more important, the parliamentarians were successful in utilizing techniques which were in the Rules of Procedures, which not only enabled them to hold Government responsible for its policy and administration, but even at times made Government responsive. The withdrawal of taxes by Government on C.I. sheets and umbrella in the 1973-74 budget, was one such example. The question hour as well as the frequent statements made on call attention notices revealed that the Government indeed was made accountable inside the Sangsad. Even the debates on bills and budgets covered diverse aspects. Discussions on certain controversial bills which the opposition were not in favour of passing, were very heated. Usually, the opposition members were given the maximum scope for expressing their opinions on bills and the budgets. It is in this regard that the Jatiya Sangsad had successfully acted as a national forum, where decisions regarding public welfare were reached after considerable reflection and deliberation by the representatives of the people.

In order to ensure the proper conduct of business in the Sangsad, the Rules of Parliamentary Procedure were formulated. The Rules of Procedure was a complete guide book which laid down in detail the procedure of conducting the business of the Sangsad, the method of making laws, the technique of asking question and for giving notices for discussion of matters of public importance etc. The Rules also laid down in detail the code of conduct of the members of the Jatiya Sangsad. The Rules of Procedure, also served a second purpose, viz; it sought to keep the Sangsad free from the interference from outside control. Thus, the Speaker was made the most powerful authority inside the parliament. Although, the Sangsad was to be summoned, prorogued or dissolved by Presidential Order, it was left to the Speaker to conduct the daily business of the Parliament. However, this summoning, prorogation and dissolution of the Jatiya Sangsad by executive decree had not gone unquestioned because, as the decision regarding such matters were not left to the Parliament itself, the sovereignty of the Sangsad regarding its freedom of time needed to complete its work was severely hampered. In practice, we have seen that the sessions were very often called for short period, and without giving sufficient time to the members to consider the various important matters before the house, the sessions were suddenly terminated. This very often resulted in hasty legislation, passing of the budgets without thorough discussion and the rejection of the various notices which concerned matters of public interest.

In the 7 sessions of the Sangsad which were held from April 7, 1973 to January 25, 1975, there were 114 working days. But actual business was conducted in only 360 hours. In a House of 315 members, the parliamentary time thus provided to an individual member was approximately 1 hour and 2 seconds in which he could participate in the Sangsad proceedings in its entire working period. In other words, an hour and 2 seconds was what an individual member got for asking questions, moving resolutions, discussing and debating bills and budgets, discussions of matters of urgent public importance and so on. Even if the limited time regarding these items could be overlooked, the time that was allotted for the national budget was too short to allow thorough discussion, specially in relations to other parliamentary system.¹ The budget sessions for 1973-74 was called on 2nd June, and the budget session for 1974-75 was called on June 19.

1. In India the budget session sits from February 1 to May 7, every day.

But the end of the financial year being 30th June, the budget for the next year had to be passed within that period. The consequence was evident. The Speaker allowed time for discussions on the budget but had to apply guillotine on the budget after a few demands for grants and cut motion on them were debated. Soon the members began to complain about the haste in which the sessions were held. One member² pointed out that in allotting only three full days for the discussion on the general budget 1974-75, after which the debate on it were held as the last *item* everyday (the time of which was very limited), the members had been deprived of their privileges.

None the less, the Jatiya Sangsad which was provided with the supreme authority to make the laws of the Republic and which was established to act as a national forum for debating and discussing national issues before reaching a decision, gave the Bengali nation their first real taste of self Government. The opportunity for institution building, however, could not be fully exploited. The political leadership, which were instrumental in establishing the parliamentary institution, were also preoccupied with the tremendous task of bringing political stability and in tackling the stupendous problems which faced the new nation when Bangladesh became independent in 1971. Reconstruction, rehabilitation, salvaging of the national economy, were all major problems. The situation was further made difficult because of problems arising out of ideals, ideologies and expectations. A section among the freedom fighters were demanding the creation of an Utopia, ie. a problem - free society with vast oppotunities and no vices, and were getting impatient with the political elites when they could not produce such immediate results. There was also a huge number of men, who had arms and who were using them in self interest. They were indulging in anti-social vices like looting, dacoity, hoarding, secret killings and so on.

These at times compelled Government to take stern measures. But, every law that was passed to check the deteriorating law and order situation and anti-social activities ^{and} resulted in curbing the fundamental rights of the people, when this happened, the foundation of the newly established parliamentary democracy in Bangladesh, was weakened. Strict laws were also enacted, however, to serve a second purpose. The proceedings of the Sangsad and journals show that as the Awami League became increasingly aware of inability to control administration effectively and its popularity began to show signs of erosion ^{and on such} the Awami League leadership became concerned about its regime stability.

----- (BJSB) -----
 2. Ataur Rahman Khan (Jatiya League) Bangladesh Jatiya Sangsad Debate, 5th session 1974. P - 84. In the same session, A. Sarker complained that "instead of tonight guillotine should have been applied tomorrow. We could have discussed for longer time". Ibid P - 2644

It, therefore, took recourse to stringent laws and in the process repeatedly dealt blows at individual liberty and fundamental rights, and thereby weakened the very base of the institution for which the war of independence was fought.

COMPOSITION

The Jatiya Sangsad consisted of 315 members. Of these 15 seats were kept exclusively for women. Election for the 300 parliamentary seats was held on March 7, 1973. In 11 constituencies, the Awami League nominees won their seats uncontested. In one constituency election was deferred because of the death of the Awami League nominee. For the remaining 288 seats, 1075 candidates and 14 political parties contested.³ The election result revealed sweeping victory for the ruling Awami League party. It polled 73% of the total votes. It won 292 out of 300 seats in the Jatiya Sangsad.⁴ Of the five persons who had contested the election as independent candidates, one joined the NAP (B)⁵ and one joined the Awami League.

Three other parties won a total of 4 seats in the Jatiya Sangsad. These were the Jatiya Samajtantrik Dal, NAP (B) and the Bangladesh Jatiya League.

Table 1 below, shows the party position in the Sangsad, and the percentage of the votes polled by each party:

TABLE - 1

| Name of the Party | Number of Seats Won | % of Votes Polled |
|--------------------------|---------------------|-------------------|
| Awami League | 308 | 73% |
| Jatiya Samajtantrik Dal | 2 | 6.32% |
| NAP (B) | 1 | 5.32% |
| Bangladesh Jatiya League | 1 | 3.24% |
| Independents | 3 | 12.12% |

Source : Bangladesh Jatiya Sangsad Shadeshaya Bitanta,
(Dacca Government Press, 1976).

3. The Bangladesh Observer (Dacca) March 9, 1973

4. Ibid. March 8, 1973.

5. NAP (B) stands National Awami Party, a leftist political party under the leadership of Maulana Bhashani.

The high percentage of votes in favour of the Awami League speaks of the popularity of the party. The credit also goes to the Party Chief, Sheikh Mujibur Rahman (Sheikh Mujib) whose leadership and chairmanship had endeared him to the Bengali masses and had made him their hero. In one constituency alone, Sheikh Mujibur Rahman (Sheikh Mujib) had polled "1,13,380 out of 1,36,672 votes"⁷ cast.

Besides the popularity of the Awami League, another factor which contributed to the landslide victory of the party was the inability of the opposition parties to put a fundamental challenge to the ruling party, with any alternative policy. The election manifestoes provided by the various parties opposed to the Awami League were all promising socio-economic programmes that were being already pursued by the party in power. One striking feature of all the opposition parties was their leftist orientation.⁸ Among these, the Awami League was not only the single middle road party that had recently adopted socialistic measures, it was also the most organised party with strong rural bases.

The high percentage of votes in favour of the Awami League, however, had adversely effected the institution building process, in the newly established parliamentary system. The smallness of the opposition inside the Sangsad weakened the structure of the Bangladesh Parliament. It made the Sangsad a one Party House, and this defect was partly responsible for preventing the Sangsad from functioning as a viable institution. In other words, the absence of the psychological threat of forming an alternative Government by the opposition removed much seriousness from the Sangsad proceedings. A Government with a strong majority in Parliament is very strong in a parliamentary system. Even in Britain, "the authority of the parliament is the authority of the Government",⁹ but the presence of a strong opposition acts as a check as to how this authority is exercised. In the Jatiya Sangsad, not only was the psychological pressure missing, but also, it gave rise to fear that the Sangsad was too ineffective to prevent the Government from enacting drastic measure, if the latter wanted to do so.

7. Op. cit. 9 March, 1973.

8. These parties advocated socialism in various forms and although the system became popular among the Bangalees as a reaction to Pakistani rightist regime, the actual application of the doctrine was not held favourably. This was evident from the election returns of 1973. Of the various communist parties none could poll even 1% of the votes.

9. W.I. Jennings. Parliament. (London, Cambridge University Press, 1939) P. 9.

To conclude, the scope of the Jatiya Sangsad was similar to its counterpart in Great Britain, viz; the unlimited authority to enact any law, and to discuss all subjects without any legal *restriction* and to form an alternative Government to the present one.

The Sangsad not only enacted a number of laws, some of which were important social legislations, it also made use of the different techniques provided by the *Rules of Procedure*, in the interest of public welfare. But, the Sangsad, however, was handicapped by certain inherent defects. Being a single party parliament with virtually no opposition, it was structurally weak. Moreover, there being no fixed time for the commencement and dissolution of the parliamentary sessions, the sessions were very short, and as a consequence, sometime important legislation had to be hurriedly enacted. Also, a large number of notices regarding matters of public interest were lapsed because of shortage of parliamentary time.

Finally, however, it must be noted that the circumstance under which the parliamentary system was introduced was extraordinary. The country had recently acquired independence and with it had inherited a host of problems. This resulted in the diversion of attention of the political leaders from their task of institution building. It also resulted in the enactment of certain stringent laws which weakened the very foundation on which parliamentary democracy was based.

STRUCTURE OF THE JATIYA SANGSAD

The constitutional provision that "there shall be a parliament", was put into application with the establishment of the Jatiya Sangsad in 1973. The same building which housed the East Pakistan National Assembly, was made the Jatiya Sangsad Bhavan.

The architectural structure of the Jatiya Sangsad was in keeping with the purpose which the institution was meant to serve. Thus, provisions were made to enable the members to discharge their functions in various capacities, viz. as legislators, as executives, as Committee members and as critics of the government.

The focal point of the Sangsad Bhavan was the Assembly Hall or the "House" where the proceedings of the Sangsad were held. A number of corridors linked it with the rest of the units. Adjacent to the Assembly Hall was the Speaker's block. The office of the Speaker and the Deputy Speaker was in this part of the building. Another corridor linked the Assembly Hall with the Minister's Block. A third corridor connected the Assembly Hall with the administrative department and the library of the Sangsad. A special room just opposite to the Assembly Hall was kept in reserve for the women members.

Apart from these, two rooms were kept specially to serve as Committee rooms. Of these, the bigger room which was almost four times larger than the other was meant for the use of the members of the majority party. In addition two more rooms were kept for the use of Committee meetings.

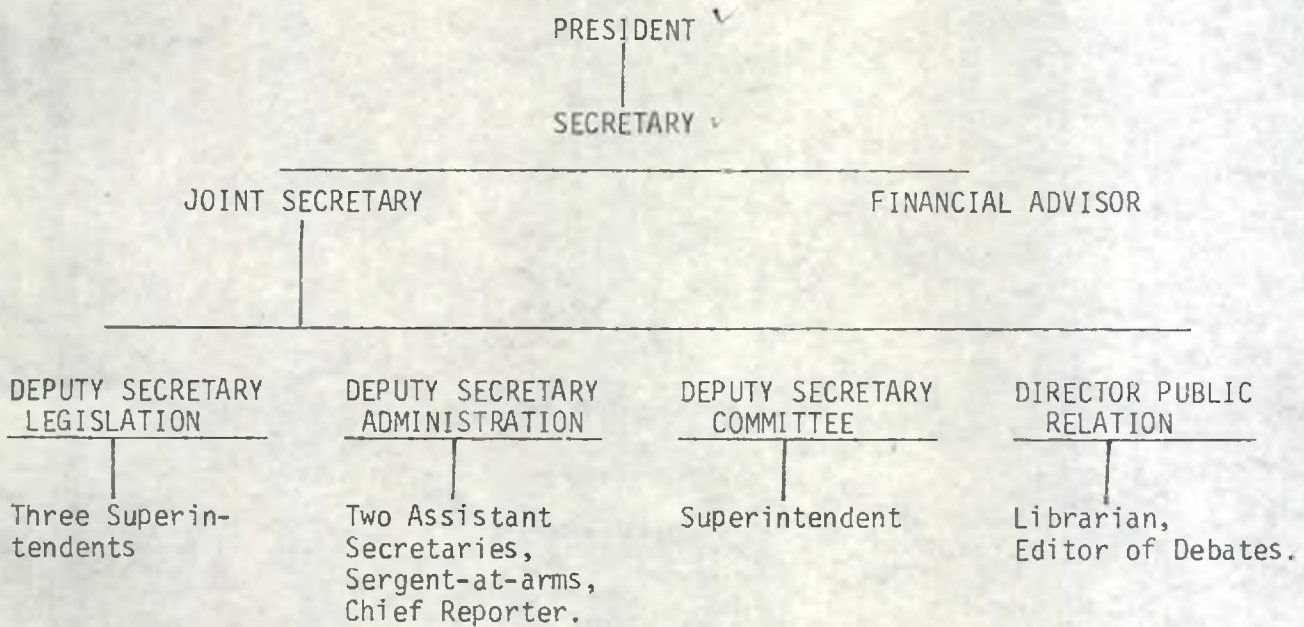
The reservation of so many Committee rooms was an indication that, as in other parliamentary system, the architects of the institution had given much importance to the necessity of holding meetings and discussion by the members of the Jatiya Sangsad.

When the Jatiya Sangsad was in session the lobbies often became filled with people. When this happened a lot of commotions were made. One common scene was that of men standing in small groups smoking and perhaps discussing some matters of importance. Some men could be seen walking, some slowly, some in haste. Often a man could be seen running in and out of the crowd. Sometime controversial issues that were being debated in the House brought members to the lobbies for quick discussions and consultations. On a few such occasions the well lighted corridors became dim with smoke to which their urgent whisperings added gravity to the scene.

Activities could also be seen in other places. These were the various departments of the Sangsad that were engaged in doing the file work and preparing the business that were to be conducted in the House.

SECRETARIAT OF THE SANGSAD

DIAGRAM I : THE STRUCTURE OF SECRETARIAT OF THE SANGSAD



Source: Organisation-cum-functional chart of the Parliamentary Secretariat as on January 24th of 1976, prepared by Parliamentary Secretariat and edited by the O.M. Division.

In order to ensure the smooth functioning of the Jatiya Sangsad, the Constitution of Bangladesh provides that "Parliament shall have its own Secretariat".²

In the diagram above, the President has been shown as the head of the administrative hierarchy, but this was only a temporary provision, and was to remain valid till the election of the Speaker.³

At the top of the official hierarchy was the Speaker. Directly under him was the Secretary. He was in charge of the Secretariat. He was to be assisted by a Financial Advisor and a Joint Secretary. Under the Joint Secretary, there were three Deputy Secretaries and the Director of Public Relations.

Among the three Deputy Secretaries, there were Deputy Secretary (Legislation), Deputy Secretary (Administration) and Deputy Secretary (Committee).

Under Deputy Secretary (Legislation) there was an Assistant Secretary. He was to deal with the Orders of the Day ^{and} summoning. He was also in charge of the Official Reporters, 14 in number.

Under Deputy Secretary (Committee) there was a Superintendent whose main function was the arrangement of Committee meetings, preparation of minutes of meetings, circulation of Committee reports etc.

Director (Public Relation) was in charge of 2 officers -

- i) Editor of Debates for the editing of parliamentary debates and
- ii) Librarian.

Under Editor of Debates there were 2 Assistant Editors of Debates, while Librarian was in charge of the Assistant Librarian.

2. Article 79(i)

3. Provisional Constitution Order, 1972, Dacca.
2nd March.

The Order of the Day included a number of items such as bills, questions and notices of various kinds. It was the responsibility of the administrative unit to see that the items were duly placed in the House. When the session of the Sangsad commenced the administrative departments especially its publication and drafting units, became centres of much activities. It was the responsibility of this department to provide, both with technical expertise as well as with information and materials if the proceedings of the sangsad should so require.

The efficiency of the Secretariat was, however, hampered because of the absence of any definite set of rules for regulating the Secretariat of the Sangsad. Elsewhere, in parliamentary systems like Britain and India, the Secretariat of the Parliament are regulated by a definite set of rules. Officers of the Secretariat are recruited on the basis of their merit in the civil service examinations, but once they are appointed by the office of the parliament, they are to function according to a different set of rules. This is absolutely essential for the independence of the parliament from the executive. The servants of the parliamentary secretariat form a class by themselves apart from the civil servants, and they are under a separate system of control and regulation.

Most of the officers and staff of the Sangsad Secretariat were also officers of the former East Pakistan National Assembly. But in the absence of rules of recruitment of officers, the Class I Officers of the Secretariat were to be appointed by the Ministry of Law and Parliamentary Affairs with the approval of the Prime Minister.⁴ This provision, obviously prevented institutional autonomy ^{and} affected the sovereign functioning of the Secretariat of the Jatiya Sangsad.

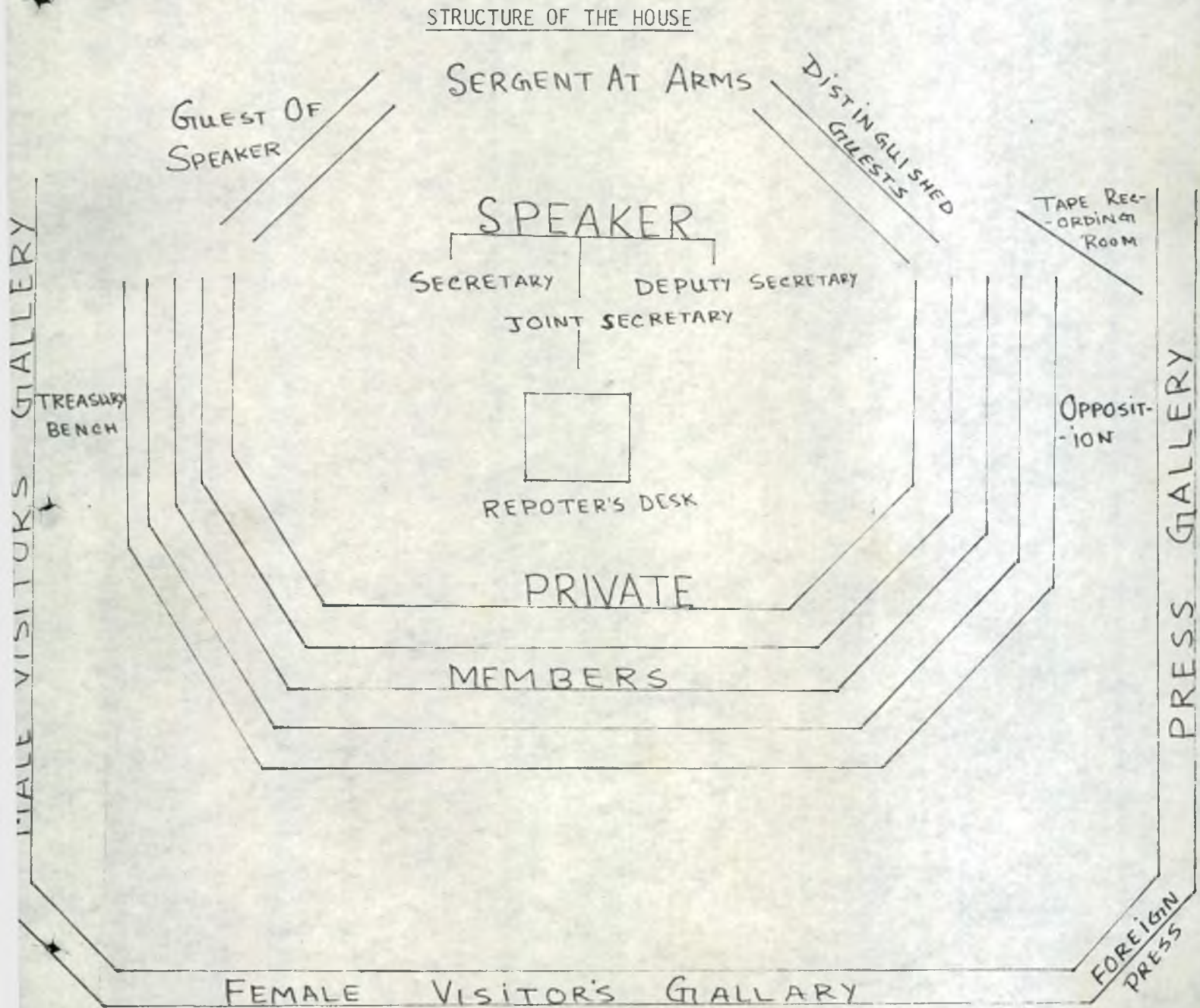
4. Provisional Constitution of Bangladesh Order 1972.

Dacca, 2nd March.

THE HOUSE

In the Jatiya Sangsad, in accordance with British Parliamentary convention, the Speaker set at a commanding position in a slightly raised platform. The rest of the seats were so arranged that the members faced him when they sat. Only the Treasury Bench, which was located to the Speakers right and, seats which were kept for the opposition to the Speakers left, were faced to each other. In the Sangsad, there being only eight members in the opposition, they could sit comfortably in the seats that were kept in reserved for them. This arrangement, however, at once magnified the numerical weakness of the opposition in a House dominated by a single party majority.

DIAGRAM II : THE MAIN ROOM WHERE THE SITTINGS OF THE JATIYA SANGSAD WERE HELD.



SOURCE: DIAGRAM DRAWN BY WRITER

SPEAKER:

In a parliamentary system of government, the office of the Speaker is of extreme importance. It takes precedence over all other posts and persons. In England, "the Speaker of the House of Commons is so essential a piece of machinery that without him the House has no constitutional existence".⁵ In Bangladesh the Constitution and also Rules of Procedure, made the Speaker (Deputy Speaker inclusive) the most powerful and dominating figure inside the House. As the principal officer, it was his responsibility to preserve the sovereignty of the Sangsad. His decision on every matter was final. A set of Rules were also enacted to enhance the authority of the Chair. Thus, the members were required to bow to the Chair while entering or leaving the House. And, a member was not to leave the House while the Speaker was addressing it. A member was also supposed to address the Chair while speaking. However, as a check to the arbitrary authority of the Speaker, Rule 161 of the Rules of Procedure provided for his removal by a majority of vote of the total number of members of the Sangsad.

One of the first functions of the Jatiya Sangsad, when it commenced working in 1973, was to elect a Speaker. Therefore, election was held on 7th April, 1973. Mr. Mohammadullah was elected unanimously by the House. The House also elected Mr. Baitullah as Deputy Speaker. Mr. Mohammadullah had also served in similar capacity in the Constituent Assembly. For his role he was praised both by the members of the majority party and the opposition. The Leader of the House in his congratulatory speech said that the Speaker's role in the Constituent Assembly had been praise worthy and that it was much to his credit that the Constitution could be framed. He said that he hoped that the Speaker would safeguard the "Sovereignty of the Sangsad and see that the parliamentary conventions were followed."⁶

5. Erksine May, Parliamentary Practices, (Sixteenth Edition, ButterWorth) P. 223.

6. Sheikh Mujibur Rahman, (Awami League), B.J.S.D. 1st Session 1973.p.9.

The Opposition members, while congratulating the Speaker, hoped for his impartiality so that the purpose for which the Sangsad was established could be carried out. One member reminded the Speaker that the latter was not merely the Speaker of the majority party, but that the whole House had elected him. He reminded that the "right of the opposition must be preserved."⁷ Another member expressed the hope that "the Speaker would give the small minority more privileges over the majority."⁸

These expectations, were at least partially fulfilled by Mr. Mohammadullah. As a member of the majority party it was evident that the Speaker could not give a ruling that would disgrace the government, and that, it was his duty to preserve the interest of the ruling party inside the House. But, as a neutral judge, it was also the Speaker's responsibility to safeguard the interest of the minority party as well. It was much to the credit of the Speaker that he was careful not to neglect the opposition. On several occasions he even gave concessions to give the opposition a greater scope in participation. He conceded to the members of the opposition far more time than their number justified for participating in debates on bills and budgetary provisions. He also gave them precedence over the private⁹ members for asking supplementary questions as well as provided them with the opportunity to hold government accountable by asking the ministers to give statement on matter of public concern. These concessions to the members of opposition by the Chair, however, were not substantial enough to give him an image of impartiality. His main problems, it seems, was his inability to create an image of a neutral judge detached from any party affiliation. On many occasions he had waived the Rules in the interest of the ruling party but, a similar action in favour of the opposition would certainly have increased the respect of the Chair.

7. Sree Manobendra Larma (Independent) Ibid. p.11.

8. Ataur Rahman Khan (Bangladesh Jatiya League) Ibid. p.12.

9. The term private member is used to mean members of the ruling Awami League party other than the members of the Treasury Bench.

The Speaker could have also admitted a few of the important notices of public interest which were given by the opposition. Some of these were critical of administration but the Speaker had rejected them on grounds of admissibility. It was these actions of the Speaker that made an opposition member complain of "double standard"¹⁰ and of "frustration and the feeling that things are not being done in the proper way."¹¹

A second person, also served as Speaker of the Jatiya Sangsad. Election for the post of Speaker was held in January, 1974 when a vacancy occurred because Mr. Mohammadullah became the President of Bangladesh. Like his predecessor, Mr. Abdul Malek Ukil had taken pains not to neglect the members of the opposition. Occasionally, he even gave rulings in their favour. As for example on an adjournment motion given by the opposition, the Speaker, while disallowing the motion on grounds of in admissibility ruled that the Minister would give a statement on food crisis. This act was very commendable specially because the issue was very sensitive for the government. Such rulings of the Speaker were important steps in developing an image of impartiality by the Chair in the new institution. However, it was alleged that the above concessions had been made under pressure. The opposition had threatened to walk out after the two adjournment motions given on the food crisis were rejected by the Speaker. One member complained that "It is unfortunate that you (Mr. Speaker) have not allowed us to speak on the gravest matter before the nation."¹² In fact, he came under a volley of allegations from the opposition members. Furthermore, the Speaker's frequent acceptance of the private members request that certain part should be expunged from the parliamentary proceedings annoyed the members of the opposition. One member alleged "we are bound by your ruling, Mr. Speaker, but in protest we are walking out."¹³

10. Aatur Rahman. *Ibid.* 4th Session 1974. p.520.

11. Ibid.

12. Abdus Sattar (J.S.D.), Ibid. 6th Session 1974. p.17.

13. Abdus Sattar *Ibid.* 6th Session 1974. p.273.

On another occasion an opposition member openly challenged the ruling of the Speaker. He said, "you have great powers and your ruling is of vital importance to the seven and half crore Bangalees Your ruling should not be in the interest of the MPs and ministers, but for the people, and if you fail to give the unbiased judgement you will, one day, have to answer to the people."¹⁴ Moreover, a frequent complaint against the Speaker from among the members, was his continuous waiving of Rules. These were done in order to enable the government to introduce bills. These complains, in a lesser degree, were also common when Mr. Mohammad-ullah was the Speaker. But, as these concessions from the Speaker had enabled government to enact certain important bills without giving the opposition the opportunity for discussion, it angered the opposition. It also led to the feeling that the Speaker was openly siding with the government. One member alleged that "notice of bills are given the night before, or in the morning of the day, in which they were passed, instead of three days before, to the members. Thus, we hardly have time to read them."¹⁵ On another occasion the opposition complained that, "Mr. Speaker till this day we have not followed the Rules of Procedure,"¹⁶ implying that the Speaker had consciously waived Rules to enable government to enact laws.

The two Speakers of the Jatiya Sangsad, served for almost an equal period, i.e. a year each. But, as Mr. Ukil was sick for quite some time, his work was carried on by Mr. Baitullah, the Deputy Speaker. Mr. Baitullah's role as Speaker was nothing different from that of the other two. But, on one occasion he gave an applaudable ruling that earned respect for the Chair. Mr. Sattar had given a notice of resolution for the investigation of Bank Accounts which were opened in the Commercial Bank after 1971.

14. Syed Kamrul Islam Saleuddin (J.S.D.), BJSD 6th Session 1974 p.263. In his ruling on the Constitution (Third) Amendment Bill the Speaker had ruled that the parliament was supreme, and that, it had even the power to amend the basic structure of the Constitution. Ataur Rahman Khan had requested him to reject the bill on ground of inadmissibility, because the bill had not been properly placed.

15. Abdus Sattar (J.S.D.), Ibid. 6th Session 1974 P.62.

16. Ibid. p.273.

It was strongly opposed by the members of the Treasury Bench as well as by the private members. They tried hard to pressurize the Speaker to reject the notice on the ground of inadmissibility. But the Speaker was determined not to review his decision of having accepted the notice. He was also adamant to put the resolution to vote.

Such rulings by Speakers, being rare, they were successful only to a limited degree in creating an image of impartiality. The image was tarnished because of continuous waiving of Rules to facilitate the introduction of bills, the frequent erasing of speeches from the parliamentary proceedings on request from members of the majority party and rejection of notices one after another given by the opposition on grounds of inadmissibility. Some of the notices brought by the opposition which were of considerable public interest, but were rejected on ground that they failed to fulfill the condition of admissibility, could have been accepted by the Speaker by waiving the Rules. But, in the entire working period of the Jatiya Sangsad, there was never a single case when the Speaker had waived a rule in favour of the opposition.

But, however, it must be remembered that the Speaker being a party man cannot be suddenly expected to detach himself from all emotional attachment with the majority party, specially in the context of Bangladesh Awami League. In the post independent Bangladesh, Awami League was more than a party. It was movement oriented demanding the total commitment of its members. As such it must have been very difficult for the Speaker to think himself as a non-party man. Secondly, the Speaker had to waive Rules in order to help government to complete its voluminous work because parliamentary time was very limited. The ~~weak~~ opposition made parliamentary proceeding one sided affair. And finally, the institution being a new one, experience was to be gained and conventions were yet to be developed.

Leader of the House: It is a convention of the Parliamentary system that there is a Leader of the House and a Leader of the opposition. It is the duty of the Leaders to fix the schedule of the session in consultation with the party whips. The Leaders also give the decision of the party on issues which are controversial.

In simple words, the function of the Leaders both of the majority party and the opposition, is to lead their respective parties on matter of policy inside the Parliament. In the Jatiya Sangsad, Sheikh Mujib was the Leader of the House. But since he was also the Prime Minister and was heavily pre-occupied, it fell up on the Deputy Leader to play a more active role.

A controversy however arose on the issue as to whether the opposition was to have a Leader. The Chief Whip contented and was supported by the Leader of the House that there was no scope of regarding a handful of members, most of whom were independents, as opposition. He held that although Ataur Rahman Khan had been given the privilege to sit together with the independent members, it did not mean accepting them as the opposition group in Parliament, nor did it mean that Mr. Khan would be considered as the Leader of the opposition.¹⁷ The opposition members had requested that Ataur Rahman Khan, as the Senior most and experienced parliamentarian, be treated as the Leader of the opposition.

The Party Whips: The main function of the Chief Whip and his junior whips in a Parliament is the organisation of the business of the House. Organisation of the Party inside the House, ensuring maximum attendance of the members of his party, promoting support for the government policies and "seeing to it that the members are aware of the opinion and apprehensions of the back benchers,"¹⁸ are the other important functions of the Whip.

In the Jatiya Sangsad, there was a Chief Whip and two junior whips. Shah Moazzem Hossain's function as the Chief Whip was praiseworthy because to him goes the credit of a comprehensive Order of the day, the efficiency of sessional business, and more important, the manner in which he gave the opposition members the opportunity for maximum participation.

17. Sheikh Mujib, (A.L.), Ibid. I Session 1973. p.23.

18. Morrison of Lambeth, Government and Parliament, (London, Oxford University Press, 1957). p.117.

The last role was particularly commendable because in the absence of the Opposition Whip, he had taken pains to see that the opposition was granted a substantial amount of parliamentary time to enable them to conduct their business. The credit also goes to him for inserting many debatable national issues in the Order of the day, even though these issues were sensitive to the Government. The inclusion of such items made the parliamentary proceedings interesting and politically meaningful.

Conclusions: To conclude, the formal structure of the Jatiya Sangsad reveals that the institution had all the amenities for functioning as a viable institution. The allocation of the various rooms, the inclusion of every office which were needed for the proper functioning of the Sangsad shows the earnestness of its architects in setting up a working institution and in ensuring its continuity and much of the work could be successfully done by the Sangsad because these existed. However, problems arose because of the informal structure. The behaviour of the actors who were called to work the mechanism often stood in the way and prevented it from functioning properly. The inability of the Sangsad members to frame a set of Rules for the Sangsad Secretariat, the inability of the Speakers to create an image of neutrality and the existence of a small opposition, which formed an incomplete structure, were serious handicaps which faced the newly established Jatiya Sangsad of Bangladesh.

LEGISLATORSMembers of the Jatiya Sangsad.¹

The Bangladesh Jatiya Sangsad consisted of 315 members. Except seven, all the members belonged to the ruling Awami League Party. They became members of the parliament on the basis of the 1973 election. Data relating to their socio/economic and political background indicate that the members of the Jatiya Sangsad were on the whole young, educated, members of the middle class and with little political experience.

TABLE - IIAge Categories of MPs
(in percentages)

| Year of Election | 1973 | | | | |
|------------------|-------|-------|-------|-------|-------|
| Age | 25-30 | 31-40 | 41-50 | 51-60 | 71-80 |
| Percentage | 14.6 | 40 | 34.6 | 2.2 | .01 |

Source : Jatiya Sangsad Sadheshkaya Jivan Bitantya (Dacca, Government Press, 1976).

1. Members of the Jatiya Sangsad are hereinafter referred to as MPs.

A high percentage of members, belonging to the age group of 30-50 years, dominated the Sangsad. This means that when Pakistan was created in 1947, these members were youths who were imbued with the ideals of parliamentary democracy. It was also this age group within the Awami League who carried out the crusade for parliamentary system throughout the Pakistan period.

TABLE - III

Educational Background of MPs
(in percentages)

| Year of Election | 1973 | | | |
|------------------|---------------|----------|---------------|---------------|
| Qualification | Post Graduate | Graduate | S.S.C & above | S.S.C & below |
| Percentage | 47.6 | 22.8 | 26.9 | 2.5 |

Source : Jatiya Sangsad Sadheshaya Jivan Bitantiya.
(Dacca, Government Press, 1976.)

Table - II above shows that the maximum number of MPs were college graduates. A considerable percentage of members were post graduates. In the context of Bangladesh where mass illiteracy exists, it may be said that the MPs were educated.

TABLE - IV

Profession of the MPs
(in percentages)

| Year of Election | 1973 | | | | |
|------------------|----------|------------------------|-------------|----------|-------------|
| Profession | Lawyer | Professors Teachers | Businessman | Doctors | |
| Percentage | 31.4 | 12.5 | 19.1 | 4.7 | |
| Contd. | | | | | |
| Profession | Landlord | Farmer | Service | Politics | Trade Union |
| Percentage | 1.8 | 14.8 | 0.7 | 12.7 | 2.7 |

Source : Jatiya Sangsad Sadheshaya Jivan Bitantya.
(Dacca, Government Press, 1976.)

The majority of the M.Ps. belonged to the urban middle class professions such as law, business, teaching, medicine etc. Often a member of the Sangsad would indulge in more than one occupation. Law, business and farming were the three most common combinations. Lawyers were the largest group in the Sangsad, being 31 percent. From the very beginning of parliamentary politics in the subcontinent the lawyers have played a very active role. One reason may have been the existence of strong executive authority whose enactment of laws infringing individual freedom, brought to the forefront nationalist lawyers, who took upon themselves the task of fighting against social injustices of the rulers and defending individual liberty.

Members belonging to the business profession were also a strong group. Many businessmen became actively involved with the Awami League party and also supplied it with funds. They found in the then East Pakistan Awami League's manifesto, assurances of freedom of competition from their West Pakistani counterparts.

Agriculture was the third most dominant occupational group. These members were surplus farmers, having a high percentage of agricultural property. The presence of a great number of members in this group made it evident that, "radical land reform would receive low policy priority."² This was also bound to affect the Awami League's policy of socialism because Bangladesh being an agricultural country, formation of a socialist structure would necessitate the radical transformation of the rural social structure and the redistribution of agricultural land, taking into account the innumerable landless peasants.

2. For details see : Rounaq Jahan, Bangladesh Politics Problems and Issues, (Dacca, University Press Limited, 1980). P.150.

There were also 13 percent members who listed political activity as their major occupation. These members were generally former student leaders and labour leaders who took politics as full time occupation. Most of these members were instrumental in organising mass movement and creating anti-government opinion among the people during the Pakistan period, especially against the Ayub regime.

A common characteristic among these MPs was that they had actively participated in the war of liberation in 1971 under the direction of the Awami League leadership and that a large number of them had suffered imprisonment for their political affiliation.

TABLE - V

Year of Entry into Politics by MPs
(in percentages)

| Year of Election | Before 1947 | 1947- 1955 | 1956- 1959 | 1962- 1966 | 1969- 1970 | 1974 after |
|------------------|----------------|---------------|---------------|---------------|---------------|---------------|
| 1973 | 29.3 | 31.1 | 9.2 | 16.6 | 6.0 | 1.4 |

Source : Rounaq Jahan, Bangladesh Politics: Problems and Issues. (Dacca, University Press Limited, 1980). P.151.

Table V shows that about one third of the MPs had joined politics before 1947, a slightly larger group entered politics in the early fifties and 23 percent joined politics in the 1960s.

However, Dr. Rounaq Jahan, has pointed out in her book that nearly 20 percent of the Members of the Parliament did not participate in the national Liberation Movement of 1971 and 30 percent did not participate in the 1968-1969 anti Ayub Movement or in the Six Points Movement in 1966. "Indeed roughly a quarter of the Members of the Parliament had very little political experience".³

A Study⁴ of the MPs experience as party workers shows a clear cut difference between two types of MPs. A little more than 40 percent of the MPs were old Awami League Members who had been associated with the party since its inception, while in contrast the majority of the MPs were recent recruits who joined the party in 1966 and more particularly after 1969 during the anti-Ayub period.

TABLE - VI

| Year | National Assembly | Provincial Assembly |
|------|-------------------|---------------------|
| 1954 | Nil | 11 |
| 1962 | 2 | 6 |

Source : Jatiya Sangsad Sadheshaya Jivan Bitantya
(Dacca, Government Press 1976).

3. Ibid. P.151.

4. Ibid.

The number of members with previous parliamentary training was rather small. Only nineteen members had any previous parliamentary training. They were mostly elected in 1954 as candidates of the United Front. But, as the sessions of the Assemblies from 1947 to 1956 were irregular and as parliamentary democracy was affected by political instability, the members could not have attained much experience in the art of parliamentary politics.

However, a majority of the MPs were influential party members at the district level. Over 70 percent⁵ of these members held party office at the district level and nearly 30 percent held party office at the national level.

None the less, it is significant that most of these MPs were new parliamentarians who had little previous parliamentary training and a small degree of political experience. A good number of MPs, about one-fourth, received their nomination because they had the potentiality of winning the elections. A considerable number of members were also student leaders who got their nomination because of their national fame and the mass support behind them. These members had gained their popularity during the movements of 1966 and 1969 with some of them becoming local heroes.

The common traits discussed above of the members^{of} the newly established Bangladesh Jatiya Sangsad, called for earnest endeavour of those who were entrusted with its working. Most of the members were young educated and "affluent men"⁶ of the Bengali society who saw with the establishment of the parliamentary institution, the realisation of their long cherished dream. It was a natural expectation that these crusaders would successfully develop the Jatiya Sangsad into a viable institution based on strong foundations.

5. Ibid. P.152.

6. Ibid. P.149.

The passage of certain laws like the Special Powers Act, the Emergency Act, The Press and Publication Acts, although were excessive measures were enacted by the members, as had been pointed out by the Law Minister,⁹ because the situation in the country compelled their passage.

Moreover, the Constituent Assembly (Cessation of membership) orders 1972,¹⁰ cautioned members not to disagree with the party policies. This accounted not only for the members acceptance of bills which curbed fundamental rights but it also prevented them from becoming too critical of the government.

These factors gave a different dimension of the work to be performed by the new parliamentarians. The "recent recruits", who formed 40 percent of the MPs could not have been so much committed to the institution as those MPs, who were associated with the party since its inception. The new MPs therefore, concentrated on the area which would strengthen their political career. Thus, the members, preoccupation with their constituencies was one of the marked features of the Sangsad proceedings. Their concern for individual constituency became manifest in the Question Hour and in the Budget sessions. The Question Hour of the latter sessions dealt mainly with the constituency problems, while in the budget session every member had a request to be made for his local constituency.

To sum up, it can be said that the members of the Jatiya Sangsad were composed of the elites of the Bengali nation. In a stable political system they would perhaps have a better chance of materializing their long cherished dream and in fulfilling their promise to the Bengali nation.

9. Monoranjan Dhar (A-L), BJSD, 5th Session. 1974. p 1023.

10. The Constituent Assembly (Cessation of Membership) Order, Provided that if a member of the Constituent Assembly resigned or was expelled from the party which gave him nomination at the election to the Assembly, his seat would be declared vacant.

And, even under the stupendouu problems which the new nation faced, the members of the Jatiya Sangsad were successful in working the institution within limits. They performed the general duties that can be expected from legislators. They questioned the executive, held them responsible for various policies and argued about measures which they thought would not benefit the nation. But, they failed in their duty to preserve the institution and set it on firm footing. For this, however, certain factors were responsible. The charisma of Sheikh Mujib, party constraints and the fast deteriorating socio/economic and political situation not only had shifted the mechanism of solving political issues from the Sangsad to the authority of Sheikh Mujib, it also led to a revision of opinion, of even staunch supporters of parliamentary democracy within the party, so that, when the Awami League ruling party decided in favour of a change of system, the members accepted it.

O P P O S I T I O NINSIDE THE JATIYA SANGSAD

In the Jatiya Sangsad of 1973, there was only a single major political organisation. In a House of 315 members, the Awami League ruling party occupied 308 seats. The remaining seven seats went to three political parties and three independent members.

The party position in the Jatiya Sangsad is given below in Table VII

TABLE - VII
SEATS IN JATIYA SANGSAD OBTAINED BY VARIOUS PARTIES

| <u>Name of the Party</u> | <u>Number of Seats</u> |
|---|------------------------|
| AWAMI LEAGUE (AL) | 308 |
| JATIYA SAMAJTANTRIK DAL (J.S.D) | 2 |
| NATIONAL AWAMI PARTY (MUZZAFAR) N.A.P (M) | 1 |
| BANGLADESH JATIYA LEAGUE (B.J.L) | 1 |
| INDEPENDENTS (INDP) | 3 |
| T O T A L : | 315 |

SOURCE: Bangladesh Jatiya Sangsadher Karfyabali, (Dacca, Government Press, 1975)

This being the position of the opposition the question arose as to whether this assortment of parties and independents could be considered as one single opposition party with privileges which are usually enjoyed by the opposition in other parliamentary systems.¹

It was stated in the House that this mixture of parties and independents members could sit together but this did not mean accepting them as a group in opposition, nor would Ataur Rahman Khan was to be regarded as the leader of the opposition² (as was proposed, by the opposition parties). But, in practice, however, these seven members in the opposition were treated as one opposition group and the atmosphere of a parliament with a Government and an opposition, prevailed.

1. The Bangladesh Observer (Dacca), April 13, 1973

2. Ataur Rahman Khan, BJSD, 2nd session, 1973, p. 287

The importance of the opposition in a parliamentary system cannot be underestimated. A strong, vigilant and effective opposition party is indispensable in a parliamentary system because it acts not only as a critique of the Government but also because it may be called to serve as an alternative Government, should the Government in power resign. In the Jatiya Sangsad, the opposition was structurally weak, as Table above shows, and, as such, the ruling party never even for a moment considered this small opposition as any threat. Thus the essence of parliamentary politics which is balance between the Government and an alternative Government, was lacking in the Sangsad.

The structural weakness of the opposition had also a second serious consequence, so far as the opposition was concerned. Psychologically, the members in the opposition felt as if they were only playing a negative role. One opposition member said "our opinion is of no importance. We do not form an opposition. Rather we are a few non-consenting spirit."³ The opposition members also complained that whenever something was said against Government policy which did not please the Government and its supporters inside the Sangsad they asked the Speaker to expunge it from the proceeding and the requests were repeatedly complied with. Not once was an amendment on either bills or budgets given by the opposition, accepted by the House. This added to the feeling that the opposition was playing only a negative role.

Being unable to intimidate the majority party with numerical support, the opposition on its part assumed as its chief function, the role of the critique of the Government. They exhausted every possible opportunity in criticising Government and its policies. They used the various techniques which are provided in the Rules of Procedure for holding Government accountable. A vast number of questions were asked, notices for various motions were submitted and a wide range of topics were discussed in their debates on bills and the budgets. At times, the opposition even went to the extent of grossly mis-representing facts and figures as well as it indulged in fabrications merely to embarrass Government. Often members of the ruling party complained against this.⁴ The opposition also often used the technique of "walk out" to register their protest against Government. This also served the purpose of publicity of their opinion, outside the House.

3. Ataur Rahman Khan, Ibid 4th session, 1974 p - 237

4. Dr. Kamal Hossain (A.L.) 13th session, 1973 P. - 1825
Ibid

But while the opposition inside the Jatiya Sangsad was maximising its effort at being the vocal critique of the Government, the Government and its supporters on their part also had allegations to make. They complained that opposition often criticized a bill without reading it and that they opposed it merely for the sake of opposition. Similarly, the Finance Minister alleged at the conclusion of the discussion on the budget 1973-74 that the opposition only had criticized the Government proposals and administration but it had failed to come up with any alternative programme. He said, "I will, therefore, request my political opponent outside and inside the House not merely to play up with us but rather do something constructive. Detect the problems and propose solutions and thereby win the confidence and the consent of the people. They only criticized us by never gave us an alternative policy" ⁵.

The majority and the minority inside the Sangsad were governed by their respective sentiments but in general the relationship of the members was congenial. Usually all the members respected each other. The sessions were often made lively with quick repartee, humour and wit. It is indeed applaudable that the opposition was given the maximum scope for participation. They were even allowed to express their opinion freely on issues like food crisis, famine, flood etc. The opposition members also criticised sensitive bills like the Special Powers Acts, the Press and Publication Acts, the Jatiya Rakkhi Bahini act and so forth. They were also given the maximum time for their speeches on the budgets while the time of the private members were fixed. Also, notices given by the opposition got preference over the notice given by private members. This was because, in the absence of a Whip from the opposition, justice was done to them in the allotment of parliamentary time, as far as possible by the Government. Moreover, considering the opposition as an essential paraphernalia of the parliamentary system whose presence was undeniable for the smooth functioning of the parliamentary system, the ruling Awami League party saw little danger in allowing free criticism to a handful opponents inside the Jatiya Sangsad.

In conclusion, it may be said that, however small, these seven member opposition played a commendable role as the critique of the majority in the Bangladesh Parliament. Being numerically weak, their question of forming an alternative Government to the ruling party did not arise and they, therefore, concentrated in the area in which they could be effective. Thus they utilised to the fullest degree the tools of accountability in holding Government responsible for its policy and administration. As one opposition member said, "with our limited strength we have tried our best to deliberate on all issues of national importance" ⁶.

5. Tajuddin Ahmed (A.L) Ibid, 2nd session, 1973 P. - 1603
 6. Abdullah Sarker, Ibid, 5th session, 1974 P. - 3027

WORKING OF THE JATIYA SANGSAD

The functions of a parliament in a parliamentary form of Government are mainly four fold, viz. that of controlling finance, that of keeping administration in check, that of ventilation of grievances and that of legislation. In other words, in a democratic system, a parliament is supposed to perform the function of a grand inquest of the nation. It is the place where the executive is asked to explain its policies and conduct.

In its twenty-two months working period, the Sangsad, apart from legislative activities also conducted important business like the passage of the national budget, held the executive accountable for its policies and administration and had acted as a platform where national issues were debated and grievances were ventilated.

I have categorised the working of the Jatiya Sangsad into two parts. Part one deals with the general proceedings, the question hour and the budget. General proceedings include the various tools which were used by the members for holding the executive responsible as well as the tools used to ventilate grievances. These were the call attention notices, discussions on matters of urgent public importance for short duration, adjournment motions and resolutions. Part two deals with legislation. I have also discussed briefly about the nature of the parliamentary debates Chapter VI F to show the nature of discussion and participation that took place in the Jatiya Sangsad. Table^{viii} shows statistically the salient features of the general working of the Jatiya Sangsad, as it functioned over the years.

TABLE VIII

FEATURES OF THE WORKING OF THE JATIYA SANGSAD.

| Year | Session | Number of sittings | Total working hours | Private member's business | Call Attention Notice | | | Discussion on matters of urgent public importance for short duration | | | | | |
|------|---------|--------------------|---------------------|---------------------------|-----------------------|-----------------|------------------|--|-----------------|------------------|-----|-----|-----|
| | | | | | Notice given | Notice admitted | Notice discussed | Notice given | Notice admitted | Notice discussed | | | |
| 1973 | 1 | 2 days | 9 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | 2 | 37 days | 130 | 2 days | 81 | 16 | 9 | 4 | 1 | N/A | N/A | N/A | N/A |
| | 3 | 10 days | 32 | 1 day | 25 | 5 | 4 | 2 | 2 | N/A | N/A | N/A | N/A |
| 1974 | 4 | 16 days | 56 | 2 days | 63 | 22 | 7 | 5 | N/A | N/A | N/A | N/A | N/A |
| | 5 | 37 days | 129 | 2 days | 48 | 6 | 6 | 8 | 2 | N/A | N/A | N/A | N/A |
| | 6 | 5 days | 20.55 | N/A | 43 | 2 | 2 | N/A | N/A | N/A | N/A | N/A | N/A |
| 1975 | 7 | 2 days | 4.45 | N/A | 4 | 1 | N/A | N/A | N/A | N/A | N/A | N/A | N/A |

Source: The above data have been collected from the Summary of the Transacted Business of the Jatiya Sangsad. (The translation from Bengali to English, has been made by the author). Government Press, Dacca, 1976.

| Year | Session | Number of sittings | Total working hours | Private member's business | Call Attention Notice | | | Discussion on matters of urgent public importance for short duration | | | Half-an-hour discussion notice given | | | Private member's Resolution | | | Adjournment motion | | | Privilege motion | | | Bills | | |
|------|---------|--------------------|---------------------|---------------------------|-----------------------|-----------------|------------------|--|-----------------|------------------|--------------------------------------|-----------------|------------------|-----------------------------|-----------------|------------------|--------------------|-----------------|------------------|------------------|-----------------|------------------|--------------|-----------------|------------------|
| | | | | | Notice given | Notice admitted | Notice discussed | Notice given | Notice admitted | Notice discussed | Notice given | Notice admitted | Notice discussed | Notice given | Notice admitted | Notice discussed | Notice given | Notice admitted | Notice discussed | Notice given | Notice admitted | Notice discussed | Notice given | Notice admitted | Notice discussed |
| 1973 | 1 | 2 days | 9 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | 2 | 37 days | 130 | 2 days | 81 | 16 | 9 | 4 | 1 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | 3 | 10 days | 32 | 1 day | 25 | 5 | 4 | 2 | 2 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| 1974 | 4 | 16 days | 56 | 2 days | 63 | 22 | 7 | 5 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | 5 | 37 days | 129 | 2 days | 48 | 6 | 6 | 8 | 2 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | 6 | 5 days | 20.55 | N/A | 43 | 2 | 2 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| 1975 | 7 | 2 days | 4.45 | N/A | 4 | 1 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |

GENERAL FUNCTIONS

The Jatiya Sangsad commenced functioning from April 7, 1973 in conformity with the constitutional provision that "Parliament shall be summoned within 30 days after general election"¹. The interval between two sessions was fixed as "not more than 60 days"². This later provision, however, was amended to "that there shall be at least two sessions of parliament in every year."³

In all seven sessions of the Jatiya Sangsad were held. An inaugural session, a budget session and a short winter session were held in 1973. ~~Three~~ sessions were also held in 1974. The seventh session which lasted for two days, brought the parliamentary system to an end when it passed the Constitution (Fourth Amendment) Act, 1975 which made the President the real executive head of the state.

The sessions were ^{well} attended. Table below shows the average number of members present in the seven sessions of the Sangsad:

TABLE - IX ATTENDANCE OF SESSIONS OF SANGSAD

| YEAR | SESSION | AVERAGE NUMBER OF MEMBERS PRESENT |
|------|-----------------|-----------------------------------|
| 1973 | First Session | 278.19 |
| | Second Session | 281.15 |
| | Third Session | 248.30 |
| 1974 | Fourth Session | 249.75 |
| | Fifth Session | 237.65 |
| | Sixth Session | 266.04 |
| 1975 | Seventh Session | 294 |

SOURCE: SUMMARY OF THE TRANSACTED BUSINESS OF THE J.S., GOVT. PRESS, DACCA, 1976
Such a high attendance in the Sangsad indicates an obvious interest taken in the proceedings by the members.

1. Constitution of the People's Republic of Bangladesh Art. 72 (2)
2. Article 72 (1)
3. Article 72 (1)

A session has been defined in the Rules of Procedure as "the period from the time when the parliament first meets after having been summoned to the time when it is prorogued or dissolved". Rules of Procedure of the Parliament of Bangladesh Chapter 1, 2 (bb).

There were, of course, often walk-outs by the members of the opposition as an indication of non-participation in the Sangsad proceedings, but, these were, however, for short periods. The Sangsad debates show that, in general, the members of the opposition as well as the members belonging to the majority party were eager to utilise the objective for which the Sangsad was established. In a period of 22 months, as many as 225 call attention notices and 19 notices of discussion on matters of urgent public importance, were given by the members. There were also four notices for half-hour discussion and 16 notices for adjournment motions were served. The fact that such a huge number of notices were given by the members, in addition to the voluminous questions and supplementary questions that were asked, and in addition to the wide range of topics that were discussed in the debates on bills and the budgets, discarded any notion that the Sangsad had no active role to play whatsoever, and that its members were merely consenting figure heads. The proceedings of the Sangsad indicate a positive interest that was taken by its members and portrays a faith that this was a mechanism where matters of public interest could be debated and discussed. However, it must be mentioned here once again that much of the charm in the proceeding of the Sangsad had been lost, as well as its strength had been weakened because of the structural deficiency of the Jatiya Sangsad. The small opposition had played a very vocal and vigilant role but its numerical weakness, however, had never imposed any pressure or real threat to the majority party. As a consequence, there were times when the warnings from the oppositions sounded as empty threats.

I will now discuss in detail the various techniques which were provided in the rules of procedure and that were used by the members in fulfilling the objectives for which the Sangsad was established.

RESOLUTION:

Resolutions were a device which provided for decisions to be taken on matters relating to general public interest. The rules of procedure made the provision for both ministers and the private members to move for resolutions. Rule 132 read "A resolution may be in the form of a declaration or recommendation; or it may be in the form so as to record either approval or disapproval by the House of an Act or policy of Government, or convey a message or request an action or call the attention to a matter, for consideration by the Government."

PRIVATE MEMBER'S RESOLUTION

TABLE X

| Year | Year of Introduction | Number of Notice discussed | Session in which Resolution was discussed | Notice given by | Subject for Resolution | Opinion of the House |
|------|----------------------|----------------------------|---|----------------------|--|---|
| | Nil | Nil | THIRD | 1. Ataur Rahman Khan | To separate Judiciary from Executive. | Withdrawn on assurance Given by Minister concerned. |
| | Non-responsibility | Nil | FIFTH | 2. Mohiuddin Ahmed | For digging of Nauhata canal in Rajshahi Division. | Rejected by voice vote. |
| | Same as above | 1 | | 3. Abdus Sattar | For mechanization of Agriculture for and formation of Co-operatives for greater yield and food sufficiency | Rejected by voice vote. |
| | Same as above | Nil | | 4. Abdullah Sarker | For the declaration of jute godowns as prohibited areas and imposition of police guards there. | Rejected by voice vote. |
| | Same as above | 5 | | 5. Moinsuddin Ahmed | For reconstruction of Nauhata Airfield. | Rejected by voice vote. |
| | Nil | Nil | | 6. Abdus Sattar | To investigate accounts opened after liberation in 1971, in commercial banks. | Rejected. |

Resolutions actually were a device provided to the private members for discussing a matter of general interest, and after coming a decision about such matter, ask the Government to take action on it.

The total number of notices that were given for resolutions were 339 out of which 269 were admitted. Of these ^{six} resolutions were discussed in the House. Table X shows the number of notices that were given for resolution by private members, number of notices that were discussed.

From the considerable number of notices of resolutions that were given by private members, it appears that the non-Governmental members had wanted the decision of the House to expedite Governmental policies or actions on these matters. However, only a few resolutions were admitted for discussion and these all belonged to the members of the opposition. In a House dominated by a single party, it seems that the policy of the ruling party was to give the opposition a sense of participation by making the Ministers answerable for their policies. The idea was also to make the private members feel that the Sangsad had the power to compel the Government to adopt certain policies or actions if it thought necessary. One such motion of resolution which was admitted for discussion came from Mr. Ataur Rahman Khan (opposition) who moved that the judiciary should be separated from the executive branch of Government. He alleged that although this had been guaranteed by the Constitution, the Government had failed to take measure in separating the two organs in the ten months time since the Constitution had been passed. He held that unless the Sangsad by a resolution forced the Government to expedite action, civil liberty could not be secure. He also pointed out the danger of executive ~~wax~~ making the judge tool. In his statement, the Law Minister assured the House that Government was seriously considering measures of how the separation of judiciary from the executive could be effected.

A particularly embarrassing resolution for the Government came from Mr. Abdus Sattar in the 5th session when he moved for the investigation of accounts opened after 1971 in Commercial Banks in Bangladesh. A lengthy discussion followed in the House in which members from the Treasury Bench also reacted strongly. They asked the Speaker to reject the motion on the ground of non-admissibility of the notice. The motion, of course, was rejected by voice vote, but none the less, the House had successfully criticized Government for not being able to check large scale evasion of taxes or the huge transfer of Bangladeshi capital to foreign Banks.

It was also applaudable on the part of the Ministers that they had supplied full information on issues on which motions were moved. They also explained in detail the policy of the Government regarding those issues.

Call Attention Motions:

Motions by private members calling the Attention of the Minister concerned, to any matter of urgent public importance was another device provided to the non-Government members of the Sangsad to hold Government responsible.

Notice calling the attention of the Ministers covered a wide number of issues, the most common of which were strikes (15 notices were given on the issue) in the nationalised sector and education institutions, fire in jute godowns and high price of essential commodities. These were causing hardship for the public. There were also a considerable number of notices on disruption of law and order, murder and dacoity (20 notices were given on this subject). Fire in jute godown brought in seven notices as did misappropriation of fund in the nationalized Sector (eight notices). All these were matters of urgent public concern.

There was, however, a clear division in the nature of notices brought by the private members and those brought by the opposition. The notices given by the opposition were mainly political. They dealt with strikes, losses in nationalized sectors, maltreatment of stranded Bangalees in Pakistan, suppression of political worker by Rakkhi Bahini, disruption of law and order situation and theft. Only occasionally these members called the attention on problems like flood, relief and rehabilitation of coastal people affected by erosion of rivers, inconvenience caused by prohibition of inter-district rice movement, better cultivation or agricultural loan. The private members were more concerned with hardship faced by public due to high price of essential commodities, floods and erosion of rivers, destruction of crops, poor agriculture yields, adulteration, scarcity of baby food. These were the issues on which they called the attention of the Government.

Occasionally, however, notices regarding law and order situation, or theft in nationalized sector or strikes were given. Of the total number of notices of call attention that were given 83 notices out of 229 or a little less than 1/3 were given by the opposition, specially three members belonging to J.S.D. and NAP (M).

Call Attention notices that were admitted for discussion covered various issues and were given both by private members and the opposition. The Minister concerned gave elaborate statements on these subjects whereby they explained both the Government policies and actions taken regarding them. In all, Ministers gave statement on 28 call attention notices. This shows that the Government was responsive to the member's role of vigilant parliamentarians while the parliament was successful in enforcing the principle of accountability. Since these members had no party backing in the Sangsad and since there was no chance, whatsoever, of their forming an alternative Government, it seems that the subject chosen by the opposition was motivated more in bringing disgrace to the Government than in influencing its policy.

DISCUSSION ON MATTERS OF URGENT PUBLIC IMPORTANCE FOR SHORT DURATION

This applied to the discussion of an important issue of great urgency, which affected the public. The Speaker, however, had to be satisfied by the information supplied by the member and the Minister concerned, that the matter of discussion was of sufficient public importance as well as urgent, before he could admit the notice. Discussion on matters of public importance for short duration was a device similar to the call attention motions. The only difference was that the Minister concerned also had to agree to its importance for immediate discussion. Subject of discussion for which notices were given by private members dealt with administration, urging Government to take action. The number of notices given were 19 of which four were discussed in the House.

ADJOURNMENT MOTIONS:

A motion for adjournment of the House for the purpose of discussing a matter of recent and urgent public importance was another device used for calling the attention of the Government to take immediate action. The significance of this tool lay in the fact, that the opposition was allowed to criticise Government. The adjournment motion, though rarely allowed, forms an effective tool in the hands of the opposition to control executive action.

In all, 16 notices of adjournment motions were given but none of the motions were admitted by the Speaker on ground that they were not admissible under the rules.

The opposition, however, after a heated discussion was successful in convincing the Sangsad that Mr. Sarker's (opposition) motion that "the failure of the Government to tackle food crisis"⁴ was valid for discussion. The Speaker was compelled to promise a later day for discussion. Accordingly, the Minister concerned, at a later date, gave a statement on the food crisis.

Notices of adjournment motions dealt with the failure of the Government ^{to} guarantee public security (harrasment of mussolees in Baitul Mukarram by Rakkhi Bahini), assassination of political worker, indiscriminate beating of the public by the army (in Sylhet) as well as its failure to check anti-social activities like hoarding and smuggling.

The number of notices given were small but those that were given contained some important issue like imposition of section 144 in Dacca, beating of the general public by army and food crisis. These motions, although were important were rejected by the Speaker, and it was here that the weakness of the opposition was magnified, because, the small opposition failed to take advantage of the opportunity to over-ride the decision of the Speaker. The rules provided that if 25 numbers give their consent on the motion in spite of the Speaker's refusal, then the motion would be taken up for discussion.⁵ This factor deprived the Sangsad of one of the essentials of parliamentary politics ie. control of the executive through criticism.

Although the four devices mentioned above were similar but there were also differences. The difference between a resolution and the motion for discussion of matters of urgent public importance for short duration, and call attention motion was that, while the latter two motions provided the Sangsad with the opportunity of holding Government responsible for its actions, the former motion gave the Sangsad the power to take a decision on a particular matter of public interest. Once such a decision was reached the Sangsad was empowered to ask Government to take necessary action on the matter. The rules paid much importance to a decision of the Sangsad and made it obligatory for the Minister concerned to inform the parliament in the next session "if not earlier about the action, if any, taken by the Government on a resolution passed by the House"⁶. The adjournment motion was another device, which the rules provided especially for the opposition to criticise Government.

4. A. Sarker (Gndp), BJSB. 6th Session. 1974.

5. Rule 65(2) of the Procedure of the Bangladeshi Jatiya Sangsad.

6. Ibid.

To summarize, it follows from the discussions above, that a good amount of work was done by the Jatiya Sangsad in discussing issues that were of national interest, in pressuring Government to take quick action regarding specific issues of public interest and in criticising administration.

However, much more perhaps could have been accomplished had there been greater parliamentary time. Shortage of time had often resulted in lapse of notices. As the number of notices admitted were few, further lapse of notices meant less scope for discussion and deliberation. Moreover, whatever time there was, much was wasted by the member themselves, because of their constant rising on "points of order". Some of them were, of course, asked for information, but point of orders asked on whether members could eat paan inside the House, and such trivial matters, show that the members failed to realize that they were wasting valuable parliamentary time.

THE QUESTION HOUR

The Question Hour was one of the most interesting items of the parliamentary proceedings. The importance of the Question Hour lies in the fact that starred questions were sometimes asked for information perhaps to provide materials for a speech or for idle curiosity. But the question hour was mainly used by the opposition to embarrass the Government. Starred questions also proved to be a very powerful weapon for a private member who had a grudge against a particular Minister or for a complaint that the interest of his constituency was "being neglected"¹.

The Sangsad rules required that questions that were to be asked orally were to be marked by asterisks or else they were to be considered as questions for written answers. A member was limited to not more than three starred questions and five unstarred questions in any one day².

The first hour of every sitting was fixed for asking and answering questions. The time for answering questions was to be allotted on different days in rotation to different Ministries of the Government. And on such days unless the Speaker otherwise directed, questions relating to specific Ministry for which time had been allotted was to be placed on the table for oral answer. It was laid down in Rule - 54, that a question addressed to a Minister was to relate to public affairs with which he is officially connected, or its matters of administration, for which he is responsible. The rules further provided the members with the right of asking supplementaries "as may be necessary for the elucidation of an answers"³. But the Speaker was given the authority to disallow a question or a supplementary question on the ground that it failed to comply with the conditions of admissibility that are provided in the Rules of Procedure.

Table below gives a detail report of the Question Hour.

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1. Sir Ivor Jennings. Parliament (London Cambridge University Press, 1939)
 2. The Rules of Procedure of Parliament of Bangladesh. Rule - 44
 3. Ibid, Rule - 56

TABLE - XI

STATISTICAL REPORT OF QUESTION HOURONE HOUR EVERY SITTING

| YEAR | SESSION | SITTING | Notices of Questions Given | Number of Questions Admitted | Number of Questions rejected | Withdrawn |
|------|---------|---------|-------------------------------|---------------------------------|---------------------------------|-----------|
| 1973 | FIRST | - | - | - | - | - |
| 1973 | SECOND | 45 days | 1708 | 1511 | 160 | 7 |
| 1973 | THIRD | 11 days | 267 | 159 | 8 | 6 |
| 1974 | FOURTH | 20 days | 888 | 775 | 53 | 1 |
| 1974 | FIFTH | 50 days | 3067 | 2449 | 458 | 4 |
| 1974 | SIXTH | 5 days | 1065 | 287 | 490 | 454 |
| 1975 | SEVENTH | 2 days | 562 | 219 | 210 | - |

S O U R C E : Summary of the Transacted Business of the Jatiya Sangsad

CONTINUED

TABLE - XI

STATISTICAL REPORT OF QUESTION HOUR

| SESSION | Number of Question asked | Average Questions asked by Opposition | Number of Supplementaries asked by opposition/private members | Unstarred questions | Notice of short notice question given | Number of short notice question answered |
|---------|--------------------------|---------------------------------------|---|---------------------|---------------------------------------|--|
| FIRST | - | - | - | - | - | - |
| SECOND | 1511 | 1/3 | 961 Private Members - 804 Opposition - 157 | Nil | 53 | Nil |
| THIRD | 159 | Little over 1/3 | 401 Private Members - 302 Opposition - 99 | Nil | 21 | Nil |
| FOURTH | 470 | 1/6 | 558 Private Members - 353 Opposition - 205 | Nil | 24 | 9 |
| FIFTH | 2413 | 1/9 | 1302 Private Member - 1058 Opposition - 244 | Nil | 6 | 3 |
| SIXTH | 121 | 1/13 | 117 Private Members - 150 Opposition - 22 | Nil | 20 | 4 |
| SEVENTH | Nil | Nil | Nil | Nil | 11 | Nil |

S O U R C E : Summary of the Transacted Business of the Jatiya Sangsad

The Question Hour proved to be a very popular with the members of the Jatiya Sangsad. An enormous number of questions as well as supplementary questions were asked in that hour. It was a common scene during the Question Hour to see many members standing all at once, trying to ask supplementary questions to Ministers. It made the Speaker comment more than once that "I find too many member on their legs. This is unfortunate"⁴.

A total of 7,757 number of notices were submitted, of which 5,401 were admitted by the Speaker. Of the admitted notices answer were given to 4,674 questions, i.e. in average 666 questions were asked in a session. The average member of supplementaries asked in a session was 489. But the comparatively small number of average supplementaries should not obscure the fact that supplementaries were not asked on every question, but when a question concerning burning issue of the day was asked as many as 24 supplementaries were asked on it. In the 2nd session, this happend with questions concerning the Trading Corporation of Bangladesh.

In general, the members were in a relaxed mood during the Question Hour with occasional humorous remarks and repartees. Yet, beneath their laughter and jest the members were busy sharpening their blades to verbally attack a Minister whenever they found the opportunity. Usually two types of questions were asked, viz. those asked for information and those asked to embrass Government.

The first being the maiden session of the Sangsad no question was asked. In the second session the number of question asked were considerable and the private members made exhaustive use of supplementaries. The opposition asked one third of the questions, although, they formed less than three percent of the total membership in the House. But it was more significant when veteran Awami League members like Korban Ali, Shamsul Haque, Mollah Jalaluddin and Assaduzzaman Khan asked questions with the intention of pressing Government into answering about administrative inefficiency and corruption. This was an indication that the Awami League was determined in putting into application the doctrine of accountability. This principle is essential to the working of parliamentary democracy.

In the third session also, the opposition again asked one third of the total questions. The rest were asked by the private members. Once again, we find prominent members like Mollah Jalaluddin, Amirul Islam, Nur-E-Alam Siddique very vocal in the Question Hour.

4. Mohammadullah, Speaker of the Jatiya Sangaad, B.J.S.D. 2nd session, 1973. p - 971

In the fourth and the following session, this trend became even more prominent. In the sixth session, the Question Hour was almost monopolized by the Awami League members, as a consequence of which the opposition could ask only one third of the total questions. The maximum number of questions that were asked were in the 2nd and the 5th session. This was because these two being the budget sessions were lengthier than the other sessions. However, a trend which was discernable was the significant change in the nature of questions that were asked in the later sessions. The tone of the private members had altered from inquisitors to that of information seekers. While the opposition continued to ask questions with the intention of embarrassing Government, the members of the ruling party in general asked question from the 5th session onward for information regarding their local constituency. Limitation of time was of course an important factor, but it was also significant that the Awami League Government at this time was faced with a crisis situation in its economic, political and social front. Further, any embarrassing question from their party members were bound to adversely affect the image of the Government which was already faced with a trial.

In general, the question asked covered a wide range of subjects. Usually, the private member asked with intention of asking for information on matters of administration. The opposition, however, asked most questions with the intention of embarrassing the Government about subjects about which it was sensitive. The most common subject on which question asked were maladministration, theft and corruption in the nationalised sector viz. Jute trade/break-down of law and order; looting, hijack and secret killings, hoarding/smuggling, licences and permits/promotion and appointments/construction of roads and bridge/flood control, education and so on.

More interesting than the original question were the supplementaries that were asked on them. This tool was popular particularly with the members of the ruling party. They asked a lot more supplementary than did the opposition. This was a tool that the private members were willing to utilise to a maximum because it gave them positive power to make a Minister personally answerable. If he failed in his responsibility. Extraction of information directly from the Minister concerned was another reason why supplementaries were so popular. Also, the reason why the private members relied so heavily on the supplementaries was because the members knew that the questions would be censured by the Chief Whip, who would disallow questions which were likely to embarrass Government. Another reason for the popularity of the supplementaries was explained by a member "written questions given to particular Ministries are seldom answered", he said.⁵

5. M. Larma (Indp), Ibid, 2nd session, 1973. p - 2222

The popularity of the supplementary questions is evidenced from the statement made by a member towards the end of the second session. He pointed out that "out of 33 starred questions that were selected for the day, only six were answered"⁶. He, therefore, requested the Speaker to fix the number of supplementaries to be asked in a day" .

The maximum number of questions and supplementaries were asked in the second and the fifth session. In the second session almost 41 questions were asked in a day, while in the fifth session, as many as 90 questions were asked in a day.

The reason why so many questions could be asked was because time permitted it. Those two being the budget sessions were lengthier than the rest. However, a change in the nature of the question asked was significantly discernable, as the sessions progressed. Whereas, in the earlier session, the evertone of the questions asked was that of accountability, in the latter sessions it became tool for collecting information. The reason once again, may have been the member's consciousness that the Government was faced with a great many problems of which the most severe, perhaps was the danger of the regime instability.

During the question hour, it was a common complaint with the private members that the Ministers were frequently giving wrong information and that they were evading answered to avoid embarassment. One veteran member being annoyed pointed out that this was being done intentionally⁷. Another member alledged that "the date for answering questions were constantly being shifted to days in which there are no sitting"⁸ .

However, inspite of all these allegations, it cannot be denied that the Question Hour of the Jatiya Sangsad was very popular with the members. Participation in this Hour was maximum. A considerable amount of information had been extracted, much of the Government's policy and administrative activities had been questioned and often answered had to be given even though it meant embarassment for the Minister concerned. In all, at least, the principle of accountability had been put into application.

6. Taheruddin Thakur (AL), Ibid, 5th session, 1974. p - 402

7. Amirul Islam (AL), Ibid, 2nd session, 1972 p - 1633

8. Abdullah Sarkar (Indp) Ibid, p - 726

LEGISLATION

One of the most important functions of a Parliament, in a parliamentary form of Government is that of Legislation. The Bangladesh Jatiya Sangsad was vested with the "Legislative power of the Republic"¹.

Every proposal for making a law was made in the form of a bill. A bill could be introduced in the Sangsad both by Ministers and by Private Members. However, no such bill was introduced by Private Members. One reason for this was the shortage of parliamentary time.

The method of passing a bill was laid down in details in the Rules of Procedure. Upon the introduction of a bill any of the motions could be moved by a member-in-charge, viz:

- a) That it be taken into consideration at once
- b) That it be referred to a Standing Committee
- c) That it be referred to a Select Committee
- d) That it be circulated for the purpose of eliciting public opinion.

On the day a bill was introduced, only its principle and general provisions were to be discussed. On the subsequent day, any member could move an amendment, proposing any of the above mentioned motions.

Broadly speaking, bills that were enacted by the Sangsad may be categorised as follows:

- 1) Ordinances that were enacted as bills
- 2) Bills that were passed with amendments
- 3) Bills that were enacted in the interest of various groups and
- 4) Bills that empowered Government to adopt certain measures for the sake of more effective administration. Some of these laws were of far reaching consequences.

1. The Constitution of Peoples' Republic of Bangladesh, Article 69 (1)

XII
TABLE SHOWING VARIOUS BILLS PASSED
BY THE JATIYA SANGSAD
(IN PERCENTAGE)

| Bills originated in the Jatiya Sangsad | Ordinances | Bills with Amendments | Bills Repealed | Bills for Group Interest | Stringent Laws |
|---|------------|--------------------------|-------------------|-----------------------------|-------------------|
| 29% | 30% | 36% | 5% | 7% | 5% |

Bills which originated in the Jatiya Sangsad were only 32 in number. It is significant that only 29% or $\frac{1}{3}$ of the total number of bills originated in the institution which was established to make the laws of the country. Other laws which were enacted by the Jatiya Sangsad were either amendments of existing laws or they were ordinances which were made into laws. There were 36% or 40 bills with amendments, and 30% or 33 ordinances, which were made into laws.

1. DATA COLLECTED BY WRITER

The power to promulgate ordinances were a special legislative authority which was conferred upon the President by the Constitution.² The ordinances, however, were to be effective only for 30 days, but there was a constitutional provision that ordinances could be enacted into laws. Some of the important ordinances that were enacted into laws were:

The Rajshahi University Ordinance

Bangladesh Jute Corporation Ordinance

Jatiya Rakkhi Bahini Ordinance

The Printing Presses and Publication Declaration & Registration Ordinance

The Bangladesh Bank (Nationalization) Ordinance and so on.

Some of these ordinances were very important. These had to be promulgated because immediate executive action of these subjects were necessary. A number of bills were enacted with amendments. Bills such as the Cadet College (Amendment) bill, the Ware House Corporation (Amendment) bill, the Anti-corruption (Amendment) bill and so forth were passed by the Sangsad with simple amendment. The House, however, became alert and vocal before agreeing to amendments like the Constitution (Amendment) bills (four in number), the Special Powers (Amendment) bill 1974, the Printing Presses and Publication (Registration and Declaration) (Amendment) bill 1974.

A third category of bills were enacted by the Jatiya Sangsad to meet the demand of various groups, 7% of the bills were of this category. These were the Rajshahi University bill, the Chittagong University bill, the Jahangir Nagar University bill, the Bangladesh Government, Semi-autonomous Organisations (Regulation of Salary of Employees) bill, the Bangladesh Nationalized and Private Organisations (Regulation of Salary of Employees) bill, the State-Owned Manufacturing Worker's (Terms and Conditions) bill and the Newspaper Employees (Condition of Services) bill etc. The passage of these bills indicate that the ruling Awami League Government was conscious of the power of the students and the working classes whose strength was exhibited specially during the anti-Ayub regime and during the struggle for liberation. The above mentioned laws were obviously enacted to keep them pacified. These bills also implied that the Government appreciated the total support given by the students and the working classes during the protest movements in the 1968-69 period and during the movement for liberation in 1970-71 period which were pioneered by the Awami League political party.

2. An ordinance was to have the force of law as an act of Parliament. An ordinance was to be laid before the parliament at its first meeting following the promulgation of the ordinance. For detail, see - Article 93 of the Constitution of the People's Republic of Bangladesh.

Speaking on the Rajshahi University Bill, the Education Minister proudly claimed that all "Black Laws" against which the students had protested again and again under the leadership of Sheikh Mujib had been repealed in the new bill. "The Awami League has fulfilled its promises to the student community"³, he said. About the workers, the House was informed that "this bill has given so much benefits to the workers that they could not even dream of in the past"⁴.

A number of bills were also enacted which dealt with remuneration and privileges of the President, Prime Minister, Speaker and Deputy Speaker, Ministers, State Ministers and Deputy State Ministers, as well as the Members of Parliament. Most of these bills were accepted without discussion of any significance. However, discussion arose over the President and Prime Minister's remuneration and privileges bills because the opposition was not willing to concede the privileges and remuneration provided in the bill which they considered as too liberal. But, Abdullah Sarkar's dry remark that "we have no scope for such luxury"⁵, was strongly refuted by the Treasury Bench. It was pointed out that the highest salary of Bangladesh Government being ~~Taka 2000.00~~ Taka 2500.00, that was being given to the President was not a big sum. "The Indian President gets Tk. 10,000.00 and the Pakistani President gets Tk. 5,500.00. Unfortunately, we have developed the habit of opposing Government just for the sake of it."⁶

Proposing that the Prime Minister's bill be circulated for eliciting public opinion the opposition held that the representatives of the people should reflect the economic condition of the people and that it was wrong to give the Prime Minister an unlimited amount of sumptuary allowance in addition to his monthly allowance. The Minister concerned expressed surprise at the opposition skepticism and once again held that they were opposing merely for the sake of opposition. Certain bills like the Press Council Bill, Bangladesh Physician and Surgeon College bills, the Public Servant's Retirement bill were passed for the benefit of the journalists, doctors and civil servants.

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3. Yusuf Ali, Q.J.S., 3rd session 1973 - P. - 267 (AL)
 4. Zohur Ahmed Chowdhury, Minister for Labour & Social Welfare, Ibid., 4 session 1973 P. - 715
 5. A. Sarker, Ibid - P. - 418
 6. Taheruddin Thakuer, State Minister for Information, Ibid - P. - 421

Speaking on his amendment, Mr. Sattar alleged that in the past, it was the Awami League party which had fought against the principle of this bill, when it was imposed by Ayub Khan. He held that unless the newspapers and intellectuals were allowed to express their opinion freely, democracy could not function. But, this bill gave the Government the discretion to allow or disallow the publication of a newspaper by refusing authentication. This, he said, meant that obstacles were being created for the prevention of free opinion. "This is negation of fundamental rights, Mr. Speaker and fundamental right is the basis of this Sangsad"⁹.

Terming the bill as a "Black Law"¹⁰, Mr. Sarker alleged that this bill was a devise to prevent the journalists from revealing the true socio/economic condition of the country to the public which in their opinion was in a sorry plight. He called upon the journalists to oppose such a bill. The Printing Press bill was once again passed by the Sangsad in the sixth session, 1974. The object of the bill was stated as "measure to prevent the publication of objectionable, indecent or defamatory materials in newspapers". The bill further provided that in case of any publication criticising Bangladesh's friendly relation with its neighbour, the Government could cancel the declaration of that newspaper.

The opposition was particularly allergic to the provision that nothing could be published that would have an adverse affect in Bangladesh's relation with friendly states. The term friendly state was interpreted by the opposition to mean Bangladesh's relation with India, a relationship to which the opposition was extremely sensitive. Hence they strongly criticised it.

Mohiuddin Ahmed told xxxx the House that "when newspapers tell the truth about the Farakkha Barrage deal which turn North Bengal into a desert and make Bangladesh increasingly dependent of India those newspapers are identified as anti-state elements"¹¹. He feared that opposition newspapers like the 'Gonokantha', 'Holiday' and 'Ittefaq' would be stopped. Criticising the bill, A Sarker alleged that there was enough scope to punish editors for indulging in "anti-state activities". But, he continued, "as if it was not enough Government had to suppress freedom of expression of the opposition. When Government is challenged for its policies, administrative inefficiency and integrity then it takes these steps to stop criticism by bringing such amendments"¹².

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|------------------|---------------|-------------------|---------|
| 9. Abdus Sattar, | <u>Ibid</u> , | 3rd session, 1973 | p.- 99 |
| 10. A. Sarker | <u>Ibid</u> , | p. - 100 | |
| 11. M. Ahmed | <u>Ibid</u> , | 6th session, 1974 | p. -122 |
| 12. A. Sarker | <u>Ibid</u> , | p. - 124 | |

The final category of bills listed here were enacted for administrative convenience. The primary purpose of legislation, of course, was to authorise Government to take measures whereby effective and efficient administration could be conducted. A considerable number of bills were passed by the Sangsad which covered subjects like industry, finance, commerce, banking, administration. Such bills were: the Industrial Enterprises (Nationalization) bill, Bangladesh Bank (Nationalization) bill, Bangladesh Cottage Industries Corporation bill, Bangladesh Jute Corporation bill, Trading Corporation of Bangladesh bill, Insurance Corporation bill, Primary School (taking over) Bill, Road Transport Corporation Bill and so forth.

A considerable amount of discussions were held on most of these bills before they were enacted into laws. More significant, however, were a few bills which generated excitement and led to heated parliamentary debates and brought a volley of criticisms from the opposition. These bills, while empowering Government to adopt certain measures to combat the crisis situation which was prevalent at that time, tended to erode the fundamental rights guaranteed by the constitution. 5% of the bills were stringent laws. Since the passage of these bills were vehemently opposed by the opposition on the ground that they would seriously affect and impair parliamentary democracy in Bangladesh, I will give a brief account of the discussions that were held on each bill.

(1) The Printing and Publication (Declaration & authentication) bill, 1973 was first enacted in the 3rd session, and then in an amended form again in the sixth session in 1974. In explaining the bill, the Minister said that the bill was brought for enactment, to check the mushroom growth of too many newspapers, some of which had identical names and were creating confusion in the minds of the public. Also, a lot of misleading facts were being published to discredit Government. The Home Minister told the Sangsad "we are going to accept newspapers so long things are published in accordance to minimum decency, decorum and morality"⁸.

Three amendments were proposed by the opposition, but these were all rejected by the House.

7. M. Dhar, Ibid. 2nd session, 1973 P. - 129

8. Abdul Malek Ukil, Ibid. 3rd session, 1973 p. - 105

In moving his amendment on the bill for eliciting public opinion, Mr. Satter said that certain papers belonging to the opposition parties had already been banned and those that existed were put to further restriction. "This Parliament, Mr. Speaker, is People's Parliament and laws passed by it should be beneficial to the seven and half million people. Today parliamentary democracy has been killed within the Parliament."¹³

While the criticisms cannot be denied, the justification put forth by the Government was also valid. The Home Minister argued that since India had proved to be our real friend in need, it was wrong to criticise her and incite public feeling against such friendship. He alleged that a lot of defamatory and wrong information was being published by newspapers owned by the opposition which not only affected the prestige of the political leaders and the nation but also incited anti-government feelings of the people.

This bill which resulted in heated and lengthy debates in the Sangsad was an important subject because of its historical role. Freedom of expression was made a political issue, particularly by the Awami League party in discrediting the Ayub Government. They were successful in utilizing freedom of press as a forceful weapon in creating public opinion against the Ayub regime. As such, this bill was extremely sensitive for the Awami League ruling party, but none the less, such measures had to be adopted to combat increasingly anti-government criticism which were often untrue and grossly exaggerated, as well as for reasons of administration. "This bill will enhance the prestige and standard of the national press"¹⁴, the Minister informed the House. But, whatever was the justification for passing such a law, it undermined parliamentary democracy and led to the erosion of the ruling elite's popularity.

2. The Special Power Bill, 1974: was enacted twice by the Sangsad, once in the 4th session and once again in the 5th session. The object of the bill was "to provide for special measures for the prevention of certain prejudicial activities, for speedy trial and for the effective punishment of certain grave offences"¹⁵.

13. A. Satter, Ibid, p. - 125

14. Yusuf Ali (AL) Ibid, p/ - 136

15. The Special Power Act, 1974; Object and Reason of the Bill, published in Bangladesh Gazette, Extraordinary, Part V. 1974

The Bill further empowered the District Magistrate to detain persons who in his opinion were involved in or was about to indulge in prejudicial activities against the country. The opposition reaction to this bill was intensive. Five out of eight proposed that the bill should be circulated for eliciting public opinion. But the ruling elite argued that though stringent, circumstances necessitated the passage of this bill. One member said, "we must see the circumstances which compels us to bring this black law the social touts, murderers and miscreants have created a very bad situation and have invited this law with a very heart, Sir, I am supporting this law"¹⁶. The Minister-in-charge of the bill also told the House that the country was faced with extraordinary situation for which extraordinary laws had to be passed¹⁷.

Speaking on his amendment, Mohiuddin Ahmed alleged that the Awami League was falling back on its promises, that it was enacting laws against which it had fought before independence and had given leadership to movements against the passage of such laws. He said that "the ruling party had pledged democracy but this bill will kill its very principle". He held that the bill was not only a denial of fundamental rights but it also would lead to the suppression of political opposition. "Let us ask our conscience that as representatives of the people, are we passing laws for fulfilling our promises or are we destroying popular convictions"¹⁸.

Abdullah Sarker's criticism was sterner still. He held that the imposition of this law went to prove that the Government had failed to do its duty of maintaining law and order in the country, for secret killings, smuggling, corruption and dacoity were on the increase. He said that "the Government had lost the confidence of the people and this was a desperate attempt to cling to power"¹⁹.

The Special Powers Act was once again passed in the 6th session. This bill which was a revision of the earlier enactment sought to make offence like acts of sabotage, smuggling, hoarding etc. offences which were to be tried in a summary manner and was punishable by death.

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16. Serajul Islam, Ibid, 4th session, 1974 p. - 931
 17. M. Dhar (AL) Ibid, p. - 938
 18. Mohiuddin Ahmed Ibid, p. - 892
 19. A. Sarker Ibid, p. - 893

The reason behind the enactment of such a law, the Minister said, was to enable the courts to come to quicker decisions as well as to empower Government with absolute authority to deal effectively with anti-social activities which was on the increase. He admitted that the earlier law had not been properly implemented for which the social vices had become widespread.

The reaction of the opposition was as expected. They saw, once again, in the passage of this bill a confession of the Governments inability to suppress anti-social activities and its failure to check deteriorating law and order situation. They pointed out that "merely by threatening to punish the culprits with death and by increasing the terms of capital punishment from seven to fifteen years, the Government would not be able to stop malpractices in the society. "The previous laws have not been implemented in a single case. These are only empty threats."²⁰

The passage of the Special Powers Act in the beginning of 1974, and its revision incorporating stricter measures like punishment death, in mid 1974 indicates a deterioration in the social order. The Minister confessed that large scale production of counterfeit money, adulteration of drugs and baby food, innumerable dacoities and secret killings had become major social problems. "Four dacoities have been committed in one area only in one day. Murder, rape and hijackings are on the increase", he told the Sangsad²¹.

But, whatever the justification for its passage, this bill at once became unpopular because it created fear in the minds of the public, lest their action was misinterpreted by the Government and that they became victims of the provision "punishable by death". The feeling also prevailed among the public²², that many of those who indulged in anti-social activities were members of the ruling Awami League party. This bill thus served as an additional ingredient to the factor which were responsible for the erosion of the popularity of the ruling party.

20. A. Satter(JSD) Ibid. 5th session, 1974 p. - 370

21. M. Dhar (AL) Ibid. p. - 372

22. In an interview with a cross section of the people, I found that most of them to be of the opinion that the members of the ruling party were involved in activities which are considered anti-social.

3. The Jatiya Rakkhi Bahini Bill was passed by the Sangsad in its 4th session. This bill gave the members of the Rakkhi Bahini, the power to check without warrant, any person and his belonging and to arrest him if his action seemed suspicious to an officer of the Rakkhi Bahini. The Rakkhi Bahini was a para-militia force which was formed by the Awami League regime for the purpose of internal security, its recruits were mainly from the Awami League supporters. It was directly responsible to the head of the Government.²³

This bill came under intensive attack from the opposition. They alleged that by giving so much power to the Rakkhi Bahini, which was created by Presidential Order 21, for the purpose of assisting the civil authority to maintain internal peace and security, the object for which the force was created was being exceeded.²⁴ They held that in spite of police, B.O.R., army and air force, it was unnecessary to give the Rakkhi Bahini such extensive powers which its members had ample scope to misuse.

Another member²⁵ from the opposition condemned the bill as a death knell of the seven and a half million Bangalees as it negated the fundamental rights guaranteed by the constitution. Furthermore, he alleged that the Rakkhi Bahini was oppressing even the members of the Parliament and their families and killing members of the opposition parties to preserve their own interest. He held that this bill would empower Government to imprison members from the opposition in large scale.

Although, the opposition exaggerated the misconduct of the officers of the Rakkhi Bahini, it is a fact that the Rakkhi Bahini had indulged activities to crush opposition to the ruling elite. "A number of military operations were conducted in a number of districts to crush Naxalities"²⁶ that is opposition from the far left, as it also tried to root out opposition from the extreme right i.e. Razzakars.

The socio-economic picture of Bangladesh at the beginning of 1974 was that of crisis situation. Not only was the Awami League Government faced with severe economic problems with an ever rising price index, non-availability of essential commodities, hoarding, smuggling etc, it was also faced with serious problems in the political arena.

23. Roung Jahan, Bangladesh Politics: Problems and Issues, University Press Ltd. 1980

24. Aatur Rahman, Ibid, 4th session, 1974 p. - 516

p. - 112

25. Mohiuddin Ahmed, Ibid p. - 519

26. Roung Jahan, Op cit p. - 71

This was caused by factionalism within the Awami League. But, more severe was the activities of the radical revolutionary parties, who were trying to bring out a second revolution in Bangladesh through mass movement as well as by armed struggle.²⁷ Therefore, the Bahini's attempt to stop their activities alarmed the members belonging to these parties which often led to the allegation that "the work of the Rakkhi Bahini has created terror in the mind of the people"²⁸.

4. The Emergency Powers Bill. This act provided for special measures for ensuring the security, the public safety and interest and for protecting the economic life of Bangladesh and for securing the maintenance of public order.

This bill was enacted in January 1975. By December 1974, the Awami League had found itself faced with most severe challenges to its regime in the social, economic and political fronts. Intensified activities of the oppositions and their underground strong holds in the form of strikes, lockouts and processions and demonstrations resulted in political turmoil. This led the Government to make a series of arrests the most massive being in the November-December period. At this time even important leaders from the opposition like Nure Alam Zikku and Shah Jahan Siraj were arrested. However, what alarmed the Government most was the popular response to the strike call given on November 26, 1974, which a newspaper belonging to the opposition claimed had been a complete success.²⁹

Economically, Bangladesh suffered heavy damages from flood in mid 1974, increase of price of essential commodities which had risen to 700/800 percent during the flood period. In the budget session of 1974-75 the Finance Minister had publicly stated that the economy had almost broken down. Moreover, the newspaper began to report deaths due to starvation. Looting, dacoity etc. and fast deteriorating law and order situation, secret killings and so forth became ever increasing.

To combat this grave situation the Awami Government declared a state of emergency and suspended all fundamental rights conferred by the Constitution, for an indefinite period. This bill was enacted by the Sangsad when its session commenced in January 1975. The bill was passed by the Parliament on the day it was introduced because the Speaker suspended Rules 78/79/82/91 (these rules provided the method of law enactment), of the Rules of Procedure.

27. T. Maniruzzaman, Bangladesh in 1974: Economic Crisis & Political Polarization 1975 Asian Survey, Vol. XIV, February, 1975

28. A. Sarker, Ibid. 4th session P. - 524

29. Gonokantha (Dacca) December 27, 1974

Moreover, one member pointed out that "if emergency has to be declared to check internal disturbance, it at once shows the weakness of the Government"³¹. In defending the Bill, the Law Minister pointed out that the new provisions were being inserted for the future in case a situation calling for emergency should arise.

The Constituent Assembly had consciously left out the emergency provision because the provision which was a legacy from British Raj, was often misused to suppress popular demand and political movements during the Pakistan period. As such, the emergency provision was unpopular with the Bengalees. But, when the Awami League came to power, it felt the necessity of the emergency provision to control extraordinary situation. The Minister told the House "This Government will never take extraordinary measures unless it is forced to do so".³²

The constitution (Third Amendmend) Bill was enacted by the Jatiya Sangsad in November, 1974. The amendment sought to give effect to the agreement for border settlement between India and Bangladesh.

The ruling Awami League's friendly attitude towards India was disliked by many Bengalees. This, the opposition sought to exploit at every opportunity. They held that by signing the agreement, Bangladesh had not only become the loser but that, by giving away part of Bangladeshi's territory to India, the Government was changing "the basic structure of the constitution"³³. They even termed the bill as "immoral, illegal and a trick on the people of Bangladesh"³⁴.

After a heated debate which lasted for about five hours on the bill, all the amendments were rejected and the bill was passed by the House.

Finally, the constitution was amended for the fourth time in January, 1975. The Bill provided for a change of system from the parliamentary to the presidential form of Government and the formation of a single political party. The bill was enacted immediately after its introduction and no discussion was held on it.

31. Ataur Rahman Khan (BJL), Ibid, 3rd session, 1973. p. 176

32. M. Dhar (AL), Ibid, p. 182

33. M. Saleuddin (J.S.D), Ibid, 6th session, 1974. p. 256

34. A. Sarkar (Indp), Ibid, p. 290

The bill discussed above were extremely significant in view of the fact that whatever the justification they led to the concentration of authority in the ruling elite, but more important, these led to the erosion of the efficacy of the Jatiya Sangsad. We may accept the Government's claim that these measures were imperative for efficient administration, or we may agree with the opposition that these were measures to suppress criticism and political opposition, but ultimately, what remains is the fact that the passage of such laws by the Sangsad made its self destruction inevitable.

Apart from the above mentioned categories, four constitutional amendment Bills were also enacted by the Jatiya Sangsad. The first Constitution Amendment Bill was passed on July 14, 1973 i.e. in the second session of the Jatiya Sangsad, only seven months after the Constitution was framed. The amendment dealt with provisions regarding the trial and punishment of the prisoner of war who had committed crime in Bangladesh in 1971. A number of laws were enacted by the Sangsad which denied fundamental rights to the citizens but the Constitution (First Amendment) was the first of such laws because it "denied the right to appeal"³⁰. Three amendments were proposed by the opposition but on the Law Minister's assurance that the law was to be applicable to prisoners of war only, the amendments were rejected by the House by voice vote.

Only three months later the Constitution was amended for the second time, in September, 1973. A new part was inserted in the Constitution which provided for the proclamation of emergency and preventive detention. Emergency was to be declared by the President if he considered that a grave situation existed in which the security or the economy of Bangladesh was threatened by external aggression or internal disturbances. The provision further read that while on emergency was in operation, all fundamental rights were to be suspended.

The opposition strongly reacted to this bill. Out of seven opposite members, six proposed amendments. While protesting against the denial of fundamental rights the opposition members repeatedly asked Government to consider the far reaching consequence the bill was bound to have.

30. M. Larma (Indp), B.J.S.D. 2nd Session, 1973
p. 2237

Each of the four bills on constitutional amendment were passed on the day each was introduced. This shows that the deliberations were only formal and not serious. The issues were, however, of much importance and should have been more seriously deliberated by the House, before being enacted into laws.

To summarise, laws are always framed to enable Government to carry out its policies as well as to meet with requirements and problems in given situations. All the 110 laws that were enacted by the Sangsad were passed on administrative needs. There is, however, a convention practised in systems having parliamentary Governments, which is of sending bills to committees. This is particularly done in regard to bills whose enactment is likely to have far reaching consequences. The opposition's repeated demand for sending bills to committees specially those which curtailed the fundamental rights should have been accepted by the House because the passage of such laws were bound to have an adverse effect on the working of parliamentary democracy in Bangladesh. Had this been done then at least, an alternative to these legislative proposals would have been explored.

It would be, however, incorrect to assume that the Jatiya Sangsad had played no positive role in enacting laws. Bills introduced in the parliaments, in all parliamentary systems, by the majority party are sure to get the approval of the House. In the Bangladesh Jatiya Sangsad, the majority party's possession of almost all the seats made this probability of passing any bill proposed by the Government, cent percent absolute. But the positive achievement of the Bangladesh Parliament lied in its ability of fulfilling one object, among others, for which it was established, viz; that of criticism and healthy deliberation before reaching a decision.

THE NATIONAL BUDGET

The bill to provide government with the right to raise taxation and spend money, was twice presented in the Jatiya Sangsad by the Awami League Government. Both the session were well attended.

The budgets were introduced in the Bangladesh Parliament, in accordance with the constitutional provision that "there shall be laid before the Parliament, in each financial year, a statement of the estimated receipt and expenditure of the Government".¹ Article 83 further stated that "no tax shall be levied or collected except by or under the authority of the Act of Parliament."

The Sangsad framed its own rules regarding the presentation and passage of the National Budget. Rule 113 of the Rules of Procedure provided for the budget to be dealt in three stages by the House. These were:

- (i) General discussion on the budget as a whole;
- (ii) discussion on demands for grant and appropriation in respect of charged expenditure;
- (iii) voting on demands for grant relating to other expenditure

Items enlisted under charged expenditure were not to be "submitted to the vote of the House"². The remuneration payable to the President, Vice-President and other expenditure relating to their offices; the remuneration of the Speaker, Deputy Speaker, the Controller and Auditor-General, Election Commissioner and Members of the Public Service Commission came under this list.

The rules provided the Speaker with the discretion to allot the number of days for each of the stages of the budget, after which he could, if necessary, apply guillotine and bring the budgetary debate to a closure. While discussing the budget, an attempt will be made hereinafter to show that ample scope was provided to the legislators for exhaustive deliberation and thereby, the Bangladesh Parliament was successful in achieving^{on} the basic_l object_s for which such a budget was presented.

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1. The Constitution of the People's Republic of Bangladesh, Article 87
 2. Rules of Procedure of the Parliament of Bangladesh Rule 113 (b)

B U D G E T A S P E C T S O F T H E B U D G E T S E S S I O N S .

TABLE - XIII

| Y e a r | Type of Budget | Number of Sitting | D i s c u s s i o n s | | Total No. of Participation | Awami League Number | Opposition Number | Priorities |
|-----------|----------------|-------------------|-----------------------|-------------|----------------------------|---------------------|-------------------|--|
| | | | General | Cut Motions | | | | |
| 1973-1974 | Surplus | 11 Days | 7 Days | 3 Days | 72 | 65 | 7 | Agriculture Communication Education |
| 1974-1975 | Balanced | 13 Days | 8 Days | 4 Days | 62 | 55 | 7 | Flood Control Agriculture Communication Education |

Source: Chart drawn by the writer and figures derived from B.J.S.D.

In the debates on the budgets, some of the factors will be identified which prevented the reconstruction of the war torn economy on the basis of a socialist structure.

State control of the means of production and distribution, an exploitation free society, and the provision of the basic necessities of life including food, clothing, shelter, education etc. were not only the Awami League's electoral promises, these and other factors of the socialist economy were also guaranteed by the Constitution.³

The total revenue and the capital outlay of the National Budget 1973-74 stood Taka 820.65 crore as against Taka 786 crore in 1972-73. The budget was claimed to be development oriented with significant emphasis on agriculture, communication and education.

Along with the budget, the Annual Plan for 1973-74 was also presented in the Sangsad. While presenting the Plan, the Minister said that it had been drawn up within the frame work of the First Five Year Plan and that the Annual Plan was the first step towards a socialist transformation. The object of the plan was to "meet the short term problems of the economy and at the same time prepare the ground for the progress towards socialism" the Minister said.⁴

The road to a socialistic system, however, proved to be hazardous, because as was pointed out by the Minister the country was not only faced with global inflation which affected Bangladesh's internal price structure but also because independent Bangladesh was left with a war torn economy. "Thanks to India and other foreign countries we have been able to avoid famine"⁵, he said. The vital problems faced by the Bangladesh Government was food for which 40% of the newly independent country's foreign exchange was spent. To this was added the problem of a disrupted communication system, especially the railway was damaged during the war of liberation. This made the easy procurement and distribution of essentials from the port to the inland, very difficult. Also, production in the major industries was at least 15% lower in 1972-73 in comparison to 1969-70 period. These, however, were only a few of the colossal problems which confronted the new nation.

3. For details see: Fundamental Principal of State Policy, Part II, The Constitution of the People's Republic of Bangladesh.

4. The Bangladesh Observer, Dacca, dated June 15, 1973

5. Tajuddin Ahmed, ^{Bangladesh} Jatiya Sangsad Debates. 2 sessions - 1973

The government's appraisal of the problems confronting the economy was, however, one sided, as was promptly pointed out by the members of the Parliament, consisting of both private members and the opposition, who held administration mainly responsible for failure of speedy economic revival. One member alleged that "no matter how nicely the budget is presented to the House, it is a fact that the present Government has no hold over the price spiral of the essential commodities nor over those responsible for this price hike. No matter, how praiseworthy this budget is, it will be extremely difficult for us to implement it successfully. Therefore, I will ask the Finance Minister to present us with measures to curb price rise."⁶ But, while the private members showed much concern for social evils like corruption, hoarding, black marketing, smuggling etc, which were resulting in the rise of prices of essential commodities and then urged Government to take preventive measures, the opposition saw in the budgetary deliberations the opportunity to condemn the administrative inefficiency of the government and the inability of the Awami League ruling party to uphold its election pledges.

Speaking on the budget, Abdus Satter alleged that the budget was neither development oriented nor socialistic as was claimed. He held that it had failed to meet the aspiration of the people of Bangladesh who had fought a glorious war for a better living. "The people today are ill-clad and do not have adequate food"⁷, he said.

The general debate on the budget ended after seven days of exhaustive discussion participated by 72 members in all. And, while the private members and opposition discussed the budget from different perspectives, they all agreed on one point, viz; the unanimous opinion that taxes on two items should be withdrawn. The members held that taxes imposed on C.I. sheets and umbrella would adversely affect the poorer section of the society. Accordingly, taxes on these two items were withdrawn and this was a healthy indication of the Government's responsiveness to the demands of the Parliamentarians.

6. Abdul Quddus Makhan (Awami League), Ibid - p - 404

7. Abdus Sattar (J.S.D), Ibid - p - 436

The term private member has been used to indicate members of the majority party, other than the Treasury Bench

The second National Budget under the Awami League Government was passed in June 1974. It was a balanced budget with a revenue receipt of Tk. 470.23 crore and an expenditure of equal amount. The transformation from a surplus budget in 1973-74 to a balanced budget in 1974-75 meant that the Government could not revive the war affected economy. It also indicated a scheme to make ends meet within available resources. Major allocations were given to the subjects which had found priorities in the previous budget. These were agriculture, education and communication. But acute food shortage and massive damage caused by flood resulted in an increased allocation to agriculture over the previous year, as well as the inclusion of floor control in the priority list of the budget 1974-75. What was significant, however, was a change of attitude of the Government from hope to resignation. While presenting the second National Budget, the Finance Minister said "we have failed to achieve our target for over-all development which we had envisaged last year"⁷ but, for this he held the people responsible. "We had promised a socialistic economy but we (people) lacked total commitment".⁸

The national goal for a socialist system had been determined by the Awami League leadership which had framed the Constitution, as such the responsibility of motivating the people with socialistic ideology resided mainly upon them. But, the party leadership was recruited from the affluent middle class, whose "public commitment to a socialist pattern of economy was a relatively recent phenomenon".⁹

In his budget speech, the Finance Minister enumerated the problems faced by the Government in its endeavour to achieve the target set by the budget. He pointed out that in 1973-74 budget, the deficit financing was expected to be Taka 18 crore. But the actual deficit financing was to the tune of Tk. 83 cr. and taking into account the subsidy on food the total deficit financing had been estimated at Tk. 179 cr.¹⁰ Stating that the cost of living had increased by 40% during the last one year, the Minister held certain factor responsible for it. World wide inflation had badly hit the economy of Bangladesh which was already burdened with severe strains from national calamity and a "very high internal inflation trend".¹¹ The Minister cautioned that "the foreign agencies may not be inclined to extend aid if there was further lack of effort on our part".¹²

7,8. See for detail. Tajuddin Ahmed, *Ibid.* 5th session, 1974. p - 70

9. *Ravnaq Jahan - Bangladesh Politicis; Problems and Issues* (Dacca University Press Ltd. 1980) p - 98

10. Tajuddin Ahmed, 5 session, 1974 - p - 76 (B.J.S.D)

11. *Ibid*

12. *Ibid*

Sixty two members spoke on the budget 1974-75. And once again we see that while the motive for criticism were different, members in general spoke on common subjects like deteriorating law and order situation, price hike, smuggling, hoarding and other social evils. The private members mostly urged Government to take measures to stop social malpractices and to punish those responsible for such activities. Except a few members, they were less critical of the Government than they had been in the previous session, for its inability in tackling problems in various sectors. But, a few members¹³ like Sirajul Huq and Abdul Hai, used their budget discussion to ventilate certain grievances. They questioned the Government's moral integrity and earnestness in carrying out effective administration. One member said "one class of people are suffering from starvation and spending nights on the footpaths while another class is indulging in luxuries".¹⁴ Another member said that "if fifty honest people were under the control of the Government, they could earn five cr. Rupees "but we are bleeding(economically)"¹⁵, he said.

In general, however, while deliberating on the budget the members of the majority party were mainly pre-occupied with the problems of their constituencies. They asked Government for agricultural inputs like seed, fertilizer, tube wells and for the development of communication like construction of roads, and bridges as well for grants for educational institutions. The readings of one author found that "the majority of the M Ps. thought that what the party wanted most from them was to win the election, to get the votes"¹⁶. This explains why every member used his respective budget speech to put forth specific demand on the Government to solve one or another of the problems of his individual constituency. Most of these problems were genuine, but more significantly this was an opportunity where the member's concern for his constituency and its problems, would get wide range publicity which would ensure increased electoral support. But this pre-occupation with local problems of the members was noticed by the Finance Minister who remarked with disapproval that "the M Ps. after election should think in the context of the whole nation. Constituency issues although important should get second priority.

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13. See Abidur Reza Khan (AL), Shamsul Huq (AL) and others, in Jativa Sangsad Debate, 2 session, 1973
 14. Abdul Hai (AL) 5 session, 1974 - p - 2037
 15. Serajul Huq (AL) Ibid, p - 1517
 16. R. Jahan, Opp. cit - p - 159
 17. Tajuddin Ahmed, Ibid, p - 228^a

The opposition, however, used their budgetary speeches to criticise Government extensively. They used every opportunity including cut motions on demands for grants, to discredit Government and ventilate grievances. They alleged that "the tax proposals showed the absolute failure of the Government and its inefficiency in administration!" "Instead of solving the chaos which is prevailing more taxes have been imposed on the people".¹⁸ Along with the opposition, the members belonging to the ruling party held that the taxes proposed under the 1974-75 budget on new items like C.I. sheets, sugar, tea, cement, railway fares and freight, would create hardship for the common man. They, therefore, urged Government for revision of taxes on these items.

Considering the numerical insignificance of the opposition, they did a good job of covering every angle of criticism. Even the Finance Minister admitted that the opposition had "successfully tried to do their duty"¹⁹. This duty, however, was only partial because the criticism did not follow any concrete suggestions. One member from the Treasury Bench remarked "the opposition are only criticising without providing with any alternative"²⁰.

The number of sittings in the first budget were eleven, in which 72 members participated. General discussions were held on seven days while on three days discussions were held on demands for grants and cut motions on them. One day was allotted for the discussion on Charged Expenditure on the consolidated Fund. Six members including two from the Treasury Bench took part in the discussion of the non-votable items. Supporting the expenditure of the Election Commission, the Finance Minister said that it had been made a statutory institution so that it could function independently. Next, the Finance Bill 1973-74 was passed. As there was shortage of time, there was no discussion.

In the second budget session, comprising of thirteen sittings, 62 members took part in the debate. General discussions were held on eight days and on four days discussions on demands for grants were held. One day was allotted to the discussion of the Finance Bill. It came under heavy fire from the opposition who opposed the imposition of additional taxes on the ground that the people were already economically hard hit. They condemned the bill as "a devise to suck the people of their life blood"²¹.

Ibid,

18. A. Satter (J.S.D.)/5th session, 1974 - P - 975

19. Tajuddin Ahmed, Ibid - P - 2291

20. Tajuddin Ahmed, Ibid - P - 1584

21. M. Lama (Independent), Ibid - P - 976

B U D G E T - ASPECTS OF BUDGET SESSIONS .TABLE - XIV

| year | Number of Demands for Grants | Demands for Grants Discussed | NUMBER OF CUT MOTIONS | Token cut discussed | Disapproval of Policy Cut discussion | Economy Cut discussions |
|-----------|------------------------------|------------------------------|-----------------------|---------------------|--------------------------------------|-------------------------|
| 1973-1974 | 78 | 17 | 16 | 14 | 2 | Nil |
| 1974-1975 | 90 | 12 | 13 | 9 | 3 | 1 |

Source : Chart drawn by the writer and figures derived from B.J.S.D.

In the budget of 1973-74, there were 78 demands for grants. Of these seventeen were discussed by the House. For these seventeen demands for grants, sixteen cut motions were moved by the opposition.

In the budget of 1974-75, there were 90 demands for grants, of which, twelve were discussed. For these twelve demands, thirteen cut motions were given. See Table XIV.

In both sessions, the type of cut motions proposed by the oppositions were of three kinds. One motion proposed was for "Token Cut"²². This motion stated that "the amount of demand be reduced by Tk. 100.00, in order to ventilate a specific grievance which is within the sphere of Government. Most of the cut motions were submitted under this title.

Only a small number of cut motions calling for "Disapproval of Policy Cut"²³, were given by the opposition. Notices of two such motions were given in the 1st session, and three in the second session, were given to the Sangsad. This motion stated that "the amount of demand be reduced to Tk. 1.00 representing disapproval of the policy underlying the demand. Discussion on this motion was to be confined to specific grievances mentioned in the notice and the members were allowed to advocate alternative policy.

Of the twenty-nine cut motions moved in the Sangsad in the two sessions, only five motions belonged to this group. What is more significant is that, while the opposition successfully pointed out their grievances, they were unable to advocate any alternative policy other than that pursued by the Government, but which they vehemently criticised.

A third type of cut motion was for "Economy Cut"²⁴, which stated that the demand be reduced to a specific amount, representing the economy that could be affected. One one motion was moved under this heading.

In general, the discussion dealt with grants to departments such as forest, agriculture, postal, income tax, land revenue, land customs, sea customs, excise duty and such like.

22. See for details, Rules of Procedure of Parliament of Bangladesh Rule, 118

23. Ibid

24. Ibid

Cut motions were a device which was used by the opposition to ventilate grievances on matters of policy or administration concerning the ministry in question. Parliamentary time which was allotted to demands for grants, appropriation and the Finance Bill was considerably short, specifically so, if we take into account the fact that about 26 days are allotted for discussion of estimates, in the British Parliament.²⁵ In the British Parliament, the first business of the budget session begins in November and are carried out until July of the coming year with debates and voting.²⁶ Even in India, the budget session commences from 1st February and ends on 17th May. In Bangladesh, the 1st National Budget was presented on June, 1973, ^{and was passed} after 28 days of deliberation and voting. The 2nd National Budget was presented to the Sangsad on 19th June and was passed on 17th July after 28 days of discussion and voting. The comparison of the budget session in Bangladesh and other Parliamentary systems mentioned above, gives the impressions that the presentation of the budgets as a mere formality. This assumption is thought-provoking especially when we take into account the period under which the budgets were presented in the Sangsad. Total commitment in working out the budgets and thorough deliberations were imperative to gear up a war-destroyed economy which was faced with global and internal inflation along with many sided problems.

But, given this limited time, the participation was good. The object for which the budgets were presented was also well covered. A little less than one fourth of the total members participated in the debates. Every member of the opposition was given the opportunity to participate in the discussion. The deliberations were wide ranging with members especially the opposition dealing with the budgets from various angles.

If the object of presenting a budget to the parliament is that of scrutinizing the tax proposals and expenditures of the Government, and while dealing with such matters, discussing national problems and ventilating grievances, then the purpose of presenting the two National Budgets to the Jatiya Sangsad was served.

And what is more, the presentation of the two national budgets served as indicators of hopes and aspirations for better living through a socialistic system, as they also served as indicators of problems that stood in the way and prevented the implementation of hopes to reality.

25. See for details, H. Finer, Government of Greater European Powers, (New York; Henry Holt & Company, 1956) p - 127

26. Ibid

COMMITTEES:

The importance of Committees in parliamentary system of government lies in the fact that, these miniature legislatures take over a lot of work load off the Assembly. Here, important bills and issues are discussed, if needed, by consultation with technical experts in order to get the best result.

The Rules laid down in full detail the kinds of Committees that were to be nominated by the House as it also laid down the nature of function and the number of member of each Committee. The provision that "nor shall a member be appointed to a Committee if he is not willing to serve on it,"² implied that only those MPs³ who were earnest in serving in the Committees, were to become its members.

In all, there were thirteen kinds of Committees that were specified in the Rules of Procedure. These consisted of both Standing and Select Committees. The members of these Committees were to be appointed by the "parliament on a motion made by it,"⁴ The Chairman of a Committee was to be elected by the members of that Committee from amongst themselves unless he was "designated by the House."⁵

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1. Rules of Procedure of the Parliament of Bangladesh R.188(2).
 2. Ibid
 3. Member of Parliament.
 4. R.188(1)
 5. R.191(1).

A Committee was empowered to regulate its own procedure.⁶ In order to prevent the interference of pressure groups and to ensure correct and unprejudiced opinion, the sittings of Committee were to be held in private. The Rules further made it mandatory, that "any persons other than members of the Committee and officers of the parliament secretariat shall withdraw whenever the Committee is deliberating."⁷

Table XV shows, the functions conducted by the various committees of the Jatiya Sangsad.

6. R. 213

7. R. 201.

TABLE XV: FUNCTIONS OF COMMITTEES
OF THE JATIYA SANGSAD

| Name of Committee | Number of members | Number of meeting held | Number of report submitted. |
|---|-------------------|------------------------|-----------------------------|
| 1. Standing Committee on Public Accounts | 11 | 4 days | Nil |
| 2. Standing Committee on privileges | 9 | 5 days | 2 |
| 3. Business Advisory Committee | 10 | Nil | Nil |
| 4. Select Committee on Bills | | | |
| a | 13 | 3 days | 1 |
| b | 15 | 3 days | 1 |
| c | 7 | 1 day | Report not submitted. |
| 5. Committee on Estimate | 10 | 9 days | Nil |
| 6. Committee on Government Assurance | 8 | Nil | Nil |
| 7. Standing Committee Rules of Procedure | 12 | 10 | Nil. |
| 8. Committee on Public Undertaking | 10 | Nil ✓ | Nil |
| 9. Committee on Public Accounts | 15 | Nil | Nil |
| 10. House Committee | 10 | 5 days | Nil |
| 11. Library Committee | 10 | 4 days | Nil. |
| 12. Committee on Private Members Bills and Resolution | 10 | Nil ✓ | Nil |
| 13. Committee on petition. | 10 | Nil ✓ | Nil |

Source : Bangladesh Jatiya Sangsadher Karjyabali (DACCA,

GOVERNMENT PRESS, 1976).

In the Parliament of Bangladesh, Committees of various kinds were nominated by the House from time to time, but the actual work done by these Committees were almost nil. Among these, three Standing Committee were regularly nominated in every session. These were the Standing Committee on Privileges, the Business Advisory Committee and the Public Accounts Committee.

Meetings of the Standing Committee on Privileges were held on five days and two reports of this committee were submitted to the House. One report was on the special privileges motion given by Professor Humayun Khalid who belonged to the ruling Awami League party. He alleged that a Bengali Daily "Dainik Bangla", had printed a news item concerning a report of the Superintendent of Police on the murder of an M.P. and this had hampered the privileges of the Jatiya Sangsad. The second report of the Committee of privileges was on a news published in "Ittefaq" a Bengali daily, which was about some defamatory remark on the Parliament made by a member of certain political party. Both the reports were accepted by the House in the form they were presented, without further discussion, by voice vote.

The Business Advisory Committee, although was regularly nominated, never met.

The Standing Committee on Public Accounts was regularly nominated by the House, but it met for only four days in the entire working period of the Jatiya Sangsad. No report was presented to the House. This Committee was a very important organ of the Parliament, because its function was the "examination of accounts showing the appropriation of sums granted by the

House for the expenditure of the Government of Bangladesh, the annual finance account of the government and such other accounts".⁸

But, the inactivity of this Committee as well as the poor functioning of Committees like the Committee on Estimates,⁹ Committee of Government Assurances and the Committee of Public Undertaking,¹⁰ is an indication that the legislators failed to utilize a powerful weapon to hold government accountable for the manner in which the latter was spending public money.

In order that good laws may be enacted, the Rules of Procedure provided for Select Committees on bills. The function of this Committee, apart from deliberation on a particular bill, was to "hear expert evidence and representatives of special interests affected by the measures before"¹¹ this committee. In the Jatiya Sangsad, the Select Committee on Bills was thrice nominated by the Sangsad. Of these, two bills, viz., the Bangladesh Local Government (Union Parishad and Paurashava) Bill 1973, and the Bangladesh Rice Research Institute Bill, 1973, were discussed in the Select Committees separately for three days each. The reports of the Committee were passed by the House by voice vote. Perhaps it would be proper to mention here that this Committee should have been more effectively utilized and bills such as Special Powers bill, Jatiya Rakkhi Bahini bills,

8. R.233.

9. R.235.

10. R.244

11. R.238.

The Constitutional Amendment bills and such other bills which affected the fundamental rights of the citizens and were of far reaching consequences, should have gone to the Select Committees before they were enacted into laws.

In the British Parliamentary system, every bill goes to a Committee after the second reading, in which debate on the general principle of the bill takes place. But no amendment can be moved until the bill has passed through the committee stage where it is considered with technical efficiency.

This dearth of activities in the Committee was indicative of the legislators lack of interest in the judicious and technical aspect of framing laws. It, therefore, tends to lead to the conclusion that the legislators were more concerned with the publicity which, debate on bills in the House would bring than they were concerned in enacting beneficial laws.

A healthy feature of the Jatiya Sangsad, however, was that every time a Committee was constituted, at least one member from the opposition was included. This was done to indicate that the opinion of both the sides in the legislature have been considered before the Committee came to its final decision. This factor as well as limitation of parliamentary time made further discussion by the House unnecessary. Thus the Sangsad passed all the reports of the Committees by voice vote in the form in which they were presented by the Committees.

PRIVILEGES

Privileges are the special rights which the members of the parliament enjoy as a constituent part of the sovereign body. Privileges give the members protection against molestation and arrest from any outside authority as it also gives them freedom of speech in debates, inside the parliament. Parliamentary privileges are also safeguards which are granted to the members so that their dignity can be retained. Individually, the members also enjoy privileges. It is the right of a member to be treated equally like other members. It is a convention that, when any of the rights or immunities of the members, either individually or in their collective capacity are violated by any individual or authority, the offence is called breach of privilege and is punishable under law of the Parliament.

Cases of breach of privileges are sent to the Committee of Privileges, which forms one of the most important Committees of the parliamentary institution. This Committee had the delicate task of preserving the privileges of the House. The Rules of Procedure of the Parliament of Bangladesh provided that a question of privileges before the House was to have precedence over other motions and that, the report of the Committee of Privileges was to be accorded priority over other business of the House.

In the seven session of the Jatiya Sangsad, notices of forty-two Motions for breach of privileges were submitted to the House of which three were sent to the Standing Committee of Privileges.

One such Motion was about a news item published in a Bengali daily, 'Dainik Bangla' about the report of the Superintendent of Police concerning the murder of a member of the parliament. The mover of the Motion held that the report was false and as such it had impaired the prestige of the member concerned. The Motion, after being accepted by the House, was sent to the Committee of Privileges for consideration. The report was later presented to the House.

The second Motion on the breach of privileges was about the wrong publication in the newspaper "Janapath" of the statistics which had been given in the Sangsad by the Minister of Industries. The motion was sent to the Committee of Privileges which later on submitted a report.

The third Motion on breach of privilege was about wrong information given in the parliament during the question hour. The motion was accepted and a statement was later on given in the House by the minister concerned.

When the reports were presented to the House the members were informed about the same. However, no discussions on these reports took place and no course of action was decided upon by the House. All the three Motions of breach of privileges which were sent to the Committee came from members belonging to the ruling party. Meeting of the Standing Committee of privileges on these three motions were held on five days in total. The short duration of time taken for discussion indicates that the

privileges Motions could not have been very seriously considered by the Committee. Moreover, it was alleged by a member of this Committee that so far as he knew, the Committee meetings were never held and that he had never received any notice for meeting even if such a meeting was called.¹

The maximum notices on the breach of privileges were about the misprinting of names in the news papers of the members or of their constituencies and the members took serious objection to such errors. Out of the forty-two notices seventeen were about such matters. However, since these errors were not intentional but were rather printing mistakes, the breaches need not have been taken so seriously. The Speaker usually rejected such notices after giving warning to the newspapers concerned that such mistakes should not recur in the future.

A few notices were genuine cases of breach of privileges and they should have been deliberated in the Committee. There was a notice which alleged that a false news had been published in a newspaper which had wrongly stated that a member of the Parliament had been manhandled in the mosque by the police. This had affected the image of the members as a public man and thus his privileges was hampered. There was another notice which stated that the member's privileges had been denied because of the obstruction given to his car by the police constable while the member was coming to the Parliament. These and similar cases of breach of privileges, although were few in number, were important

1. Ataur Rahman Khan, Ibid. 5 Session 1974. P.26.

instances when a member's dignity, as a constituent part of a sovereign body, had been neglected. Such matters should have been taken for more serious discussions by the members of the Parliament.

PARLIAMENTARY DEBATE

One of the most important functions of a Parliament is to deliberate and debate government policies before a decision is taken. Generally, the government explains its policies and actions while the opposition puts forward various arguments to register disapproval to such policies as it also tries to bring discredit to the government for its actions through criticism. The consequence is the desirous acceptance of a proposal although there might have been disagreement. This forms an important basis of parliamentary democracy. A second purpose is also served, viz., debates also result in the projection of various shades of opinions leading to cautious calculation before reaching a decision. Finally, parliamentary debates serve the opposition with an important tool for influencing public opinion in its favour by means of convincing and impressive arguments on sensitive government policies. Change of public opinion in key constituencies can lead to the fall of government and bring a new one at the next election.

Debates on a wide range of issues were held in the seven sessions of the Bangladesh Jatiya Sangsad. The Rules of Procedure laid down in detail the method of holding debates on bills and budgets. Procedures for discussing amendments to the bills and budgets were also clearly laid down in the Rules. Debates of the Sangsad on these items took up the maximum amount of parliamentary time.

Parliamentary debate on the Presidential Address is also of much significance. This is because the President, at the commencement of each year lays down before the Parliament, in broad outline, the policies of the government. As a rule, the members of the majority party supports the policies of the government, while the opposition plays an active role in pinpointing its shortfalls, by way of criticism.

The first Presidential Address to the Jatiya Sangsad was held on 10th April, 1973. A whole sitting was allotted to the Presidential Address in which the President enumerated the causes leading to the creation of Bangladesh, the colossal problems confronting the new nation, as well as priorities and policies that were to be followed to overcome difficulties in the various sectors. The goal of the government, he reiterated was the establishment of a Golden Bengal on the basis of the four fundamental principles of democracy, socialism, secularism and nationalism. But, while the members of the ruling Awami League party applauded the Presidential Address for its pragmatic approach and praised the President "for not minimizing the magnitude of any problem."¹, the opposition was quick to condemn it. They criticized the President for his failure to take into account various important issues like food problem, deteriorating law and order situation, price like, unfair election and so on.

1. The Bangladesh Observer, (Dacca) April 11, 1973.

Debate on the Presidential Address in the form of Motion of Thanks and amendments on it were held on five days. Thirtyone members participated in it. In all there were fifteen amendments but all were rejected by the House and the Motion of Thanks was passed by voice vote.

Debates on the Second Presidential Address were held for seven days. In his Address, the President pointed out that despite great difficulties the government had been successful in both its internal policy as well as in the international front. He said that the communication system which had been disrupted during the war of liberation had been restored and great efforts were being made for agricultural development and increase in food production. The president pointed out that the Five Year Plan had been framed with an eye to ensure rapid economic development.

Speaking on the foreign policy the President said that Bangladesh, within a year of its independence, had been recognised by 116 nations and that she was following a policy of non-alignment and friendship towards all. He spoke of the nations' special gratitude toward India and the Soviet Union for the support they had rendered during the war of liberation, but he also expressed thanks to Britain and America for the assistance and aid they had supplied to the new nation in its hour of need. The Second Presidential Address, however, showed a clear

deviation in Bangladesh's foreign policy. Whereas in the Presidential Address of the previous year India and the Soviet Bloc rated in the priority list of gratitude and reliance; the Second Address went into the rhythm of non-alignment. It reflected the government's confidence in the principle of friendship towards all and malice towards none. The Prime Minister's ~~attendance of the Commonwealth Conference in Ottawa,~~ the government's reiteration of support to the cause of the oil rich Arab world and the President's appreciation of the western world for their help indicated a balanced foreign policy.

The Presidential Address was once again hailed by the members of the ruling party, while the opposition accused him for his "affected sense of complacence"², Twenty-one members took part in the debate with 16 from the government side and five from the opposition. 13 amendments were brought out by the opposition on the Presidential Address but all were rejected and the Motion on the Address was passed by voice vote.

A regular feature was the debates arising out of 'Point of Orders' with members from both the ruling party and the opposition, participating. One of such important debate arose out of Mr. Syed Quamrul Islam Mohammad Sa^ruddin's 'Point of Order' in the Fifth session. He pointed out that in accordance with Article 54 of constitution, the Speaker was

2. Ataur Rahman Khan, BJSD 4th Session, 1974 P.158.

to act as President, in case the latter was absent. He contended that, if the Speaker was acting as President, he ^{could not} cannot continue to act as the Speaker and discharge dual functions. A lengthy debate followed which was brought to an end with the Speaker's ruling that the Speaker could perform dual function because the word absence was interpreted to make the discharge of the dual functions legal.

Occasionally, debates in the Sangsad arose because of the members' convictions and sentiments. An interesting debate ensued because a member was termed as belonging to the "so-called opposition". This offended the member concerned who demanded a clarification on the status of the opposition inside the House.

The members outside the ruling party claimed that they formed the official opposition inside the Sangsad because they had been recognised as such by the Speaker, who had granted them permission to sit on the bench reserved for "opposition" and also because the Speaker had granted a chamber to, Ataur Rahman Khan as the Leader of the Opposition. The Leader of the House, however, contended that parliamentary convention required at least 25 members to form an opposition party. But, he said, the seven member opposition consisting of three parties and three independent members could hardly be termed as opposition party. This and similar debates helped much in giving colour and adding interest to the proceedings of the Jatiya Sangsad.

Most of the parliamentarians of the Jatiya Sangsad were new comers whose only experience of speech making was acquired in public meetings. They had much to learn about the art of parliamentary debates. Yet when stalwart parliamentarians like Ataur Rahman Khan, Monoranjan Dhar, Abdul Malek Ukil, Assadusaman Khan delivered speeches they proved to be professionals. Their style of delivery invoked interest and on occasion, admiration,³ while the contents were informative.

It was a healthy sign portrayed in the debates that the opposition was criticising government not merely for the sake of criticism, but more often, because they tried to dissuade government from enacting laws which they considered would be harmful. When words failed they often took recourse to action and thus registered their disapproval through non-participation viz., by staging walk outs.

Of the seven opposition members, three took maximum part in debates. They were Abdullah Sarker, Abdus Sattar and Ataur Rahman Khan, although the subjects on which they spoke were limited, viz., deteriorating law and order situation and *increase*

3. For details see: Jatiya Sangsad debates : Ataur Rahman Khan's speech on various bills and on the two Presidential Addresses, Abdul Malek Ukil on Press and Publication Bill, Tajuddin Ahmed's winding up speech on Budgets, Monoranjan Dhar on Constitution (Third) Amendment Bill and so on.

in social vices, corruption and nepotism in administration, administrative inefficiency, food crisis and price like of essential commodities etc., but they used every opportunity for discussing these issues.

To sum up, it can be said that the debates in the Jatiya Sangsad were of a standard which increased the credibility of the institution as a platform which reflected various shades of opinion and which seemed to give the impression of a forum where public policies were deliberated before a decision was taken.

Yet, it will not be out of place to mention here that, whereas the Sangsad had taken much pains in discussing issues that were relatively of lesser importance, ironically this institution enacted the two very important bills of far reaching consequences i.e. The Emergency Bill and the Constitution (Fourth) Amendment Bill in the case of minutes only.

It is here that the effectiveness of the national forum became questionable because it gave such easy acquiescence to issues which were of national importance. Such debates should have been extensive, thorough and all comprehensive.

FACTORS WHICH ADVERSELY AFFECTED THE SMOOTH FUNCTIONING
OF THE JATIYA SANGSAD

The sudden termination of the parliamentary system in Bangladesh in January 1975, after a twenty two months working period came as a shock to many people. After all, a sovereign parliament had been for ages an ideal of the Bengali nation.

The dissolution, however, had been the cumulative effect of factors whose presence were not only obstacles to the functioning of the Jatiya Sangsad but the prevalence of such factors had challenged the very viability of the institution itself.

These factors may be enumerated as:

1. Political Culture of Bangladesh
2. Charismatic Leadership
3. Political Parties in Opposition and
4. Socio-Economic and Political Crisis in the 1973-1975 period.

ONE: POLITICAL CULTURE OF BANGLADESH:

Bangladesh consists of 68,000 villages. The bulk of her population is concentrated here. However, as Bertocci¹ has shown in his study of the village of Bangladesh that it is not the village but rather the "bari"² which forms the unit of Bangladeshi society. The "bari" is also the basis of the Bangladeshi political culture which has contributed to the development of amoral "familism"³. It has made people "the prisoner of their family centered ethos"⁴ and has prevented them from forming associational groups, as well as it has hindered them from co-operating in communal activities.

In every "bari" there is a surplus farmer or sardar (there may be more than one) who outstrip his neighbours in ownership of land and homestead population. These sardars being the members of dominant lineages have formerly recognised authority over their homestead groups. They can also count on the blind support and loyalty of the lower strata of the rural social structure, particularly the landless peasants⁵, especially in their political activities.

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1. See for details. J. Bertocci, Elusive Village; Social Structure and Community Organisation in Rural East Pakistan (A Ph.D Thesis submitted to Michigan State University. 1970)
 2. In here, "bari" is defined as a homestead cluster, which forms a nucleus around which the socio-economic and political activities in the rural areas of Bangladesh revolve. The members of a bari have an internal cohesiveness which is deeply imbedded in them, and no matter how far a person may go he never loses his emotional attachment with his bari. A person's sense of belonging to his homestead develops total commitment towards it and has contributed to the development of what Banefield calls "amoral familism".
 3. E.C. Banefield. The Moral Basis of a Backward Society; (The Free Press of Clencoe. Chicago. 1958)
 4. Ibid
 5. Anwarullah Chowdhury, "Social Stratification in a Bangladesh Village, The Journal of the Asiatic Society of Bangladesh, Vol. XX (April, 1975) p. 60

Particularly, during an election, a sardar can rely on his followers to vote for him or his party candidate. Thus a political sub-system exists at the rural level and sentiments such as "loyalty, love and pride"⁶ is concentrated here and can penetrate only in a small degree to larger national institution. But this tendency towards personal dependency has prevented the growth of impersonal relationship. This tendency is also discernible at the national level. Factional groups, in order to retain its power vis-a-vis other factional groups try to win the favour of a superior authority by means of a more personal adhoc relationship. This has resulted in vertical cleavages in society and has hindered the growth of sentiments like mutual trust and co-operativeness. It has also encouraged the politics of faction and cliques and has made the existence of charismatic leadership indispensable. It is the superior authority or the leader who can hold together all the factions by commanding personal loyalty.

A similar thing happened when the Jatiya Sangsad began to function. The factions within the ruling Awami League could be held together by the personal influence of Sheikh Mujib who held all the groups together by means of his personal intervention or by accommodating the factional leaders in power position.⁷ The dependency of the various factional groups within the Awami League, some of whom were member of parliaments (MPs), on Sheikh Mujib in order to maintain its power vis-a-vis other factions, severely damaged the institutional relationship of the MPs with the Sangsad. As a consequence, the institution became weak. It retained its formal structure but lost much of its effectiveness. Thus "only a minority talked of mutual dependence"⁸. An officer of the Sangsad Secretariat described the Jatiya Sangsad as "a body without a soul".

A low rate of literacy is another major factor which affects the participation orientation of the Bengali mass and results in personnel relationship and dependency in politics. About 80 percent of the population of Bangladesh suffers from illiteracy. They can neither read newspapers or printed materials nor do these people in general have easy access to mass media like television or radio. Thus this vast number of population being unable to gain direct knowledge on the current political affairs of their country have to depend on their local leaders.

6. G.A. Almond and J.S. Coleman (eds), The Politics of the Developing Areas (Princeton University Press, 1960). p. 30

7. Rouvnaq Jahan, Bangladesh Politics: Problems and Issues (University Press Ltd) p. XIX

8. Ibid - p. 158

Dacca - 1980

This not only leads to biased judgement but also works up their sentiments as well. The people react to political situation in the ways their leaders would want them. The more the number of these leaders in a political party, the better it is for that party, because it can count on the support of these people. This has been an important factor for the repeated voting of the Bengali mass for a single party. But, so far parliamentary democracy is concerned this tendency has proved harmful for the healthy working of the system because while on the one hand, it has led to the formation of Government by a single party with an absolute majority it on the other hand, has discouraged the growth of a strong, stable opposition party. But unless there is a strong vigilant opposition, parliamentary democracy is bound to meet with setbacks.

Diverse cultural heritages of the Muslims of Bangladesh is another factor which influences its politics. The majority of the population of Bangladesh are muslims although, there are other religious ^{groups} like Hindus, Christians and Buddhists. In general, however, a Bangladeshi is both a muslim as well as he is a Bengali. This means that though he pays great importance to his religion ie. Islam, a Bangladeshi at the same time, can not ignore his Indo-Sanskrit orientation. This dual cultural identity forms an inalienable but contradictory part of him. Although, a Bangladeshi is not fanatic about either of these two sentiments, his orientation towards political authority depends on the policy followed by the elite. If the ruling party ignores either of these cultures, it will do so at its own peril. This was proved on more than one occasion. During the Ayub regime, he had alienated the Bangalees by ignoring the Bengali culture, the result was the massive movement against him which ultimately brought his downfall. Again, during Sheikh Mujib's regime, it was alleged that the ruling elite had ignored the Islamic culture and this had angered the Bangladeshi muslim populace.

Thus, it follows from above discussion that the successful working of parliamentary system of Government in Bangladesh had suffered because while the institution was a product of the western culture which the elites favoured but the orientation of the majority of actors responsible for its successful working were traditional in their approach. Sentiments which are basic to the proper working of the parliamentary system, such as mutual trust, co-operation, unity and an impersonal, loyal orientation towards the institutions could not develop due to factors such as the social structure of rural Bangladesh, the politics of personal dependency, illiteracy and the existence of a dual cultural identity of the Bangladeshis.

TWO: CHARISMATIC QUALITY OF SHEIKH MUJIBUR RAHMAN

The struggle for autonomy and greater political participation of the Bengali nation brought Sheikh Mujibur Rahman (Sheikh Mujib) to the lime light of Bangladeshi politics. His association with politics, however, began as a student leader and he spent his early years in party organisation. When the Awami League was established in 1949, he became the First Assistant General Secretary at the age of 29. Three years later, he became General Secretary of the party and continued to be so till 1966, when he became the President of the Awami League. At this point, he launched the six points⁹ movement and brought the Awami League into lime light of the then East Pakistan politics. The programme also turned its advocate into a popular hero. The ruthless suppression of the movement by Ayub Khan and Mujib's arrest gave him the place of martyrdom. Throughout the 1966-1968 period, while he was in prison Sheikh Mujib's popularity increased. The Ayub regime's allegations against him in the Agartala Conspiracy Case instead of destroying his image, helped to magnify his role as the savior of the Bangladeshies. In the election of 1970, Sheikh Mujib's party won 167 out of 169 East Pakistan seats, which institutionalized his position as the supreme leader in East Pakistan.

When the war of liberation was fought in 1971 and Sheikh Mujib was once again imprisoned, his popularity soared. He became the "Jatir Janak" or "the Father of the Nation" of independent Bangladesh. He was also popularly known as "BANGOBANDHU". His tremendous popularity became evident from the continuous chanting of the masses of "Joy Bangabandhu" which "interrupted his speech in mammoth public meeting"¹⁰.

His public support made Sheikh Mujib undoubtedly the most powerful leader in post independent Bangladesh. The election result of 1973 shows that in one constituency alone, he bagged 1,13,380 out of 1,36,672 votes cast. In another place, out of 1,22,072, he polled 1,05,561 votes cast.¹¹

9. The six points programme was a radical demand for provincial autonomy. While giving the Federal Government of Pakistan subjects like defence and foreign affairs, the six points retained for the provinces subjects like separate currencies and power to levy taxes

10. The Bangladesh Observer (Dacca) March 10, 1973

11. Ibid

Even his party members seem^{ed} to be aware of Sheikh Mujib's popular appeal. In the first meeting of the parliamentary party held just after the election of 1973, Zillur Rahman, the then Organising Secretary of the party reminded the members that they had won the election only because "Bangabandhu had given them nomination"¹².

Even the members of the opposition were cautious in their criticism of the great leader. In discussing the remuneration and privileges given to the Prime Minister, a member of the opposition told the House that "we know that Bangabandhu is a great person and it may be, as a Prime Minister, he may not touch a single Taka. Even if he does, no one is going to protest"¹³.

The idea expressed everywhere was that Sheikh Mujib could do no wrong, that he was ^{above} reproach. The politics of Bangladesh was completely dominated by him. As the Father of the Nation, as the Prime Minister and as the Head of the Party, Sheikh Mujib combined in his person the source of all political authority. He was the decision maker in all matters which concerned politics. Such great authority led to two things:

1. It led to the personal rule of Sheikh Mujib as it also earned him complete loyalty of his party men and
2. It adversely affected the growth of institutional relationship.

At the commencement of his rule, it was hoped that Sheikh Mujib would use his authority to build up a viable political institution. But factional tension within the Awami League which was visible in 1972 became acute in 1973 because groups with polarized ideologies were coming into clashes. These groups with different ideologies had united under the leadership of Awami League before the war of liberation in 1971. These groups were not only setting as a pressure and thereby making party solidarity rather shaky, they were also competing to win the favour of Sheikh Mujib. As a consequence, Sheikh Mujib had to use his charisma and maintain a bilateral relationship with his party men.

12. Ibid, March 2, 1973

13. Mohammed Saleuddin. B.J.S.D., 2 session, 1973. p. 492

This, of course, was injurious to the development of impersonal institutional sentiments, as it also affected the members' total commitment in successfully working the new institution. Whenever the members were faced with a crisis, they looked upon to the most effective man on the political realm, viz. Sheikh Mujibur Rahman for solutions and not on the parliamentary machinery. In a parliamentary system, the parliament, however, is regarded as the mechanism for the solution of all political problems.

Moreover, the dependence of the members of the Awami League arising out of Sheikh Mujib's charismatic quality was so complete that when the latter called for a change of system even those members who disagreed with him had to comply with Sheikh Mujib's directive because the members knew that without their leader their political image was rather weak.

Thus, in conclusion, it may be mentioned that the tremendous mass appeal and the charismatic quality of Sheikh Mujib, instead of aiding in institution building obstructed its development. Members of Jatiya Sangsad depended more on the charismatic leader for the solution of national problem than they did on the state machinery viz. the Jatiya Sangsad.

THREE: POLITICAL PARTIES IN OPPOSITION

Parliamentary form of Government is a system which works well under checks and balances. Under the system when a party forms a Government any abuse of authority is kept in check by the threat that there is at least another party strong enough to form an alternative Government.

Bangladesh began her political career with parliamentary form of Government with a single dominant party. At the beginning, the Awami League which had spearheaded the nationalist movement, had no political opposition, but soon opposition began to grow. The scarcity of essential commodities, the fast rising price index, the ever increasing deterioration in the law and order situation, corruption and nepotism of the Awami League leader and Indian influence in Bangladesh were major charges which led to a growing unpopularity of the ruling Awami League party.

An United Front (U.F) which comprised of six open opposition parties was formed with Maulana Bhasani as permanent President. The United Front decided to hold a mass movement on June 30, 1974 with the holding of a public meeting at Dacca. But on June 29, most of the leader of the U.F. were arrested and their activities were brought to a halt. However, how far the U.F. could have formed a real threat to the Awami League as an alternative party is questionable because the 1973 electoral result reveal their weak popular support.¹⁴

The real threat to the political and social stability to the Awami League Government came from the radical revolutionary parties who had been trying to overthrow the Government through mass movement as well as armed struggle. The parties claimed that they had already started sabotaging communication and killing Awami League leaders and workers.

14. See The Bangladesh Jatiya Sangsad Jivan Bitantya
(Dacca, Government Press, 1976) p. 9

NAP (B) polled 5.32%, NAP (M) polled 8.33%, J.S.D polled 6.52% of the total votes cast.

Politics of violence as was practised by these parties could not be conducive to the growth of the prevailing parliamentary system. While justifying the change of the system from the parliamentary to the presidential one under his direct rule, Sheikh Mujib alleged that Bangladesh after independence had become a hot head of international clique and that certain political parties were acting as "foreign agents"¹⁵. He also stated that four of the Jatiya Sangsad members had been assassinated, and that the law and order were fast deteriorating.

We have already seen in chapter VII that a weak opposition inside the Jatiya Sangsad had crippled its structure and had helped it to become ineffective. While the politics of violence pursued by the radical revolutionary parties served as thunderbolts hitting the structure, a number of laws were enacted by the ruling party to stop the activities of the opposition parties but these only served as boomerangs and ultimately the institution crumbled.

15. Sheikh Mujib, BJSD, 7th session, 1975. p. 72

FOUR: THE SOCIO-ECONOMIC AND POLITICAL CRISIS IN THE 1973-75 PERIOD

On its accession to power the Awami League leadership found itself presented with multifarious problems. Some of these problems came along with independence while others developed with the passage of time.

For one thing, as a consequence of the war, the feeling of oneness among the Bengali nationhood had as yet not developed. Different groups were suspicious and intolerant towards one another.

Factionalism and intrigue prevailed in the military and in the civil services. These institutions were divided into conflicting groups of "collaborators" and "patriots", ie. the division between those who had joined with the freedom fighters and had directly participated in the war of 1971 and those who had worked under the occupational forces. To this was added a third category, and this was the repatriates from Pakistan. Many questioned their loyalty to the new nation. There was also a fourth group. This was the "Mukti Bahini" or freedom fighters who did the actual fighting. Tension arising from these factional group was further deepened by the existence of a large number of non-Bangalees who are considered as traitors and collaborators by the Bangalees.

So many factional groups were bound to lead to clique and intrigues, giving rise to suspicion and distrust and thereby creat^{ing} a load on the new system and affect^{ing} its smooth functioning.

The tension arising out of factional politics, however, was kept in check and a civil war was averted by Sheikh Mujib's personal intervention. The ruling Awami League party was unable to enforce discipline among the various contending forces and groups because the party itself was "faced with an internal factional crisis"¹⁶.

The Awami League which had emerged in the 1973 election as the single most powerful political party began to lose much of its effectiveness. This was because of (1) ideological differences among the top party leaders and (2) because of internal factionalism.

16. Roung Jahan, op. cit. p. 61

Controversy emerged over the introduction of pure socialism advocated by Tajuddin Ahmed and mixed economy advocated by Nazrul Islam and ^{Khandaker} Mostaque Ahmed. At the beginning, the Prime Minister maintained balance between the two groups. But in the middle of 1974, in the midst of the economic crisis, Sheikh Mujib had to tilt in favour of the rightist group as huge amount of aid was needed, resulting in the resignation of six ministers and three state ministers of the Tajuddin group. However, preference for the socialist system continued to be there. The system was particularly favoured by the more radical youths of the Awami Jubo League and the Jatiya Sramik League which were the youth front and the labour front respectively, of the party, under the leadership of Sheikh Fazlul Huq Moni, (Sheikh Moni). Sheikh Moni was the Chairman of the Awami Jubo League and one of the leaders of the Jatiya Sramik League. These groups of young Awami Leaguers constantly demanded the abolition of parliamentary democracy and the establishment of a revolutionary Government under the personal rule of Sheikh Mujib. Sheikh Moni in his public speeches and through his news papers repeatedly called for a "second revolution, under Sheikh Mujib where the masses would benefit from Sheikh Mujib's direct rule"¹⁷.

Thus, within the Awami League, the older party leadership had some ideological commitment to parliamentary democracy, but the more youthful leaders, especially a faction of the militant youth leaders were ideologically opposed to it. This group had accepted parliamentary democracy as a model so as to put up a united front and to mobilize popular support but in the post independence period, they opposed parliamentary democracy and worked as a pressure lobby against the model¹⁸.

Apart from ideological differences, personal clash and intrigue also dominated the party. As a consequence, a severe clash broke out between Abdul Razzak and Tofail Ahmed on one side and Sheikh Moni and his group on the other, which resulted in the killing of seven students in the Dacca University Campus¹⁹. What is more, these schisms and factions went down to the district and sub-divisional level of the party²⁰.

17. Ibid. p. 98

18. Ibid

19. For details see, T. Maniruzzaman, "Bangladesh in 1974 - Economic Crisis and Political Polarization", Asian Survey - (February, 1975) p.

20. Rounaq Jahan, op. cit. p. 83

Intra party squabbles and factions weakened the party and put a check to its effectiveness in enforcing discipline among the various contending social forces.

The situation was fully exploited by the radical revolutionary parties who were in opposition to the Awami League Government. They began to exploit such popular issues as high prices of essential commodities, large scale smuggling of jute and food grains into India and wide spread corruption. The front organisation of the communist party denounced the Government and openly threatened the Awami League Government. Apart from anything else, the attitude of the opposition parties contributed to the prevailing social chaos, as it also help^{ed} to incite public opinion.

The unhappy plight of the new nation arising out of the faction torn society was worsened by crisis in its economic and fronts. In the post-independent period, the Bangalees were left with a shattered economy and the people were faced with tremendous hardship. Though the Government claimed commendable success in the task of reconstructing the economy in the year following the war²¹, the suffering of the people could not be ameliorated. They continued to face the burden of inflation and price rise of essential commodities. The opposition blatantly criticized Government for its inability to check smuggling, hoarding, black marketing etc. These factors they claimed made the life of the common man miserable. One opposition member criticised the Government saying "the people are dying everyday from starvation"²² while another member alleged that from the district to the secretariat level whether you go to the office of a judge or D.C.'s office, you see corruption.²³ Criticising the law and order situation, a third member alleged that "everyday we see reports of loot, dacoity, hijacking and murder in the news paper. These along with smuggling and corruption are becoming an everyday affair which is affecting the normal life of the people²⁴".

21. For details, see Roung Jahan. Ibid . p. 73

22. A.R. Khan, BJSD. 5 session, 1974. p. 1512

23. M. Larma, Ibid. p. 1888

24. A. Sarker, Ibid. p. 1228

In a bid to improve the social order and to restrict the opposition parties in their activities as "foreign agents" and in order to prevent them from inciting popular sentiments against the Government, the Awami League enacted a series of stringent measures, which culminated in the passage of the Constitution (fourth amendment) Bill, 1975 which resulted in a change of system and brought an end to parliamentary democracy in Bangladesh.

To sum up, a strong faction in the ruling party did not favour the system of parliamentary Government. They put pressure on the Awami League leadership to change the system for pure socialism under the personal rule of Sheikh Mujib. Moreover, personal conflicts and intrigues had a dual effect on the party organisation. It not only weakened the party, it also made the Awami League ineffective to meet the challenges in the social and economic fronts. As the situation increasingly began to deteriorate, the Awami League Government enacted a number of measures which curtailed individual liberty and fundamental rights of the people. But, as these measures proved ineffective the leadership of the ruling party yielded to the pressure of the Pro-Moscow group and changed the system into a presidential form.

C O N C L U S I O N

The Jatiya Sangsad of Bangladesh was established on March 7, 1973. A parliamentary system of Government had been for long the cherished dream of the Bengali nation. Direct and increased participation in the art of self-Government had been one of the main causes of struggle of the Bengalees for the last 25 years. The establishment of the parliamentary system was the first step towards that dream.

Possessing all the paraphernalia of a western parliamentary institution, the Jatiya Sangsad had functioned for 22 months. The Constitution of Bangladesh had bestowed on this institution unlimited authority to enact the laws of the land as it was also unrestrained in its authority to discuss any subject relating to the state. The efficacy of the Sangsad was, however, weakened by the inherent weakness of its internal structure. As a consequence, the authority of the institution rolled over to the side which was numerically much more greater in weight. In the Sangsad, the game of parliamentary politics was mostly under the control of the ruling Awami League party. The eight members opposition participated only to the extent in which they are allowed to participate. The result was the obvious excess which unbridled authority gave vent to. On occasions when the Government put up bills for enactment which not only affected the democratic institution but the system as a whole, the opposition was too meagre to give an effective check.

Architecturally, the Sangsad Bhavan was built to facilitate the smooth working of the institution. And, much of the administrative functions could be successfully conducted because of the comprehensive administrative and architectural set up.

Although, the Bangladesh Jatiya Sangsad had functioned for a short span of time, a considerable amount of work was done and the aspirations of the Bengalees for the management of their national affairs had been, within limits, accomplished.

The attendance of the members in the session averaged 255 out of 315 members.

In the 114 working days in which sessions of the Sangsad were held, actual business was done in 360 hours only. This gave to an individual M.P. very little time to participate in the Sangsad proceedings. Each M.P. received one hour two seconds to participate in debates on budgets and bills, to ask questions, to move resolutions and to discuss matters of urgent public importance. However, a considerable amount of this precious time was wasted by the M Ps themselves by raising unimportant points of orders and discussions which followed from these points of orders.

But quantitatively, the work done by the newly established Jatiya Sangsad was praiseworthy especially in view of the fact that an overwhelming majority of the M Ps were novice in the art of parliamentary business. They were also working under severe strains.

The primary function of a parliamentary institution being the discussion and debates on national issues before a decision is reached, the Jatiya Sangsad had done a considerable amount of work in this direction.

A total of 339 notices of resolution were submitted to the House of which 269 were admitted. Of these, six were discussed in the House. Except one, none of these were put up for voting in the House but the minister s concerned gave statements on them. The resolution which was put up for voting was rejected by voice vote. This resolution was important because it was moved for investigation of bank accounts opened after 1971. There was widespread allegation that a large number of account of heavy bank balance were opened by members of the ruling party or by those receiving party favours. The acceptance of this resolution would not only have increased the credibility of the House as an effective institution, it would have also helped to remove popular suspicion.

The total number of notices that were given for calling the attention of the Government on matters of urgent public importance were 227 and out of these about 1/3rd was given by the opposition. These notices covered a wide range of issues. But while, the private members called the attention of the Government to take measures to ameliorate the sufferings of the public which was caused by price hike of essential commodities, flood, food shortage and so forth, the opposition had clearly used this opportunity to open discussion of issues about which the Government was sensitive.

They dealt with issues like mal-treatment of stranded Bengalees in Pakistan, suppression of political workers by the Government paramilitia force, losses in nationalized sector and so forth. Public opinion was bound to be adversely affected if the Government failed to handle these issues properly. It was, however, applaudable that the notices which were discussed in the House covered a wide range of subjects. The minister s concerned gave elaborate statements on them where they explained both the Government policies and actions taken regarding them.

The number of notices on adjournment motion were 16. They were all rejected by the House. But upon the opposition's convincing argument that their motion on food crisis was valid for discussion in the House, the Speaker had to relent and a statement was later made by the minister's concerned.

Apart from these the Government gave statement on four occasions arising out of notices given on discussion on matters of urgent public importance for short duration. Out of five such notices that were given, four were accepted by the House.

But, the palpitating force of the Sangsad proceedings was concentrated in debates on bills and budgets. As many as 110 bills were enacted into laws. A large number of these bills were ordinances which received the legal sanction of the Jatiya Sangsad. Many of these laws were enacted to meet the demands of various groups. The Awami League had promised during its election campaign to fulfill some of these demands if it was voted to power. But, some bills which the Jatiya Sangsad enacted into laws were of major consequences. These bills were significant because their enactment not only hampered the growth of the parliamentary institution in the country, but also undermined the very foundation on which parliamentary democracy is based. The limitation of authority of the Jatiya Sangsad becomes manifest here, because these important laws were enacted without being sent to the committees of the Sangsad. They were enacted within hours after they were presented to the House.

Debates on bills and budgets were extensive with a large number of participation from the ruling party as well as from the opposition. While for most part, the opposition criticised Government for its policies and administration, the Awami League members defended their party. But occasionally, the numerical weakness of their opponents prompted members of the ruling party to point out the weakness of their own Government.

This was particularly noticeable during the Question Hours. The members of the ruling party were often seen criticising ministers for evading questions and giving wrong information.

The opposition on their part criticised Government more with the object of embarrassing it than offering suggestions. Such enthusiasm removed seriousness from parliamentary debate and led to the allegation that they were opposing only for the sake of opposition. However, they were given the maximum opportunities to take part in the debates. At least, two members from the opposition were allowed to speak on any bill. They were also allotted greater time for speaking.

Handicapped as it was internally, the Sangsad met with greater challenges from outside. The social structure of rural Bangladesh, the illiteracy of the people, orientation towards authoritarian rule, first under the imperial monarchs followed by the vice - regal system and finally under Ayub Khan's one man rule, all resulted in a bias towards executing authority and personal dependency. Deteriorating socio/economic and political conditions created added load on the new system. All these resulted in tension and frustration and damaged the atmosphere and thereby negated the possibility of a healthy parliamentary institution.

Thus after a working period of 22 months, the Jatiya Sangsad ceased to function when the parliamentary system was changed to the presidential system of Government. However, the real taste of self Government and the training gained from the Jatiya Sangsad will surely not go in vain.

In spite of its various drawbacks, the intermittent revival of the parliamentary system of Government since its inception at the early part of this century proves its popularity with the Bengali nation. It is true that they were disappointed when the ruling Awami League failed to operate the system with success and could not fulfill much of their electoral pledges through the parliamentary mechanism. But the Awami League Government's rejection of the system, literary speaking with the stroke of a pen, did not necessary reflect popular sentiments. Rather, there is ample scope to believe that the experience and training, which were gained in the art of parliamentary politics, will work as an added impetus for its revival once again to the people whose love for the system has been manifested with the repeated establishment of parliamentary system of Government in this part of the world.

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