

An Insight of Executive-Legislature Relations in Bangladesh

Jannatul Ferdous

Lecturer Department of Public Administration Comilla University, Bangladesh

E-mail: jannat.lata@yahoo.com; sohanishefa@gmail.com

A H Development Publishing House, Dhaka

A book review of “Dominant Executive and Dormant Legislature: Executive-Legislature Relations in Bangladesh” (Second Edition), by Mohammad Mohabbat Khan, published by A H Development Publishing House, Dhaka 2014, pp. 131, Price: Taka 500. ISBN: 978-984-91036-5-3

Legislative, executive, and judiciary: the three separate branches of government that is shared between. Each branch is independent of a separate function, and cannot usurp the functions of the other branches. However, branches are interrelated. They work together with each other, and also inhibit each other from endeavoring to adopt excessively ample supremacy.

This correlation is entitled as the principle of “checks and balances,” wherever the tasks of one branch assist to encompass and adjust the influence of the other. The framers of the constitution pursue to shield the country in contradiction of autocracy by this instrument. A deeper inspection of the Bangladesh constitution’s provisions shall make clear understanding that, in a real sense, the principle of “check and balance” devised been overlooked in the constitution. This, in its current form, only confirms the “ascendancy” in its place of “check and balance” of the executive control over the legislature.

Not very long ago, the legislative-executive relations literature was bisected. This exchange between the two, with very little work has

evolved into two separate and independent bodies. A branch concentrated on parliamentary systems and the other focused on presidential systems, which remained deliberated to epitomize two entirely self-determining and unconventional means to shape the party-political sphere. That is the understanding about any of these systems had slight or certainly not any influence on whatever we got knowledge about the other. Each system was thought to have its own principles, from which there working possibly will be entirely assumed; and these ideologies just keen to infinitely diverse inducements for and, thus deeds by, political players. The doctrines of parliamentary and presidential system require doing, obviously, with the dependency or independency of the executive order by way of respect to the legislature. While parliamentary system is regarded as by a system of “reciprocal dependency,” and presidential system is regarded as by a system of “reciprocal independence”. This fundamental dissimilarity was taken to define together the nature of the correlation concerning the executive and the legislative authorities, and whether this correlation would be restricted to the boundaries enforced through the constitution: assistance



and constitutional boundaries in the methods defined by reciprocal dependency; clash and extra-constitutional conduct in the systems well-defined by reciprocal individuality. The executive and the legislature, all together, were considered as integrated performers, challenging for impact over policy results. It is probable to say that nowadays in democratic regimes there present a more assimilated opinion of executive-legislative relations.

The present parliamentary practice of government in Bangladesh is embedded in the 1972 Constitution. There assimilated provisions were in the Constitution of Bangladesh with the purpose of creating the organization totally independent. Though, in 1972 the Constitution delivered a possibility, which redirected the distrust prevailing in the political ground. A member of the Parliament would evacuate his seat if he backed in contradiction of the party that voted him; Article 70 of the constitution specified that. It is mocking that the very political party which tried to institute the Parliament such as the ultimate law, constructing figure in the repercussion of the liberation War, far along took necessary steps to restrain its power with the starter and passing the bill on January 25, 1975 of the 4th amendment of the Constitution which makes instantaneously converted the parliamentary structure into a one party pillar. The Parliament then turns into to a certain extent unproductive and rotated into a consenting instrument in the influence of the President. All Executive, Legislative and Judicial powers were concentrated in the hand of the President.

The "New Start" poised on the brink, but the government was overthrown by a military coup. From then until 1990, Bangladesh is a semi-

parliamentary form of the package went through the authoritarian era. Bring back the restoration of democracy in 1991, the Government of Bangladesh Parliament. 12 amendments introduced the concept of the sovereign Parliament. The Constitution was enacted in 1972, the politicians and ministers of the cabinet, which is the responsibility of the joint responsibility to ensure that both were willing to set up an effective parliamentary system. In line with this vision, the methods used to enforce the rules of the accountability process, providing a detailed guideline. However, the political changes during 1975- 1990 the Parliament failed to fulfill this vision in such a way that led to the amendment of the Constitution. Introduced the concept of parliamentary democracy, although after the 12th amendments, the controversial article in the constitution to remain in doubt whether the presence of the Parliament allowed to practice.

We have already seen an image of this throughout the term of the previous four elected government bodies, where the Prime Minister, the cabinet and the bureaucracy introduced a huge quantity of bills. Executive ascendancy is diligently linked to the authority and position of the post called Chief Executive, specifically, the Prime Minister. Actually, the transference from the presidential form of Government to parliamentary form of government takes to a large degree simply predestined the transference of the complete power from the President's hand to the Prime Minister. The 12th amendment of the Constitution has been strictly analyzed as it permitted an imperfect alteration from a presidential form to a parliamentary form of government. The post of the Prime Minister as reestablishment of democracy has developed



tremendously dominant. Parliamentary accountability mechanisms have also failed to work properly and key policy assessments are taken several times outside of the Parliament. They very also rarely talk over in the Parliament.

The necessary prerequisite of an operational Parliament is to checking Executive dominance, keeping regime continuance, constructing up the harmony amongst the political parties and so on. Both formal and informal ways of executive authority has persisted - with harmful results for the country as a result of unproductive parliament. First, it backs to the ruling parties and the opposition party did not take into account. Second, deficiency of control on Executive role turned the role of the legislators dictatorial. Third, policy decisions were taken by the cabinet and the politicians failed to interpret the law properly. Fourth, this Executive dominance culminated in deep political tension where the opposition clearly exhibited their disinterest in joining parliamentary meetings. Lastly, an unproductive parliamentary government give the opportunity of undue influence on policy decisions has allowed donors.

The book under review is written by Professor Mohammad Mohabbat Khan, emphasizes on the lack of supremacy of the legislature in Bangladesh, that resulting ascendancy of the executive. This is principally as a consequence of ineffective and lower position of the legislature vis-a-vis the executive. The executive is playing a dominating role and the legislature is dormant in Bangladesh. There are a number of causes of this state of doings. These are included executive regulations on the legislative program, the particularly

authoritative standing of the prime minister, insufficient discussion on policy. Some variations are recommended in this book to overcome the issue of the executive dominance over the legislature. These changes are: modifications in the approaches of the political leaders, consolidation of the parliamentary committees, active and well-organized research on the parliament, formation of organization of the Ombudsman and essential variations in the procedures.

The book tracks an organized and classy exploration idea to ensure fairness to this significant extent. Various chapters of this book have been organized theme wise to deliver a perfect image to bookworms and forthcoming academics. The practice of Bangladesh obviously demonstrates the style and degree of ascendancy of the legislatures by the executives.

The book is divided into eleven chapters. More definitely, in chapter 1 the author presents his idea of study, stipulating characteristically the study aims and objectives, together with the organizational preparation of his book. Chapter 2 encompasses debates on such thoughts such as constitution, executive, legislature, and governance pertinent to the working of the parliamentary government in all-purpose. Chapter 3 inspects the basic features and extents of executive-legislature affairs sketch profoundly on the practices of parliamentary systems functioning in the England and other European states. Chapter four is considered as a relating chapter. At this point, the aim is to analysis the nature of the legislative-executive relations throughout the colonial rule of the era of the British and Pakistan. This chapter is vital as it delivers historical development of in relation between the two organs of the rule.



Chapter five investigates the features of legislature-executive affairs between 1972 and 1990. This chapter is preceded by a transitory argument of political progresses in Bangladesh since the initial ties of liberation to early '90s. Chapter six contains a conversation of parliamentary elections of 1991, initiating of Khaleda Zia regime to deliver an experience for succeeding exploration of legislature-executive relations throughout 1991- 1996 concentrating on such significant variables such as constitutional modifications, executive domination, confines to government domination, anticipatory role of the opposition party and the part of government backbenchers. Chapter seven defines and examines the nature, aspect and distinctions of legislature-executive affairs throughout the rule of the second regime of Awami League government that approached to rule in mid-1996 and accomplished its five-year tenure in mid-2001. The variables investigated in this chapter contain executive domination, confines of government domination active part of the opposition party and the part of government backbenchers. Chapter 8 encompasses studies of the dated concerning 2001 and 2005 that in operation get into the light the existing and shifting executive-legislative relations under the BNP-led four-party alliance government. In this chapter, the construction and working of the third caretaker government and the 2001 parliamentary elections are also deliberated. Chapter 9 describes the radical disorder and proclamation of control by military assisted caretaker government that acquired place afterward the exit of BNP led government in the last portion of 2006. This chapter besides deliberates how the executive ran the country in the absenteeism of the legislature. Chapter ten delivers the reader

through the study of the executive - legislature relation throughout the period of 9th parliament. The 9th parliamentary elections were inescapable to renovate democratic status in Bangladesh.

The previous caretaker government prepared the 9th parliamentary elections and all main political parties contested in that election. Chapter eleven encompasses clarifications refer to executive-legislature relationships in Bangladesh. It besides suggestions policy prescriptions carry about equilibrium in the relationships concerning the two branches of government. The recommendations of the author's that identify methods in the direction of the aim of strengthening the position of parliament in Bangladesh, however, it would definitely be tough to get rid of them in total. He deserves praise for his meticulous determinations to assemble and organize all pertinent data, scrutinize them systematically and show disapprovals in anyplace required.

In 2006, the book was first published by South Asian Publishers, Delhi and A H Development Publishing House, Dhaka together. Subsequently then, seven years have passed and some significant expansions have taken place relating to executive-legislature relations in Bangladesh. The current edition covers the up-to-date facts concerning the executive - legislature relations in Bangladesh. Such progresses contain postulation of control by a military supported caretaker government and holding of the 9th parliamentary elections.

Generally speaking, the book is very much instructive and informative. It makes an appreciated impact to the prevailing understanding about Bangladesh's



parliamentary form of government in its constitution, organizational and practical frameworks. The book gives an insightful picture of the evolution and progress of parliamentary form of government in Bangladesh. This book was knowledgeable to the teachers, students and researchers in the past, present and future as well. This book possibly will be a perfect guideline for the political leaders to establish a vision to create the forthcoming of the country, optimistic and make potential modifications in the governmental system. It is definitely an appreciated book accessible now at the prominent bookstores in Dhaka city.