

Powers of the Prime Minister in Bangladesh: A Critical Study

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Abstract

In Westminster parliamentary system of government, the Prime Minister (PM) plays a dominant role. The PM performs many significant functions in this political system. S/he is the head and spokesperson of the government. Here, the head of state (i.e. the monarch or president) usually holds a largely ceremonial position. Political Scientists term the PM's position in parliamentary government in many ways like Lord Morley describes the PM as "primus inter pares" (first among equals) and Sir William Vernon terms him "inter stellas luna minors" (moon among the stars). Harold J. Laski regards him as "the pivot of the whole system of Government". Ivor Jennings makes a comparison of the PM with "the sun around which the planets revolve." Viewed in this context, the PM in Bangladesh does not correspond to 'Primus inter Pares' and 'inter stellas luna minors'. The Bangladesh PM has turned out to be more than first among equals and virtually a sun around which other minor planets revolve. In this regard, s/he is termed as "elected authoritarian", "presidential prime minister" and "elective dictator". Against this backdrop, this paper critically examines the powers of the PM in Bangladesh. In the context, it is argued that the PM of Bangladesh exercises too much formal and informal powers resulting in the diminution of accountability of the democratic government.

Introduction

A parliamentary form of government is called responsible or cabinet form of government, because the cabinet enjoys the real powers of the government and it is under the control of the parliament. There are 51 nations and states governed or ruled by a parliamentary system of government.¹ The PM is the heart in this system of government. Here the PM is the head of government, chairman of the cabinet and leader of the parliament.

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But these powers vary from country to country on the basis of customs and traditions of the powers used by the PM. As head of the government, the PM is ultimately responsible for the policies and decisions of the government to the parliament. "The keystone of the cabinet arch is the prime Minister. He is central to its formation, central to life and central to death (Laski, 1968)". As chairman of the cabinet, he brings policies and issues into discussion of cabinet meetings and seeks mandate of the ministers and finally ensures influence of passing. The PM is said to be first among equals (primes inter pares') (Jones, 1985), which is meant to describe the PM's position in contrast to the other ministers of state. "First among equals implies an equal status among the ministers and that he is simply the 'first' and represents the ministers and therefore the government and the country (Burge, 2009)." However, the PM in reality is far more powerful than this implies. As a result, the powers of the PMs become matter of concerns to the political scientists (i.e. G.W. Jones and Anthony S. King). According to them, too much power in the hands of the PM leads him/her to be autocrat. Power usually corrupts people. Lord Acton said "Power tends to corrupt, absolute power corrupts absolutely." Echoing this, it can be said that absolute power can make the PM an absolute dictator. Enjoying such wide and arbitrary powers by the PM is neither good for the country nor healthy for democracy. On the other hand, some comparative political analysts argue that to keep democracy sustained and to retain democratic regimes in countries, the PM needs much power in the face of fear of no confidence and dissolution of parliament, cabinet and government.

The PM of Bangladesh is so powerful that hardly any country can be found in the world which has a parliamentary system of government of this sort. Even the British or the Indian PM does not enjoy such powers. S/he is the head of Government, the leader of Parliament, and the chief of his own party. S/he is not the "first among equals" as we see in the Cabinet of the British parliamentary system. No Minister or Member of Parliament (MP) can go beyond his wish or control. In the backdrop of above discussion, one pertinently raises the questions: Why does the PM exercise such unlimited powers? Is it a necessary evil? What impact does it make on the political institutions of Bangladesh?

For the convenience of our analysis, the article is divided into five sections. The first section explores the evolution of the powers of the PM in Bangladesh. The second section places the position of the PM in parliamentary government compared it with presidential form of government. The third section analyses the exercise of the powers by the

PM of Bangladesh. The fourth section critically examines the development of authoritarian tendency of the PM and discusses the impact of the powers exercised by the PM of Bangladesh on the political institutions such as parliament, parliamentary committees and political parties followed by a conclusion.

Evolution of the Powers of the PM in Bangladesh

The PM of Bangladesh has long been having the unlimited executive powers. The Chief Executive of the government has always been the 'king pin' of the system. As history bears witnesses, Bangladesh achieved freedom from the internal colonial rule of (West) Pakistan in 1971 through a heroic armed struggle for liberation. The principles of the struggle for emancipation of the people of Bangladesh were based on modern linguistic territorial nationalism and democracy. The new-born country began its journey as an independent and sovereign nation with a parliamentary-cabinet type of government under the Constitution of 1972. The status of the Parliament in the 1972 Constitution was 'dominant executive and dormant legislature' (Khan, 2006). Here absolute powers of the PM were of unusual height due to the popularity of Sheikh Mujibur Rahman, his party AL was the single majority in the parliament (the AL got 292 of the 300 seats and all the 15 seats reserved for the women in the elections of 1973) (Abul, 1980), PM was head of the party, parliament and government and there was no formidable opposition in parliament (only two opposition leaders) (Abul, 1980). However, Sheikh Mujibur Rahman gave up the position of the party chief in 1974 to AHM Kamruzzaman (Jahan, 2015). In January 1975, the parliament by the vote of an overwhelming majority of the then ruling party, the Awami League (AL), opted for one-party rule through the 4th Amendment of the constitution headed by an all powerful presidency. This amendment made the president having supremacy over executive, judiciary and legislature. He also remained as the head of the state. In August 1975, Sheikh Mujibur Rahman was tragically assassinated along with most of the members of his family by a group of disgruntled army officers. Then, military rule with insignificant variation continued from 1975 to 1990. Following the overthrow of the Ershad regime, national elections were held in early 1991 in which the Bangladesh Nationalist Party (BNP) won, paving the way for the resurrection of the parliamentary form of government under the Constitution (Twelfth Amendment of 1991). This amendment makes the PM as executive head and the President,

constitutional head. Henceforth, all executive powers of the Republic are exercised by the PM in the name of the President and his cabinet is collectively responsible to the Jatiya Sangsad or parliament. The PM remains as the party chairman also. The powers of the President were being enjoyed from 1975 to 1991 handed over to the hands of the PM. The Bangladesh Constitution gives some powers to the President (discussed in Section four). But such powers are nominal in nature. "The President, like the Crown of Britain, holds dignity and grace, not power". (Shelley, 2014) The 15th Amendment of the Constitution vests the powers of holding new elections in the incumbent government (the PM as head of the government). Through the 16th Amendment of the Constitution, the impeachment of judges comes in the hands of the parliamentarians where the PM has ultimate authority (Munirul, 2014). After the restoration of democracy in Bangladesh, the powers of the PM have been criticized by civil society, intellectuals and academia. They argue that the PM in Bangladesh enjoys absolute powers that make him/her "autocrat" and "presidential prime minister (Salahuddin and Sumaiya, 2014)." They regard such powers of the PM as obstacle to democratization in the country.

Position of the PM in Parliamentary Government

Two systems of governments are mostly evident all over the world i.e. presidential systems and parliamentary systems. The former is based on the Presidential leadership as chief executive and that of the latter is the prime ministerial leadership. In order to understand the position of the PM in parliamentary government, it is important to clarify the key features of these systems.

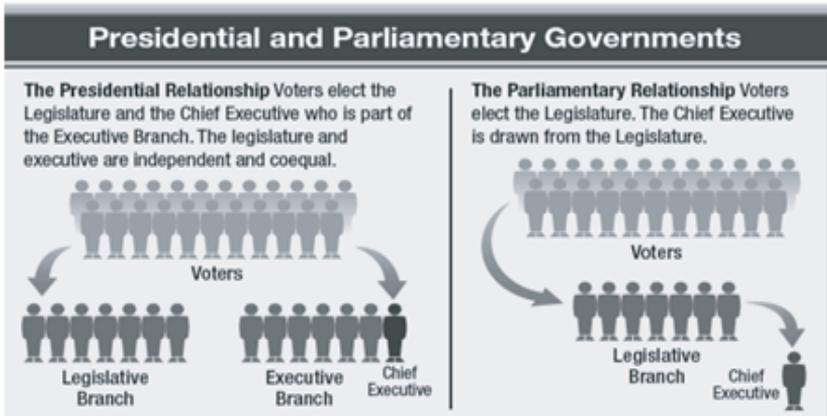
The Presidential system provides for the direct election of the chief executive who becomes both head of state and head of government. This single person is elected by universal suffrage (sometimes through Electoral College) to execute laws made by the legislature. Thus this system is characterized by a strict separation of powers. Presidents are elected for a fixed term and have security of tenure during that term, outside of the exceptional atmospheres that might warrant impeachment. The president appoints members of the cabinet, who act as his agents rather than shareholders of executive authority. Most analyses of presidential executives are focused on the USA (Bara and Renington, 2009).

In parliamentary systems, the executive is drawn from the party or coalition of parties that holds a majority of seats in the legislature through elections.

The executive is collective (a cabinet) and holds office on the basis of support in the legislature. Thus the personnel of the legislature and executive overlap, and there are no separate elections for executive office. The government's authority and tenure are fully dependent upon parliamentary confidence. If the government loses that confidence, a new executive must be formed, either from existing parties within the legislature or through new general elections. The timing of elections is normally flexible within parliamentary systems, and called by the leader of the majority party or coalition of parties. A PM leads the executive and appoints the members of the cabinet, although cabinet members are his/her colleagues with their own power base in the party. The PM will be head of the government but the Head of the State will normally be held by a monarch or a titular president (Bara and Renington, 2009).

In parliamentary systems, the PM is termed as the first among equals (MPs are elected through universal suffrage and the PM himself becomes a MP first). This system firmly recognizes that "as long as the prime minister's image is good, 'so, too, the image of the government and the country. When the image of the PM suffers, the government's image, and the country's, also suffers"(Baru, 2014).

Figure 1: Election of the Chief Executive in Presidential and Parliamentary System (Eddie, 2014).



Exercise of Powers by the PM and its Impact

In the parliamentary system, the PM holds the pivotal position and in fact s/he is more powerful than others. The personality of the PM determines the nature of the authority that s/he is likely to exercise. S/he performs many

significant functions in the political system and exercises vast powers to his advantage. The powers and functions of the PM include.

- o The first minister or head of the government
- o The chairman of the Cabinet
- o The leader of the government team
- o The minister for the civil service
- o The holder of great powers of patronage
- o Coordinator of government policy and ideology
- o The overseer of the work of cabinet colleagues
- o The leader of the major political party in the House of Commons (parliament)
- o The chief spokesman for the party and the government in parliament
- o The chief government and party spokesman in the country
- o Representative of the country abroad and a national figurehead at home (Eddie, 2014)

The powers and functions of the British and Indian PM and that of Bangladesh PM are theoretically same. But they differ in terms of the culture of exercising powers, norms and traditions of the country. In Britain, the PM is assisted by the Deputy PM and in India, the Deputy PM is not technically a constitutional office but this post is sometimes allocated in times of national emergency. Lal Krishna Advani (2002- 2004) was the last Deputy PM in India. But this post is neither in the constitution nor in use as Bangladesh. After the Elections of 7th Parliament, the post of the Deputy PM was seriously discussed but it did not translate into reality. In both India and Britain, the chief of the party becomes a different person and sometimes the PM himself/herself (but s/he cannot avoid the decisions of the party regarding any policy or decision), for example, Theresa May and Amit Shah (Andrew, 2014). The PM in Bangladesh becomes the chief of the party which has been retained since 1990. Intra-party democracy is largely absent in political parties. In Britain and India parliamentarians of the ruling party may criticize the policies of the government and sometimes give votes against party policy. It strengthens accountability and transparency of the government. Such as, British parliamentarians vigorously opposed military intervention in Syria to the Government. In Bangladesh, parliamentarians hardly criticize the policies of the ruling party because of Article 70 of the Constitution. As a consequence, the accountability of the government is not ensured. In Britain and India, the monarch and the President have some powers which often they perform by the advices of the PM and themselves.

Same powers exist constitutionally to the President of Bangladesh. But the President performs everything by the advice of the PM. As a result the PM exercises the powers of the president also. The Leader of the House of Commons in Britain is a government minister whose main role is organizing government business in the Commons. Andrea Leadsom is the current Leader of the House of Commons. It decreases absolute powers and dominance of the PM in parliament. It simultaneously empowers parliament and ensures checks and balances among the organs. The leader of the parliament in Bangladesh is the PM himself/herself. MPs ask no question to the PM. This silence of the MPs gives the legitimacy of absolute powers to the PM. However, absolute powers and dominance of the PM results in development of authoritarian tendency in his or her style of governance leading to the diminution of accountability in democratic institutions. In the following two sections I will elaborately discuss these two ingredients (Ahmed, 2012).

Impact of the PM's Exercise of Unlimited Power

Development of Authoritarian Tendency

It becomes evident that third world parliamentary democracies are transforming into presidential in nature with authoritarian character of the PM i.e. Iraq, Malaysia, Thailand, Singapore, Pakistan and Bangladesh. Here, the PM enjoys more powers than the constitutionally given powers and suffocates all the voices of the state machinery. In these countries, accountability of the cabinet of the government cannot be properly ensured through parliament. The chief executive personalizes state's powers and plays a dominant role in all affairs. As a result he is not treated in these nations as 'first among equals' rather a 'strong presidential PM' or 'elective dictator.' The powers of the PM in Bangladesh are discussed in the constitution.

- 1 Calling sessions of the parliament through advice to the President and dissolution of it
- 1 The executive powers of the Republic are exercised by or on the authority of the PM.
- 1 Head of the cabinet and to its formation, life and death of it.
- 1 Determining Ministers, Ministers of State and Deputy Ministers and reshuffling them.

But in reality, the PM enjoys many powers than the constitutionally given

powers which has developed authoritarian tendency in the political system. Entrenched patron-client political culture deepens the notion of prime ministerial dictatorship in Bangladesh. The constitution of Bangladesh has given some powers to the President such as appointment of the PM and the Chief Justice without advice of the PM. He also appoints the Election Commission, office of the Comptroller and Auditor-General, Public Service Commission and so on by the advice of the PM. The president in Bangladesh is a nominal executive and exercises power same as India and Britain. British Queen and Indian President enjoy constitutional powers without interference of the PM. In these states, presidential powers are enjoyed with a long democratic tradition. But in Bangladesh, the constitutional powers of the president are intensely interrupted by the PM. The Constitution has given the power to select the Chief Justice to the hand of the President. But this selection is finalized by the PM which is an extra-constitutional power to the PM. In Britain and India, the head of the state submits for the consideration of the cabinet any matter relating to domestic and foreign policy. In Bangladesh, this obligation has become only a constitutional nicety. It provides the PM passing any bill whatever he wishes (Rahman, 2008).

In Bangladesh, the leadership powers are not distributed among different persons as in the UK and India. It results in concentration of powers in the PM as the leader of the party, head of the government and leader of the House. PM (Sheikh Hasina) held four ministries whereas Khaleda Zia retained eight portfolios. These powers also enlarge the hands of the PM. On the other hand, leaders cannot criticize the leadership of the PM or the party leader in public places or in the parliament. Many political leaders were expelled from both political parties, i.e. the AL and the BNP, for reforms in party chief and internal matters of the party during the military backed caretaker government. Such actions were aimed at splitting the party. In both mainstream parties, one person becomes the party chief in turn. However, keeping party leadership and portfolios together increase the powers of the PM (Salahuddin and Sumaya, 2012).

In Britain, leader of the parliament is a different person. As Rt Hon William Hague is the present leader of the House of Commons. In India, leader in Lok Sabha is Narendra Modi (the PM) and leader in Rajya Sabha is Arun Jaitley. There is less probability for the British and Indian PM to be autocrat because of the proper checks and balances of the activities of the executive

branch in the parliament. Here, executive branch faces many challenges in parliament to pass bills and other government decisions. Challenges come from both the opposition and own parliamentarians. But in Bangladesh, leader of the parliament is the PM himself/herself. Here, checks and balances are dormant and the government does not face remarkable impediments from the opposition (i.e. the main opposition party mostly remains absent in parliament) and own parliamentarians (having barriers on the activities of the MPs, Article 70). As a result, decisions of the executive are easily passed in the parliament. Through this mechanism, the PM's powers increase which turn into autocracy.

In fact the PM in Bangladesh has become too powerful to be called to account by any formal political institution but by the people in the next elections. The PM's office remains immune from oversight by any parliamentary committee. S/he never attends any meeting of standing committees on vital ministries. As a result, it lacks accountability of the PM and makes committees dysfunctional. In Britain and India, the PM gives schedule to the parliamentary committees over executive tasks. On the one hand, it ensures accountability of the PM and on the other, it empowers parliamentary committees. If parliamentary committees do not function properly, the PM does not have any bar on his/her activities (Wintour and Mason, 2014).

Article 70 of the Constitution of Bangladesh discourages the role of MPs in ensuring accountability of the PM. This article states that "A person elected as a Member of Parliament at an election at which he was nominated as a candidate by a political party shall vacate his seat if he votes in Parliament against the party." This article is a constraint on the freedom of expression of MPs. Though the article only forbids voting against the party, parliamentarians have been reluctant to even express critical views against any policy of their party for fear of withdrawal of the party whip leading to the loss of their seats. When the PM gives speech, discusses policies of the cabinet or government and tends to be accountable in Parliament, MPs of the ruling party (though the MPs of the opposition party mostly remain absent in parliamentary sessions) just listen and remain properly silent. They do not ask any question regarding the discussion and policies rather they blindly support him/her. In Private Members Day (Thursday), MPs also remain quiet. Moreover the leader of the House expects no questions from MPs. It creates an uneven equation of the separation of powers among

organs and clinches dominant executive. In Britain and India, such provision (Article 70) is absent in the constitution. That is why the PM of both India and Britain faces severe criticisms from both ruling and opposition parties on various domestic and foreign policies of the government in parliament and outside. In Bangladesh, same thing happens in the cabinet where ministers ask no question to the PM regarding any policy. There is no evidence where a Cabinet Minister has taken any dissenting position in the Cabinet and or resigned by disagreeing with any Cabinet decision with the PM. In Britain, cabinet ministers play a crucial role on government policies. If the policies of the PM are imposed, ministers often resign from the Cabinet. Such as, Sayeeda Warsi (Ex-senior Foreign Office minister for faith and communities) resigned from the government in protest of David Cameron's policy on Gaza.³¹ However, taciturnity of the MPs and unquestionability of the Cabinet members make the PM adversary towards parliament and develop the sense of absolute powerfulness in Bangladesh. It keeps him/her outside from being accountable (Bara and Penington, 2009).

Dysfunctional Political Institutions

Functional political institutions make democracy functional in a state. That is why most of the democracies insist on setting up political institutions. In this section, political institutions refer to parliament, parliamentary committees and political parties. Here institutions' working capacity highly depend on the eagerness of the PM. Parliament becomes only functional when the PM allows discussion. Parliamentary committees remain busy when the PM alerts all the personnel linked with respective committees. Finally political parties become democratic and function properly if s/he wishes. To what extent is the PM responsible for dysfunctional political institutions, (Jahan and Amundsen, 2012).

In a modern democracy, the primary function of the parliament is to embody the will of the people. It is the supreme political institution through which people seek to realize their aspirations, urges and expectations. But Bangladesh's parliament has been badly failed to embody the will of the people and to perform efficiently of its cardinal functions. The parliament in Bangladesh is entirely dominated by the executive control. In this section executive control refers to the powers of the PM, because she is the leader of the parliament. The PM intentionally tends to retain absence of real

discussion, debate and scrutiny of the proposals put forward by the executive branch of the government in parliament. For instance, any discussion on publicly important issues can be held in parliament only if the leader of the House gives consent to such proposal. In fact, the leader of the House can gag the House from discussing publicly important issues. And over the past two decades since the restoration of parliamentary democracy, this is exactly what largely happened. In this way, the PM makes the parliament an arena institution. "Arena institution indicates a setting in which political actors interact, but little or have no scope to modify legislation presented by the executive, and can therefore be seen as relatively weak bodies." For the sole authority of the PM, the parliament cannot become functional. So, the PM as the leader of the House has supreme authority upon his/her own party which creates no opposition from within (Jahan, 2014).

In a parliamentary system, the opposition (shadow government and shadow cabinet) in parliament is the bona fide responsible for ensuring government's accountability, as the ruling party parliamentarians are expected to support the government. But in Bangladesh since the mid1990s, the opposition has adopted the tactics of boycotting parliamentary meetings rather than to voice their concerns through discussions and debates in the parliament. "Nearly half of the parliamentary working days have been boycotted by the opposition even when both major political parties have rotated in power and also in the opposition." They claim that they had hardly any opportunity to engage in real debate on legislative and national issues. Boycotting parliamentary sittings by the opposition is seen below by a chart.

Parliaments	Percentage of Boycotting
5th parliament	75%
7th parliament	60%
8th parliament	80%
9th parliament	81%

In the absence of the opposition, the ruling party members also lose interest to attend the parliament, which frequently faced a quorum crisis and mostly tended to rubber stamp the decisions and actions of the government. However, continuous boycotts of the parliament by the opposition create no check upon the functions of the PM which establishes absolute power of the PM (Liton, 2013).

In Bangladesh, leadership in the political parties is mostly centralized by the chief of the party. For example, both Sheikh Hasina and Khaleda Zia have been the uncontested leaders of their respective party since the early 1980s. These two leaders represent two distinct political cultures. I argue that the powers of Khaleda and Hasina have a practical necessity to keep their party's unity intact. Practice of democracy is absent in party affairs. Selection of party leaders depends on the will of the party chief. Selection of candidates for the national elections is vested in the hands of the party chief. Finally, party programmes and policies are taken by the party chief without wide discussion and debate. Basically, the party chief can do or undo everything because of his unopposed authority in party. This unopposed authority of the party chief generates authoritarian behavior which impacts even on the party, parliament and cabinet. Even nobody raises any question about the tenure of the party chief. Also Party constitution does not deal with the question of tenure. In Britain, the PM as party chief has to retain support of the party in order to succeed in parliament, cabinet and other government ministries. Here, leader of the party goes through party constitution. If the party chief violates party constitution, party leaders, MPs and ministers impose pressures upon him/her.

Conclusion

It appears from the above analyses that the PM in Bangladesh enjoys unlimited power. Since the restoration of democracy, the party won parliamentary elections formed the government and the PM has taken an all powerful position in the political system. The PM retains this position for his/her formal and informal powers with no bar on the exercise of powers. S/he tends to dominate all organs of the state solemnly for the survival of political regime and implements own policy decisions. Absence of the oppositions in the parliament, no question of the MPs regarding policies and decisions of the government or article 70 of the constitution, centralization of powers i.e. party chief, leader of the party in power and chairman of the cabinet and imbalance of powers between the PM and the president play effective role in generating absolute powers of the PM. These result developing authoritarian tendency, accountability deficits and dysfunctional political institutions i.e. political parties, parliament and parliamentary committees. The powers of the Bangladesh PM do not match with those in Britain and India. As a result the PM in Bangladesh cannot be termed as first among equals with respect to global parliamentary democracies. S/he

can be best termed as "elected authoritarian", "presidential prime minister" and "elective dictator".

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