

Of Representation

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In my college days, I used to see many politically emotive slogans written on the walls. One of the captivating wall messages read: “bullet noi, ballot-e sokol khomotar utsho” (Ballot, not bullet, is the source of all powers). Another one ran, “jabo jabo jabore, sangsad-e jabore” (We dream to be represented in the parliament)! These messages helped me shaping my understanding of political science. However, I was yet to embrace its legal implications. In my varsity life, I discovered myself as an attentive student of constitutional law. There, I came across with the concept of people’s sovereignty with all its fragrance. By then, I was able to tie the knot of the missing cord between the wall-text and the people’s aspiration.

Bangladesh is constitutionally aspired to be a democracy. In a democracy, the people dream to represent and be represented. Perhaps, that is the reason why the parliament has got different appellations like the ‘People’s Assembly’; the ‘House of the Nation’ or the ‘Jatiyo Sangsad’. In my Dhaka life, when I first saw the ‘sangsad bhaban’ being seated on a public bus, I was enchanted by its startling beauty. I kept staring at the majestic *sangsad bhaban*, where the common people hope to enter into. The people, however, know they all together cannot afford to enter into the assembly. As such, they believe in a remedial means which is otherwise known as ‘election’. By exercising their voting rights, people make a deal as if they create a ‘Trust’ with their elected ‘representatives’. They profess to exercise their power through these representatives. In this way, both the people and the representatives create a ‘sacred trust’. The trustees (MPs) being vested with the power by the trust authors (people) carry out the tasks entrusted to them. This is the basic pillar of democracy which the Constitution fashions as “projatontror sokol khomotar malik jonogon”.

Even then, a couple of basic questions are often fundamentally ignored in our polity. What is the purpose of parliament? What are its functions and how they are carried out? If these simple questions are not given attention to, the life of parliament will not be meaningful as an organ of the state.

The constitutional text wants us to believe that parliament performs three principal functions: representation, legislation, and scrutiny. There is yet another function of parliament which we call ‘deliberation’. The act of deliberation, however, can be understood as an ancillary function to representation. For, the parliament members manifestly assert their representation through the art of deliberation. This function also serves as a tool to resonate people’s voice. The legislating function, on the other hand, is what the parliament stands for. Lastly, the parliament carries out its functions of oversight through the act of scrutiny.

There is a trend to view these functions independently from each other. Actually, representation forms the pillar of parliamentary life which closely interconnects the other two. It eventually has a transmission effect on legislation and scrutiny. Unfortunately, our democratic culture has not been able to establish this interconnection. One may say that our MPs remain ‘present’ but do not ‘represent’, they ‘talk’ but do not ‘deliberate’. The quality of deliberation in parliament, wise people say, has shrunk over the years. As a

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consequence, controversial laws at the Executive's choice are passed that take a heavy toll on our legal culture. This reminds me a Thomas Carlyle famous legal jingle (*Latter-Day Pamphlets*, 1850 at 153): "parliament will train you to talk; and above all things to hear, with patience, unlimited quantities of foolish talk." I recall another ironic verse from *Poetic Justice* (1947) about the quality of legislation the parliament passes at times (1875): "I'm the parliamentary draftsman/I compose the country's laws/And of half the litigation/I'm undoubtedly the cause!" This legal rhyme epitomises the true image of the law of our time. The rhyme also reminds us the need for legislating for justice. "A good piece of legislation, to borrow Obama's phrase (2008), "is like a good sentence or a good piece of music. Everybody can recognise it. They say, 'Huh, it works. It makes sense'". That is what we lack in Bangladesh from the parliamentary practice of law making. Our MPs are too many, but few are our legislators! Law is the panacea of social justice values where parliamentarians take breathe.

It is not that we have nothing to be proud of. The Parliamentary Committees sit regularly; the Prime Minister attends questions of the MPs. Many MPs offer credible speeches in the parliament. In spite of all these, the concept of 'representation' suffers a serious jolt at least from three diverse points of view:

In the tenth parliament, about 154 MPs got elected unrivalled. The legality of their election was called into question. However, the higher court cleared that the election was valid given the literal meaning of the election law. The challenge is then how the MPs so elected do translate their 'representation' into people's sovereignty during the tenure of this parliament. The question looms large because, even after the judicial clarification, it remained an academic question whether the election law had ever contemplated such an oversimplification of the concept of 'representation'. Whom do the 'uncontested' MPs represent? Does the concept of geographical constituency do justice to the real idea of 'representation'? On what agency they represent the people who did not create a 'trust' with the winners through exercising their voting rights?

The second challenge, somewhat related with the first one, is posed by the changing landscape of representation. I assume the nature of representation will shift with the advent of e-democracy. The traditional concept of the geographical constituency is, except for convenience, increasingly losing its efficacy. It is being accepted that cause or issue based constituency will matter in near future. An MP will then be regarded as an MP for a particular cause, an MP for environmental justice, for example. The technological revolution will change the form of representation. I argue that the MPs, particularly, those who have got elected uncontested in the tenth parliament, should work on this concept of representation to pay off the criticisms.

The third challenge is the media effect on the parliament of what New Zealand constitutional maestro on 'proportional representation' Sir Geoffrey Palmer termed as 'telecratic' impact. Sir Palmer tells in a paper that in the politics of the telecratic age, bad news drives out good news. The telecratic age has narrowed the impact of parliament. Much of the debate takes place outside it in media conferences, the blogospheres and in the social media. As such, parliament is in danger of becoming a side-show. Our media frustratingly seem to be less interested in highlighting rational talks that good soul MPs embark on. What goes on in parliament is subject to much less analysis, reportage and attention from the media except the 'un-parliamentary' utterances few MPs make. This reflects a decline of public interest in how we are governed. This takes a toll on democratic accountability. Our MPs, therefore, may break this teleocratic syndrome through their homework before they deliver their speech in the parliament.