

Constitutional Right of Speech and Floor Crossing of MPs: A Comparative Analysis with the Legal Framework of Other Countries

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Abstract

A Member of Parliament, as a citizen of Bangladesh, has all the rights including freedom of speech and expression. However, the provision prohibiting floor crossing by the Member of Parliament seems to be contradictory with constitutional rights provided by the constitution. Especially, it curtails the constitutional right of freedom of speech. Balancing the practice of freedom of speech with political discipline and stability is key to a prosperous democracy. This paper argues that the provision prohibiting floor crossing has adverse effects on the constitutional rights of MPs. It compares the current state of the provision of floor crossing in Bangladesh with other countries. This paper also suggests a way of improving the provision of floor crossing in Bangladesh.

Keywords: Constitutional rights; democracy; freedom of speech; floor crossing; right to vote.

Introduction

In the modern parliamentary system, floor crossing is one of the most controversial topics. When talking about floor crossing, the issue of freedom of speech and the right to vote also comes into play. The right of every citizen to freedom of speech and expression is guaranteed by the Constitution of Bangladesh¹. Moreover, freedom of speech is recognized as a human right in the Universal Declaration of Human Rights².

Bangladesh is a democratic country. Democracy is ensured by electing people's representatives through exercising their voting rights. Democracy is ensured under Article 11³ and the preamble of the Constitution of Bangladesh. The right to vote is one of the most basic promises of democracy in Bangladesh. So, every qualified citizen⁴, as per the Constitution of Bangladesh, has the right to vote. By exercising such rights, people elect representatives to represent themselves in the parliament. But if a Member of Parliament (MP) votes against his party or refrains from voting, he is said to cross the floor and for his such act, his seat shall become vacant⁵. No exception is provided regarding this matter. This

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¹ Article 39, The Constitution of the People's Republic of Bangladesh

² Article 19, Universal Declaration of Human Rights (Adopted on 10 December 1948) UNGR Res 217A (iii)

³ Article 11, The Constitution of the People's Republic of Bangladesh

⁴ Ibid, Article 122

⁵ Ibid, Article 70

provision seems to curtail the right of freedom of speech of MPs. The MPs are elected by the people to represent themselves. However, as per the constitution of Bangladesh, the MPs cannot go against the concerned party's decision. There are exceptions noted in the constitutions of other countries. The constitutions of countries such as India, Pakistan, and Fiji provide some exceptions and allow floor crossing to some extent. An MP from these countries can cross the floor and exercise their right to freedom of speech by fulfilling certain conditions within the scope of their constitutions.

This paper focuses on floor-crossing, its history in Bangladesh, its impact, evaluation, and limitations, and also compares the laws of certain countries regarding this issue. This study provides whether Article 70 curtails the right of freedom of speech of MPs or not. The study also provides a comparative assessment of the practice of floor crossing in the parliament based on the constitutions of certain other countries.

The Concept of Floor Crossing

As mentioned, when a member of parliament votes against his party or refrains from voting he is said to cross the floor. In the parliament, the ruling party sits on one side and the opposite party sits on the other side. When any member of the parliament votes against his own party or abstains from voting or doesn't attend the session, it is considered that he crossed the floor.

Floor crossing has been a recurring phenomenon in parliamentary systems worldwide. The term "floor crossing" was initially introduced to describe the practice observed in the British House of Commons, where Members of Parliament (MPs) physically moved across the parliamentary chamber's floor to join the group of individuals seated on the opposite side. This action symbolized a significant shift in allegiance, as MPs switched their political affiliation to join another political party or group. Over time, the term "floor crossing" has come to represent any instance where elected representatives change their party affiliation or voting behavior, regardless of the specific parliamentary layout or seating arrangement.

This history of floor crossing can be found in ancient forms of governance, such as in ancient Greece and Rome⁶. In this early governance, allegiances to political parties or kingdoms were fluid, and representatives often aligned themselves with influential groups or individuals rather than fixed political parties to maximize their influence and advance their interests through strategic alliances and coalitions. A similar type of phenomenon was also noticed in parliamentary governance during the medieval and early modern periods. Nobles and representatives frequently switched allegiances based on changing power dynamics, family connections, or regional loyalties. The colonial era saw the introduction of parliamentary systems in many parts of the world, as colonial powers imposed their

⁶ Abbott F.F., 'A History and Description of Roman Political Institutions' (1901), Ginn and Company, US, pp. 472

governance structures on indigenous populations⁷. Indigenous leaders used floor crossing as a tool to navigate hierarchies and assert their interests within the colonial framework. The concept of floor crossing is also practiced among the representatives of the government in modern times. Floor crossing became closely associated with party politics in recent times, as MPs aligned themselves with parties based on shared ideologies, interests, or electoral calculations.

As seen from the above discussion, several factors can have influenced the prevalence and patterns of floor crossing throughout history. These include changes in political ideologies, shifts in power dynamics, personal ambitions of MPs, electoral considerations, and broader societal trends. Economic, social, and cultural factors have also played a role in shaping floor-crossing behaviors, with issues such as patronage, corruption, and identity politics influencing MPs' decisions to defect or switch parties.

Floor crossing has often been a source of controversy and debate within parliamentary systems. It is argued that it undermines party discipline, electoral mandates, and the democratic process, while proponents view it as a reflection of individual freedoms and political pluralism. In response to perceived abuses of floor crossing, many countries have enacted laws or parliamentary rules to regulate or discourage defections. These measures aim to promote political stability, strengthen party cohesion, and enhance accountability.

A notable example of this is Winston Churchill, who crossed the floor from the Conservatives to the Liberals in 1904, later crossing back in 1924⁸. In many Commonwealth countries, there are no legal obligations against floor crossing among MPs. For instance, in Australia, there were 245 instances of Members of Parliament (MPs) crossing the floor between 1950 and 2004. This represents approximately 24% of all MPs who were seated in parliament during that period. These floor-crossing instances illustrate the significant level of parliamentary flexibility and independence exercised by Australian MPs⁹.

History of Floor Crossing in Bangladesh

The history of floor crossing in the parliamentary system of Bangladesh is both complex and significant, reflecting the country's political landscape and the evolution of its democratic governance. In Bangladesh, the MPs are directly elected by the general vote of the public for a term of five years through national elections. Following the elections, the MPs who secure the most seats form the government and are responsible for crafting the

⁷ SpieB C. and Pehl M., 'Floor Crossing and Nascent Democracies – a Neglected Aspect of Electoral Systems? The Current South African Debate in the Light of the Indian Experience' (2004), *Law and Politics in Africa, Asia and Latin America*, Vol. 37, No. 2, pp. 195-224)

⁸ 'Crossing the floor' (Wikipedia)

<https://en.wikipedia.org/wiki/Crossing_the_floor> accessed 15 February 2024

⁹ D McKeown, R Lundie & G Baker, 'Crossing the Floor in the Federal Parliament 1950- 2004', *Parliament of Australia, Department of Parliamentary Services, Research Notes* available at <http://www.aph.gov.au/library>, accessed on 5 November 2013)

laws of the state. MPs play a crucial role in the functioning of parliament, representing the interests of their constituents and participating in legislative processes.

Right after independence in 1971, a Constituent Assembly was established with the condition that it would cease to exist as soon as the constitution became effective. On 4th November 1972, the assembly introduced the constitution of the People's Republic of Bangladesh. "Though the constituent assembly in the early 1970s was dominated by the then ruling Awami Muslim League, the then prime minister Sheikh Mujibur Rahman expressed his annoyance when KM Obaidur Rahman, a ruling party member, raised a vital question: 'Why was the constituent assembly not given legislative powers?' Subsequently, the then president, Justice Abu Sayeed Chowdhury, on the advice of the prime minister issued the Bangladesh Constituent Assembly (Cessation of Membership) Order, 1972. This stipulated that any resolution without the prior acknowledgment and approval of the party in the assembly would end in the expulsion of the member concerned."¹⁰ Thus, floor crossing was introduced in Bangladesh. The Constitution adopted the provision of the anti-floor crossing clause in 1972 under Article 70.

Floor Crossing in the Constitution of Bangladesh

The Constitution of Bangladesh included the provision of floor crossing laws as it was feared that the issue of floor crossing would create instability within the government¹¹. The provision of floor crossing was amended a few times. According to the Constitution of 1972, if a member resigns from his party or votes against his party during voting, he is said to cross the floor.

However, as per the 4th amendment¹² of the Constitution of Bangladesh, if a member is present at the session in the parliament but does not take part in the voting or if a member does not attend the parliamentary session at all against the will or direction of his party, it is said that he crossed the floor.

According to the 12th Amendment¹³, 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 resigns from that party or votes in Parliament against that party. The explanation of this article provides that, if an MP being present in Parliament abstains from voting or absents himself from any sitting of parliament ignoring the direction of the party which nominated him at the election as a candidate not to do so, he shall be deemed to have voted against that party. This article further mentioned that, if, at any time, any question as to the leadership of the Parliamentary party of a political party arises, the Speaker shall,

¹⁰ Hasanuzzaman, 'To amend Article 70 or not' New Age (22-04-2011)

<http://cpd.org.bd/pub_attach/To%20Amend%20Article%2070%20or%20not.pdf>

¹¹ N Ahmed, 'From Monopoly to Competition: Party Politics in the Bangladesh Parliament 1973-2001', vol. 76, no. 1, Pacific Affairs 55, 2003, pp. 55-77).

¹² The Constitution (Fourth Amendment) Act, 1975 (Act No. II of 1975)

¹³ The Constitution (Twelfth Amendment) Act, 1991 (Act No. 28 of 1991)

within seven days of being informed of it in writing by a person claiming the leadership of the majority of the members of that party in Parliament, convene a meeting of all members of Parliament of that party in accordance with the Rules of procedure of Parliament and determine its Parliamentary leadership by the votes of the majority through division and if, in the matter of voting in Parliament, any member does not comply with the direction of the leadership so determined, he shall be deemed to have voted against that party under clause (1) and shall vacate his seat in the Parliament. Again, if a person, after being elected a Member of Parliament as an independent candidate, joins any political party, he/she shall, for the purpose of this article, be deemed to have been elected as a nominee of that Party. Now, after the 15th amendment¹⁴, if a Member of Parliament resigns from his party or votes against his party, he is said to cross the floor, and in consequence, his seat shall become vacant. But he will be eligible for a subsequent election. In short, the evolution of floor-crossing laws in Bangladesh has been summarized in Table 1.

Table 1: Evolution of the provision of floor crossing in Bangladesh

Year	Provision
1972	Original constitution ¹⁵ - if a member resigns from his party or votes against his party during voting, he is said to cross the floor
1975	4 th Amendment ¹⁶ - if a member is present at the session in the parliament but does not take part in the voting or if a member does not attend the parliament at all against the will or direction of his party, it is said that he crossed the floor
1991	12 th Amendment ¹⁷ - if a member resigns from his party or being present in Parliament abstains from voting or absences himself from any sitting of parliament or votes against his party, he is said to cross the floor.
2011	15 th Amendment ¹⁸ - if a member of parliament resigns from his party or votes against his party, he is said to cross the floor

On the issue of floor crossing, Article 70 in the constitution of Bangladesh has gone through a series of amendments over the years. However, Article 70 has promoted the loyalty of the MPs to their respective political parties. As per the constitution, the MPs are subjected to express loyalty to the party and cast his/her vote in accordance with the command of the party. Otherwise, the MP will lose his/her seat in parliament. Many MPs have lost their seats as they voted against and resigned from their respective parties.

¹⁴ The Constitution (Fifteenth Amendment) Act, 2011 (Act XIV of 2011)

¹⁵ The Constitution of the People's Republic of Bangladesh, 1972

¹⁶ The Constitution (Fourth Amendment) Act, 1975 (Act No. II of 1975)

¹⁷ The Constitution (Twelfth Amendment) Act, 1991 (Act No. 28 of 1991)

¹⁸ The Constitution (Fifteenth Amendment) Act, 2011 (Act XIV of 2011)

Does Prohibiting Floor Crossing Curtail the Right of Freedom of Speech of MPs? (A Comparative Analysis with the Legal Framework of Other Countries)

The constitution has ensured the right to freedom of speech for every citizen of Bangladesh¹⁹. As a representative of the people, an MP must present all the demands of the mass people who elected him. That is why he should have the right to speak freely in parliament. But imposing the condition of vacating the seat in case of voting against the party curtails such rights. If an MP has the fear of losing his seat, he cannot exercise the right of freedom of speech properly. In this regard, Article 70 of the constitution which limits the political freedom of the MPs in the parliament seems to contradict Article 39 ensuring the freedom of speech and thought of every person. This is why the exercise of Article 70 has faced intense criticism.

In the original constitution, the President of Bangladesh was to be elected by secret ballot. An MP can express his opinion freely regarding the election of the President in such a way. However, after the 12th amendment in 1991, the president was to be elected by open ballot. It seems to curtail the freedom of expression of MPs. Regarding this context, a dispute arose in the President's Election 1991²⁰. "Abdus Samad Azad, Suranjit Sen Gupta, Tofael Ahmed, Matia Chowdhury, Rahmat Ali, Md Nasim, and Prof Abdul Hafiz, MPs from Awami League, challenged the President's Election 1991 by open ballot. Because it was inconsistent with the original constitution. A member of the parliament from the Jatya Party named Moudud Ahmed also challenged such voting method by a writ petition. All these writs involved similar questions and they were considered by the Bench of F.H.M Habibur Rahman and Abdul Hasib JJ. Md Habibur Rahman J. rejected the writs. But Abdul Hasib J issued Rule Nishi upon the government to show cause as to why the Act should not be declared ultra vires in the Constitution. Later the issue was tried by a single bench Anwarul Hoque Chowdhury J.

Barrister Amirul Islam appearing on behalf of Awami League MPs argued that by the 1991 Act, the vice of Article 70 would be unnecessarily extended to the Presidential Election. The MPs voting in Open Ballot would run the risk of losing their seat if he/she votes against the presidential candidate nominated by his/her party. Article 70 puts restraints on the legislative and policy stance of MPs by prohibiting them from voting against their party decision. It should govern the essential legislative functions of the MPs.

However, the election of the President, being an extraordinary special function, cannot be brought within the operation of Article 70, Barrister Amir argued²¹. This argument of Barrister Amirul Islam points the finger at the core philosophy behind the inclusion of Article 70 in the Constitution. If the sole purpose of Article 70 is to prevent malicious defection and unnecessary defeat of the Cabinet on the floor, it should be limited only to

¹⁹ Article 39, The Constitution of the People's Republic of Bangladesh

²⁰ Abdus Samad Azad VS Bangladesh, 44 DLR (HCD), 354

²¹ Ibid, Para 26

the essential legislative affairs.”²² If an MP has to vote in an open ballot, there is reasonable apprehension that he/she will not vote against his/her own political party. Because if he/she does so, he/she may have to lose his seat as Article 70 specifies that no one can vote against his political party. Moreover, if the political party in power wants to pass any unconstitutional bill, an MP cannot vote against it because if he/she does so, he/she must lose his seat. Out of such fear, he/she will not vote against it. It can have an adverse impact on the mass people.

Justice Moyeenul said that the parliament members could not discharge their duties properly as they could not express their opinions independently because of Article 70. He noted that the MPs are not independent as they cannot vote against their party decisions and that is why they are subservient to their parties. Political parties, not the people, are the source of all powers under Article 70, although the people are the source of all powers under Article 7 of the Constitution. The Supreme Court's Appellate Division has accepted the HC observation regarding Article 70 in the judgment of the 16th constitutional amendment case. It was mandatory for the High Court Division to abide by the Appellate Divisions' verdict.²³

As regards Article 70 of the Constitution of Bangladesh, we must say that this article has fettered the members of parliament. It has imposed a tight rein on them. The MPs cannot go against the party line or position on any issue in parliament. They have no freedom to question their party's stance in the parliament even if it is incorrect. They cannot vote against their party's decision. They are hostage in the hands of their party's command²⁴.

Regarding floor crossing, the Constitution of Bangladesh provides no exception in Article 70. If we look at the constitutions of India, Pakistan, and Fiji, we can see that there are certain exceptions regarding floor crossing. The Constitution of these countries allows floor crossing to some extent.

The 10th Schedule of The Constitution of India provides that “a member of a House belonging to any political party shall be disqualified for being a member of the House if he has voluntarily given up his membership of such political party or if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs or by any person or authority authorized by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority

²² Dr. M. Jashim Ali Chowdhury, *An Introduction to the Constitutional Law of Bangladesh*, Book Zone Publication (2023), pp 369-370

²³ 'Article 70 of Constitution: It's a safeguard for democracy' *The Daily Star* (May 26, 2018) <<https://www.thedailystar.net/backpage/article-70-constitution-its-safeguard-democracy-1581670>>

²⁴ Mahbubul Islam, *Understanding the Constitution of Bangladesh*, University Publication (2018), p 221

within fifteen days from the date of such voting or abstention.²⁵ An evaluation of the provision reveals that if an MP obtains prior permission from the authority, he can cross the floor. So, an MP in India can cross the floor by taking prior permission from the concerned authority. He can exercise his constitutional right of freedom of speech in such a way.

The Constitution of Fiji also allows floor crossing to some extent. It states that “a member of Parliament shall vacate his seat if he votes or abstains from voting in Parliament contrary to any direction issued by the political party for which he or she was a candidate at the time he or she was elected to Parliament, without obtaining the prior permission of the political party.²⁶” It implies that in cases where the party does not issue any direction, a member of parliament can vote against his own party. Again, he may vote against his own party by getting prior permission. In such a way, he can exercise his constitutional right of freedom of speech²⁷ as provided in the Constitution.

According to the Constitution of Pakistan, “if a member of a Parliamentary Party composed of a single political party in a House resigns from membership of his political party or joins another Parliamentary Party or votes or abstains from voting in the House contrary to any direction issued by the Parliamentary Party to which he belongs in relations to election of the Prime Minister or the Chief Minister or a vote of confidence or a vote of no-confidence or a Money Bill or a Constitution (Amendment) Bill, he may be declared, in writing, by the Party Head to have defected from the political party, and the Head of the Parliamentary Party may forward a copy of the declaration to the Presiding Officer, and shall similarly forward a copy thereof to the member concerned. Provided that, before making the declaration, the Party Head shall provide such member with an opportunity to show cause as to why such declaration may not be made against him.²⁸” So, as per the Constitution of Pakistan, if a member of a parliamentary party resigns or joins another party or votes or abstains from voting contrary to the direction issued of the party in the following three situations namely -

- a. election of the Prime Minister or the Chief Minister;
- b. a vote of confidence or a vote of no-confidence; or
- c. a Money Bill or a Constitution (Amendment) Bill

He may be declared to have defected from the political party. But before such a declaration, such a member gets an opportunity to show cause against such a declaration. Thus, the Constitution prohibits the MPs from crossing the floor in the three situations

²⁵ TENTH SCHEDULE, The Constitution of India

²⁶ Article 63(1)(h), Constitution of the Republic of Fiji

²⁷ Ibid, Article 17

²⁸ Article 63A (1), The Constitution of the Islamic Republic of Pakistan

mentioned above. It implies that, in other cases, an MP can express his opinion, whether it goes against his political party or not, without any fear of losing his seat. So, it is clear that the Constitution of Pakistan allows the MPs to cross the floor to some extent and in such a way, he can exercise his constitutional right to freedom of speech.

The constitutions of India, Pakistan, and Fiji allow floor crossing by providing such exceptions. It doesn't curtail the constitutional right of freedom of speech wholly in this matter. In the United Kingdom, it is permitted to cross the floor, in accordance with the doctrine that the electorate votes for the individual candidate and not the party, in fact, it was not until 1970 that party affiliation was allowed on the ballot paper. Therefore, when a Member of Parliament switches parties, he or she does not automatically lose his or her seat. For example, Clare Short, who was elected as a Labour Member of Parliament in Birmingham Ladywood in the 2005 general election, left the Labour Party but did not resign her seat in Parliament.²⁹

However, the constitution of Bangladesh provides no such exception regarding floor crossing. It curtailed the constitutional right of freedom of speech wholly in this matter. If an MP votes against his party, his seat shall become vacant. So, it is a bar to exercise his right of freedom of speech properly.

Recommendations to Improve Floor Crossing in Bangladesh

The Constitution of other countries allows floor crossing not wholly but to a limited extent by providing some exceptions. Bangladesh can also improve the provision of floor crossing by providing some exceptions in this matter.

In India, as per the 10th Schedule of the Constitution, a member of the parliament shall be disqualified if he votes or abstains from voting contrary to any direction issued by the political party or authority without obtaining the prior permission of such political party or authority. It implies that, if any direction is not issued by the political party or authority, a member of parliament can vote against his party. Also, such a member has the option of taking prior permission before voting which implies that by taking prior permission from the political party, he can vote against his party. Again, if his vote or abstention from voting is condoned within 15 days of such voting or abstention by such political party, he will not lose his seat. In the Constitution of Fiji³⁰, the matter of issuing directions and taking prior permission is also available. In Bangladesh, there is no such provision for issuing directions and obtaining prior permission before voting from a political party or authority like India and Fiji. Also, the consideration of the vote by the political party within a fixed time is not available. So, the option of taking prior permission before voting can be added. Also, a provision can be added authorizing the political party

²⁹ David McKie, 'No sense in self-denial, The Guardian (2006)

<<https://www.theguardian.com/commentisfree/2006/oct/26/comment.houseofcommons>>

³⁰ Article 63(1)(h), Constitution of the Republic of Fiji

to decide, within a limited time, whether to accept or reject the vote. In such a way the constitutional right of speech would not be curtailed wholly as it does in the present.

In Pakistan, a Member of Parliament cannot vote against his political party in certain situations mentioned in Article 63A of the Constitution of Pakistan which implies that in other cases, he can vote against his political party. So, there is no scope to pass any unconstitutional bill. Similarly, in Bangladesh, floor crossing may be allowed, except in some highly controversial matters, to ensure that no unconstitutional bill is passed by the parliament.

Again, the reference of the matter as to whether a member should vacate his seat by reason of floor crossing to the Election Commission is ensured under Article 66(4) of the Constitution of Bangladesh. The Election Commission needs to be fair and must be free from any kind of political intervention in deciding this matter. The concerned Member of Parliament must be given an opportunity to show cause for his decision to vote against his party.

The duty of an MP is to maintain legislation and to make social, cultural, and economic development of the area for which he is elected. But because of the barriers of Article 70, he is not able to express all his views without any fear. If freedom of speech can be ensured by removing the barriers of Article 70, it will be helpful for an MP. He can present all the matters of the people before the parliament whether it is against the government proposal or not. In such a way, the social, cultural, and economic development of his area as well as of the country can be ensured. If the social, cultural, and economic condition of a country stands in a good state, it also helps to maintain friendly relations with other countries.

An MP is the representative of the mass people, the matter of whether he/she should vacate his/her seat or not because of floor crossing may be put to the opinion of the public.

Although allowing floor crossing is necessary for modern parliamentary democracy, it can be misused if not controlled properly. Sometimes the MPs cross the floor of parliament for their personal gain. This can happen because of illiteracy or lack of wisdom on the MPs' behalf and also to pressure the government. This will create instability within the political parties as well as the parliament. In extreme cases, it may result in the government being forced to resign.

Conclusion

In the modern era, floor crossing is a vital issue. Freedom of speech and floor crossing represent distinct aspects of democratic governance. While freedom of speech protects the right of MPs to express their views and engage in open debate, floor crossing involves decisions to change party affiliations or voting patterns, which can impact party dynamics and parliamentary stability.

Although some restrictions should be imposed on the floor crossing of MPs, it should not be denied wholly. There are certain situations where MPs need to cross the floor. In such situations, he should not be denied doing so. Because an MP is the representative of the mass people, he must talk about all the matters of the mass people in parliament. Freedom of speech is necessary in this context. If he cannot speak freely, he will not be able to do so. MPs may exercise their freedom of speech to justify or explain their decision to cross the floor, citing reasons such as ideological differences, constituency interests, or conscience.

Professor Royce Koop of the University of Manitoba said that when an MP crosses the floor, it's a beautiful reminder that in Canada we cast our votes for candidates, not parties³¹.

In summary, while freedom of speech and floor crossing are both integral to parliamentary democracy, they represent different facets of political expression and conduct. Balancing the principles of freedom of speech with the need for party discipline and political stability is a key challenge within parliamentary systems, highlighting the complexities inherent in democratic governance. In this regard, some exceptions may be taken into consideration in relation to floor crossing within the Constitution of Bangladesh, otherwise, an MP cannot exercise his constitutional right of freedom of speech properly. Also, this issue needs an ethical solution, rather than a political one.

Bibliography:

Abdus Samad Azad vs Bangladesh, (1992) 44 DLR 354 (HCD)

'Article 70 of Constitution: It's a safeguard for democracy' The Daily Star (May 26, 2018)

A. Sarker and S. Liton 'Bangladesh High Court scraps 16th amendment to the constitution' The Daily Star (May 06, 2016)

Chowdhury, D. M, An Introduction to the Constitutional Law of Bangladesh (Book Zone Publication 2023)

Halim, M. A, Constitution, Constitutional Law and Politics: Bangladesh Perspective (20 Link Road, Bangla Motor Corner, Dhaka 1000: CCB Foundation 2010)

Hasanuzzaman, 'To amend Article 70 or not' New Age (22-04-2011)

Islam, M, Understanding the Constitution of Bangladesh (University Publication, Nilkhet, Dhaka 1205, 2018)

³¹ Mike McDonald, June 2021, *Floor crossings – a tradition as old as Canada itself*, accessed 26 February 2024 < <https://www.theorca.ca/visitingpod/floor-crossings-a-tradition-as-old-as-canada-itself-6400432>>

Islam, M, Constitutional Law of Bangladesh (Mullick Brothers, 42, Bangla Bazar, Dhaka, Bangladesh 2019)

Janda, K, Laws Against Party Switching, Defecting, or Floor-Crossing in National Parliaments (August 2009)

Khan, A, Bangladesher Sangbidhan (Bengal Law Books 2022)

Khan, M. A., 'Floor Crossing: Article 70 of the Constitution of Bangladesh - A comparative study' (Researchgate.Net, June 2023)

<https://www.researchgate.net/publication/371509650_Floor_crossing_Article_70_of_the_Constitution_of_Bangladesh_-A_comparative_study> accessed 27 February 2024

Khandker Delwar Hossain VS The Speaker, (1999) 51 DLR 1 (HCD)

M. David 'No sense in self-denial' The Guardian (October 26, 2006)

McDonald, M., 'Floor crossings - a tradition as old as Canada itself' (Theorca.ca, June 2021)

< <https://www.theorca.ca/visitingpod/floor-crossings-a-tradition-as-old-as-canada-itself-6400432>> accessed 27 February 2024