

# **The Parliamentary Committee System in Bangladesh**

## **An Analysis of its Functioning**

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Dissertation Submitted by

**K.M. Mahiuddin**

Supervisors

Professor Subrata Kumar Mitra, Ph.D. (Rochester)

Professor Dr. Marcus Nüsser

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**Ph.D. Dissertation**

Department of Political Science  
South Asia Institute  
Ruprecht-Karls-Universität Heidelberg

## Abstract

In modern democracies, parliament has numerous duties. As a key state organ it examines the legislative proposals in the process of their passage and is entrusted with overseeing executive responsibilities and keeps an eye on government activities. Parliamentary committee system is the most vital structure that permits the legislators to divide up their labor and specialize in particular areas of activities. It is therefore the most significant legislative mechanism and is often referred to as “miniature legislatures” or “microcosms” of their parent bodies.

There is a tendency around the world to rely on committees for accomplishing much of the parliamentary activities. In this regard, Bangladesh is not an exception. Being a South Asian country, it has had familiarity with committee system since last century when the country was under British colonial rule. Bangladesh emerged as an independent state in 1971 following nearly two centuries of British rule and a further quarter century of Pakistan. The new state of Bangladesh adopted parliamentary system of government. All legislative power of the state were vested to the parliament. Though all favorable conditions for parliamentary democracy were ensured in the constitution, differences between the political parties and overwhelming domination of government party and their refusal to recognize the official opposition party in the parliament prevented building a responsible executive. In a sweeping change, parliamentary form of government was replaced by one party-presidential system and soon the new system was abolished when the military seized the state by a bloody military coup in 1975. Between 1975 and 1990, the country was under military dominated civil-military regimes. Parliaments formed during this period were intended to serve the purpose of the regime’s interests. With mass upsurge, authoritarian regime was ended and parliamentary form of government was restored in 1991.

Since the restoration of parliamentary democracy in Bangladesh, committee system is taken seriously in the political as well as in the academic arena because of its importance in the parliamentary process. Therefore, this study intends to analyze the functioning and role of parliamentary committees in the post-1990 Bangladesh parliament. In doing so, this study

identifies and examines the factors that have considerable influence in the working of the parliamentary committees in general and Bangladesh in particular.

The methodology applied in this research is a combination of historical, analytical and descriptive approaches. Descriptive and analytical approaches are chosen to show in what institutional environments committees are working in the Bangladesh parliament. Much of the analyses that follow are based on the examination of the proceedings and reports of the important committees, Rules of Procedure of the JS. Other secondary sources include books of the reputed scholars and articles published in various journals, working papers and study reports, newspapers published at home and abroad. Socio-political characteristics of the committee members are calculated from the parliamentary records and the questionnaire used for the interviews. Besides, information is also gathered from discussion with prominent political leaders and academia.

The analysis presents in this study showed that the committees were more active in overseeing government activities rather than analyzing policy issues. In a conflicting political environment, committee activities are greatly influenced by the political parties. Lack of compromise between the parties to some extent makes the committees dysfunctional. Despite the existing limitations, committees provide a training ground for the legislators to improve their parliamentary norms and procedural knowledge.

## DECLARATION

I do hereby declare that I have written this PhD thesis myself, and that it has not been submitted to any other university for a degree.

K.M. Mahiuddin

Heidelberg, February 8, 2009

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## Abbreviation

ADB	Asian Development Bank
AFD	Armed Forces Division
AL	Bangladesh Awami League
BCIC	Bangladesh Chemical and Industries Corporation
BIPS	Bangladesh Institute of Parliamentary Studies
BIWTC	Bangladesh Inland Water Transport Authority
BNP	Bangladesh Nationalist Party
BPJS	Bangladesh Parliament Journalists Association
BRAC	Bangladesh Rural Advancement Committee
BSS	Bangladesh Sangbad Shangstha
BTV	Bangladesh Television
CAC	Centre for Analysis and Choice
CAG	Comptroller and Auditor General
CGA	Committee on Government Assurances
CMBR	Committee on Private Members' Bills and Resolutions
CPA	Chittagong Port Authority
CPD	Centre for Policy Dialogue
DCC	Dhaka City Corporation
DESA	Dhaka Electricity Supply Authority
DESCO	Dhaka Electricity Supply Company Limited
DGDP	Directorate General Defense Purchase
DSC	Departmental Standing Committee
FPTP	First-Pass-The-Post
IFM	International Monetary Fund
JIB	Jamat-E- Islami Bangladesh
JP	Jatiya Party
JS	Jatiya Sangsad (National Parliament of Bangladesh)
LGRD	Ministry of Local Government and Rural Development
LGED	Local Government & Engineering Department
LIC	Legislative Information Centre
MP	Member of the Parliament
MSC	Ministerial Standing Committees
MSS	<i>Manobik Shahajjao Sangstha</i>
MW	Mega Watt
NDI	National Democratic Institute for International
NMSC	Non-ministerial Standing Committees
PAC	Public Accounts Committee
PDB	Bangladesh Power Development Board
PPRC	Power and Participation Research Centre
PUC	Public Undertakings Committee
RAJUK	Rajdhani Unnayan Karttripakkha
RED	Research and Evaluation Department
ROP	Rules of Procedure
TIB	Transparency International Bangladesh
TK	<i>Taka</i> (Bangladeshi Currency)
UNDP	The United Nations Development Project
WB	The World Bank

## Glossary of Bengali Terms

<i>Azad</i>	Independent
<i>Be-Sorkari</i>	Private
<i>Ekushey</i>	the twenty-first day of a month
<i>Dharmasutras</i>	Scriptures
<i>Dibos</i>	Day
<i>Diner karjo suchi</i>	Orders of the Day
<i>Durbar</i>	Court/Chamber
<i>Hartal</i>	General Strike
<i>Jatiya Sangsad</i>	the National Parliament of Bangladesh
<i>Panchayat</i>	Rural Council
<i>Pitaras</i>	Elders
<i>Poribahan Odhidaptar</i>	Transport Department
<i>Prajapati</i>	Prince
<i>Rajan</i>	King
<i>Sabha</i>	Council
<i>Sangbidhan</i>	the Constitution of Bangladesh
<i>Samiti</i>	Association
<i>Sepoy</i>	Soldier
<i>Sorkari</i>	Government
<i>Zakat</i>	Tax on savings and wealth
<i>Zamindar</i>	Landlord
<i>Zilla Parishad</i>	District Council

# CHAPTER I

## Introduction and Conceptual Framework

### 1.1 Introduction

This is a study on parliamentary committees with particular reference to Bangladesh. The main query of this study is ‘how do parliamentary committees perform when placed in the political context of post- colonial societies, where the political institutions, at least partly, have been imposed from outside rather than being fully indigenous?’ Drawing on a theoretically in-framed case study of the Bangladesh parliament, the present research focuses on the performances of parliamentary committees from 1991 to 2006.

Bangladesh emerged as an independent state in 1971, after nearly two centuries of British rule and a further quarter century of Pakistani rule. After independence, the new constitution, which was promulgated in 1972, adopted a parliamentary system of government reflecting the aspirations of the people who had struggled to achieve such a democratic system since the British colonial days. The Bangladesh Constitution entrusted all legislative authority to a unicameral Parliament called the ‘*Jatiya Sangsad*’. The President was made the titular head of the nominal executive while the real executive power of the state was vested to the Prime Minister like the cabinet government as practiced in Britain. The Prime Minister and the cabinet were collectively responsible to the parliament. For ensuring government accountability to the parliament, constitution makers incorporated the provision of the parliamentary committee system in Article 76 of the Constitution. Article 76 of the Constitution formally granted the parliament the authority to appoint standing committees as necessary for discharging its functions. Though many favorable pre-conditions of the parliamentary system of the government were provided in the Constitution, lack of separation between state, government and party, depending party machinery on the leader, differences between the political parties, undermining of a free and fair electoral process, overwhelming majority of the government party in the parliament and their refusal to recognize the existence of the official opposition hindered the opportunities for the regime to practice

norms and conventions of the parliamentary form of the government.<sup>1</sup> In face of political turmoil the parliamentary system of the government was replaced by a one-party presidential system through the Constitution (Fourth Amendment) on January 25, 1975.

Though Bangladesh started well adopting parliamentary democracy in its Constitution, it did not work as it ideally should. The new system which Sheikh Mujibur Rahman called his “second revolution” was not radically different from the way he governed the country from 1972 to 1975. Rounaq Jahan argued that the new model was being put into operation by the same old leadership with the same style. With the adoption of a new model, all power was concentrated on one hand by making Sheikh Mujibur Rahman the head of the state, the head of the government and the head of the party. Though the two models were different in structural terms, behaviorally the two systems worked more or less in the same way.<sup>2</sup> The model of the second revolution could not last longer since Sheikh Mujibur Rahman was assassinated in a military coup led by a group of mid ranked army officers on August 15, 1975.

Following the assassination of Sheikh Mujib Rhaman martial law was declared and the country remained under two subsequent military governments until December 1990. After coming to power, military governments attempted to legitimize themselves. In the course of civilianization of the military regimes, three parliaments had been formed under a presidential form of government and these were mostly rubber stamp like institutions. At long last, military regime was overthrown by a mass upsurge in December 1990. Following the fall of military regime the parliamentary system of the government restored again in 1991 with consensus of the major political parties, the student organizations, the professional bodies, the media and the civil society. Therefore, it is argued that the idea of liberal democracy was though rejected in 1975 by the ruling political elite; the ‘model’ itself did not lose support with the people as a whole.<sup>3</sup>

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<sup>1</sup> Jahan, Rounaq (1980), *Bangladesh Politics: Problems and Issues*, Dhaka: University Press Ltd pp. 95-96, 123, Choudhury, Jamsed S.A. (2004), *Bangladesh: Failure of A Parliamentary Government 1973-75*, Dhaka: Pathak Shamabesh, p. 121. Hasanuzzaman , Al Masud (1998), *Role of Opposition in Bangladesh Politics*, Dhaka: University Press Limited, p.41.

<sup>2</sup> Jahan, Rounaq, *op .cit.*, p. 123.

<sup>3</sup> Jahan, Rounaq, *op .cit.*, p. 125.



## **1.2 Research Issues**

Since the restoration of the parliamentary system in 1991, the committee system has created interests both in political and academic circles. International organizations particularly donor agencies, citizen forums and media emphasize on strengthening the committee system towards demanding government accountability by the parliament. Considering the above discussion this study seeks to answer how do committees perform in a parliament where the political institutions mainly adopted from outside rather than being fully indigenous. Focusing on the following issues this research attempts to assess the performances of the committees in the post 1990 Bangladesh parliaments with necessary examples and illustrations.

- 1) Formal arrangements of the committee system including composition, structure and functions of the committees.
- 2) Institutional mechanism affecting the functioning of the committee system in Bangladesh.
- 3) Performance of the committees of the *Jatiya Sangsad* regarding the legislative and overseeing processes.
- 4) The parliamentary committees and the society nexus focusing on the role of the media and the civil society.

## **1.3 Background of Conceptual Framework**

To explain the functioning of the parliamentary committees in Bangladesh it needs to draw out important factors that have considerable influence in their working. For this purpose three folds of factors are identified. These factors form the “conceptual out line” of this research. Before discussing the conceptual framework it needs to explain the significance of the committee system in general and particular in the Westminster model where the committee system has been reformed for the purpose of strengthening parliaments. In doing so, this section first analyzes the evolution of the parliamentary structures with necessary examples.

### 1.3.1 Evolution of Parliamentary Structure

In today's political systems, the legislative organ as the national representative body is considered indispensable for proper governance. In democratic framework the role of the parliament and parliamentary structures in establishing responsible government can hardly be overemphasized. It is therefore argued that of all political institutions, none is more vital to the process of linking governors and governed in relationships of authority, responsibility, and legitimacy, than the modern legislature.<sup>4</sup> In modern democracies, parliament can play significant role in making a bridge between the government and the public. Yves Mény and Andrew Knapp noted, "If there is one symbol that stands for a representative system, it is certainly that of the Assembly, a collegial body through which the will of all (or part) of the population is expressed."<sup>5</sup> Democratically elected parliaments are potentially important because they represent pluralist conception so that various segments of the society can contribute to law making and monitoring the executive and set value goals for the society.

As organic body, parliamentary structures developed through a long process of institutionalization. The genesis of parliament traced back to the thirteenth century England. During that time, the Knights of the Shires and representatives from towns were allowed to attend the King's Great Council to grant tax and for counseling. Due to War Between the States, debts and declining value of money occurred which compelled the King to increase tax and seek aid from the nobility of the towns. Besides financial necessity, Kings required their consent to his acts of governance. It was more convenient for the Kings to negotiate with 'the council' as a whole rather than as individuals. In the development of the English Parliament agreement of Magna Carta of 1215 was a turning point which established that the king required the consent of his royal council to levy or collect any tax. Since then the royal council slowly developed into parliament. The first elected parliament was summoned in 1265 by Simon de Montfort and Edward I enlarged the representative character. He summoned the 'Model Parliament' in 1295. The Model Parliament was consisted of representatives of the clergy and the aristocracy, as well as representatives from the various counties and boroughs. Each county returned two knights, two burgesses were elected from each borough, and each city provided two citizens. Since the period of Edward II, the Knights

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<sup>4</sup> Wahlke, John C. and Eulau, Heinz, eds. (1959), *Legislative Behavior: A Reader in Theory and Research*, Glencoe, Ill.: Free Press, p.3.

<sup>5</sup> Mény, Yves (1990), *Government and Politics in Western Europe*, Oxford: Oxford University Press, p.181.

and burgesses from the towns began to sit separately from the powerful barons and Church leaders as a result of which the former were represented in the 'House of Commons' and the latter in the 'House of Lords'.<sup>6</sup> Their functions mainly ranged from taxation to counseling. Since the 14<sup>th</sup> century these two Houses gradually gained control over grants of revenue to the King. The legislative and administrative power was obtained in the 15<sup>th</sup> century onwards.

Like England, there had been the development of parliamentary structure under monarchical setup in other parts of Western Europe (i.e. Italy, Spain, England, France, and Germany) in between 13<sup>th</sup> and 14<sup>th</sup> centuries. In these countries, monarchs called the parliament in order to raise royal revenues and for counsel.<sup>7</sup> America's founders created legislature in the eighteenth century to safeguard their interests against the royal governors. Connie A. Veillette and Christopher J. Deering observed "The development of the American political system and the U.S. Congress reflects the ideology of its Founders for limited government even while it borrowed from the tradition of representative assemblies as they developed in Europe".<sup>8</sup> It may be mentioned that the US constitution is based on the theory of separation of power and the state organs have their own jurisdiction of power but they remain within a system of checks and balance.

The concept of sovereignty of parliament is a British origin and has been a product of centuries of revolution and reform movements (e.g. Glorious Revolution of 1688, Petition of Rights, Bills of Rights and so on) that turned absolute monarchy into a constitutional monarchy. Through these transformations there had been a change in power relationship and transfer of authority from the Crown to the Parliament. Legislature began its ascendancy after the Glorious Revolution of 1688 and continued until the nineteenth century. Like many other scholars Walter Bagehot portrayed this period as an era of parliamentary strength. He described the British House of Commons as 'efficient' working body in his classic work- *The English Constitution* (first published in 1867). He argued that House of Commons at that time had been central to the governing of the country.<sup>9</sup> This period is marked as the 'golden age' of the British Parliament.

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<sup>6</sup>Griffith, J.A.G. & et. al (1989), *Parliament : Functions, Practice and Procedure*, London: Sweet & Maxwell,p.3, Wikipedia, [http://en.wikipedia.org/wiki/Parliament\\_of\\_the\\_United\\_Kingdom](http://en.wikipedia.org/wiki/Parliament_of_the_United_Kingdom).

<sup>7</sup> Strayer, Joseph R. (1970), *On the Medieval Origins of the Modern State*. Princeton: Princeton University Press, quoted from Connie A. Veillette and Christopher J. Deering (2003), "Evolution of the American Parliament", paper presented in the Basque Parliament's conference on "Parliament over Time.

<sup>8</sup> Connie A. Veillette and Christopher J. Deering (2003), op. cit.

<sup>9</sup> Norton, Philip (ed.) (1992), *Legislatures*, Oxford: Oxford University Press, p. 36.

The idea of 'golden age' has been questioned in various writings. In this context Lord Bryce argued that there had been imbalance between the executive and the legislative relationships. However, he did not question the interpretations of Bagehot's writing in his classic book *Modern Democracies* (published in 1921). He argued that the role of the House of Commons became less central. This concept developed in the study of parliaments as the 'decline of parliament' thesis. He generalized his argument to other systems of government including the United States, France and Italy.<sup>10</sup> Like Bryce, K.C. Wheare also noticed that though the legislature gained more power, they have in almost all cases declined.<sup>11</sup>

Since the late nineteenth century executive dominance became more visible. Many scholars argued that party system weakened the legislative strength. When Bryce wrote his decline thesis, he constructed that dignity and moral influence of representative legislatures had declined because of the activities of party caucuses and growth of pressure groups. He argued that effective control of law making was gradually transferred from the legislature to the executive and parliamentary scrutiny of the executive was increasingly ineffective. He again argued that where party discipline was stronger, the discretion of representatives was narrow, as they must work with their leaders.<sup>12</sup> Sir Ramsay Muir also over-emphasized the decline of the British Parliament; he argued that role of the British Parliament had changed because of the emergence of an assertive, structured and well disciplined party system and consequent dominance of the executive.<sup>13</sup> It has been argued that the growth of strong party discipline prevents the parliament from monitoring executive activities effectively. As David Hamer writes, "When there is a majority government, party discipline dictates that the cabinet is answerable not to the parliament but to the caucus of the majority party."<sup>14</sup>

There is a longstanding debate that parliaments in Westminster system are in decline. In the mid-1960s, Kenneth C. Wheare pointed out that with a few important and striking exceptions; legislatures had declined in certain important respects and particularly in power

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<sup>10</sup> Elgie, Robert and Stapleton, John (2006), "Testing the Decline of Parliament Thesis: Ireland, 1923–2002", *Political Studies*, Vol.56, p. 467.

<sup>11</sup> Wheare, K.C. (1963), *Legislatures*, London: Oxford University Press, p.291.

<sup>12</sup> Bryce, J (1990), "The Decline of Legislatures", in Philip Norton (ed.), *Legislatures*, Oxford: Oxford University Press, p.49-50.

<sup>13</sup> Muir, Ramsay (1930), *How Britain is Governed*, New York: Richard R. Smith Inc.

<sup>14</sup> Hamer, David (2004), *Can Responsible Government Survive in Australia?* Canberra: The Department of the Senate, Parliament House, p.17.

in relation to the executive government. But he again pointed out that the legislators spent more time than they did before.<sup>15</sup> Analyzing the activities of the four British Prime Ministers during the period 1868-1990, political scientists concluded that the direct accountability of the prime minister to the parliament had undoubtedly declined.<sup>16</sup> Referring to the Indian Parliament Subhash C. Kashyap stated that after Nehru there was a steep decline in the role of parliament. Government with their majority in the House diminished the stature of the legislature. In this situation, parliament could hardly be expected to perform its role as the supreme representative institution of the people charged with the responsibility of ensuring administrative accountability and executive responsibility. There was general apathy among members, ministers and the public at large regarding working of the parliament.<sup>17</sup> Similarly, Arthur G. Rubinoff has shown that many parliamentarians, instead of taking legislative process seriously, played to the media or focused on constituency problems. Legislators were more interested in attaining office than in legislating. He observed that the opposition members attempted to embarrass the government by focusing on scandals rather than substantive issues. As a result, law-making functions of the legislature declined in 1990s from 50 per cent to less than 20 per cent.<sup>18</sup>

Challenging the decline thesis, parliamentary scholars like Mezey, Norton, Attila Ágh and others argued that parliament has certainly not declined in an absolute sense. In the context of the UK, Michael Mezey and Philip Norton challenged the thesis. Michael Mezey argues, ‘the theme of legislative decline was seldom supported by empirical data and seemed to be based on the largely unsubstantiated premise that at some time in the past a golden age of parliaments existed’.<sup>19</sup> Philip Norton, a leading parliamentary scholar, however, found a decline in the level of activity of the legislators. He did not agree with the concept of ‘decline of parliament’. Norton argued that legislatures have not declined in the modern era; there is

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<sup>15</sup> Wheare, K.C. (1963), *op. cit.*, p.148, 221.

<sup>16</sup> Patrick Dunleavy; G. W. Jones; Jane Burnham; Robert Elgie; Peter Fysh (1993), “Leaders, Politics and Institutional Change: The Decline of Prime Ministerial Accountability to the House of Commons, 1868-1990”, *British Journal of Political Science*, Vol. 23, No. 3, p.267.

<sup>17</sup> Kashyap, Subhash C. (2004), “Executive–Legislature Interface in the Indian Polity”, the *Journal of Legislative Studies*, Vol.10, No.2/3, Summer/Autumn, p. 282.

<sup>18</sup> Rubinoff, Arthur G. (1999), “The Decline of India’s Parliament”, in Philip Norton and Nizam Ahmed (eds.), *Parliaments in Asia*, London or Portland : Frank Cass, pp. 22-25.

<sup>19</sup> Mezey, M.L. (1995) ‘Parliament in the New Europe’, in J. Hayward and E. Page (eds.), *Governing the New Europe*, Cambridge: Polity, p. 196.

an unequal relationship between the executive and the parliament. In that relationship, the executive is not just dominant but overly dominant.<sup>20</sup>

In the context of Central Europe Attila Ágh, Gabriella Ilonszki and András Láncki argue that parliament has not declined in relation to government; examining the process of democratization they observed that parliament has played an increasing role.<sup>21</sup> Examining the decline of parliament thesis in Ireland, across the period 1923 to 2002, Robert Elgie and John Stapleton found a different situation. They observed that there had been decline in particular forms of activity but the overall level has been increased over time. Today there is a greater degree of indirect accountability in the Irish system than was previously the case. Therefore, they suggested that the decline of parliament thesis is not applicable to Westminster-style of parliamentary systems.<sup>22</sup>

Despite the argument Westminster type parliaments are in decline, the experiences show that the decline thesis does not apply in all cases. Different research works cited above construct that parliament has not declined in absolute sense. In reality, however there is an unequal relationship between the legislature and the executive. The reasons for much imbalance in executive-legislative relations in Britain are well described in the Norton Commission report. The Commission was set up 'to examine the causes of decline in the effectiveness of parliament in holding the executive to account and to strengthen democratic control over the government'. The Report of the Commission was published in July 2000 under the title Strengthening Parliament. In this report Philip Norton identifies the following long-term and recent developments that have weakened parliament: the increasing growth of party discipline, growth of civil service and government business, and growth of organized interests group. The recent developments include: partisanship, the growth of the career politician, concentration of power in Downing Street, the media revolution, constitutional change, and the de politicization of politics. A study dealing with similar problems was published in India. The study that was conducted in India reached similar conclusions, particularly on the matters of suggesting procedural reforms to eliminate archaic practices and changing parliamentary culture. To eliminate unequal relationship between legislature

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<sup>20</sup> Strengthen Parliament, the Norton Commission Report, July 2000, p. 10.

<sup>21</sup> Ágh, Attila Ilonszki, Gabriella and Láncki, András (2005), *Economic Policy Making and Parliamentary Accountability in Hungary Democracy*, United Nations Research Institute for Social Development (UNRISD) Paper, p.8.

<sup>22</sup> Elgie, Robert and Stapleton, John (2006), *op. cit.*, p.482.

and executive, Norton Commission suggested bringing back the ministers and the backbenchers to the House and reforming House committee structure. According to the scholar's suggestion, parliaments, particularly those established after Westminster system of government, have extended their committee structure adding departmentally related committees. It assumed that departmental standing committees would be able to reinforce parliamentary supervision over the executive.

It has been observed that over the last three decades, parliaments have become influential bodies globally, and according to some scholars this has occurred particularly due to their newly created or revived committee system. Lawrence, Davidson, Copeland and Patterson argued that since the mid 1970s parliaments became stronger, legislative activities have increased, legislators have come to participate heavily in floor debates and committees have become significant components of the parliaments.<sup>23</sup> A significant change has been made in the British parliament in 1979, creating series of departmental committees for holding the executive accountable. This change made the parliament a more effective body in terms of executive scrutiny than at any previous time this century.<sup>24</sup>

### **1.3.2 Significance of Parliamentary Committee System**

The origin of parliamentary committees can be traced back to gradual working of parliament in Britain. The standing committee and select committee were first appointed in the seventeenth century. The standing committees were appointed to scrutinize the legislative bills and the Select committee was appointed by the House to perform a function which the House itself could not undertake. The British parliament took a strong initiative by appointing Public Accounts Committee in 1861 for overseeing public spending. This committee, in various ways, plays an increasingly important part in the work of the House. It has been observed that the parliaments established in America, Europe or else where relied on the use of various forms of committees. The genesis and development of modern parliamentary

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<sup>23</sup> Copeland, G and Patterson, S (1994), "Parliaments in the Twenty-first Century", Copeland, G and Patterson, S (eds.), *Parliaments in the Modern World*, Ann Arbor: Michigan University Press, p.10-11. Longley, Lawrence D. and Davidson, Roger H. (1998), "Parliamentary Committees: Changing Perspectives on Changing Institutions", in Longley, Lawrence D. and Davidson, Roger H. (eds.), *The New Roles of Parliamentary Committees*, London or Portland: Frank Cass, p.5.

<sup>24</sup> Norton, Philip, "Nascent Institutionalization: Committees in the British Parliament", in Longley, Lawrence D. and Davidson, Roger H. (eds.), *op. cit.* pp. 151-52.

procedure in Germany can be traced back in 1848.<sup>25</sup> Germany's first representative parliament was convened in Frankfurt on May 18, 1848. In the beginning of the first session, the Frankfurt parliament had appointed as many as 16 committees with directly elected 5 to 50 members.<sup>26</sup> Most of the committees also appointed sub-committees owing heavy workload. Every committee had a secretary whose responsibility was to keep records of the proceedings.<sup>27</sup> In various ways, the committee system has become indispensable part of the German parliament since last one and half centuries. In the US Congress, committee system began to work in 1789 when the House members found that they did not have enough time to discuss every proposal in detail before making a law. Hence they introduced the standing committees to review and scrutinize the legislative proposal and to make the executive more accountable to the legislature. With gradual changes and reforms, the committees appeared to be the "little legislature". Observing the importance of committee system, the American president Woodrow Wilson described them as the very heart of the law making process in the United States. He wrote in 1885 that "Congressional government is Committee government," and he argued "Congress in its committee room is Congress at work."<sup>28</sup> Since then political scientists have seen no reason to disagree with him.

In the 'age of parliaments', the demands of a modern parliament are numerous and it is not possible for the whole House to undertake detailed investigations or even to discuss every matter at length in the house. In this circumstance, Committee system has evolved to make the parliamentary activities more effective. Parliamentary scholars like Susan R. Benda, Ingvar Mattson and Kaare Strøm argued that the parliament is often large and unwieldy body of representatives; the real deliberation, thus, takes place away from the plenary arena in much smaller groups of legislators such as parliamentary committees.<sup>29</sup> Most of the day-to-day work of drafting legislation takes place in the committees; the plenary does much less,

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<sup>25</sup> During the period of Holy Roman Emperor, the *Reichstag* (imperial assembly) and *Reichstände* (provincial parliament) appointed committees to negotiate with the Emperor on financial matter. It was more convenient for the Emperor to consult with the committees than the whole diet.

<sup>26</sup> Parliament began to meet in Frankfurt on May 18, 1848 and it was forced to yield to reactionary forces and convened for the last time on May 30, 1849.

<sup>27</sup> Eyck, Frank (1968), *The Frankfurt Parliament: 1848-49*, London: Macmillan, p.95, 198.

<sup>28</sup> Quoted from Huitt, Ralph K. (1954), "The Congressional Committee: A Case Study", *The American Political Science Review*, Vol. 48, No. 2, p.340.

<sup>29</sup> Benda, Susan R. (1996), "Committees in Legislatures: A Division of Labor", *Legislative Research Series Paper*, No.2, National Democratic Institute for International Affairs. Mattson, Ingvar and Strøm, Kaare, "Parliamentary Committees", in Herbert Döring (ed.), *Parliaments and Majority Rule in Western Europe*. New York: St. Martins Press, p. 249.



because it has only limited amount of time to consider the draft bill.<sup>30</sup> For example, the German Bundestag devotes most of its time to committee work rather than the plenary assembly, and most of its energies to drafting and amending laws rather than, strictly speaking, monitoring the executive.<sup>31</sup> It becomes a general feature that much of the real parliamentary deliberations take place in the committees.

For the last three decades, throughout the world, committee system has emerged as vibrant and important structure of the parent body. Therefore it is a global trend to view the committee system as an important structural element of the parent body. Lawrence D. Londgley and Roger H. Davidson argue that a hundred years ago, or even thirty years ago, parliamentary committee did not matter globally; they were important in the American Congress but in recent times they have become major loci of innovation in the process and structures of parliaments.<sup>32</sup> In most of the parliamentary studies, committee system is thus described as “miniature legislatures” or “microcosms” of the parliament.<sup>33</sup> Malcolm Shaw notes, “Whether in America or elsewhere, it is widely agreed that the impact a parliament has is crucially dependent on its committee arrangements.”<sup>34</sup> Around the world there is a trend to move towards more reliance on committees to conduct the work of parliament, and the greatest reason for this trend is a concern for efficiency. It is observed that the committees are not just used as soapboxes; they are the chief instruments for making decisions with regard to legislation and authorization and oversight of administrative actions.<sup>35</sup> Committee system gradually has become the nucleus of many legislatures entrusted with the tasks of scrutinizing legislative proposals and monitoring government activities in favor of transparency and accountability.

The most obvious purpose of committees is to scrutinize the activities of the executive branch, which includes administrative oversight and financial oversight. Permanent

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<sup>30</sup> Koen J. Muylle, “Improving the Effectiveness of Parliamentary Legislative Procedures”, *Statute Law Review*, Vol. 24, No.3, 2003, p.176.

<sup>31</sup> Meny, Yves (1990), *Government and Politics in Western Europe*, Oxford: Oxford University Press, pp.190-1.

<sup>32</sup> Londgley, Lawrence D. and Davidson, Roger H. (eds.) (1998), *The New Roles of Parliamentary Committees*, London: Frank Cass, p.2.

<sup>33</sup> Strom Kaare (1998), “Parliamentary Committees in European Democracies”, *Journal of Legislative Studies*, Vol.4, No.1; Laundy Philip (1989), *Parliaments in the Modern World*, Aldershot: Dartmouth Publishing Company Ltd., p.96; Shaw Malcolm (1998), “Parliamentary Committees Global Perspective”, in Lawrence D. Longley and Roger H. Davidson, *The New Roles of Parliamentary Committees*, London: Frank Cass.

<sup>34</sup> Shaw Malcolm (1998), “Parliamentary Committees: A Global Perspective”, in Longley, Lawrence D. and Davidson, Roger H. (eds.), *op cit.*, pp. 247, 229.

<sup>35</sup> Jewell, Malcolm E., and Samuel C. Patterson (1973), *The Legislative Process in the United States*, New York: Random House, p.219.

committees corresponding to the government departments are assigned to oversee particular government department. The Westminster style parliaments, which did not have such committees, have extended their committee structure for monitoring the executive. Most parliaments thus employ financial committees like Budget Committee, Public Accounts Committee, Estimates Committee or Government Undertakings Committees for monitoring financial matters. In the recent decades, the focus of the parliamentary committees has been shifted from legislative deliberation to placing an emphasis on their oversight role. Referring to the Italian *Camera dei Deputati*, Hazan noted that the amount of time spent on legislation has declined when the committees were formally granted responsibility to oversee the executive.<sup>36</sup> Subject based departmental standing committees were introduced in the Italian parliament following the reforms of the British parliament. While parliaments declined in status and effectiveness, subject based new committees have been introduced to achieve effective control over government. The ‘mother of parliaments’, the British House of Commons shifted in activity from chamber to the committee by creating departmental select committees in 1979. The departmental select committees brought government policy and administration under far more detailed scrutiny than was the case even in the recent past.<sup>37</sup> Philip Norton therefore recognized the departmental select committees as the vital tools that offer the legislators authority to scrutinize the executive in detail. Considering the importance of the departmental select committees he suggested to strengthen the committees.<sup>38</sup> In recent decades, subject based departmental standing committees open the windows for the legislators to develop their expertise on particular areas. Mezey argues that if a legislature is to have strong policy-making power, it also has to have a highly developed committee system generating policy expertise.<sup>39</sup> In order to achieve this, many countries like Italy, India and Sri Lanka have expanded their parliamentary committee structure covering most of the executive departments.

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<sup>36</sup> Reuven Y. Hazan (2001), *Reforming Parliamentary Committees: Israel in Comparative Perspective*, Columbus: The Ohio State University Press, p.40.

<sup>37</sup> Malcom Shaw, “Parliamentary Committees: A Global Perspective”, Lawrence D. Longley and Roger H. Davidson (ed.), *The New Roles of Parliamentary Committees*, London: Frank Cass, 1998, pp.232-234.

<sup>38</sup> Strengthen Parliament, the Norton Commission Report, July 2000, p. 21.

<sup>39</sup> M. Mezey, *Comparative Legislatures*, Durham: Duke University Press, 1979, p.64.

## 1.4 Conceptual Framework

The extents to which committees are able to perform their duties depend upon a variety of factors. The factors that affect the working of parliamentary committees can be divided into three folds: Political environment, Committee structure and Committee capacity. State structure, political situation, parties, bureaucracy, interest groups, civil society, and media fit in into the category of political environment. The factors related to the committee structure include formal-legal framework, committee type and committee selection process. The social standing of committee members, committee staff and support services specify the committee capacity. These three factors documented in Table 1.1 have considerable influence on the working of committees. Taking into account all such factors, one can assess the performance of committees and can determine whether it is the legislature or the executive that has the upper hand.

### Box: 1.1 Factors Affecting Committee Functions

Principles	Subjects
Political Environment	1) State Structure 2) Political Situation 3) Political Parties 4) Bureaucracy 5) Interest Groups 6) Civil Society 7) Media
Committee Structure	1) Formal-Legal Frame Work 2) Committee Types 3) Committee Selection Process
Committee Capacity	1) Social Standing of Committee Members 2) Staff and Support Services

Source: Prepared by researcher

## **Factors: Political Environment**

### **State Structure**

Three types of political systems are commonly found that are presidential system, parliamentary system and semi-presidential system. The former is based upon the principle of separation of power and operates through the constitutional system of check and balance. In this system, each branch of the government has some scrutiny of and control over other branches. The USA, Sri Lanka, the Philippines and Latin American countries have presidential systems. In the United States, separation of power divides the government responsibilities among the legislative, executive and judiciary branches; check and balance method prevents each branch from ignoring or overpowering the others. In the parliamentary system, the principle of separation of power is absent. Parliamentary system makes a union of executive and legislative power where political executives operate within the parliament and lead it. Countries that have adopted a form of parliamentarism include the United Kingdom (UK), India, Japan and many of the former British colonies in Africa and Asia.<sup>40</sup> Hybrid system is an admixture of presidential and parliamentary system. In a hybrid system, executive power is shared between a separately elected a President and a Prime Minister or Chancellor who are separately elected. It is sometimes termed as the semi-presidential system if the constitution and/or political circumstances tend to place emphasis on the power of the President. If the Prime Minister and the legislative leaders enjoy more power than the President does, it may be referred to as a semi-parliamentary system. Germany is often referred to as a semi-parliamentary system and France is described as a semi-presidential system.

The scope of operation of parliamentary committees varies, depending upon the political system. Malcolm Shaw argued that committees in the parliamentary system are not as strong as in the presidential system. The system where the separation of power is absent, legislators belonging to the majority party is reluctant to scrutiny or criticizes the executive policy because policy is formulated by their own party leaders.<sup>41</sup> On the contrary, where the

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<sup>40</sup> Janda, Kenneth, Berry, Jeffrey M. and Goldman Jerry (1995), *the Challenge of Democracy: Government in America*, Boston: Houghton Mifflin Company, pp.78-79; Ahmed, Nizam (2002), *op. cit.*, pp.14-15.

<sup>41</sup> Olson, D. and Norton, P. (1996), "Legislatures in Democratic Transition", in D. Olson and P. Norton (eds.), *The New Parliaments of Central and Eastern Europe*, Frank Cass, London, p.7.

separation of power exists, the legislature is by definition intended to be strong and independent. Malcolm Shaw argued that a legislature couldn't have this strength without having strong committees serving as a "counter-bureaucracy".<sup>42</sup>

### **Political Situation**

The political situation or environment where parliament works has considerable influence on the working of the committee system. Blondel categorizes four types of situation for justifying the role of parliaments: First, states where parliament was abolished or suspended. Second, authoritarian states where parliament was wholly manipulated by the executive. Third, states where parliaments are more or less tightly controlled by the executive. Fourth, the states where parliament constitutes a key element in the national decision making process.<sup>43</sup> In many Third World states, particularly in most of the post-colonial states, democracy was broken down because of military intervention. In these states, parliaments were either abolished or suspended by the military rulers. They created new parties and constituted the parliaments when they needed to legalize their regime. In this situation, parliaments were used more or less as rubber stamp and committees existed for symbolic functions. Second situation is found in substantial number in post communist or post-colonial states, where either personal charisma or single party dominates the state apparatus. In this situation, parliament and its devices are dominated by the executive. Third situation is referred to Western liberal democracies. Blondel argued that in many liberal countries including many Western European countries, executive dominates the parliament through party discipline in a varying degree.<sup>44</sup> In the case of fourth situation, parliament is given more autonomy for making policies and in this situation committees enjoy more power and autonomy, such as the Congressional committees.

Apart from the above political situations, frequent government changes have an affective impact on the working of the parliament and its committees. Frequent regime changes brought new members to the parliament and later they were delegated to the committees. Malcolm Shaw claimed that discontinuity in committee membership has resulted in a

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<sup>42</sup> Shaw, Malcolm "Conclusion", *op. cit.*, p.401.

<sup>43</sup> Blondel, Jean, *op. cit.*, p., 240.

<sup>44</sup> *ibid.* p., 242.

conspicuous lack of expertise on the part of committee members, a tendency reinforced by high absenteeism and erratic meetings; even some committee never meet.<sup>45</sup>

## **Political Parties**

Political party is a significant factor which affects the working of committees. Parliamentary scholars found a strong relationship between party characteristics and committee behavior. Political parties that represent in the parliament called parliamentary party or group. Parliamentary party determines which member will go to which committee; and loyalty or connections with the influential party leaders also have influence in determining the committee leadership. Overall, parties have considerable influence over their committee members. New-institutionalists like Ingvar Mattson, Karre strøm, Cox and Mc Cubbins observed that committees are strongest where party control is low and weak committees are found where party distance is substantial. Cox and Mc Cubbins argued that committees are simply extension of party in power and instruments of co-ordination wielded by the majority party.<sup>46</sup> Ingvar Mattson claimed that party cohesion determines the strength of committees. He noticed that committee identity would be weaker in committees where party discipline is high.<sup>47</sup> Ingvar and Karre argued: “committees are the handmaidens of political parties and their leaders ... and the strength of committees varies positively with that of political parties. Strong parties should delegate authority to strong committees, particularly in key policy areas requiring extensive coordination of members’ interests.”<sup>48</sup>

In those cultures where parties look upon one another with suspicion and distrust, there is possibility of dividing the committees on party lines. Members belonging to the ruling party remain reluctant to scrutinize the government activities and prevent the opposition party members from criticizing government activities.<sup>49</sup> Opposition party tries to undermine the legitimacy of the ruling party by political movements. It has been observed that the absence of collaboration and consensus between the parties discourage to reach compromise in the committee deliberations.

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<sup>45</sup> Shaw, Malcolm, *op. cit.*, p.239.

<sup>46</sup> Cox, Gary W. and Mathew D. McCubbins (1993), *Legislative Leviathan: Party Government in the House*, Berkeley: University of California Press.

<sup>47</sup> Mattson, Ingvar (1996), “Negotiations in Parliamentary Committees”, in Lars Goran Stenelo and Megnus Jerneck (eds.), *The Bargaining Democracy*, Lund: Lund University Press, p.117.

<sup>48</sup> Mattson, Ingvar and Strøm, Karre, *op. cit.*, p. 296.

<sup>49</sup> Ahmed, Nizam (2002), *op. cit.*, p.19.

## **Bureaucracy**

Bureaucracy traditionally stands in an important position in the political system of the developing countries, particularly in most of the post-colonial states. In the post-colonial states (like Bangladesh, Pakistan) bureaucracy enjoys great prestige and freedom without interference from political sector. Hamza Alavi pointed out that bureaucracy was one of the instruments of the colonial power whose principal functions were to subordinate the various native classes and to repress the nationalist movement on behalf of their colonial masters. After independence India, Pakistan and Bangladesh inherited powerfully organized bureaucratic and military structures that were on opposite sides of the political barricades forming the leadership of the nationalist movement.<sup>50</sup> The bureaucratic structure, which was evolved to meet the competing needs of colonial rulers, had remained essentially unchanged in the new state.<sup>51</sup> However, it was assumed that they would be radically re-structured and political class would establish authority over them. The result is that they became overdeveloped compared to the socio-economic structure of the new states and remained a strong political force.

Despite the legacy of colonial rule, fragile consensus on state fundamentals, loosely organized political institutions and above all weak political leadership have led the bureaucracy to assume greater role in state management with increasing power.<sup>52</sup> Goran Hyden, Julius Court and Ken Mease observe in the sixteen developing states that bureaucratic influence over the political institutions depend on how the political leadership behaves. If the elected politicians are not corrupt, they tend to set an example that is emulated in the bureaucracy. If, on the other hand, they are corrupt, this tends to spread to the civil service too. They often use their offices to get rich and promote their own interests at the expense of the public. They concluded that political patronage sets the stage for undermining both merit-based recruitment and efforts at holding civil servants accountable.<sup>53</sup> Bureaucracy thus remains unaccountable to the political institution.

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<sup>50</sup> Alavi, Hamza (1974), "The State in Post-Colonial Societies: Pakistan and Bangladesh", *New Left review*, July/August.

<sup>51</sup> Kennedy, C.H. (1987), *Bureaucracy in Pakistan*, Karachi: Oxford University Press, pp. 29-31.

<sup>52</sup> Hasnauzzaman, Al Masud, *op. cit.*, p.28.

<sup>53</sup> Hyden, Goran; Court, Julius and Mease, Ken (2003), "The Bureaucracy and Governance in 26 Developing Countries", World Governance Survey Discussion Paper 7, Overseas Development Institute, p.22.

## **Interest Groups**

Under public law, numerous groups, bodies and institutions are organized to uphold specific socio-economic interest. Comparatively, interest groups are more visible in the established democracies. In the United States, the members of the Congress represent a multiple interests-some of them conflicting from their own constituencies. German parliamentary party members also have a close relation with interest groups or associations. In the developing states, numerous donor agencies work through Non-Governmental Organization (NGO) and these organizations articulate the interests of various parts of the societies and present them directly or indirectly in the political process.

Interest groups or associations are directly or indirectly involved in the process of government through different channels. Among the various channels, parliamentary committee system is one of the important organs to influence government policies. Klaus von Beyme argued that interest groups' penetration of parliamentary committees must be studied in order to understand the political decision making process.<sup>54</sup> In the German parliament, committees occupy significant part of the parliamentary decision making process. Therefore, interest groups seek to influence government policies through committees. They pursue three strategies to accomplish their demands in the committees. They maintain a good contact with the committee members, they have members in the parties who peruse to get appointment on the appropriate committee or they maintain a contact with political parties out side the parliament. Saafeld observed that members of a parliamentary group whether small or large have strong ties with associations. They are nominated by the parliamentary group to serve in the 'appropriate' committee. Associations or interest groups have a formal chance to influence the committee deliberation by attending public hearing.<sup>55</sup>

## **Civil Society**

Civil society has appeared as an important actor in strengthening democracy in the developing states. It is often populated by organized groups and institutions that are

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<sup>54</sup>Beyme, von Klaus (1985), "Conceptualizing and Measuring Links Between Parties and Interests Organizations", papers presented at the Consolidation of Southern European Democracies Workshop, European University, Florence, p. 21.

<sup>55</sup> Saafeld, Thomas, "Germany: Bundestag and Interests Group in a 'Party Democracy' ", in Philip Norton (eds.), *Parliament and Pressure Groups in Western Europe*, London: Frank Cass, 1998, p.59.



independent of the state such as Non-Governmental Organizations (NGOs), professionals, academia, social and religious groups. Carroll defines civil society as ‘people coming together around a common concern, a concern which is linked to the values of the wider society, and insisting that the major institutions--the state, political parties, and business take these values into consideration.’<sup>56</sup> Larry Diamond understands that civil society encompasses a vast array of formal and informal organizations engaged in a wide range of activities to achieve economic, cultural, educational, and developmental goals. He observed that it is concerned with public rather than private ends and relates to the state not to gain formal power but rather ‘to seek from the state concessions, benefits, policy changes, relief, redress, or accountability’.<sup>57</sup>

Civil society is seen active in promoting participation, advocating for transparency and accountability in new and restored democratic countries. The developing states, particularly which emerged from decades of dictatorship need to find ways to monitor and restrain the power of the political leaders and bureaucracy. It has been observed that in these states, civil society raised public concern about any misuse of power. They worked for controlling the power of the state and corruption. The countries where electoral process and parliament remain weak and fragile, civil society actors work there to improve democratic governance. Patrick Molutsi and Anita Inder Singh pointed out that civil society is simultaneously a watchdog of democracy and a conduit between the state and citizens. Civil society has appeared as a vital partner in the quest for making a positive relationship between the democratic state and its citizens.<sup>58</sup>

The importance of civil society for building democracy has become widely acknowledged as part of the post-cold war democratic paradigm.<sup>59</sup> Since the early 1980s, developed countries including the United States, UK and EU have been supporting civil society organizations under their democratization programs in many developing and post-communist countries where democratization is incomplete or stalled. Parliaments of these countries have been

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<sup>56</sup> Carroll, John J. (2000), ‘civil society: What is it?’ Paper presented at the 15th Anniversary Lecture Series of the Institute on Church and Social Issues, Loyola Heights, Quezon City.

<sup>57</sup> Diamond, Larry (1994) ‘Rethinking civil society: Toward democratic consolidation.’ *Journal of Democracy*, Vol 5, No. 3, p. 7.

<sup>58</sup> Molutsi, Patrick and Singh, Anita Inder (2002), “ Strengthening Representative Democracy: Parliamentary and Electoral System and Institutions”, International IDEA, Stockholm, available at <http://unpan1.un.org/intradoc/groups/public/documents/UN/UNPAN010202.wbk>

<sup>59</sup> Raik, Kristi (2006), “Promoting Democracy through Civil Society: How to Step up the EU’s Policy towards the Eastern Neighborhood”, Centre for European Policy Studies, *Working Document*, No.237, p.3.

receiving assistance for improving the parliamentary support services and reforming their parliamentary procedure. Democracy or parliamentary assistance programs provide the civil society opportunity to influence both the input and the output sectors of the political system.

## **Media**

The media have special responsibilities to provide a coherent and systematic account of what goes in Parliament and to convey public sentiment to the legislators. Mughan and Gunther pointed out that the mass communications media are the principal means through which citizens and their elected representatives communicate in their reciprocal efforts to inform and influence.<sup>60</sup> In most of the countries of the world, parliaments recognize the right of the media to have access to the institution and to parliamentary processes, and to report on them. Consequently they grant certain facilities to the media to assist this activity. On the contrary, some parliaments, such as in India and Bangladesh, media is not allowed to their access to parliamentary documents and activities such as plenary sittings and committee meetings. In the German Bundestag, media is allowed to televise the plenary meetings but the committee meetings are not open to the public. The recent trend is that both the developed and developing countries made significant steps for developing information flow between parliament (including committees) and citizens through Information and Communication Technologies (ICT). Most of the parliaments have their own home page in the Internet containing detail information about plenary debates and proceedings, committee composition including their functions and current activities. Apart from these, TV and print media are also prime sources of information. However, in a number of parliaments, committee meetings are, in principle, not open to the public, but media and citizens have access to the committees through public hearings, press briefings and personal contacts. Electronic and printing media enable the parliamentary committees on the one hand to keep closer links with citizens; on the other hand, citizens can be better informed about their activities. The media where more space and time are given to publicize committee agenda and deliberations with criticism have greater chance to increase citizen's access to committee information than the media where

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<sup>60</sup> Mughan, Anthony and Richard Gunther, "The Media in Democratic and No democratic Regimes: A Multilevel Perspective", in Mughan, Anthony and Richard Gunther (eds.), *Democracy and the Media: A Comparative Perspective*, Cambridge: Cambridge University Press, 2000, p.1.

merely coverage is done. Ricarrdo Pelizzo and his colleagues thus identified mass media as an independent tool that can promote the parliamentary committees more effectively.<sup>61</sup>

The independence of the media from state control is crucially important in publicizing the activities of the parliaments. The countries where media is strictly regulated by the state apparatus have a great chance to promote partisan interests.<sup>62</sup> On the contrary, media 'in private hands' and with regulatory flexible framework have wider opportunity to project the activities of the parliament neutrally. However, media houses tended to promote certain principle or ideology. Thus the role of media in publicizing the parliamentary activities depends upon the nature of the ideology of the owner and state principles.

## **Factors: Committee Structure**

### **Formal-Legal Framework**

It is important for the parliamentary committees to have formal power to perform their legislative and overseeing functions. Ingvar Mattson and Kaare Strøm categorized committee's power into four types, including the committee's right to initiate legislation, their authority to rewrite bills, control of the committee timetable or agenda and right to obtain information. The first three types of power are closely related with the legislation process. The process of obtaining information is an independent part of the committee's work and is linked with the overseeing process.

The ability to initiate legislation and/or to organize the bills in such a way that the committees can reframe legislation is a crucial source of power. Only a few countries granted their parliamentary committees to initiate a bill. For example, parliamentary committees in Sweden, Switzerland and Austria have such power. Right to rewrite the bills is another important factor that is likely to have an important impact on the committees' ability to influence on legislation. Ingvar Mattson and Kaare Strøm argued that if the committees cannot rewrite the government bills, the legislature as a whole is therefore in a comparatively

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<sup>61</sup> Pelizzo, Ricarrdo; Staphurst, Rick; Sahgal, Vinod and Woodley, William (2006), "What Makes Public Accounts Committees Work? A Comparative Analysis", *Politics & Policy*, Vol. 34, No.4, pp. 774-93.

<sup>62</sup> Bouchet, Nicolas and Kariithi, Nixon K. (2003), "Parliament and the Media Building an Informed Society", Report prepared for Commonwealth Parliamentary Association and World Bank Institute. Available through [www.worldbank/wbi/governance/parliaments](http://www.worldbank/wbi/governance/parliaments)

weaker position vis-à-vis the executive.<sup>63</sup> Herbert Döring has investigated where the committees have right to rewrite the government bills and he found that in Germany, Italy, Norway, France and Norway parliamentary committees have the right to rewrite government text. In the British case, committees can only recommend amendments, but cannot adopt them if the minister in charge of the bill does not accept them. The third aspect of committee's power is agenda setting or control of timetable. According to Döring the committees, which can determine their own timetables, enjoy more strength than the committees where the government majority controls their timetables.<sup>64</sup> The committees, which control their own timetables, can settle the frequency of committee meetings, schedule for holding hearing or submitting committee report. Obtaining information independently is an important part of committee work. In most of the parliaments, committees are granted power to gather information when they review a legislative bill or scrutinize government activities. Method of obtaining information varies among the parliaments. In most cases, committees can invite ministers for witnessing but cannot force them to attend. Ingvar Mattson and Kaare Strøm argued that committee's ability to influence or determine parliamentary outputs depends upon the formal power that are given to them.<sup>65</sup>

The constitution and the rules of procedure are the two sources of committee organization and their functioning. The constitution generally delineates the jurisdiction of committees and in some cases, as for example in Germany, it is mandatory for the parliament to appoint some specific committees. The constitution also sets out broad principles of information acquisition. Right to demand presence of ministers for witnesses, right to demand documents or to hold public hearing depends upon the power given in the constitution. The rules of procedure specify actual number of committees and their method of functioning. According to David Olson, "Procedures and rules define and regularize the distribution and use of power."<sup>66</sup>

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<sup>63</sup> Mattson, Ingvar and Strøm, Kaare *op. cit.*, p.292.

<sup>64</sup> Döring, Herbart, "Time as a Scarce Resource: Government Control of the Agenda", in Döring, Herbert (ed.), *op. cit.*, pp.237-38.

<sup>65</sup> Mattson, Ingvar and Strøm, Kaare *op. cit.*, p.285.

<sup>66</sup> Olson, David M., "Committees in New and Established Democratic Parliaments: Indicators of Institutionalization" available at [www.uncg.edu/psc/pdc/wps.html](http://www.uncg.edu/psc/pdc/wps.html)

## Committee Types

Comparative studies show that committee with the same sort of category performs different functions in different parliaments. Around the world, committees are broadly categorized into two types: permanent and ad hoc type committees. Permanent committees can further be broken into ministerial standing committees and non-ministerial standing committees. Permanent committees, which parallel the structure of the ministries, have greater opportunities for policy activity than those which are temporary and which have different principles of formation.<sup>67</sup> *Ad hoc* type committees are set up very often with narrow mandate for a very specific matter. Around the world, parliamentary committees tend to have a clear legislative division of labor. In the U.S. Congress, however, standing committees play an important role both in legislative and overseeing process. As in the Congress, departmental standing committees in most parliaments review the related legislative matters. For example, standing finance committee reviews the legislation pertaining to finance-related matters. Unlike the Congressional system, the British parliament employs different types of committees for legislative and overseeing purposes. For example, *ad hoc* committees are appointed to review draft bills while select committees correspond to the government ministry, which perform oversight function.<sup>68</sup>

The number and size of committees also varies among parliaments. Comparing the size of the committees of the 11 parliaments, NDI study group found that parliaments with larger number of members have relatively more committees than the parliaments with smaller number of members.<sup>69</sup> There is an argument that committees with a larger number of members are more likely to experience problem in reaching agreement than the committees with small number of members. Analyzing the functioning of Defense committees of 30 parliaments, George and Graham observed that the majority of committees are efficient and workable with 13 to 25 members.<sup>70</sup>

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<sup>67</sup> Olson, David M. and Michael L. Mezey (eds.), *Legislatures in the Policy Process*, Cambridge: Cambridge University Press, 1991, quoted from Olson, David M., "Committees in New and Established Democratic Parliaments: Indicators of Institutionalization" available at [www.uncg.edu/psc/pdc/wps.html](http://www.uncg.edu/psc/pdc/wps.html)

<sup>68</sup> Benda, Susan R. (1996), "Committees in Legislatures: A Division of Labor", *Legislative Research Series Paper*, No.2, National Democratic Institute for International Affairs, p.9.

<sup>69</sup> *Ibid.*, p.12.

<sup>70</sup> George, Bruce and Graham, Alison (1994), "Defense Committees in Democratic and Democratizing Legislatures", papers presented to the Workshop of Parliamentary Scholars and Parliamentarians, Berlin.

## **Committee Selection Process**

Distribution of committee seats and selection process is an important factor that conditions committee behavior. There are two distribution principles: proportional representation system and majoritarian system. Herbert Döring pointed out that in the majoritarian system; government tends to control parliamentary activities with a minimum share. In this system, most of the committee chairpersons are appointed from the members of the majority party. For example, in the American Congress, majority party holds all the committee chairs and in the British parliament all committee chairs except, the Public Accounts Committee, are appointed from the members of the majority party. In contrast to majoritarian system, consensual system provides the proportional representation of parliamentary parties in the committees. Thus in the consensual system, such as in Germany, France, Portugal composition of committees reflects the strength of different parties represented in the parliament. In the consensual system parliamentary activities are carried out by a negotiation and compromise between government and opposition. Opposition parties are facilitated to work closely with the government party in the parliamentary committees.<sup>71</sup>

Several factors are involved in the process of appointment of committee chairpersons and members. Party and individual members' preferences are the two main important factors, which have influence in the appointment of committee seats. Apart from these, constituency interests and geographic representation are likely to have influence in appointing committee members and chairpersons. Damgaard observes that the preference of individual members is never the sole basis for committee assignments. He claimed that other important factors also play important roles. He noted: "Member preferences are taken into account everywhere, but the party is also concerned with the seniority, loyalty and expertise of its MPs as well as with the need to satisfy the systemic demands on the party group as a whole."<sup>72</sup> The party has authority to decide which member will go to which committee and members create demand to sit in a committee either as member or chairperson. Each actor has different goals. During the distribution of committee seats, a party generally wants to promote electoral safety of its members, provide senior members with appropriate positions, ensure geographic and interest representations. On the other hand members have their own goal such as making nation-wide

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<sup>71</sup> Döring, Herbert (1995), "Time as a Scarce Resource: Governing Control of the Agenda", in Herbert Döring (ed.), *Parliaments and Majority Rule in Western Europe*, Campus Verlag and St Martin's Press, Frankfurt and New York, pp 223-246.

<sup>72</sup> Damgaard, Erik, op. cit., p.315

reputation by making good public policy, advancing political career, providing service to constituency and gaining power or holding influence. When each factor has multiple goals, the committee becomes heterogonous with respect to interests that will be represented within a committee.<sup>73</sup>

## **Factors: Committee Capacity**

### **Social Standing of Committee Members**

Committees in the parliament differ from one another with respect to committee assignment, policy environments, decision-making processes and the member's goals.<sup>74</sup> For that reason, on the one hand, some committees play great attention to the interests of certain members and some committees demand specialized knowledge; on the other hand, member's goals or interest and expertise have a correlation with the social background of individual members. Therefore, social backgrounds and expertise of the individual members can affect the functioning of the committees. Occupational status, educational status, age and sex are used as simple indicators of social backgrounds while party office experience, previous parliamentary experience, public office holdings and knowledge on particular issue are considered as indicators of expertise.<sup>75</sup> Olson argued that the gap between member's skills and committee jurisdiction can lead to either lack of attendance or willingness to follow party preferences.<sup>76</sup> In other words, Norton said that pre-legislative backgrounds or specialization within the legislature or through ministerial assignments is required for proper functioning of committees.<sup>77</sup> In view of the above, if expertise, experiences and seniority principles are followed during the process of selection rather than personal lobbying or party loyalty or family ties, one could assume that committees can be used more strongly because besides the partisanship committee members also act as policy entrepreneurs where in depth knowledge and expertise on subject matter are required.

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<sup>73</sup> Frish, Scott A. and Kelly, Sean Q (2004), *The Politics of Committee Assignments in the U.S. House*, Channel Islands: California State University, p. 25.

<sup>74</sup> Feno, R.F (1973), *Congressmen in Committees*, Boston: Little Brown.

<sup>75</sup> Frnakland, E. Gene (1977), "Parliamentary Career Achievement in Britain and West Germany: A Comparative Analysis", *Legislative Studies Quarterly*, Vol. 2, No.2, p. 138.

<sup>76</sup> Olson, David M., *op. cit.*

<sup>77</sup> Norton, Philip, "Introduction: The Institution of Parliaments", in Philip Norton (ed.), *Parliaments and Governments in Western Europe*, London: Frank Cass, 1998, p.1.

Committees are also effective training ground for the amateur. This is why new comers are appointed to the less important committees while senior or experienced members sit in the more important or prestigious committees. Frankland shows that committee chairpersonship or membership in particular committees are considered to be the highest degree of parliamentary career achievement by a Member after cabinet position, parliamentary party chairmanship, and speaker and whip positions accordingly.<sup>78</sup> On the one hand, experience and expertise of the members are required to improve the functioning of committees; in addition, better performances advance member's political career.

### **Staff and Support Services**

Adequate resources and institutional support is one of the important factors which can promote the effectiveness of committee system. Parliamentary scholars found a clear and positive relationship between committee resources and committee effectiveness. They argued that legislatures where committees are facilitated with qualified staff and research assistants; there is a greater likelihood of more effective committees.<sup>79</sup> In the Western democracies, committee members and chairpersons tend to rely on the committee secretariat and personal staff to prepare background material for committees. Despite the personal assistance, staff also undertakes secretarial and research works. They are also asked to communicate with interest groups, work on summaries of legislation and subsequent amendments, and negotiate with the staff of other Members and with government officials over the details of bills and amendments. From the experience of the British, Canadian, Australian and New Zealand parliaments, Grant Klinkum concluded that the personal research assistants allow committee members to be better informed and thereby enable them to be more active participants in parliament and its committees.<sup>80</sup> Scholars observe that the parliaments where committees are less important, volume of staff and other support services are leaner than the parliaments where committees are considered strong.<sup>81</sup> Therefore, it might be assumed that number of staff and other facilities provided for committees affect their works.

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<sup>78</sup> Frankland, E.Gene (1977), "Parliamentary Career Achievement in Britain and West-Germany: A Comparative Analysis", *Legislative Studies Quarterly*, Vol.2, No.2, 1977.

<sup>79</sup> Rosenthal, Alan (1973), "Legislative Committee Systems: An Exploratory Analysis", *The Western Political Quarterly*, Vol.26, No.2, pp.256-7; Susan R. Benda, op. cit., p.15.

<sup>80</sup> Klinkum, Grant (2000), *Enhancing the Effectiveness of Members of Parliament: Personal Research Assistants in Parliament*, Occasional Paper, No.7, Palmerston North (New Zealand): the International Pacific College.

<sup>81</sup> Michael T. Ryle, *The Legislative Staff of the British House of Commons*, *Legislative Studies Quarterly*, Vol. 6 No.4 (November ,1981); Werner Blischke, *Parliamentary Staff in the German Bundestag*, *Legislative*



## 1.5 Literature Review

The role of parliamentary committee system can be understood in the contexts of its emergence and working. Here, a review of the existing literature about various issues of the committee system will be discussed.

In the age of parliament, Committees, however, are referred to as working horses of the parliament. Until 1950s, parliamentary committee system was not studied deeply and extensively by the scholars. A pioneering comparative research on committee system was carried out in 1979 by a group of scholars, titled *Committees in Legislatures: A Comparative Analysis*, edited by John D. Lees and Malcolm Shaw.<sup>82</sup> It is an outstanding work on cross-national parliamentary committees. In this work, the contributors present an important and insightful look at eight committee structures. This study focuses on the socio-political factors affecting the committee's work: basic committee structure, recruitment of committee members, relationship between committee members and other external entities and processes; the relationship between the committee members and parties, the functions committees perform and so on. Comparing eight-committee structures Malcolm Shaw makes a rank order in the conclusion in accordance with the importance of committees to the parliament. Among the eight parliaments, the strongest is the American Congress while the Diet committees are the weakest committee system in the rank order. It is worth mentioning that after three decades from the year of publication of this book, the Japanese committee system has been radically changed. The study found that the political parties are the crucial important factors on the working of committees in the legislatures. Committees are the strongest in those parliaments where the party controls over the committees are found the lowest. Constitutional arrangement, institutionalization, committee structure, informality and privacy are other important factors that shape the working of parliamentary committees.

The next significant study, *Parliaments and Majority Role in Western Europe*,<sup>83</sup> focuses on West European parliaments in general and committee systems in particular. Herbert Döring edited this book and published it in 1995. This comparative analysis contained substantive

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*Studies Quarterly*, Vol. 6 No.4 (November, 1981), Hazan, Reuven Y., *Reforming Parliamentary Committees: Israel in Comparative Perspective*, Columbus: The Ohio State University Press, 2001, pp.13-45.

<sup>82</sup> Lees, John D. and Malcolm Shaw (eds.) (1979), *Committees in Legislatures: A Comparative Analysis*, Durham: Duke University Press.

<sup>83</sup> Herbert Döring (ed.) (1995), *Parliaments and Majority Rule in Western Europe*. Campus and St. Martin's Press, Frankfurt and New York.

collection of studies on 18 parliaments with a brief comparative analysis made by the editor. In this book Ingvar Mattson and Karre Strøm comparatively analyze parliamentary committees by focusing on their structures, procedures and power. Their data show that parliamentary committees in 18 European parliaments differ greatly. They show that in 16 countries of Western Europe, parliamentary committees deal meaningfully with legislation. They find that nine legislatures allow minorities to submit ‘minority report’, while minority right does not exist in the five legislatures and the practices in the remaining parliaments are not clear. In the parliaments where minorities are not allowed to submit a report, the majority party has prerogatives regarding agenda control and legislative initiatives.

In the mid -1996, a turning point was reached in the study of parliamentary committee system. Parliamentary scholars from 20 different countries participated in a conference on ‘The Changing Roles of Parliamentary Committees’ in Budapest, Hungary. A total of 32 papers were presented in the conference. The Journal of Legislative Studies published a special issue in 1998, with some of these papers and again appeared in a book in 1998 titled, *The New Roles of Parliamentary Committees*<sup>84</sup>, edited by Lawrence D. Longley and Roger H. Davidson. In this book, scholarly works illustrate changing pattern of nine committee structures. They show that in many ways parliamentary committees have emerged as vibrant and nerve centre of democratic parliaments and have begun to define new and changing roles for themselves.

Reuven Hazan presents an inside look at five committee structures, with a particular focus on the Israeli Knesset in the book titled *Reforming Parliamentary Committees: Israel in Comparative Perspective*.<sup>85</sup> First he comparatively examines the committee structures of the Knesset of Israel, the British House of Commons, the German Bundestag, the Italian Camera dei Deputati, and the Dutch Tweede Kamer. In this book Hazan shows that the Knesset committees used to be the primary location where cross-party agreements were negotiated in Israeli politics.

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<sup>84</sup> Lawrence D. and Davidson, Roger H. (eds.)(1998), *The New Roles of Parliamentary Committees*, London or Portland: Frank Cass.

<sup>85</sup> Hazan, Reuven Y. (2001), *Reforming Parliamentary Committees: Israel in Comparative Perspective*, Columbus: The Ohio State University Press.

Chris R. Kyle and Jason Peacey, edited a book titled *Parliament at Work: Parliamentary Committees, Political Power and Public Access in Early Modern England*<sup>86</sup>. In this book contributors explain the changing role of the British parliamentary committees within the parliamentary process and national government. This book explores the contribution of committees in law making from historical aspects and their role in making a bridge between the parliament and the public.

The book titled *Patterns of Parliamentary Behavior: Passage of Legislation Across Western Europe*<sup>87</sup> examines the legislative behavior of the legislatures across parliamentary democracies. In this book two papers empirically analyze committee behavior. One is written by Ingvar Mattson and Kaare Strøm, titled “Committee effects on legislation” that explores the role of parliamentary committees in European parliaments on legislation from three perspectives: the arena perspective, the universalist perspective and partisan perspective. Erik Damgaard and Ingvar Mattson wrote another paper titled “Conflict and consensus in committees”. In this paper authors examine the causes of variation in the level of consensus and conflict in committees. They have observed that conflict occur primarily in strong committees.

Philip Norton and Nizam Ahmed edited *Parliaments in Asia* that explores the structures and the roles of seven Asian parliaments including India, Bangladesh, Korea, Japan, China, Mongolia and Nepal. In this book, contributors assess the key variables that determine the impact of parliaments. Among the variables ‘committees’ is considered as internal structure that determines the basic relationship of the legislature to the executive.

*Parliamentary Committees in Japan and India: Their Functions and Relevance*<sup>88</sup> is an important addition to the literature on legislative systems. This edited book studies the functions of parliamentary committees in Japan and India, and examines their relevance. Contributors show that both Japan and India have strong commitments to parliamentary democracy and from these commitments parliamentary committees are gradually reformed

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<sup>86</sup> Kyle, Chris R. and Peacey, Jason (eds.)(2002), *Parliament at Work: Parliamentary Committees, Political Power and Public Access in Early Modern England*, Rochester, N. Y.: The Boydell Press.

<sup>87</sup> Herbert Döring and Mark Hallerberg (eds.) (2003), *Patterns of Parliamentary Behavior: Passage of Legislation Across Western Europe*, Aldershot: Ashgate Publishing Limited.

<sup>88</sup> Kesavan, K.V. (ed.) (2003), *Parliamentary Committees in India and Japan: Their Functions and Relevance*, New Delhi: Manak Publications Pvt. Ltd.

for strengthening their parliaments. The limitations of their committees in comparative perspective have been analyzed in his volume.

Numbers of research reports and scholarly papers have been published in various books and journals, focusing on the committee procedures. Two research articles were published in a comparative legislative research book titled *The U.S. Congress and the German Bundestag: Comparisons of Democratic Process*<sup>89</sup>. Samuel C. Patterson describes the structure of legislative parties and committees in his article titled “Parties and Committees in Congress”, and his counterpart Winfried Steffani describes the structures and functions of the Bundestag parliamentary parties and committees in the article “Parties (Parliamentary Groups) and Committees in the Bundestag”. In these two articles, the authors constructed that parliamentary parties and committees play a central role in the parliamentary process. They observed that parliamentary parties are an indispensable element for the efficient working of the committees in both the legislatures.

A Washington based non-governmental organization named ‘National Democratic Institute for International Affairs’ published a Legislative Research series Paper on committee system, titled “Committees in legislatures: A Division of Labor”.<sup>90</sup> It is an outcome of a research work conducted in 1996 on 11 committee structures (i.e. the USA, UK, Germany, France, India, Japan and other five countries). This research shows that the number, type, size and function of committees vary considerably from one legislature to another. It is concluded that committees are an increasingly important organizational component of effective legislatures.

Shane Martin in his research paper titled “Legislative Committees in Comparative Perspective: The Politics of Multiparty Government and Legislatures’ Preferences” observed that in a multiparty government, committees are the optimal institutional devices to hold ministers accountable. From an empirical survey on 31 advanced industrial democracies, he concluded that in countries with coalition government, the legislature tends to have stronger

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<sup>89</sup> Thaysen et.all (eds), *The U.S. Congress and the German Bundestag: comparisons of democratic Process*, Oxford: Westview Press.

<sup>90</sup> Benda, Susan (1997), *Committees in Legislatures: A Division of Labor*, Legislative Research Series Paper –2, Washington: NDI, 1996.

committees and in contrast legislatures in countries with single party government tend to have relatively a weak committee system.<sup>91</sup>

The standard works on committee system cited above are based on cases where committees as institutions are the product of long institutional and increasing evolution of political representation. Since the restoration of parliamentary democracy in 1991, parliament has received greater importance in the academic world. Though numbers of books and articles have been published embodying the politics of Bangladesh, very few of them are exclusively on parliament. The following paragraphs analyze the available books and articles published from home and abroad.

Bangladesh Institute of Parliamentary Studies (BIPS) has taken a significant step in doing some research works on the Bangladesh parliament from different aspects. With the assistance of UNDP, BIPS has published nine monographs. This section reviews some of these monographs, particularly, which included parliamentary committees in their discussions. Riazur Rahman Chowdhury analyses the parliamentary duties of the CAG in ensuring public sector accountability in the monograph titled *Parliamentary Duties of the Comptroller and Auditor-General in Bangladesh*. This monograph examines the relationship between CAG and parliamentary committees (particularly PAC). In the monograph *Democracy and Good Governance: The Role of Ombudsman* A T M Obaidullah traces the process in which Ombudsman is associated with ensuring good governance in Bangladesh. In the monograph *Women, Democracy and Parliament*, author Barrister Rabia Bhuiyan analyses women representation in the parliament from historical aspects. The author also examines their position in different political parties. In this research, the author gives a detailed account about women participation in the committee proceedings. She noted that during the seventh parliament, although the opposition Members boycotted the parliament, they were regular in the committee sessions. As a result the Members in the committees exerted more power and control over the Executive than in the parliament. It is worth mentioning that during the seventh parliament women members have been included in all committees. The author also identifies barriers to women's participation in legislative process. Abul Hashem in his monograph titled *The Parliament Secretariat: Public Administration at the Service of the*

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<sup>91</sup> Martin , Shane, “Legislative Committees in Comparative Perspective: The Politics of Multiparty Government and Legislatures’ Preferences”, research project paper, funded by the Irish Research Council for the Humanities and Social Sciences.

*House* elaborately analyses the strength and status of parliament secretariat. This monograph gives a detailed account about the Committee Wing that serves the parliamentary committees. The author identifies that committees are not provided with professional staff and therefore, committee members depend on the government ministry for technical assistance. In a monograph titled *Parliament and Public Spending in Bangladesh: Limits of Control* Nizam Ahmed analyses the role of financial committees in ensuring financial discipline in the government departments. Public Accounts Committee, Public Undertakings Committee and Estimates Committee are cortically discussed in this monograph.

Nizam Ahmed's *The Parliament of Bangladesh*<sup>92</sup> is an outstanding work, which identifies the key dimensions of the parliamentary activities in Bangladesh. This book comprehensively analyses the growth of the Bangladesh parliament. Analyzing the formal-legal framework of the parliament, the author examines the legislative activities of the parliament and the limits of government domination in the legislative process. This book also provides an insightful look to the parliamentary surveillance. One separate chapter is devoted to analyzing the committee structure and procedures. This chapter analyses the pattern and performance of committees set up in the parliaments until the seventh parliament. The author observed that parliamentary committees do not appear to be good watchdogs in Bangladesh. But the committee system provides a training ground for members to become familiar with parliamentary procedure.

The same author writes another book titled *Limits of Parliamentary Control: Public Spending in Bangladesh* on legislative control over financial matters.<sup>93</sup> The main focus of this book is on the activities of the financial committees in overseeing financial matters. This book explores the scopes and the limits of parliamentary control of public expenditure in Bangladesh. With empirical data the author reveals that the parliaments that have been elected in the post-1990s appeared to be more active in scrutinizing public expenditure than the previous parliaments because of the changes that have taken place in party composition and parliamentary procedures in recent years.

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<sup>92</sup> Ahmed, Nizam (2002), *The parliament of Bangladesh*, Aldershot: Ashgate Publishing Limited.

<sup>93</sup> Ahmed, Nizam (2006) *Limits of Parliamentary Control: Public Spending in Bangladesh*, Dhaka: the University Press Limited.

Al Masud Hasanuzzamn in his *Role of Opposition in Bangladesh Politics* exclusively studies opposition politics in Bangladesh from the first parliament to the seventh parliament.<sup>94</sup> The parliamentary election of 1991 brought strong opposition in the parliament. The author analyzes the opposition activities in and out side the parliament. He gave a detailed account of the use of parliamentary weapons by the parliamentarians in monitoring government activities. The writer in his research work shows that some of the important standing committees became moribund due to lack of legislative compromise between the Treasury Bench and the opposition both in the fifth and the seventh legislatures.

Besides these books cited above, different scholars have published articles at home and abroad, dealing with the parliamentary procedures. Zaman explains the committee structure and procedure in “Parliamentary Committee System in Bangladesh”.<sup>95</sup> After the election of the fifth JS, committees were given greater emphasis in making the parliament effective. From this aspect, this article analyzes the performance of the committees. Similarly Nizam Ahmed gives a detailed account of the committee structure and procedure in his article, “Parliamentary Committees and Parliamentary Government.”<sup>96</sup> The legal basis of committees, their composition and scope of work are thus discussed.

Taiabur Rahman makes a critical review of the performances of cotemporary Bangladesh parliaments and particularly focuses on the eighth JS in a paper titled “Governance and Parliament: Does the Jatiya Sangsad Matter in Promoting Good Governance in Bangladesh?”<sup>97</sup> The author in this paper analyses the role of parliamentary committees in overseeing ministerial activities as well as their role in conflict management. The author observes that committees comparatively appeared to be active at present than in the past; the committees thus had been able to hold their meetings even when the main opposition boycotted the plenary session. He concludes that the parliament has gradually degenerated into a mere instrument of regime maintenance, which gives legitimacy to the governing regime.

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<sup>94</sup> Hasanuzzaman , Al Masud (1998), *op.cit.*.

<sup>95</sup> Hasanuzzaman , Al Masud (1994-95), “Parliamentary Committee System in Bangladesh”, *Regional Studies*, Vol.XIII, No.1.

<sup>96</sup> Ahmed, Nizam (2001), “Parliamentary Committees and Parliamentary Government”, *Contemporary South Asia*, Vol. 10, No.1, pp.11-36.

<sup>97</sup> Rahman, Taiabur (2006), “Governance and Parliament: Does the Jatiya Sangsad Matter in Promoting Good Governance in Bangladesh?” in Salauddin M. Aminuzzaman (ed.), *Governance and Development Bangladesh: Bangladesh and Regional Experiences* , Dhaka: Shrabon Prokashani.

To sum up, it can be said that throughout the world committee system has emerged as the nucleus of the democratic parliaments. However, until recently, the parliaments particularly those established after Westminster model was plenary oriented; committees did less. In the recent years, they expanded their committee structure adding departmental permanent committees to eliminate imbalance between the legislature and the executive. In order to achieve this Bangladesh Jatiya Sangsad also has expanded its committee structure covering the executive departments. Since the restoration of parliamentary democracy in 1991, some significant changes have been in the committee structure and procedure for making the parliament more effective and vibrant.

### **1.6 Methodology of the Study**

The methodology applied in this research is a combination of historical, analytical and descriptive approaches. In the course of analysis, six committee systems are chosen from developed and developing countries. They represent three different systems, i.e. Westminster System of Government (i.e. the British, Indian and Japanese Parliaments), Presidential System of Government (i.e. the American Congress and the Sri Lankan Parliament) and the German system, which is, referred as hybrid system of Westminster and American system of government. The criteria, which are chosen to analyze the committees of these three systems, will be used to examine the committee system of the Bangladesh Jatiya Sangsad. Adopting the above approaches present research intends to identify the role of historical forces and factors in the evolution and development of parliamentary committee system in Bangladesh.

Although this research analyzes the working of the committees of the Bangladesh parliament in general, four ministerial standing committees, three financial standing committees, Petitions Committee, Committee on Government Assurances and special committees that were formed in the post 1990 parliaments are purposively chosen for in depth analysis of the overseeing of the executive.

Present research analyzes functioning of the committees in the Bangladesh JS by bringing together new information and data, most of which were unavailable in the existing literature. Data and information for this are collected from two sources: primary and secondary. The secondary source includes books, articles published in various journals, working papers and study reports which are found relevant for the study. Seminar papers and publications of



different political parties are also taken into consideration. In addition to the secondary sources, information and data are also collected from the primary sources. Much of the analyses are based on the examination of the parliamentary proceedings, committee reports and Rules of Procedure of the JS. The socio-political characteristics of the committee members are calculated through parliamentary records. In addition to the data collected from the above sources, committee members and parliamentary staff have been interviewed and their views sought. Information is also gathered from the discussion with prominent political leaders, civil servants and academia.

### **1.7 Overview of the Study**

Bangladesh as a developing country has been gradually becoming familiar with parliamentary instruments since the colonial experiences. However, parliamentary democracy was discontinued, but it was again restored in 1991. Since the beginning of the fifth JS, parliamentary research has emerged as a new area of institutional studies in Bangladesh. Most of the parliamentary studies were intended to focus on parliamentary structure and procedure. The present study intends to focus on the functioning of the committee system in Bangladesh with necessary illustrations.

This study is organized through the following chapters. The chapter one presents a detailed background about parliamentary committee system in general. This chapter also justifies the importance of parliamentary committees in functioning of the parliament. To understand the recent phenomenon regarding parliamentary committees, published books and articles are reviewed in this chapter. Drawing a conceptual outline major research issues are identified in this chapter. Chapter two analyses the committee structure from comparative perspective with the examples of the United States, Britain, Germany, India, Japan and Sri Lanka. Chapter three traces the genesis and development of committee system in Bangladesh until 1990. In this chapter an attempt is made to look into the origins of the representative institutions from the Vedic period (Circa 3000-1000BC). This chapter specifically focuses on the development of parliament and its committee system in British-India (1857-1947). Working of parliament and committee system during Pakistan (1947-71) is also discussed in this chapter. The committee structure and functions of the Bangladesh parliament is presented in chapter four. This chapter illustrates legal framework, structure and procedure of the committees and analyses the relationship between committees and parliamentary parties. Social standing of

committee members and chairs is discussed in Chapter five. Educational qualification, profession, age, parliamentary and political experience of committee members and chairpersons are explored in this chapter. Chapter six focuses on staff and research facilities that are provided for the committees in Bangladesh. Reforms of parliamentary committees from the first parliament to the eighth parliament are also discussed in this chapter. Chapter seven is devoted to examine legislative and overseeing performances of the parliamentary committees in Bangladesh in the 1990s. The limits of parliamentary committees in legislative and overseeing processes are also discussed in this chapter. This chapter presents the level of activities of financial standing committees in scrutinizing financial activities of the government. Chapter eight analyses the role of media and civil societies in strengthening parliamentary committees. An overall summary and concluding remarks are presented in the final chapter.

## **CHAPTER II**

### **Parliamentary Committees in the Developed and Developing Countries: A Comparative Discussion**

From a comparative perspective this chapter attempts to discuss the parliamentary committee procedures. Examples are thus drawn from the selected development systems of the USA, the UK and Germany while the Indian, the Sri Lankan and Japanese parliaments represent developing countries. Major focus in the discussion is placed on the structure and procedures of the committees. From the discussions on the USA, UK and Germany, it is possible to delineate the classical attributes of democratic systems as well as the democratic patterns in the developed countries. Examples of developing democracies can be many, but for this discussion India, Sri Lanka and Japan are chosen. As South Asian countries and having colonial history India and Sri Lanka are closer to Bangladesh. Japan is a good example of emerging democratic system in Asia. Parliaments of these three countries have undergone reforms since 1989 and these changes can provide lessons for understanding the changes in the Bangladesh parliament as a developing country.

#### **2.1 Formal-Legal Basis of Committee Structures**

The legislatures of the developed and developing countries and parliamentary committee systems have functioned with varying degrees of success. Within the democratic system of the parliamentary government, committees are vested with the power for carrying out varieties of activities relating to the legislative and overseeing process. These power are formally defined either in the constitution or in the ROP or in the both, and these are the sources of the formal-legal basis of the committee system.

Among the legislatures of developed democracies, the British Parliament has made fair use of the committees since middle of the nineteenth century. Committees are governed and regulated by the Standing Orders, passed by the House. There are at present (as of 2007) 163 public business standing orders, of them standing orders from 84 to 152 specifically delineate power and procedures of various committees. Composition, sitting, information gathering and decision making procedures of all regular committees are specifically defined in these

Standing orders. As far as legislation is concerned, general committee is appointed to consider each of the public bills. Under provision of the Standing Orders committees cannot initiate any bill but they can only move amendments. In the House of Commons bills are referred to a Public Bill committee after second reading. In line with the provision of the Standing Order 63 (2b), when a Public Bill committee scrutinizes a bill it can take written and oral evidence from outside the parliament. According to the Standing Order 135, all select committees have power to send for persons, papers and records and also have power to publish the names of persons who have appeared as witnesses before them. Every committee can determine its own agenda and can appoint specialist advisors if necessary. In short, the British parliamentary committees formally enjoy wide range of autonomy and power.

Although, the American Constitution does not mention the committees, Chamber Rules of Business is the formal-legal basis of the Congressional committees. Through over the period Rules of Business has been modified. Among the major changes, Legislative Reorganization Act, 1946 sets a framework for the modern committee system. Under this Act Senate and House committees are organized along parallel lines, although over the time divergences have emerged. Unlike the previous Act, the Legislative Reorganization Act of 1970 focused more on the rules for governing committees there on the committee structure. Within the guidelines of chamber rules, each committee can adopt own rules addressing organizational, structural, and procedural issues.<sup>98</sup> Over the period Congressional committees have been developed through modification of their structure and procedure.

Among the legislatures of the developed democracies, the German Bundestag is unique in the sense that the Basic Law (the Constitution) makes it mandatory for the Bundestag to appoint the following five committees- Foreign Affairs Committee, Defense Committee, Petitions Committee, Committee of Inquire and Committee on the Affairs of the European Union. These committees are established according to a provision in the *Bundesgesetz*. Therefore, they enjoy constitutional status. The privileges and power of these committees are similar to those in other committees. According to the provisions of the Rules of procedure other permanent committees are set up for the preparation of parliamentary deliberations. Rule 68 of the ROP authorizes the committees to demand the presence of a member of the Federal Government and Rule 70 states that a committee may hold public hearings of experts,

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<sup>98</sup> Carr, Thomas P. (2003), *Committee Types and Roles*, Congressional Research Service Report, the Library of Congress, p.1.

representatives of interest groups and other persons for the purpose of obtaining information on a subject under debate. Sitting of committee meetings, holding public hearing, gathering information and privileges of members are well defined in the ROP of the Bundestag. Under the provisions laid down in the ROP, the committees are relatively free to organize their work and draw up agenda.

Japan is the first Asian country to have a parliament, created in 1889 under the Meiji Constitution. After the Second World War, Japan adopted a new constitution in 1947 characterized by Westminster type of parliamentary democracy. The new constitution describes the Diet as the highest organ of state power. It performs a variety of works in the area of legislation and overseeing. For the purpose of effective rule making and overseeing, the Japanese Diet depends upon its committee system. Article 50 (II) of the Diet Law authorizes the committees to propose a bill concerning matters under its jurisdiction. According to the provisions of Diet Law committees can examine law bills, budgets, treaties, and petitions in detailed. They also investigate other matters that fall within their jurisdiction. Article 45 of the Diet Law empowered the House to set up Special Committees in order to consider matters that are deemed necessary by the House or particular matters, which do not come under the jurisdiction of any Standing Committee. The Diet Law provides the opportunity to the committees to oversee government activities. In accordance with Article 71 of the Diet Law, a committee may demand through the presiding officers the presence of any member of the executive including the Prime Minister and other Ministers to explain certain specific matters.<sup>99</sup> These provisions formally allow the Diet to call for the members of the government to clarify their activities.

Each House of the Indian parliament has provisions for appointing committees for the purpose of discharging its legislative and overseeing functions. The Constitution in its Articles 118 and 208 authorizes each House of the parliament to make own rules for regulating their procedures and to conduct their business. Article 118(1) of the Constitution, specifies the role and functions of committees. Chapter XXVI of the Rules of Procedure and Conduct of Business of the Lok Sabha contains detailed provisions about the functions and procedures of individual committees. In keeping with the spirit of parliamentary democracy, each House has a set of rules of procedure that guide the working of parliamentary

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<sup>99</sup> The Diet Law, available at <http://www.sangiin.go.jp/eng/law/index.htm>

committees. To strengthen the executive accountability, the ROP prohibits the ministers from becoming members of committees. Under the provisions of the ROP, departmentally related standing committees can consider demands for grants by the related ministries/departments and then report them. Regarding legislation, committee does not take up a bill on its own. When the House refers a bill to the committee, only then it can examine the bill.<sup>100</sup>

Sri Lanka is only the South Asian country that adopted the executive presidency replacing the parliamentary system of the government in 1978. Under the constitution of 1978 the executive enjoyed enormous power and the traditional parliamentary committees began to decline in their effectiveness. In the context of the declining of the legislature, departmentally related standing committees named 'Consultative Committees' were introduced in 1978 for overseeing the activities of ministries. The committee procedure is governed by the Standing Orders of the Parliament. Under Article 74 of the constitution, promulgated in 1978, the Parliament is given power to make standing Orders for appointing various committees and for regulating their business. The Standing Orders empowers the Consultative Committees to summon witnesses, call for documents and records, to move from place to place, and to initiate any Bill or motion through its Chairperson. The Standing Orders also require senior civil servants of the relevant Ministries to be present at the monthly meetings of the committees. Despite the administrative accountability the parliament set up financial committees (the Committee on Public Accounts and the Committee on Public Enterprises) for overseeing financial matters.

## **2.2 Committee Structure and Size**

Parliaments set up different types of committees as they need for discharging their functions. In general, committees can be categorized into two types: permanent and *ad hoc*. Permanent committees are set up for the whole period of the parliament and *ad hoc* committees are set up for particular period and cease to exist once they have completed their assignment. Most of the parliaments have two types of standing committees- ministerial and non-ministerial committees. The ministerial committees are specialized by subject matter and parallel to the government while the non-ministerial standing committees are generally responsible for monitoring financial matters, investigating specific issue or providing services for the House. Select, special and investigative committees fall into the category of *ad hoc* committees.

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<sup>100</sup> Ramacharyulu, P.P.K. (2003), "Parliamentary Committees and Executive Accountability: A Case Study of Departmentally Related Standing Committees in India", in K.V. Kesavan (ed.), *op. cit.*, pp.142-144.

Apart from these, bicameral parliaments also appoint joint committees from the representatives of both the Houses.

The committee system has been evolved in the British parliament within a political environment characterized by single-party control and executive dominance over the parliament. This has served as the contextual factor affecting the formation, development, and working of parliamentary committees.<sup>101</sup> The British Parliamentary committees can be categorized into standing committees, select committees, joint committee and committee of the whole House. Standing committees of the British House of Commons are appointed on the basis of subject of the bill to be considered and the relevant expertise or interest of particular MPs from different parties. There is no formal limit on the number of standing committees, but usually ten such committees are formed. Until the reform of 2006, standing committees had no distinctive names; they were referred as standing committee A, B, C and so on.<sup>102</sup> From the beginning of parliamentary session of 2006-2007, standing committees have been renamed as 'General Committees'. There are two types of general committees. General committees, which consider the proposed public bills, are now called 'Public Bill Committees'. This committee mainly scrutinizes the proposed public bills, in detail. Each Public Bill Committee is named after the Bill it considers. For example, a committee considering a Bill titled the Climate Bill would be called the 'Climate Bill Committee'.<sup>103</sup> Other general committees include: the Scottish Grand Committee, the Welsh Grand Committee, the Northern Ireland Committee, the delegated legislation committees, European Standing Committees and the Regional Affairs Committee. These committees exist to debate on matters referred to them by the House. They do not take evidence or make substantial reports of any kind. Normally, the matters referred to them are of special interest to limited groups of Members.

The British parliament was traditionally a chamber-oriented institution. Much of the legislative works was done in the plenary; committees did a less. As Taylor noted, "In no country, perhaps, do committees occupy such a small place in the operations of the representative assembly as in Great Britain."<sup>104</sup> In 1979, the British parliament acquired its

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<sup>101</sup> Hazan, Reuven Y. (2001), *op. cit.*, p.21.

<sup>102</sup> Griffith, J.A.G. Ryle, *op. cit.*, pp. 270-72.

<sup>103</sup> Information is collected in April 28, 2007 from the British Parliament home page: <http://www.parliament.uk/about/how/committees.cfm>

<sup>104</sup> Taylor, Eric (1951), *The House of Commons at Work*, Harmondsworth: Penguin Books, pp.162-63.

own set of permanent specialized committees corresponding to the government department. With this structural change, the House of Commons has been shifted in activity from the chamber to committees incorporating the departmental standing committees. As Philip Norton noted, “Since 1979, the House of Commons has thus become a far more specialized body, with shift from general debate on the floor of the House to more rigorous scrutiny in committee.”<sup>105</sup> At the beginning twelve departmentally related select committees were introduced in the House corresponding to each of the government department. Numbers of Departmental Select Committees (DSC) have been enlarged from 12 in 1979 to 19 in 2006 due to the creation of new government departments. Observing the changing nature of the British parliamentary committee structure, Stephen F. Downs noted, “structure of committee system has been gradually expanded in the House of Commons when they realized that committees would need to be more extensively used in order to cope with the heavier responsibilities of ruling in the age of ‘big government’.”<sup>106</sup> The departmental select committees are entrusted with power of scrutinizing activities of the executive departments. They can examine activities of the concerned department through witness and public hearing and can issue reports. The House of Commons assigned the tasks of the legislative scrutiny and the overseeing activities of the government departments to different sets of committees. Although, under the Standing Order No. 130 the role of the DSCs was confined to examine the expenditure, administration and policy of the department it shadows, things have changed somewhat in recent years, with DSCs now scrutinizing draft bills.<sup>107</sup>

The House of Commons also has domestic or non-departmental select committees. They have a role that crosses departmental boundaries. The Public Accounts Committee, the Environmental Audit Committees, the European Security Committee, the Procedure Committee and the Committee on Standard and Privilege are well-established non-departmental select committees of the House. Among the domestic select committees the PAC is undoubtedly most effective committee. While the Parliament realized that close scrutiny of public accounts was not possible in the whole House, on the motion of Mr.

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<sup>105</sup> Norton, Philip (1998), “Nascent Institutionalization: Committees in the British Parliament”, Longley, Lawrence D. and Davidson, Roger H. (eds.), *The New Roles of Parliamentary Committees*, London: Frank Cass, (eds.), p.148.

<sup>106</sup> Downs, Stephen F. (1985), “Structural Changes, Select Committees: Experiment and Establishment”, in Philip Norton (ed.), *Parliament in the 1980s*, Oxford: Basil Blackwell, 1985, p.54.

<sup>107</sup> Ahmed, Nizam (2007), “Departmental Select Committees in the British House of Commons”, in Nizam Ahmed and A.T.M Obaidullah (ed.), *The Working of Parliamentary Committees in Westminster Systems*, Dhaka: University Press Ltd., p.67.



Gladstone the Select Committee on Public Accounts was established in 1861. This was later renamed as 'the Committee of Public Accounts'. Since the inception, the British House of Commons made extensive use of the PAC.

The House of Commons has four other 'domestic' select committees, which cover services provided for the House, while others are concerned with the internal workings of the Parliament. The House of Lords generally appoints four select committees on four main areas, such as Europe, science, economics, and the UK Constitution. Occasionally, other committees are set up to look at issues outside the four main groups. Besides standing committees and select committees, joint committees are also appointed for a temporary period. Joint Committees consist of members of both the Houses with similar power like select committees and they also operate like select committees. They may conduct an ongoing examination of a particular area (such as human rights) or of a specific matter, such as Draft Bills or House of Lords reform. Some permanent joint committees are also appointed in the House of Commons, such as 'Joint Committee on Human Rights'.<sup>108</sup>

The American House of Representatives introduced standing committee system in 1789 by adopting the Committee on Enrolled Bills. From the beginning, Congressional committees perform a broad range of functions, i.e. preparing groundwork for legislation, bringing public issues into spotlight and taking active role in overseeing the executive.<sup>109</sup> In fact, most of the legislative works take place in the committees; therefore committees system is referred as the 'Legislative Workshop' of the American Congress.

Germany is one of the few countries with parliamentary system where some features of the American and British parliamentary system exist. It has adopted the American process of hearings, strong power of inquiry for parliament and adequate staff facilities. It also resembles the British system of government with regard to close co-operation between the majority parliamentary groups and the government.<sup>110</sup> In the early days of the parliaments the German Bundestag was more plenary oriented and it was called a debating parliament. After

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<sup>108</sup> The British parliament home page <http://www.parliament.uk/about/how/committees/joint.cfm> cited on June 5, 2007.

<sup>109</sup> Campbell, Colton C. and Roger H. Davidson (1998), "US Congressional Committees: Changing Legislative Workshops", in Lawrence D. Longley and Roger H. Davidson (eds.), *The New Roles of Parliamentary Committees*, London: Frank Cass, p.139.

<sup>110</sup> Beyme, Klaus von (2000), "The Bundestag- Still the Centre of Decision Making?", in Ludger Helms, (ed.), *Institutions and Institutional Change in the Federal Republic of Germany*, New York: Macmillan Press Ltd., pp. 32-33.

the Second World War committee system shifted the balance from a debating parliament to a working parliament that devotes most of its time for committee activities rather than for plenary assembly. The committees are therefore called the workhorses of the German parliament.<sup>111</sup>

The committee structure of the US Congress and the German Bundestag are mostly similar. The Congress and the Bundestag divide their legislative, oversight, and internal administrative tasks among the standing committees. In both the legislatures, most of the standing committees are parallel to the government departments. These committees are specialized in particular areas, such as the foreign affairs, agriculture, judiciary, armed service, finance, etc. But in some cases more than one committee can cover particular subject matter relating to single ministry. For example, financial and budgetary matters are rendered to more than one committee. In the American Congress, three types of committees are involved in financial matters. Firstly, the Ways of Means in the House and Finance Committee in the Senate consider all proposals for taxes, tariffs and other receipts contained in the president's budget. Secondly, Appropriations Committee discharges funds. Thirdly, Committee on Appropriations decides which program will actually be funded.<sup>112</sup> Similarly, in the Bundestag, Finance Committee and the Budget Committee are responsible for matters relating to the Finance Ministry. The Finance Committee considers the matters relating to financial legislation and the Budget Committee is authorized to scrutinize finance bills.

Other than ministerial standing committees, the Congress and the Bundestag have non-ministerial standing committees, which do not correspond to the government ministry. The Joint committee of the American House of Representatives is an example of non-ministerial standing committees. Similarly in the Bundestag, the Committee for the Scrutiny of Elections, the Immunity and the Rules of procedure Committee, the Petitions Committee, the Committee on Economic Affairs and Technology, and the Committee on the Affairs of the European Union fall out side the ministerial standing committees. It has been observed that over the year number of permanent committees have been reduced in both the legislatures

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<sup>111</sup> Beyme, Klaus von (1998), *The Legislator: German Parliament as a Centre of Political Decision-making*, Aldershot: Ashgate, pp.37-38; Meny, Yves (1990), *Government and Politics in Western Europe*, Oxford: Oxford University Press, pp.190-91.

<sup>112</sup> Janda, Kenneth, Berry, Jeffrey M. and Goldman Jerry (1995), *the Challenge of Democracy: Government in America*, Boston: Houghton Mifflin Company, pp. 637-38.

because it was unmanageable for the House to coordinate large number of committees. As of 2007, the Congress and the Bundestag each had 22 standing committees.

Apart from the standing committees, *ad hoc* committees are set up for the duration of a particular period. For example, the Congress can appoint select committees to deal with the issue that falls outside the areas of standing committee. The conference committee is also a temporary committee, set up to work out the differences between the two chambers on specific legislation. Special committees (*Sonderausschüsse*) of the Bundestag are in nature *ad hoc* committee. They deal with a specific matter and do not live as long as standing committees and their composition and authority are much similar to those of the permanent committees. Although the provision of special committee existed in the Rules of Procedure, the Bundestag rarely appoints such a committee.

The Japanese Diet has adopted Congressional committee system for the purpose of effective rule making. In post war Japan, the new constitution adopted the British-style of parliamentary cabinet system replacing the pre-war Meiji constitution. The American style of committee system was superimposed on the British type of parliamentary system.<sup>113</sup> As in the American Congress, the Japanese Diet has two types of committees: standing and *ad hoc* committees. In 2007, each House of the Diet set up 17 standing committees. The majority of the standing committees correspond to the government ministry. These committees enjoy a wide range of autonomy to oversee the activities of the government. They have the right to call members of the government for interpellations and to conduct investigations. Other than ministerial standing committees, each House has several other standing committees (i.e., Committee on Fundamental National Policies, Budget Committee, Committee on Rules and Administration, Committee on Audit and Oversight of Administration), which do not correspond to the government ministry. These committees deal with general subjects without having jurisdiction over the legislative process. In addition to the regular standing committees, each house may appoint special committee/s for a particular session in order to examine those matters that do not come under the jurisdiction of any standing committee. As of May 2007, six special committees and three research committees were appointed in the House of Councilors. Research committees were appointed to carry out long-term

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<sup>113</sup> Hasanuzzaman, Al Masud (2005), "Political and Legislative Development in Post-War Japan: An Analysis", *BIISS Journal*, Bangladesh Institute of International and Strategic Studies, Vol.26, No. 2, p.311; Kesavan, K.V. (ed.) (2003), *Parliamentary Committees in Japan & India: Their Functions and Relevance*, New Delhi: Manak Publications Pvt. Ltd., p.2.

comprehensive studies of particular issues and to propose legislation. Due to their brief existence they are termed as *ad hoc* committees.

The Indian Parliament transacts a great deal of its business through committee system, which are, in fact, microcosms and extensions of the Houses. The Indian committee system owes its origin to the British parliament. Mitra notes, "Keeping to the British practice, a number of parliamentary committees impart a sense of continuity and specialization to the functioning of the parliament in all spheres of its competence."<sup>114</sup> Some of them are *ad hoc* in nature and others are standing or permanent committees. *Ad hoc* committees are those ones that are constituted by the House or by the Speaker. They consider and report on specific matters and become ceased as soon as they have completed their duties. Select committees or joint committees of both the Houses are *ad hoc* in nature and constituted for temporary period to consider a bill in detail before becoming a law.

Two types of standing committees can be found in the Indian parliament: ministerial and non-ministerial standing committees. Non-Ministerial standing committees of the Lok Sabha can be further divided into following categories: 1) Financial Committees (the Committee on Estimates, the Committee on Public Accounts and the Committee on Public Undertakings), 2) Committees to Scrutinize (e.g., Committees on Subordinate Legislation and Committee on Government Assurances), 3) investigative committees (e.g. Committee of Privileges and Committees on Petitions), 4) House keeping committees (e.g., Business Advisory Committee, Rules Committee, Committee on Private Members Bills and Resolution, and Committee on Absence Members from the setting of the House), 5) Service Committees (e.g., House Committee, Library Committee and General Purpose Committees). Among the non-ministerial standing committees financial committees have contributed a great deal in overseeing governmental spending and financial management.<sup>115</sup>

The ministerial or department-related standing committees were introduced in India for making the Parliament more effective in exercising control over and giving direction to the executive. Departmentally related Standing Committee (DRSC) system was first introduced

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<sup>114</sup> Mitra, Subrata K. (2004), "Politics in India", in Gabriel A. Almond et. All (eds.), *Comparative Politics Today: A World View*, Delhi: Pearson Education (Singapore) Pvt. Ltd., Indian Branch, p.661.

<sup>115</sup> Ramacharzulu, P.P.K. (2003), "Parliamentary committees and executive accountability: A case of departmentally related standing committees in India", in Kesavan, K.V. (ed.), *Parliamentary Committees in Japan and India: Their Functions and Relevance*, New Delhi: Manak Publications Pvt. Ltd., pp. 134 -38.

in August 1989. Initially the Standing Committee on Agriculture, the Standing Committee on Science and Technology and the Standing Committee on Environment and Forests set up. A full-fledged system of department-related standing committees came into being in April 1993, which led to the increase in the number of committees in the House. The number of departmental standing committees has further enlarged from 17 in 1993 to 24 in 2004.<sup>116</sup> Department related standing committees are still formative phase. They have been working with following shortcomings. Most of the committees oversee more than one ministry/department, which prevents more focused work. Secondly, every committee is appointed for one year meaning that members hardly develop their expertise/knowledge in a particular subject unless they can persuade their whips to let them continue to serve on a particular committee.

The Committee System in Sri Lanka follows its mother Parliament, the House of Commons. From its inception, the Sri Lankan Parliament has employed a number of committees to transact a great deal of its business. The committees of the Sri Lankan parliament can be classified into four categories: Standing Committees, Select Committees, Consultative Committees and Committees for Special Purposes. Functions of the standing committees are similar to standing committees of the British House of Commons. Jurisdiction of the standing committee is confined to considering the bills referred to it by the parliament. Select committees are *ad hoc* in nature. These committees are appointed by the Speaker to inquire into matters, which may be referred to them by the parliament. There are also eight committees appointed for special purposes such as House keeping committees (e.g. Committee of Selection, Committee of Standing Orders, disciplinary committee and Committee on Parliamentary Business), investigative committees (e.g. committee on Privileges and committee on Public Petitions), and financial committees (e.g. Public Accounts committee, Committee on Public Enterprises and Committee on Privileges). The Committee on Public Accounts is one of two financial committees of the parliament that set up to see that public moneys are applied for the purposes prescribed by Parliament. According to Section 149(1) of the constitution, all public revenue and expenditures have to be channeled through the Consolidated Fund and the Public Accounts Committee has the authority to preview this fund. The Committee on Public Enterprises (COPE) is another financial committee appointed to examine public enterprises. These examinations are based

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<sup>116</sup> The Indian Lok Sabha (House of the People) home page, <http://loksabha.nic.in>

on the current performance aspects and queries raised by the Auditor-General (AG) on the activities of such enterprises. The Chief Accounting Officers (CAO) and The Accounting Officers (AO) are examined in depth on the submission of Annual Reports to Parliament, preparation of Annual Budgets, Corporate Plans and implementation of such plans. Among the committees for special purposes the High Post Committee, which selects the nominees for higher positions, is a specialized committee. In a recent study a South Asian researcher commented, “This committee is unique in South Asia and modeled, to some extent, on the U.S. Senate which approves presidential appointments”.<sup>117</sup>

The Sri Lankan parliamentary committee system has changed its character in keeping with the changing developments in the Sri Lankan Parliament and the society. Significant changes were brought into the committee structure in 1978, adding department-related permanent standing committees namely “Consultative Committees” for overseeing activities of the government departments. These committees have power to call for persons, papers and documents as are necessary to accomplish their duty. However, the creation of new type of departmentally related overseeing committee is one step forward to enhance the accountability of the executive to the parliament their activities are hampered by a constraint in overseeing the executive departments as the Consultative Committees are set up with the Cabinet Ministers as the chairpersons. Another weakness is that the Consultative Committees are only corresponding to the number of cabinet ministries because under Article 45(1) of the Constitution Ministers of non-cabinet rank are not responsible to the parliament. Therefore, non-cabinet ministers remain outside the regime of parliamentary scrutiny.<sup>118</sup>

For the sake of convenience in committee procedure sub- committees exist in most of the parliaments of the world. Parliaments of the America, Britain, Germany, India, Japan and Sri Lanka have the provisions of appointing subcommittees in order to consider a bill or problem, or to deal with certain areas of the committees. They are appointed for the whole electoral period or for a limited time with specific terms of reference connected with the activities of the main committee. The American Congress has comparatively a large number of sub-committees. Since the post-World War II number of sub-committees began to grow in the Congress due to demands for legislative action, escalating complexity of public policy

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<sup>117</sup> Taiabur Rahman, “Parliamentary Control and Government Accountability in Sri Lanka: The Role of Parliamentary Committees”, available at <[www.basas.ac.uk/conference05/rahman,%20taiabur.pdf](http://www.basas.ac.uk/conference05/rahman,%20taiabur.pdf)>

<sup>118</sup> Welikla, Asanga (2003), *Parliamentary Committee Systems*, Colombo: Center Policy Alternative.

issues, enlargement of the federal bureaucracy, internal congressional demands and so on.<sup>119</sup> The widespread use of subcommittees in the House of Representatives does not match with those in the House of Commons. Occasionally a committee forms a sub-committee to look at one issue in greater depth. The permanent committees of the Indian, Sri Lankan and the Japanese Diet also appoint one or more sub-committee, each having the power of the undivided Committee. The Bundestag has small number of subcommittees. Each committee can appoint subcommittee to deliberate on particular bills or problems. Most notably, some specific standing committees employ subcommittees to deal with certain specific aspects of policy throughout an electoral term. For example, the Foreign Affairs committee has set up four subcommittees; the Defense Committee and the Budget Committee have set up one sub-committee each. In accordance with the Rule 55(1) of the Rules of procedure, standing committees may set up a joint sub-committee if an item of business has been referred to several committees or if a particular item falls within the terms of reference of several committees.<sup>120</sup>

The size of committees varies among the parliaments; some parliaments have large number of committees with small number of members; on the contrary some parliaments have small number of committees with large number of members. The sizes of the Congressional standing committees are set forth in the rules of procedure of each House but the rule may be changed by an agreement of the majority and minority party leaders. Generally, 17 to 20 members serve on each Senate's standing committee and about 12 to 57 members serve in each standing committee of the House of the Representatives. Statistics reveal that most of the standing committees of the House of Representatives are constituted with 40 to 50 members. The British Parliament limits the size of the departmental select committees to 11 members. Other select and standing committees have membership of different sizes as they consist of 16 to 50 members. Like the British Parliament, the Indian parliament limits the size of various standing committees in varying numbers. The membership of ministerial standing committees is confined to thirty-one, among them twenty-one members are nominated by the Speaker from amongst the members of the *Lok Sabha* and ten members are nominated by the Chairperson of the *Rajya Sabha* from amongst the members of the *Rajya Sabha*. Similarly,

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<sup>119</sup> Patterson, Samuel C. (1990), "Parties and Committees in Congress", in Thaysen, Uwe Davidson, Roger H. and Livingston, Robert Gerald (eds), *The U.S. Congress and the German Bundestag: comparisons of democratic Process*, Oxford: Westview Press, p. 262.

<sup>120</sup> Rules of Procedure of German Bundestag, available at [www.bundestag.de](http://www.bundestag.de)

most of the non-ministerial standing committees also consist of members of both the Houses. Only a few committees such as Business Advisory Committees, Estimates Committees and General Purpose Committee are set up with the members of the *Lok Sabha*. Similarly composition of the committees of Sri Lankan parliament is limited by the Rules of the Standing Orders. The Select Committees, the Committee on Public Accounts and the Committee of Public Enterprises are set up with 12 members, the House Committee, Petitions Committee and Privileges Committee have 10 members. At the commencement of every session, the standing committee is appointed with 20 members to consider the bills referred to it by the parliament. The Consultative Committees are set up with highest number of members (32 members) while the Committee on Standing Orders consists of 9 members. Unlike the Indian, the Sri Lankan or the British parliaments, standing committee size is not fixed in the German Bundestag and in the Japanese Diet by their rules of business. The committees of these two parliaments are generally constituted with large number of members. The size of the Bundestag committees generally ranges from 12 to 45 members and the Diet committees have 20 to 50 members.

### **2.3 Selection of Committee Chairpersons and Members**

In the parliaments of the USA, Britain, India and Sri Lanka, committees consist of a chairperson and a number of members. In the Bundestag each committee is headed by a chairperson and is assisted by a deputy chairperson. In addition to the regular members, every committee has substitute members who can attend all the committee meetings and has the right to vote as a representative of a regular member from their parliamentary group, who is unable to be present.<sup>121</sup> The Japanese Diet committees have a chairperson and a number of members; in addition, a committee may choose several directors from among its members. The number of directors chosen depends upon the size of the committees. If the committee chairperson is not available or becomes disabled for some reasons, one of the directors discharges the functions of the chairperson. The chairperson and the directors must affix their signatures to the minutes of the committee meetings.<sup>122</sup>

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<sup>121</sup>Schick, Rupert and Zeh, Wolfgang (1999), *The German Bundestag: Functions and Procedures*, Rheinbreitbach: Neue Darmstädter Verlagsanstalt, p.28; Hazan, Reuven Y. *op. cit.*, pp.27-28.

<sup>122</sup> Kesavan, K.V. (2003), "the Role of Parliamentary Committees in Japan", in K.V. Kesavan, (ed.), *op. cit.*, p. 47.



Most of the parliaments apply one of the following three methods for appointing their committee chairpersons and members: firstly, the appointment by the parliament itself; secondly, a committee is appointed for selecting committee members; and thirdly, the President or the Speaker of the parliament is rendered authority for this purpose.<sup>123</sup> Whichever of these criteria or method is used, the parliamentary parties or groups play an important role in the appointment of the committee members and chairpersons. Where party strength determines the share of committee positions, these positions are allocated on the basis of negotiation between the government and the opposition parties. In the majoritarian system, most of the committee chairs go to the government party but the memberships are generally distributed according to the proportional representation method.

The British parliament appoints a committee named 'Committee on Selection' for recruitment of committee chairpersons and members (except the Committee of the Whole House where all members of the House become automatically members of this committee). Standing committee members are nominated from both sides of the House. On the government side, the Minister, the Whip and the backbenchers who have specialization in the relevant area of bill, may be selected and the same criterion applies for the opposition side. The Committee of Selection enjoys the right to change membership of a committee time to time. But once the committee has started its work on a bill, the membership cannot be changed, except in cases of illness or change of Ministerial or opposition office.<sup>124</sup> Departmentally related select committee members are selected by the Committee on Selection. But other select committee members are nominated by the House on the motion made by the government Whip after discussion between parties. When these committees are formed, the Whips on both the sides of the House have influence in the determination of the memberships.

In the British Parliament, the standing committee chairpersons are appointed by the Speaker from the panel of chairpersons drawn from both the sides of the House. More experienced chairpersons, of whatever party, are given bigger and more controversial bills. Unlike the standing committees, select committee chairperson is elected by the members of the relevant committee. Although there is no written prohibition under the Standing Orders that Ministers do not chair parliamentary committees, the Minister or the opposition spokespersons usually

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<sup>123</sup> Inter-Parliamentary Union (1976), *Parliaments of the Worlds: A Comparative Reference Compendium*, New York: Facts on File Publications, Vol. I, p.628.

<sup>124</sup> J.A.G. Griffith, Michael Ryle and M.A.J Wheeler-Booth, *op. cit.*, p.272.

do not sit in the select committee. The Modernization Committee was an exception which was formed in 1997 with the Leader of the House (a Cabinet Minister) as chairperson.

The number of committee chairs taken by the governing party and the opposition party is a matter of bargaining between the government and the opposition. The selection of the committee chair starts once it is decided, which committee shall have the chairperson from the government party and, which from the opposition party. Before the election of the committee chair, members of both the sides receive clear indications from the respective Whip office but occasionally the party members do not follow the indication. It happens that all the members of the committee participate in the election of a chairperson.<sup>125</sup>

At the beginning of each session of the U.S. Congress, the chairpersons are elected by the House from the members nominated by the majority party. The members of every committee are nominated on the basis of party strength in the House and the Senate. At the beginning of the session, the Democrat parliamentary party sets up a 'Steering and Policy Committee' to settle which member will go to which committee and the Republican Party renders the same authority to the 'Executive Committee on Committee'. When the Democrat is in power, "Steering and Policy Committee" is appointed and chaired by the Speaker. This committee nominates the chairpersons for all committees excluding the Rules committee, which is chaired by the Speaker. When the Republican is in power 'Executive Committee on Committee' is led by the Minority party leaders. Both the Democrat and the Republican parties have similar type of committees in the Senate for determining the committee membership. In both the Houses, committee recommendations require the approval of the respective party caucuses.

Unlike the practice of the US Congress and the British Parliament, the Bundestag does not employ any committee for the purpose of appointing the committee members and the chairpersons. The committee positions are proportionally distributed among the parliamentary groups. Thus the party strength in the House is reflected in the committees. The practice shows that the chairperson and the deputy chairpersons of each committee do not come from the same party group. This gives a party balance in the committees. In the process of appointment of committee members and chairpersons, the Council of Elders plays

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<sup>125</sup> *ibid.*, p.420

an important role. However, this is not a typical selection committee like the American or the British system. In accordance with the Rule 58 of the Rules of Procedure, the chairpersons and the deputy chairpersons are drawn from both the opposition and the coalition sides with mutual agreements reached in the Council of Elders. The respective committee finally confirms the decision taken by the Council of Elders. Since the 13<sup>th</sup> electoral term refining the previous method, an arithmetical method has been applied to rank order numbers on the basis of the party strength in the parliament.<sup>126</sup>

The Japanese Diet follows the proportional representation method in distributing committee seats among the parliamentary parties but the committee chairs are allocated by following the majoritarian policy. Therefore the committee leaderships go to the grip of the governing party like the US Congress or the British parliamentary committee leaderships. In the process of the election of committee chairperson, the Speaker plays a key role. According to the Diet Law, the chair shall be elected from the members of the respective committees, but in practice the Speaker selects the committee chair from the members of the majority party. In addition to the position of the chair each committee has a position of the director (*Riji*). The opposition members obtain some of the posts.<sup>127</sup>

The appointment procedure of the Indian parliamentary committees is different from that of the other committee systems described above. The members and the chairpersons of the ministerial and the non-ministerial standing committees are either elected by the House or nominated by the Speaker. According to the Rules of Procedure the chairpersons of the Estimates Committee and the Committee on Public Undertakings are elected by the House. The Speaker acts as the *ex-officio* chairperson of the Rules Committee and Business Advisory committee. The chairpersons of other non-ministerial standing committees are appointed by the Speaker. The members of the departmental standing committees are nominated by the Speaker, Lok Sabha and the Chairperson, Rajya Sabha. Most of the members (21 members) are nominated from the Lok Sabha and ten members are nominated from the Rajya Sabha. Both the ministerial and the non-ministerial standing committee seats are allocated among the parliamentary parties on the basis of their strength in the House. When the committee seats

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<sup>126</sup> Since 1980, the relative strength of the parliamentary groups is calculated by using the Sainte-Laguë/Schepers method instead of the d'Hondt method, which has been used until 1970. Previous method tended to favour the larger parties while new method better reflects mathematical proportionality in the case of small parties. For details, Schick, Rupert and Zeh, Wolfgang (1999), *op. cit.*, p.23.

<sup>127</sup> Hasanuzaman, Al Masud (2005), *op. cit.*, p.313.

are allocated, parties give preference to their members as per their quota. According to their preferences and quota, the members are nominated or elected. Thus the committees give a true reflection of the Parliament in their composition. Although, the members are appointed on the basis of party strength in the House, the committee chairs are mostly occupied by the party that holds the majority in the House. Like the British Parliament, only a few chair positions are offered to the opposition.

The Sri Lankan Parliament has devised a well-knit committee system, working under a uniform set of rules. At the beginning of the first session the party Whips prepare a list for the committee positions, no member shall be appointed to a committee if s/he is not willing to serve on it. In accordance with the provisions of the Standing Orders the members of the Select Committees are appointed by the Speaker and the members of the Special Purposes Committees (8 committees) are selected by the Committee of Selection. The Committee on Selection also considers the number, function and constitution of the Consultative Committees and the Legislative Standing Committees. The Speaker acts as ex-officio chairperson of the following four committees: Committee on Selection, House Committee, Committee on Standing Orders and Committee on Parliamentary Business. The Chairpersons of the other special purposes committees are elected from among the members of the Committee. The chairpersons of the Standing Committees on Legislation are appointed from the members of the respective committee while the Consultative Committees are headed by the cabinet members. Although committee members are appointed from different parliamentary parties according to their strength in the House the committee chairs normally go to a member belonging to the party in power.

Different methods and policies are applied in different parliaments for distributing committee positions and the appointing the legislators to these posts. The parliaments followed by majoritarian policy appoint committee chairpersons from the party that holds majority in the House. But the committee members are proportionally appointed from the members of all parliamentary parties. In the consensual system, the committee chairs are proportionally distributed among the parliamentary parties. In this system, smaller parties also have chance to get committee chairpersonship. Among the above parliaments, only in the Bundestag both committee member and chair positions are distributed through proportional representation methods while in other cases committee chair positions are occupied by the party that holds majority in the House. There are a few exceptions, such as in the parliaments of Britain and

India certain committee chairpersons are drawn from the opposition party and the Speaker or the Deputy Speaker holds some particular committee chair positions. Generally, the committee chairs are selected through one of the following methods: an election among committee members, an appointment by the Speaker of the House, or a special committee.

## **2.4 Committee Procedure**

The committee procedures define the organizational principles under which the committees make decisions. Every legislature has its own rules of procedure or standing order that governs the committee procedures. In some cases, constitutions have some specific provisions relating to the operation of the committee system. The committee procedures vary from parliament to parliament.

In the above-mentioned parliaments, committee members, substitute members, committee staff and authorized parliamentary staff may attend the committee meetings. But committee openness varies among the six parliaments. There is a debate on the question whether committee meetings should be open to the public or should be held in private. It is argued that close door committee meetings enable members to engage in more open discussion and important information reside behind the close door. On the other hand, open committee meetings enable the party leaders to monitor the performance of the committee members and to enforce strict party discipline.<sup>128</sup>

The sittings of a committee are not open to the public in the German, the Indian, the Japanese and the Sri Lankan parliaments. The Bundestag allows non-committee members to attend the meeting without having voting right. By contrast, committee meetings in the American Congress are, in principle open to the public. The British parliamentary committees sometimes begin their meeting in public and then go to private for certain parts of the evidence, or vice versa. Since 2003, the public proceedings of *all* select and standing committees of both the Houses of the British parliament are made available either in audio-visual or audio-only format. Similarly, the Congressional committee proceedings are broadcast in the web TV. The Indian and the Sri Lankan parliaments do not allow the broadcasters to broadcast committee deliberations. However, in the Japanese parliament,

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<sup>128</sup> Ingvar Mattson and Kaare Strøm, op. cit, p282.

committee meetings are, as a rule, closed to the public, members of the press, radio and TV, and other media with prior permission of the committee chairperson can enter into the committee room. Although, the Bundestag restricts the broadcasting of committee meetings, only the Investigative Committee allowed live television coverage of its hearings for the first time in 21 April 2005.<sup>129</sup>

In the developed democracies, parliamentary committees make a yearly plan in advance for holding meetings. In most cases, committee chairpersons themselves determine their agenda together with the venue, date and the duration of the meetings. For example in the Bundestag, the committee chairperson determines the date and the agenda of the committee meeting and in practice, prior to the committee meeting, spokespersons' meeting takes place where the chairperson, the deputy chaperons, the spokespersons of the parliamentary groups, the policy advisors of the parliamentary groups, the representatives of the Federal Government attend to discuss the agenda for the next meeting. Based on the outcome of this meeting, the chairperson sets the agenda. In other cases, the chairperson him/herself sets the date and agenda for the committee meeting and communicates to committee members before the meeting.

In modern parliamentary age, most of the parliaments empower their committees to hold hearing and meeting for receiving testimony from witness. Ministers, civil servants, representatives of the interest groups, experts and even individual citizens are called for hearing or witness. Such power is commonly used while preparing legislation or policy formulation or examining specific government's action. Public hearing is a common part of committee deliberations in the parliaments of America and Germany. Although the Japanese Diet Law prescribes that a committee must hold public hearings on the general budget and important revenue bills and may do so on important bills of public interest in order to hear the opinions of interested parties or people of learning and experience, but this device is not utilized as fully in Japan as it is in the Congress or the Bundestag.<sup>130</sup> The Indian and the Sri Lankan parliaments do not have such accountability mechanism. But like other parliaments they empowered their committees to demand the presence of any member of the government.

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<sup>129</sup> Investigative committee hold public hearings to discuss a visa directive from 2000 that the parliamentary opposition has said opened the way of thousands of illegal immigrants.

<sup>130</sup> Dean, Meryll, (2002), *Japanese Legal System*, London & Sydney: Cavendish Publishing, p.224.

In most of the cases, committee deliberation and decisions are prepared by a majority of votes cast in the committees. The voting quorum for committees varies among the legislatures. For example, the House of Representatives and the Lok Sabha require one-third majority while the House of Commons and the Sri Lankan Parliament require the presence of three members. The Diet and the Bundestag committees do not require majority or absolute majority of the members. Half of the committee members can take decision in the Diet and the Bundestag committees can take decisions even if lower than half of their members are present. Once the committee takes its decision, a report is submitted to the plenary. In some cases any dissenting member alone or in collaboration with other members has right to attach a reservation to the committee report and in some cases parliaments allow submitting a minority report. Some other parliaments do not offer such right. The British Parliament does not permit minorities to submit any report; on the contrary in the House of Representatives individual member or group of members who wish to file a minority report is allowed to do so. In the Indian parliament, committee decisions are made by majority vote. If any member or a group of members disagrees with the report or any portions of it, member/s can record his/her 'note of dissent' with the report to be submitted to the House.

## **2.5 The Delineation of Committee Functions**

Parliamentary committees are not just used as soapboxes; they are the chief instruments for making decisions in the area of legislative and overseeing of administrative action.<sup>131</sup> Committee functions can be categorized into two-folds: legislative function and oversight functions. Oversight function can be further separated into administrative oversight and financial oversight (including budget making and scrutiny budget implication). K.C. Wheare argued that administrative and financial oversight functions are connected with and arise from its function of law making. He pointed out that in the course of law making parliaments have opportunities to look into administration.<sup>132</sup> In addition to reviewing legislative proposals and scrutinizing government activities, the committees also perform an investigatory function, either as part of administrative overseeing responsibilities or the parliament has established to investigate a particular issue. Many parliaments have a particular committee for the purpose of house keeping. From the broader aspects Malcolm

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<sup>131</sup> Jewell, Malcolm E., and Patterson, Samuel C. (1973), *The Legislative Process in the United States*, New York: Random House, p.219.

<sup>132</sup> Wheare, K.C (1968), *op. cit.*, p.3.

Shaw identified five different purposes, for which committees are established in the parliament, including legislative, financial, investigative, administrative overseeing and house keeping purposes.<sup>133</sup>

### **Committees in the Legislative Process**

The involvement of committees in the legislative process differs considerably among parliaments. For example, in the United States, Germany and Japan, the same standing committees perform both the legislative and overseeing functions while the British, Indian and Sri Lankan parliaments employ separate committees for the purpose of legislative and overseeing functions. This has been a feature of Westminster type parliaments where particular committees are appointed for the consideration of bills.

The process of writing bills and enacting them into law is a complex process in the sense that it is done through several stages. The Inter-Parliamentary Union shows in their study that most of the parliaments (35 parliaments out of 83) follow the “Three Reading” procedure whereas only 18 parliaments and 30 parliaments respectively follow “Two Reading” and “One Reading” procedure.<sup>134</sup> The legislative stages at which bills are referred to committee also differ among parliaments. In some cases a bill is first considered by the House itself while in other cases a bill is first scrutinized by a parliamentary committee.<sup>135</sup>

In the US Congress, the law making process is simple in the sense that it follows a series of specific steps. When a bill is introduced in the U.S. House of Representatives or in the Senate, it is assigned to the committee with jurisdiction over that policy area. When a committee actively considers a piece of legislation assigned to it, the bill is usually referred to a specialized subcommittee. Bills are scanned and finalized at the committee stage through three steps: holding hearings; marking up the bill; and reporting. In the first step the subcommittee holds hearings in order to gather information on particular issue as well as to take testimony from witness who have specialized on the subject matter.<sup>136</sup> At this stage, committee staff may do research on the problem. At the end of the hearing, committee or subcommittee meets to “mark up” the bill. It considers line-by-line and clause-by-clause the

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<sup>133</sup> Shaw, Malcolm, (1979), “Conclusion”, in Lees, John D. and Shaw, Malcolm (eds.), *op. cit.*, pp. 370-76.

<sup>134</sup> Inter-Parliamentary Union, *ibid.*, p. 922

<sup>135</sup> IPU, *op. cit.*, Vol. II, p. 961.

<sup>136</sup> Janda, Kenneth, Berry, Jeffrey M. and Goldman Jerry (1995), *op. cit.* p. 379.



specific language of the bill for amending the basic draft to suit the member's view. The "mark up" sessions are crucial arenas of conflict, compromise, and bargaining within committees. Sometimes senior committee members or small group of committee members may meet before the markup session to decide on strategies.<sup>137</sup> In the "mark up" session, subcommittee can approve the bill unaltered or can rewrite it, or amend it and then send the recommendations to the full committee. If committee considers the bill in some form, then it goes to the Rules Committee to issue a rule that governs the debate in the House. If the bill is in a form different from the Senate version, it must go to the Conference Committee and come back again to the full House for final consideration.<sup>138</sup> If the bill is passed in both the Houses, it goes to the President for his/her signature or veto. If s/he vetoes the bill, sends it back to the Congress with reasons for rejecting it. However, the Congress can override the veto by two-thirds vote of each house. If the president neither signs nor vetoes the bill within ten days of receiving it, the bill becomes a law.<sup>139</sup> The way, in which bills are enacted into law, committees play significant role because an original bill is modified and revised at the committee stage through bargaining and negotiation. Eventually it develops into a compromise version for enacting a bill. However, the Congress had a difficult time reaching an agreement on some particular bills; for example, in the late 1980s welfare reform legislation was enacted after a long bargaining between the Democrats and the Liberals.

Like the US Congress, the Bundestag committees also play a significant role in the process of legislation. Bills are modified and amended at the committee stage through bargaining and compromise between parliamentary groups. As in the US Congress, the Bundestag generally deals with bills in three readings in the plenary. The process of legislation starts from the introduction stage. At this stage, a debate can take place if it is recommended by the Council of Elders or demanded by one of the parliamentary groups. With this debate, the government states its reasons for introducing them. Parliamentary groups make public their initial position and citizens are made aware of the issues involved.<sup>140</sup> Once the first reading is completed, the bill is automatically referred to the appropriate committee for detail consideration. If a particular bill covers different subjects, it is referred to one or more committees in addition to the committee responsible for it. The associated committees submit a report to the concerned

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<sup>137</sup> Lees, John D. (1979), "Committees in the United States Congress", in Lees, John D. and Shaw, Malcolm (eds.), *op. cit.*, p.40.

<sup>138</sup> Janda, Kenneth, Berry, Jeffrey M. and Goldman Jerry (1995), *op. cit.*, p. 379, Lok Sabha (1988), Parliamentary Committees, New Delhi: Lok Sabha Secretariat, pp. 90-97.

<sup>139</sup> Janda, Kenneth, Berry, Jeffrey M. and Goldman Jerry (1995), *op. cit.*, p. 379.

<sup>140</sup> Schick, Rupert and Zeh, Wolfgang (1999), *op. cit.*, pp. 90-91.

committee with proposed amendments or suggestions. The concerned committee prepares a report along with some recommendations, which are agreed upon in the committee to be adopted. The Bundestag may decide to dispense with the committee stage if two-third majority of the Members agree to proceed to the second reading without reference to a committee. However, it occurs very rarely.

Once a bill is referred to a committee, legislative process starts with the appointment of rapporteurs from among their members based on the proposal of the parliamentary groups. Under the provision of Rules of Procedure, rapporteurs are responsible for “supervising the progress of deliberations, drawing up the results of deliberations and, in particular, for signing the report submitted to the plenary. The rapporteurs must familiarize themselves thoroughly with the content and major points of a bill. They must also consider statements relevant to the bill, read specialist literature in the relevant field and take into account the wishes and demands of interest groups as well as opinions in the press concerning the bill.”<sup>141</sup> They communicate between the committee and their respective parliamentary group in the discussion of the bill. Once the committee chairperson and rapporteurs have made themselves familiar with the bill, the committee chairperson sets the agenda and date of committee meeting in agreement with the spokespersons of the parliamentary groups.

During the committee meeting a bill is presented along with the detailed contents. All members of the Federal Government have access to this meeting. However, committee meeting in principle is not open to the public. If the committee permits citizens, experts, representatives from interest groups, journalists may attend the meeting. Committees may seek information from the Federal ministers, the officials as well as other persons who are able to provide relevant information. Even committees may ask the experts, representatives of the interest groups or any other groups for hearing and discussion, which are designed to create sensible and workable legislation.<sup>142</sup> Based on hearing and witness, the committee gathers necessary information and prepares decisions, which are generally made final by a majority vote. In the case of an equality of votes on any matter, committee chairperson has the right to cast his/her vote, the committee also allows substitute members to cast vote when a regular member is unable to be present. The chairperson prepares the final report with the

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<sup>141</sup> Rupert Schick and Wolfgang Zeh (1999), *The German Bundestag: Functions and Procedure*, Rheinbreitbach: Neue Darmstädter Verlagsanstalt, p.93

<sup>142</sup> *ibid.*, p. 95

support of the committee secretariat. The committee report generally contains the recommendations, opinion of the minority who are outvoted and other comments of the committees concerned. The committee report shall be presented to the House by the chairperson or in his/her absence by any member of the committee. Subsequently, second reading is held in the plenary and voting takes place on the amendments followed by final or third reading.<sup>143</sup>

After reporting stage, second reading is called for a detail debate on each clause and individual vote or vote on the bill as a whole, particularly if no motion for amendment has been tabled.<sup>144</sup> Under the provisions laid down in the Rules of Procedure, during the second reading, individual member and members who do not belong to any parliamentary group has right to move amendments at this stage. Once a bill is adopted as it stands during the second reading, the third reading can begin straight away and the final vote is taken on the bill. The third reading generally starts on the second day after distribution of paper containing the amendments adopted. At this stage, only parliamentary groups may move amendment, and no individual member can move amendment. Once the bill is adopted in the Bundestag, it is then transmitted to the Bundesrat without delay and finally it is sent to the Federal Government to be signed by the appropriate Minister and Federal Chancellor.

The law making process of the Sri Lankan Parliament is also similar to that of the Congress. The legislative process starts with the introduction of a bill called first reading. Once a bill accepted in the House in principle it is thereon sent to the standing committees for detailed securitization. This is called second stage of the second reading. But the use of standing committees for considering the bills is limited. Only a few private bills are referred to the committee while government bills are usually taken up in a Committee of the Whole House for reasons of expeditiousness.

In contrast to the Congress and Bundestag, the British and the Indian parliaments rely on *ad hoc* standing and select committee respectively for scrutinizing legislative proposals. In these two parliaments, all government bills are considered by *ad hoc* committee in detail and then disband. In both the parliaments 'Private Bills Committee' is formed for considering each

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<sup>143</sup> Hazan, Reuven Y. *op. cit.*, p.25.

<sup>144</sup> Legislation process is detail available at [www.bundestag.de/htdocs\\_e/legislat/02initleg](http://www.bundestag.de/htdocs_e/legislat/02initleg)

private member bill. Particularly, in the British Parliament some draft bills are looked into by the select committee before being formally presented to the Parliament. This 'pre-legislative scrutiny' process enables committee members to make suggestions and recommendations at an early stage. In the British and the Indian parliaments, legislative process starts with the first reading. At this stage a bill is formally introduced into the House and a date is announced for second reading. The Minister in charge explains the main purpose of a bill in the second reading stage and answers general questions about the bill. Following this stage, a bill is referred to a committee for detailed scrutiny. At the committee stage, a bill is examined in detail, clause by clause, and schedule by schedule. The committee stage enables its members to move suggestions or amendments to the bill and vote for. The committee decision is made by majority vote. If any member disagrees with the report or any portions of it, s/he can record his/her opinion. Once the committee concludes its deliberation, it hands back the bill to the plenary with or without amendment for third reading. The third reading stage is largely a formal stage. It does not take much time for debate. The bill cannot be changed at this stage. After completing the third reading stage a bill is finally sent to the upper House for its approval. In the case of the British system, a bill is enacted into a law with the consent of the Lords while in the Indian system a bill is sent to the President for his approval.

Unlike the American or the German system, the law making process is comparatively simple in the Japanese Diet. There is no difference in procedure between bills introduced by the cabinet members and those introduced by individual members of the House. The legislative process begins with the introduction of a bill. Once a bill is introduced in the plenary, whether it is government or private bill, the Speaker at once refers it to an appropriate permanent committee where the bill is scrutinized through a process of interpellation, debate, investigation, public hearing and witness. This is the second stage of the legislation process. The time taken for examination of a bill in the committee is generally much longer than that taken in a plenary sitting. In the Japanese parliament, the committee enjoys the right to amend or shelve a bill. After successful committee procedure, a bill receives the final vote and a report is made to the speaker. The third stage begins with the plenary sitting. Upon presentation of the committee report, the speaker puts the bill on the order of the day of a plenary sitting. In the plenary session the committee chairperson explains the results of the

committee proceedings.<sup>145</sup> If the two Houses put different opinions on a bill, both the Houses call for a joint committee to consider a compromise. After passage by both the Houses, a bill is sent to the Emperor for his consent which is the last stage to pass a bill. Following these procedures, a bill is promulgated into a law.

The above discussion reveals that the legislative committee process of the Congress and the Bundestag are almost similar. On the other hand, the House of Commons and the Lok Sabha mostly follow similar procedures. The committee procedures in the Diet and the Sri Lankan parliament are different from those of the above cases. Nonetheless, jurisdiction and the kind of committees on legislative process vary considerably among parliaments. Most of the committees perform a greater range of functions in the legislative process and spent most of their time on legislation.<sup>146</sup>

### **Committees in Overseeing Process**

K.C. Wheare argued that the modern legislature fares better in making the government behave than in making law.<sup>147</sup> In overseeing government activities, the parliament can use both individual and collective techniques. An individual technique includes asking written or oral questions, holding debate on government policies and action, raising adjournment motions or call-attention motions. The committee system is referred as the collective technique of overseeing method. Compared with the individual techniques the committee system has a better scope to go much deeper into particular issue. According to Malcolm Shaw, “the committees allow the legislators to pursue a line of questioning with ministers in more detail than is possible during question time or during debates on the floor of the house.”<sup>148</sup> Therefore, all over the globe, parliaments rely on committee system for reviewing the activities of the executive branch.

The British Parliament appoints departmental select committees and financial committees (the PAC and the Estimates Committee) for the purpose of overseeing government activities.

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<sup>145</sup> Hasanuzaman, Al Masud (2005), *op. cit.*, p.314, Kesavan, K.V. (2003), “the Role of Parliamentary Committees in Japan”, in K.V. Kesavan, (ed.), *Parliamentary Committees in Japan & India: Their Functions and Relevance*, New Delhi: Manak Publications Pvt. Ltd., p.57

<sup>146</sup> Reuven Y. Hazan, *op. cit.*, p.5.

<sup>147</sup> Wheare, K.C, *op. cit.*, p.114.

<sup>148</sup> Shaw Malcolm “Non-ministerial Leadership in the British House of Commons,” in Attilagh, Lawrence D. and Zajc, Drago (eds.) (2000), *Parliamentary Members and Leaders: The Delicate Balance* (Appleton, WI: Research Committee of Legislative Specialists of the International Political Science Association, p. 506.

It is observed earlier that departmental select committees have been created in the House of Commons to bring government policy and administration under far more detailed scrutiny than was the case even in the recent past.<sup>149</sup> Select committees can monitor the activities of the government departments by taking written evidence and examining witnesses. They can also conduct an inquiry on particular issue or area. The committees at the end of their inquiry make a report and submit it to the Parliament. The Government must respond to all reports.

Among the financial committees, the PAC is perhaps the most important select committee that can monitor government expenditure. As discussed earlier, the PAC was first established in the British House Commons in 1861 for examining the accounts showing the appropriation of the sums granted by the Parliament to meet public expenditure.<sup>150</sup> The main task of this committee is to examine the reports submitted by the Comptroller and Auditor General (C&AG). This report contains the detailed records of expenditure of the Government Departments and other bodies. In examining audit reports, the PAC has power to take oral or written evidence. The Committee's objective is to draw lessons from past successes and failures which can be applied to future activities by the department examined or more generally by the government.

The Congressional standing committees are regarded as a model of strong oversight committee. As in the U.S. Congress, the German Bundestag and the Japanese Diet also have departmental standing committees. In these parliaments, most of the standing committees are parallel to the government departments; they serve both the legislative and overseeing functions. These 'watchdog committees' employ two mechanisms for overseeing executive departments. They can call the relevant government department and offices for oral or written information. Public hearing is another oversight tool. In the hearing process, the committee can ask the bureaucrat, citizens, representatives of the private organizations and interest groups for providing their opinion on particular issue or making comment on the effectiveness of the government program. In addition to the departmental standing committees, financial committees are also appointed to monitor government expenditure. For example, the budget committee of these three parliaments has broad areas of jurisdiction on financial matters including taxation, apportionment of budget fund and spending. In these

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<sup>149</sup> Shaw, Malcom (1998), "Parliamentary Committees: A Global Perspective", Longley, Lawrence D. and Davidson, Roger H. (eds.) (1998), *The New Roles of Parliamentary Committees*, London: Frank Cass, p.234.

<sup>150</sup>The British Parliament home page,

[www.parliament.uk/parliamentary\\_committees/committee\\_of\\_public\\_accounts/pachist.cfm](http://www.parliament.uk/parliamentary_committees/committee_of_public_accounts/pachist.cfm)

parliaments, the budget committee systemically scrutinizes the whole budget before the final vote in the plenary. In addition to the budget committee, the Committee on Audit and Oversight of Administration has been established in both the Houses of the Diet in 1998, to improve and strengthen the quality of legislative supervision.<sup>151</sup>

As discussed earlier, following the experiments of the British and other European parliaments, the parliaments of India and Sri Lanka introduced department-related standing committee system in the late 1980s to improve overseeing functions of their parliaments. Despite these department-related standing committees, financial committees play an important role in keeping the government accountable for spending. The Public Accounts Committee (PAC) is a well-known oversight committee that exists in the Indian and the Sri Lankan parliaments. Following the British practice, PAC was introduced for critical evaluation of government spending. In addition to the PAC, Sri Lankan parliament has another financial oversight committee named 'Committee on Public Enterprise' (COPE) which examines the activities of the public enterprise. Including the PAC, the Indian parliament has three financial committees. The Public Undertaking Committee and the Public Estimates Committee are equally important standing committees that offer a wide scope to monitor financial matters.

Different parliaments use different committees to perform overseeing activities. As it is observed, department-related permanent committees are mirror images of the government departments, which oversee a particular area of the executive. On the other hand, different types of financial committees are appointed to oversee the financial management of the government in general. In overseeing the financial matters, the financial committees examine financial documents and audit reports. Most of the parliaments also have provision/s to set up special investigative committee on specific matters, mostly on scandal, misconduct and corruption. Such a committee enjoys power to summon and swear in witnesses and to demand the appearance of any government or state official.

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<sup>151</sup> Hasanuzzaman, Al Masud (2005), "Political and Legislative Development in Post-War Japan: An Analysis", *Bangladesh Institute of Strategic Studies Journal*, Vol.26, No.2, p.320.

## CHAPTER III

### Parliamentary Structure in Bangladesh: A Historical Account

The Indian subcontinent has a rich record of institutional development since ancient time. The spontaneous development of institutions and practices had been hampered with the advent of colonial rulers. The countries of this region had first exposure to the western parliamentary system during the British colonial period. In the post-independent period these countries adopted democratic structure and legislative framework as a legacy of the British colonial rule. This chapter analyzes the genesis of representative institutions and the legislative structure in Bangladesh from historical point of view.

#### 3.1 Sabha -Samiti and Panchayats: Tradition of Representative Institutions

Historians and indigenous ancient literature show that democracy was well in place in India long before the British came. As early as Vedic age (Circa 3000-1000 BC), a state was as small as a city-state. It had a capital surrounded by a few villages. The state was ruled by a *rajan* (king) chosen by the people and governed by the people with their consent and approval. The main duty of the king was to protect the people and promote their welfare. There were two popular assemblies named as *Sabha* and *Samiti*. According to the *Rig Veda*<sup>1</sup> these two assemblies were established to assist the King and inspire and encourage him to work for the welfare of the people. If the King made mistakes or took a wrong decision, they would correct him by giving proper advice. These bodies kept a check on the absolutism of the king. People could express their grievances against the government servants before them without fear.<sup>2</sup>

The *Sabha* and *Samiti* were differentiated from each other in their status and functions. The *Samiti* literally meant an assembly or getting together. The term *Samiti* was used in the *Rig Veda* as a general assembly or a house of people while *Sabha* was a body of selected elder persons discharging legal duties like providing justice. Some scholars identified *Sabha* as an assembly of a village and *Samiti* as a national or central assembly of the whole state, constituted of all the male members of the kingdom and probably convened at the capital for

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<sup>1</sup> The Rig Veda is the oldest book in Sanskrit or any Indo-European language; modern Western scholars tend to date it around 1500 B.C. It contains the oldest form of all the Sanskrit mantras.

<sup>2</sup> Subhash C. Kashyap(1994), *History of the Parliament of India*, New Delhi: Centre for Policy Research, p.6.



the ratification/election of a new king. Neither the *Sabha* nor *Samiti* could formulate laws because laws were either sacred or secular. The former was based upon sacred texts and the latter upon customs and traditions. They had no jurisdiction over the matter of laws.

The *Sabha* and the *Samiti* were given sacred positions. The *Atharvaveda* described them as the twin 'daughters' of the '*Prajapati*', the chief of the people. The King convened the two bodies but there was no indication that he presided over the meetings. He could address the joint meetings of the two bodies only with the permission of the elders (*pitaras*). He looked for permission from the combined gathering to ensure that the person whom he proposed to select as his 'ally' will respect and support him.<sup>3</sup> The *Sabha* and the *Samiti* were the most democratic of the Vedic aristocracies. Parliamentary scholars and historians found that *these* had good tradition of practicing democracy and they contained rudiments of a modern parliament.<sup>4</sup>

The two largely democratic institutions- *Sabha* and *Samiti* gradually died away before the time of *Dharmasutras* (c.500 B.C). At that time, republics became larger and elected chief turned towards hereditary and absolute monarchy. Kings were always eager and anxious to grab all power in their hands. In these circumstances, the *Sabha* and the *Samiti* ceased to function.<sup>5</sup> After this, India had no democratic legislature till the British times. During the Muslim rule, the Sultanates introduced federal system modeled on the Persian system. The central government was formed with a Consultative council consisting of four ministers who existed on the sufferance of the King. Throughout the Sultanates and the Mughal period, Ministers or Councilors were appointed by the King to assist him and to carry out his commands. Neither the King nor his councilors were responsible to any other popular body. However the village level, *Panchayat* survived and continued during the Islamic period and even thereafter.

One of the unique democratic institutions that evolved in the ancient period and continued till the British period was the *Panchayat* system. It was a sort of village assembly consisting of five elder members of the village. The members were either nominated by the king or elected by the people of the village. It elected or nominated its own headman who served as a link

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<sup>3</sup> Nagarajan,V (2000), Prologue to Hindu Political Sociology : Studies in Ancient Indian Social Polity, p.1. Available at <http://www.geocities.com/vnagarajana402/prologue1.htm>

<sup>4</sup>,Subhash C. Kashyap, *op. cit.*, p.6.

<sup>5</sup> *ibid*, p.7

between the village and the government. The *Panchayat* was accountable to the villagers for overall management of the administration of the village. Generally, it performed judicial and social welfare duties including land distribution among the villagers, tax collection and payment of government tax. The *Panchayat* also had some social responsibilities including holding fairs and festivals, looking after religious practices and moral contacts. All activities were conducted in a public place. If any member failed to satisfy the villagers or could not justify the use of public funds he was considered disqualified for his office. The *Panchayat* system was gradually replaced by the new institutions invented by the British rulers in India since 1885. It was finally replaced by the Union Board (local self-government) with the passing of the Bengal Village Self Government Act 1919.<sup>6</sup>

### **3.2 Parliamentary Structures: British Colonial Period (1854-1947)**

There were representative institutions in ancient India at various levels but none of them existed during the colonial period except *Panchayat* system. In addition to the *Panchayat* system, local self-government system was introduced at local levels to build up and consolidate the British rule in India. The main purposes of these institutions were to collect revenue, maintain law and order situation. Until 1853, there was no legislative body at all. Both the executive and the legislative power were vested to the Governor-General Executive Council.<sup>7</sup> The Charter Act of 1853 first differentiated legislative functions from the executive. But the Indians were not appointed as members of the legislative council. The Sepoy Mutiny of 1857 made it abundantly clear to the rulers that they must associate Indians with the law-making process.<sup>8</sup> The Indians also expressed their interests to be included in the legislative process. For example, two petitions were placed to the British Parliament by the inhabitants and taxpayers of Calcutta and Bengal proper, in March 1861 and the inhabitants of Bombay and Madras submitted another petition in the same year. The native elites and the intellectuals gradually raised their voice for the addition of Indians in the legislative organs. One factor that contributed to the reformation of the existing legislative structure was the growing national feelings among the Indians. In the early nineteenth century, the spread of western education and liberal ideas brought changes in the socio- cultural aspects and generated national feeling. With these societal changes, the political leaders raised demands

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<sup>6</sup> Shibnath Banerjee, "Panchayet System", *Banglapedia*, Dhaka: Asiatic Society, available at <http://banglapedia.search.com.bd>

<sup>7</sup> Kapur, A.C. (1985), *Constitutional History of India: 1765-1984*, New Delhi: S. Chand & Company Ltd., p.77.

<sup>8</sup> Punnaiah, K.V. (1938), *The Constitutional History of India*, Alahabad: The Indian Press Ltd., p.100; Dutta, Satyabrata (1980), *Bengal Legislature (1862-1920)*, Calcutta: Resonance Publishers, p. VII.

for constitutional reforms so that they could participate in the governing process. The Indian Council Act of 1861, 1892 and 1909 made great efforts in expanding Indian participation in the legislature. In establishing a representative parliament, the Government of India Act of 1919 and 1935 were two further important steps.

The Charter Act of 1853 made an effort to differentiate between the Executive and Legislative Council. Under the provision of the Charter Act, the Legislative Council (later Council) consisted of twelve members for the purpose of legislation. The legislative procedures adopted by the Council were similar to those in the British Parliament. Bills were scrutinized by a select committee before final consideration in the House. Besides legislative function, the Council had right to criticize the executive for any lapses and excesses. The Council was also constituted for the purpose of inquiry into and redress of grievances. But it was hardly possible for the Governor-General to know the Indian views on legislative measures because among twelve members of the Council, none was an Indian. Thus it can be argued that the Council was just an enlarged body of the Governor General's Council.

The Act of 1861 enlarged the size of the central legislature from twelve to minimum fifteen and maximum twenty-one. Under this Act, the council was consisted of three different types of members: ordinary members (5 members), extraordinary member (one member) and additional members (6 to 12members). The ordinary members were nominated from among the Governor-General's Executive Council, the Commander-in-chief was an extraordinary member and one half of the additional members were official while the other half were non-official members, nominated from among the Indians. This political inclusion of the Indians was a reflection of the British policy to associate the Indians with administration.<sup>9</sup>

In line with the provisions of the Act of 1861, the Legislative Council was established in the Bengal province in 1862 when only a few countries outside Europe and North America could claim to have established representative institution.<sup>10</sup> Among the five provincial legislatures Bengal was chosen for three reasons. Firstly, from the beginning the British presence in the Indian sub-continent was centered in Bengal and over the years, they extended commercial contacts and administrative control to other parts of India. Secondly, Bengal was the center point of national movements. Thirdly, Bangladesh was a part of Bengal as East-Bengal and

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<sup>9</sup> Dutta, Satyabrata, *op. cit.*, p. VII

<sup>10</sup> Ahmed Nizam(2001), "Parliamentary committees and parliamentary government in Bangladesh", *Contemporary South Asia*, Vol.10 (1).

the parliamentary norms and procedures that the Bangladesh parliament inherited were the colonial legacy of the practices of the Bengal Legislative Assembly.

The Bengal Legislative Assembly was first set up in 1862 with official and non-official members selected by the Lieutenant Governor. The Assembly was constituted only with non-Indians because there was no statutory provision for the nomination of the Indians in this Assembly. Under the Act of 1861, Provincial Assembly had enjoyed limited legislative power. They had no power to alter the Acts made by the Central Legislative Assembly. All the bills passed by the Provincial Legislative Assemblies were subjected to the assent of the Lieutenant Governor.

The Act of 1861 did not establish a representative government as practiced in England. Sir Charles Wood, the Secretary of State who proposed this Act, did not desire to establish any representative government in India. He confirmed it in the House of Commons that the Central and Provincial Assemblies were not intended to be representative law-making bodies in the normal sense of the concept. This Act was in fact framed for strengthening the hands of the Government.<sup>11</sup> Therefore, the Act did not allow the central and provincial legislatures to make any law or regulation affecting the sovereignty of the Crown or the Parliament over Indian possessions. The Act also restricted legislators to ask any question or criticize executive policy. Regarding these limitations, the central and provincial legislatures could not hold their supremacy over the government. They were deliberately controlled by the central government. For that reason, the Indian Council Act of 1861 could not satisfy the Indian aspirations. Subsequently the nationalist political leaders and the educated middle class started agitation for substantial reforms in the existing procedures of the legislatures.

The Indian Council Act -1892 brought some changes in the composition and functions of the central and Bengal legislatures. This Act increased the number of additional members of the Indians but they did not override the official majority in the Assembly. Despite this, non-official members of both the central and Bengal legislatures were given rights to participate in the law making process. They had enjoyed opportunities to ask questions on executive policies and discuss annual statement of revenue and expenditure. But they had no right to put supplementary questions or to move resolutions. Although, the Act of 1892 was

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<sup>11</sup> Berriedale, Keith A. (ed.) (1922), *Speeches and Documents on Indian Policy: 1750-1921*, Vol. II. London: Oxford University Press, p.15.

advancement upon the previous measures, it did not provide much scope for criticizing and controlling the executive. Non-official members were not able to influence the executive policies and to press any demand against official majority. The executive's dominance over the Assembly remained as before and the Council functioned more or less as a *Durbar* of the Viceroy.<sup>12</sup>

While the people became frustrated with the development of representative institutions, Lord Curzon, the Governor-General of India partitioned Bengal into two separate provinces: West Bengal and Eastern Bengal (along with Assam) in 1905 on the ground of administrative efficiency. This elicited a storm of protest, which forced the government to rescind this decision within six years.<sup>13</sup> However, partition of Bengal was annulled in 1911 but it contributed to the loss of faith of the Muslims on the British and decreased Hindu-Muslim relationship. A growing dissatisfaction resulted in organized mass political agitation for increased participation in the legislative process. On the other side, extremist activities forced the British rulers to change their attitude towards Indian demands. When the political conditions in India were rapidly changing, the liberals came to power in England, who believed in freedom and autonomy more than discipline and efficiency.<sup>14</sup> John Morley, the Secretary of State of India, along with Lord Minto, the Viceroy of India took up reform measures. Lord Minto appointed a committee under Sir Arundle for submitting a report on the question of increasing the Indian representation in the legislative Assemblies. Upon his proposal Indian Legislative Council Bill was passed in the House of Lords in February 1909.

The Legislative Council Act-1909 enlarged the size and functions of both the Central and Bengal legislatures. Though the new Act allowed the legislators to move resolution and ask supplementary questions, the central and Bengal Legislative Assembly remained subordinate to the executive as before.<sup>15</sup> The non-official members could hardly pass any proposal against the official majority. The major backdrop of this Act was the introduction of indirect method of election. It divided the electorate in different blocks, such as Muslims, Landlords, Muslim Landlords, Chambers of Commerce or business class. This communal system of

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<sup>12</sup> Sikri, S.L., (1964), *A Constitutional History of India*, Jullundur City, India, p.96.

<sup>13</sup> Chatterji, Joya (1996, Indian Edition), *Bengal Divided: Hindu Communalism and Partition (1932-47)*, Cambridge: Cambridge University Press, p.1.

<sup>14</sup> *Ibid.*, p. 103

<sup>15</sup> Husain, Shawkat Ara (1991), *Politics and Society in Bengal*, Dhaka: Bangla Academy, p. 16.

representation significantly divided the electorates that ultimately contributed to the division of the country.<sup>16</sup>

Until 1920, the Indians who were appointed to the Legislative Council as non-official members were not typical politicians; they were mainly landlords or *Zamindars*, rich merchants etc. They were not in fact hostile to the British administration.<sup>17</sup> Parliamentary records reveal that they were less interested in the debates as much as they were interested in the discussion of the Bills related to property, taxation and inheritance.<sup>18</sup> A limited number of educated Indians were elected to the council but the number of subjects they could discuss was limited. Most of the legislative bills passed in the House were government initiated.

Above discussion reveals that the non-Indian groups were dominant in both the central and the Bengal legislatures and the power granted to the legislature was not much. The Indians were, therefore, constantly engaged in demanding greater amount of self-government rather than working within the Legislative Councils.<sup>19</sup> Political agitations, aspirations and expectations all over India turned into national movement. The Muslim League and the Indian National Congress picked up the issue and raised demand for making the parliament more representative. In the mean time, based on the report submitted by the Secretary of State for India, Mr. Montagu, and the Viceroy Lord Chelmsford, the Government of India Act-1919 introduced federal legislative system and turned '*darbar* of native prince' into a democratic legislature.

Under the new scheme, the central legislature was reconstituted with two chambers: Legislative Assembly as the lower House and Council of State as the upper House. The lower House was constituted with 144 members of whom 41 were nominated while the upper House was constituted with 34 elected and 26 nominated members. The provincial legislatures were all unicameral consisting of elected and nominated members.

In accordance with the provisions of the Act of 1919, the Bengal Legislative Council consisted of both the elected (70% members) and nominated members (30%), and among the

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<sup>16</sup> Subhash C. Kashyap, *op. cit.*, pp.55-56.

<sup>17</sup> Dutta, Satyabrata, *op. cit.*, p. 42.

<sup>18</sup> Rashiduzzaman, M. *op. cit.*, p. 5.

<sup>19</sup> Dutta Satyabrata, *op. cit.*, p. VII.

nominated members 20% were officials.<sup>20</sup> The elections for the Bengal Legislative Assembly were held in 1920. For the first time, members of the Assembly were elected from the banner of political parties.<sup>21</sup> Since the inception of new electoral elements in the legislatures, a new type of political class emerged who had contributed to the development of the parliamentary process in this region. Most of the prominent members of the Assembly were leading lawyers of the country and landowners. It has been observed that they took an intelligent part in the legislative process and their speeches lasted longer, they raised questions, moved amendment bills and criticized government policies on the floor.<sup>22</sup>

The Government of India Act, 1935 further extended the scope of operation of the central and the provincial legislatures. Major features of this Act were the autonomy of the province and formation of provincial legislatures with wholly elected members. The Federal legislature remained bicameral; upper house was known as the Council of State consisting of 156 representatives of the British India and not more than 104 representatives from the Indian States. The lower house, the House of Assembly had 375 representatives, of whom 250 seats were filled by the representatives of the British India and the rest by the representatives of the Indian states. Although, Indian participation was enlarged in the federal legislature, element of indirect election was still against the participation of real democracy. The Act placed a number of restrictions on the legislative power of the Federal Assembly; for example, no law could be passed without the consent of the Governor General, and he could, at his discretionary power, promulgate ordinances during the recess of the legislature.

The provinces of Madras, Bombay, Bengal, the United Provinces, Bihar and Asam had bicameral legislatures and the other provinces had unicameral legislatures. The bicameral legislature consisted of two chambers: the Legislative Council (upper house) and the Legislative Assembly (lower house). Where the legislature was unicameral, it was called the Legislative Assembly. The Act provided the provincial legislature authority to make laws for the province but prohibited from making any law affecting the sovereignty or dominion of the Crown over any part of India, or amending any part of the Government of India Act.

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<sup>20</sup> Nomination element was removed from 1937 by the Government of India Act 1935.

<sup>21</sup> Between 1921 and 1936 Bengal legislative Assembly hold its election for four times, last time it was in session for more than seven years.

<sup>22</sup> Rashiduzzaman, *M. op. cit.*, p. 5.

The elections of the Legislative Assembly were held in April 1937. In these elections the Congress Party had won majority in eight provinces. The Congress Party had formed government where they turned up in majority. In Bengal Congress government could not emerge as a stable government. Their performance was far from the satisfaction of the people. The opposition had moved no confidence motion against the government when they had delayed signing the Bengal Tenancy (Amendment) Act Bill. However, it was rejected by 130 votes to 111 votes. The Congress government functioned in Bengal till March 1945. But the legislative activities had decreased since 1939 due to Second World War. Following the end of the War, Bengal Legislative elections were held in 1946. In these elections Muslim League won the majority and the Congress became the second largest party. The Muslim League formed government in 23 April 1946. Before the legislature could do any significant work, India was partitioned and two dominions named India and Pakistan were established. In the Independence Act, constituent assemblies of the two dominions were made fully sovereign and were given power to frame their own constitutions.<sup>23</sup>

**Table -: 3.1 Constitutional Acts: Central and Provincial Legislatures (1853-1947)**

Acts	Provisions Regarding Central Legislature	Provisions Regarding Provincial Legislature
The Charter Act of India, 1853	Transference of the Government of India from Company to the Crown.	Appointment of a separate Governor of Bengal
	Separation of the Legislative Council (CLC) from the Executive.	Provincial Governments were given right to represent in a matter of legislation.
The Indian Councils Act, 1861	Legislative Council was enlarged as well as empowered to make laws and regulations for all persons.	Governor-General of the provinces was empowered to nominate the Additional Members for the purpose of provincial legislation.
	Every law required the assent of the Governor-General to become a law.	Bengal Legislative Council (BLC) could make laws for the Province but could not alter laws made by the LC.
The Indian Councils Act, 1892	Introduced elective element in the CLC.	Enlarged the number of Additional Members.
	Enlarged the functions of the CLC.	Enlarged the functions providing right of interpellation on matters of public interests and discussing the policy of Govt.
	Provided right of questioning.	Provided right of questioning.
The Indian Councils Act, 1909	Enlarged the size of the CLC.	Enlarged the size of the BLC and fixed to 52.
	CLC was given the right of discussion, asking questions and	Members were classified into elected, officials and nominated non-officials.

<sup>23</sup>Khan, Hamid (2005), *Constitutional and Political History of Pakistan*, Karachi: Oxford University Press, pp.20-44.



	supplementary questions.	BLC was given the right of discussion, asking questions and supplementary questions.
The Government of India Act, 1919	Provided bi-cameral legislature: Council of State (Upper Chamber) and Legislative Assembly (Lower Chamber)	BLC was renamed Bengal Legislative Assembly and number of members were fixed at 140 out of them 114 were to be elected.
	Majority Members of LA were elected and tenure was fixed at 3 years.	Tenure was fixed at 3 years.
	Legislature was given more right of criticizing and controlling the Executive.	Legislature was given more right of criticizing and controlling the Executive.
	Governor-General was remained powerful.	Governor-General was remained powerful as a matter of summons and dissolve the Assembly.

Source: Compiled by the author from Satyabrata Dutta, *Bengal Legislature: 1862-1920*, Calcutta: Resonance, 1980, S.L. Sikri, *A Constitutional History of India*, Jullundur City, India: 1964.

### **Committees in the Indian Central Legislative Assembly**

The committees, which had worked in the Central Legislative Council before 1920, can be categorized into three types: the Committee of the Whole House, the Select Committees and the Petition Committee. The provision of the Committee of the Whole House was abolished and some new committees such as departmental standing committees and Public Accounts Committee started to work in the Legislative Assembly as late as 1921 (Table 3.2).<sup>24</sup>

The Appointment of Select Committee was first recorded in Britain in the third Parliament of Elizabeth in 1571 and in the Indian Central Legislative Council (1854-55) in 1854. The main purpose of the first Select Committee was to classify several matters of pending business and to distribute them among the members of the council. Under the Government of India Act, 1919, the Rules of the Central Assembly provided that every bill should be referred to a Select Committee for the purpose of detailed thrash out. It was then considered as one of the important organs in scrutinizing legislative proposals. As mentioned in the Rule 39(1) of the Rules of Business of the Central Legislative Assembly, Select Committee consisted of 12 to 20 members. The members of the Government to whose departments the Bill was related and the member of the Law Department of the Governor-General's Executive Council, if he was a member of the Assembly, were selected to be members of every Select Committee. The

<sup>24</sup> The Central Legislative Council resolved itself into the Committee of the whole House on 1<sup>st</sup> July 1854 and continued until 1920.

other members were appointed by the Assembly from the prominent members of parties, groups and representatives of special interests.<sup>25</sup> If the Member of the Law Department was not a member of the Assembly, the President of the Assembly became the chairman of this committee. His power and functions were similar to those of the President of the Assembly. The Chairman had absolute authority for deciding whether a bill should be enlarged in scope or not. He had right to point of order and ruling which were considered to be final and the President of the Assembly was not a court of appeal against such rulings.

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<sup>25</sup> Kashyap, Subhash C., *op. cit.* p 137.

**Table -: 3.2 Committees in the Indian Central Legislature (1854-1947)**

<b>Types of Committees</b>	<b>Date of First Emancipation</b>	<b>Composition</b>	<b>Jurisdictions</b>
Select Committees	1854*	<b>Chairman:</b> Law Member  <b>Members:</b> Number was varied from 8 to 12.	Review and modify the bills.
Joint Select Committee	1921	<b>Chairman:</b> Elected from among the Committee Members  <b>Members:</b> number was not fixed but convention restricted the number to 12	Review and modify the bills, which were of equal concern to both House.
Standing Committees	1922	<b>Chairman:</b> Head of the Dept. of Government  <b>Members:</b> 2/3 elected by the Council of State and Legislative Assembly 1/3 Government nominated.	Advising the relevant department
Public Accounts Committee	1923	<b>Chairman:</b> Finance Member  <b>Members:</b> 8 elected by the non-official members of the Assembly and 4 nominated by the Government	Scrutinizing public expenditure for finding irregularities as well as made recommendation.
Standing Finance Committee	1921	<b>Chairman:</b> Finance Member as the <i>ex-officio</i> chairman  <b>Members:</b> 14 Elected Members	Examining the voted estimates of all departments, sanction allotments out of lump sum grants, assist and advising the Finance Department
Standing Finance Committee for Railways	1924	<b>Chairman</b> Nominated official member of the Assembly  <b>Members</b> 11 Elected Members	Examine the estimates of the Railways
Military Accounts Committee	1931	<b>Chairman:</b> Finance Member  <b>Members:</b> Finance Secretary and three non/official members nominated by the PAC	Examining the military expenditure
Committee on Public Petitions	1924	<b>Chairman:</b> Deputy President of the Assembly  <b>Members:</b> 4 members nominated by the President of the Assembly	Deal with the general question of Petitions to the legislature

\*Select Committees were first appointed by the Indian Imperial Legislative Council in 1854 and subsequently by the Central Legislative Assembly in 1921. Source: Table is compiled by the researcher.

The meetings of a Select Committee were held in private; no public or media person was allowed to cover or to observe the meetings and the committee proceedings were treated as confidential. Therefore, the members were not permitted to give any reference in the plenary in connection with the Select Committees. After scrutinizing a bill, the committee submitted a report with a brief discussion about the reasons for alternations and amendments of a bill if there was any. The Select Committees could not amend beyond the scope of a Bill without specific instructions. Secondly, the committee had no option to disagree with the principles of a Bill. Therefore, the Select Committee could not reach a conclusion at variance with the principles accepted.<sup>26</sup> Despite these limitations, during the time span between 1920 and 1947, the Select Committees had submitted 151 reports scrutinizing as many as 213 bills. In some cases, the committee was used as a dilatory tactic for killing bills. For example, between 1923 and 1938 as many as seven bills were killed in the committee stage. Apart from these, the Select Committees had developed a procedure similar to that of the British House of Commons. The members also had paid attention with the best of their knowledge to become familiar with the committee process in scrutinizing legislative proposals.

The Standing Committees were first introduced in the Indian central legislature in 1922 according to the recommendations of the Montagu-Chelmsford report. The authors noted in their report: "We wish to apply the procedure of standing committees, as far as may be possible, to both portions of the Indian legislature."<sup>27</sup> According to their recommendation nine standing committees were set up in the Legislative Assembly parallel to the department of Commerce, Education, Health and Lands, Emigration, Home, Industries and Labor, Revenue and agriculture, Roads, and Finance Department.<sup>28</sup> In addition, a separate Standing Finance Committee for Railways was set up in 1924 as the railway budget was separated from the general budget. The main jurisdiction of this Committee was to examine the estimates of the Railways on behalf of the Assembly.<sup>29</sup> In accordance with the ROB, the Standing Committee was constituted with official and non-official members every year. Two-thirds of the members of each committee were non-officials, who were elected by ballot from among the members of the Assembly and the Council of State in proportion to their strength

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<sup>26</sup> Suri, Promila (1977), *Growth of Committee System in the Central Legislature of India: 1920-1947*, New Delhi: Associated Publishing Co., p.65.

<sup>27</sup> Report on Indian Constitutional Reforms, London: His Majesty's Stationary Office, 1918 (reprinted 1925), pp. 191,229.

<sup>28</sup> Report on Indian Constitutional Reforms, London: His Majesty's Stationary Office, 1918 (reprinted 1925), pp. 191,229.

<sup>29</sup> Rashiduzzaman M. *op. cit.*, pp. 214-15.

and the remaining one-third of the members were nominated by the Government. The head of the respective department held the committee chair.<sup>30</sup>

Functions of the standing committee were determined according to the regulations made by the Governor-General. The standing committees could not prevent introduction of any legislation and they did not have any administrative control over the respective departments. The Government could refuse any information, which was inconsistent with public interest. The committees held their meetings once or twice during the course of the year and their reports and proceedings were strictly confidential. It is therefore said that the standing committees could hardly perform any constructive work in framing policy or in controlling government departments.<sup>31</sup>

The PAC was first introduced in the British Parliament in April, 1861 and later it transplanted to the Indian soil. The idea of the PAC first came in the Indian Central Legislative Council in 1896 in the form of recommendation of the Welby Commission and it became a permanent arrangement by the Government of India Act, 1919. The idea of the PAC was taken from the British Parliamentary Committee system so sharply that W.H. Morris Jones firmly noted "... it took the British Parliament a very long time to create this particular device, but it was transplanted quickly to the soil of India's quasi-parliamentary institutions".<sup>32</sup> The strength of the PAC was fixed to be of twelve members with the Finance Member as the *ex-officio* chairman. One-third of the members were nominated by the Governor-General and the remaining two-thirds were elected by single transferable vote by the non-official members of the Assembly. Abolishing the nomination system the PAC became a fully elected committee in 1937.

According to the Rules of Business, committee meetings were convened before the beginning of the autumn session and number of meetings varied from ten to twenty each year. The committee started its meetings after consultation for a few minutes with the Auditor-General. During the course of witnesses, every department was to be represented by their highest officer for explaining accounts to the PAC. The committee was authorized to call for persons, papers and records from any government department and to recommend for disciplinary action against officers responsible for mismanagement of public money. Apart from these,

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<sup>30</sup> Ibid, p. 229.

<sup>31</sup> Suri Promila, *op. cit.*, p.130.

<sup>32</sup> Jones, W.H. Morris (1957), *Parliament in India*, London: Longmans, p. 279.

the PAC was deprived of the opportunity to scrutinize military expenditure. Therefore, a sub-committee was set up in 1925 for scrutinizing military expenditure with the Finance Member as chairman. The committee was reconstituted in 1931 as Military Accounts Committee with the Finance Member as chairperson. The Finance Secretary and three non/official members nominated by the PAC were members of this Military Accounts Committee.

The Petitions Committee was appointed in the Legislative Assembly in 1924 with the Deputy President of the Assembly as Chairman and with other four members nominated by the President. This committee was constituted at the commencement of each session for examining every petition referred to them and for reporting back to the assembly.<sup>33</sup> Until 1947 the committee had submitted as many as 17 reports examining similar number of petitions. The Petitions Committee could not become popular because of the non-sovereign character of the Assembly.

A Joint Select Committee was first set up in the Central Legislative Assembly in 1921 with twelve members equally from each Chamber. The chairman of the Joint Committee was elected by the members. If a bill was equally concerned in both the Chambers, Joint Committee was appointed on the basis of agreement from both the sides. Between 1921 and 1947 as many as 18 Bills were referred to the Joint Committee and four proposed Bills were negated. The committee facilitated expeditious consideration of legislation as well as avoided duplication of proceedings, saved time and developed closer relationship between the Chambers.<sup>34</sup>

### **Committees in the Bengal Legislative Assembly**

The growth of committee system in the Bengal legislature may be traced with the establishment of the legislative assemblies in the provinces. The committees, which functioned in the Bengal Legislative Assembly, can be divided into four types: Committee of the Whole House, Select Committee, Finance Committee and Public Accounts Committee.

The Bengal Legislative Assembly often turned into Committee of the Whole House. Following the British parliamentary practice, House itself resolved into a committee with all members of the Assembly to review important bill or particular parts of legislation without

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<sup>33</sup> Standing Orders 80 (1) and 82, The Gazette of India Extraordinary, date, 14 July 1923, pp. 678-79.

<sup>34</sup> Suri Promila, *op. cit.*, p.86.

observing the formalities required by the Rules of Procedure. It was a different manner of sitting of the Assembly. Some important bills including the Calcutta Municipal Bill were considered in the Committee of the Whole House in 1876. Besides legislation, the Assembly also turned into Committee of the Whole House every year to examine the Budget. Following the committee stage budget was finally introduced in the Assembly for general debate.

The predominant role of the Bengal legislative Assembly was in the realm of law making. When a bill was introduced in the Assembly, the mover made a motion either for consideration of the bill at once or sent for eliciting public opinion or sent it to the Select Committees for discussing and thrashing out the proposed bill thoroughly. In the committee stage a bill was examined clause-by-clause. After a detailed discussion on the bill, recommendations were taken by majority votes. After scrutinizing a bill the committee submitted their report in the plenary. In this report, the committee made suggestions whether a bill will be published in more than one Gazette in an amended form or whether it was unnecessary to be proceeded. The committee even made suggestions for withdrawal of a bill. For example, the Bill for Appointment of the Calcutta Municipal Commissioner was withdrawn according to the committee recommendation in January 1863. On the other hand, the Select Committee was sometimes discharged even from the reporting stage. For example, the committee was discarded while "fines on villages for outrage and trespass committed" bill was withdrawn in 1862.

The Select Committee was composed of both official and non-official members including the Members who introduce the bill, the Member of Government to whose department the bill is related and the Law Member of the government. The member in charge acted as chairperson of the committee in absence of the Law Member. In case of an equality of votes, chairperson was authorized to have a second or casting vote. The committee chairman convened the meeting and meetings usually sat intermittently. It is observed that during the sitting time, the committee provided scope for a detailed discussion on conflicting issues more freely than in the Assembly as a whole. The committee members were devoted to improve the quality of the bill and made a good use of their knowledge for amending and modifying bills. As Surendra Nath Banerjee wrote in his biography, "I was a member of the select Committee; and for three months, and from day to day, we were hard at work until we submitted our Report".<sup>35</sup>

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<sup>35</sup> Banerjee, S.N. (1925), *A Nation in Making*, Calcutta, p.130; Satyabrata Dutta, *op. cit.*, pp.61-62.

Among the committees established in the Bengal Legislative Assembly, the Finance Committee was appointed every year, within the first week of January on *ad hoc* basis for the purpose of discussing and suggesting on the Draft Financial Statement. The committee consisted of twelve members, half were official members nominated by the government and the rest were non-officials elected by the Assembly members. The member of the government who was in charge of Provincial Finance department was appointed as the chairperson of the committee. Although the members were allowed to make free discussion the chairperson had right to close discussion if these were considered to be disadvantageous. The chairperson was allowed to exercise second or casting vote.

The Finance Committee met in private. Decision to change the estimated revenue or expenditure was taken by majority votes. As regards the responsibility, the committee was concerned only about non-obligatory items of expenditure of the Provincial Budget. The committee could not exceed the aggregate expenditure fixed by the Government of India. But the committee was free to make variations and even to insert new items occasionally.<sup>36</sup> The committee ceased to exist when they submitted their budget report to the Government of Bengal and it was not later than 28<sup>th</sup> January.

The PAC was appointed in the Bengal Legislative Assembly comparatively later than the two other types of committees. It was first set up in the Assembly in 1923 with twelve members, of whom two-thirds were elected by the non-official members while other members were nominated by the government. The Finance Member was appointed as an ex-officio chairperson of the PAC. Like in the Finance Committee, PAC chairperson had a second vote or casting vote in case there was an equality of votes. The jurisdictions of PAC were confined to deal with the appropriation of accounts of the Government of Bengal. This committee was responsible to review the course of public expenditure and to check on the regularity of accounts. After general discussion, the PAC submitted its report to the Assembly for consideration and created pressure on the Government to implement committee suggestions.

From the discussion it is understood that the executive had an upper hand over the legislatures. In real sense, legislatures in both the central and provinces were subordinate to

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<sup>36</sup> Ambedkar, B. R. (1925), *The Evolution of Provincial Finance in British India a Study in the Provincial Decentralisation of Imperial Finance*, Westminster: P. S. King & Son Ltd., available at <http://www.ambedkar.org>



the executive. Governor-General enjoyed supreme authority in convening and dissolving the House even before completing the tenure. Any bill scrutinized by the committees and passed by both the Houses required his assent to be enacted into law. Even the Assembly could not vote upon or discuss a number of items in the budget. The Acts of 1861 and 1909 could significantly change the legislative structure in both the center and the provinces. The discretionary power of the Governor General reduced the autonomy of the legislatures. The Government of India Act, 1919 comparatively added democratic elements and the Government of India Act, 1935 introduced the notion for responsible government. Between 1920 and 1939, Assembly met more regularly and discussions were more vibrant than any other previous legislature. Activities of the Assembly were decreased during the Second World War (1939 –1945) and Assembly met occasionally. The Congress party decided to boycott the session against unilateral decision of the British government to involve India in the War.<sup>37</sup>

### **3.3 Parliamentary Structure in Pakistan (1947-1971)**

When the British ceded power in 1947, India was partitioned into two states as India and Pakistan. Under the provisions of the Independence Act 1947, Bengal province was divided into two provinces known as East Bengal and West Bengal. According to the policy of boundary commission East Bengal (Bangladesh) became a province of Pakistan as East Pakistan and continued to be so until its emergence as an independent state in 1971.<sup>38</sup> Economic deprivation, authoritarian attitudes and political domination led to disintegration of Pakistan. Finally a military crackdown culminated in a full-fledged civil war, which brought independence of Bangladesh.<sup>39</sup>

Following the end of the British rule, Pakistan adopted the Government of India Act, 1935 as its interim constitution with the amendment of some clauses and continued until the proclamation of new constitution in 1956. Although the constitution envisaged the parliamentary form of government, it could not function longer than two-and-a half years. The constitution was abrogated with the proclamation of martial law in 1958 and shifted towards a presidential form of government. Until the proclamation of martial law, there were two legislative assemblies in the centre as well as in the provinces. First Constituent

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<sup>37</sup> Ahmed, Nizam (2002), *op. cit.*, p.30.

<sup>38</sup> Officially the name East Bengal was redesigned in 1956 as East Pakistan in the constitution of 1956.

<sup>39</sup> Choudhury Dilara (1994), *Constitutional Development in Bangladesh: Stresses and Strains*, Karachi: Oxford University Press, p.99.

Assembly was constituted at the time of independence in 1947 and continued until the election of second legislative assembly in March 1954.

The first Constituent Assembly consisted of 69 members and subsequently it was increased to 74 members. Among the total number of members, the Muslim League had 59 members and the rest belonged to the Congress. The members of the Assembly were not elected by universal suffrage; they were elected by the provincial legislatures whose members in turn were selected by an electorate consisting fifteen per cent of the total population.<sup>40</sup> Under the provisions of the Government of India Act, 1935, all power and functions of the central legislature were conferred to the Constituent Assembly. The Assembly had two major responsibilities: to prepare a constitution and to act as the Federal Legislative Assembly.

The first significant step towards the framing of the constitution was taken by the Constituent Assembly when it passed a resolution on the 'Aims and objectives of the Constitution'. Following the passing of the resolution, the Assembly appointed number of committees and subcommittees to work out the details of the Constitution. The Basic Principles Committee, the Committee on Fundamental Rights and the Committee on Matters Relating to Minorities were the most important committees set up for framing the Constitution. They submitted their reports, which were accepted in the House. While the constitutional issues were settled the draft constitution was placed to the House for final consideration. But the Governor-General dissolved the Assembly before promulgating the constitution. He did so because the Assembly attempted to curtail the power of the Governor-General by enacting two important bills- one was repeal of the Public and Representative Offices (Disqualification) Act of 1949 and the second was the amendment of the Government of India Act 1935 which was earlier adopted in Pakistan with some modifications. The former aimed at reducing mismanagement and corruption and the latter at curtailing the Governor-General's power to dismiss the ministry.<sup>41</sup>

The second Constituent Assembly consisted of 80 members equally from East and West wings of Pakistan. The Assembly members were elected by the members of the provincial legislatures according to the proportional representation method like its predecessors. The major achievement of this Assembly was to unify West Pakistan into a single unit. West Pakistan formerly had one Chief Commissioner's province, number of states and tribal areas.

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<sup>40</sup> One representative for each million of population. For detail, Ahmed Muneer (1960), *Legislatures in Pakistan*, Lahore: University of Punjab, p. 14.

<sup>41</sup> Khan, Hamid, *op. cit.*, pp. 99-100.

All of these various units were merged into a single province called West Pakistan by adopting the Establishment of West Pakistan Act, 1955. The most important task of the Constituent Assembly was to pass the draft Constitution framed by its successor. The draft Constitution was passed in the House on 8 January 1956 with certain changes and amendments. The constitution makers were in favor of parliamentary form of government in the centre as well as in the provinces. Under the provisions of the constitution, the parliament of Pakistan named the National Assembly, consisted of 300 members, half of whom were elected from the eastern wing and the remaining half from the constituencies of the western wing. The Provincial Assemblies like the National Assembly were unicameral. The rules of procedure were based on the spirit and substance of those at the Westminster.<sup>42</sup>

The parliamentary form of government could not last longer than two-and-half years. No general election was held under this constitution. However, the first general election was scheduled for early 1959. But President Iskandar Mirza first tried to postpone the general election. He finally dissolved the National and the Provincial Assemblies declaring Martial Law on 7th October 1958 and General Muhammad Ayub Khan was appointed the Chief Martial Law Administrator who later replaced himself of Mirza on 27 October 1958. All parliamentary institutions were abolished with the declaration of martial law. The military government banned all political parties and declared politicians disqualified for seeking public office.

General Ayub Khan appointed a Constitution Commission to make a proposal for giving the country a firm and stable government. Examining the progressive failure of parliamentary government in Pakistan, the Commission found three major causes: firstly, lack of proper election procedure; secondly, undue interference of the head of the state in the ministries, political parties and undue interference of the central government in the functioning of the provinces; and thirdly, lack of well-organized and disciplined political parties. However, politicians disagreed with the observations of the commission. Ayub Khan himself was against parliamentary form of government. He consistently argued that the British parliamentary system, which was inherited from the colonial experience, was not suitable for Pakistan and it brought political instability in the country. He also believed that the political system, which was adopted in the Constitution of 1956, required many social prerequisites

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<sup>42</sup> Khan, Hamid, *op. cit.*, pp. 60-111.

for its success such as high literacy and well developed education system.<sup>43</sup> The Constitution promulgated in March 1962 adopted the presidential form of government replacing the parliamentary system. In support of the presidential form of the government, Ayub Khan stated, “We have adopted the presidential system as it is simpler to work, more akin to our genius and history, and less liable to lead to instability, a luxury that a developing country like ours cannot afford.”<sup>44</sup>

The Constitution envisaged a strong and centralized government. All executive power of the republic was vested in the office of the President. The cabinet members were appointed by him and they were directly responsible to him. He had power to make and promulgate ordinances when the National Assembly remained dissolved or was in session. Every bill passed in the National Assembly required his assent to be a law. Under the new Constitution election for the provincial and central legislative assemblies were held twice in the 1960s but the assemblies could not be made active.

President Ayub Khan introduced a new system designated as ‘Basic Democracy’, which aimed at building a strong base of popular representation at the bottom and then constructing the super structure of co-operation between the people and the administration at the top.<sup>45</sup> But this institution failed to raise Bengali participation in the political system.<sup>46</sup> Political movements in the eastern wing aimed at the reintroduction of the parliamentary form of government. The Awami League under the leadership of late Sheikh Mujibur Rahman adopted the famous ‘Six Point Formula’ for the autonomy of East Pakistan at its council meeting held in Dhaka in 1966. There is an argument that the language and cultural differences, socio-economic imbalance and large geographical distance between the two wings of Pakistan made the demand for autonomy more logical and strong.<sup>47</sup> Since the adoption of the ‘Six Point Formula’, the political situation faced turmoil and finally the government lost its control over the country. General Yahia Khan took over the presidency and declared martial law on March 26, 1969.

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<sup>43</sup> Huq, Mahfuzul M.(1966), *Electoral Problems in Pakistan*, Dhaka: Asiatic Society of Pakistan, p.152.

<sup>44</sup> *Speeches and Statements of F.M. Mohammad Ayub Khan*, Vol. IV, p.170.

<sup>45</sup> The system of Basic Democracies was basically local-government-bodies, the elected representatives of the lowest level local body (Union Council) were called basic democrat. In the Constitution of 1962 they were included as the national Electoral College consisting of 80,000 members from East and West Pakistan for the elections of President, members of national assembly and of the provincial assemblies. (Source: *Banglapedia*, Dhaka: Asiatic Society of Bangladesh, available at [http://banglapedia.search.com.bd/HT/B\\_0334.htm](http://banglapedia.search.com.bd/HT/B_0334.htm).)

<sup>46</sup> Choudhury Jamshed S.A. (2004), *Bangladesh: Failure of a Parliamentary Government 1973-75*, Dhaka: Pathak Shamabesh, p.82.

<sup>47</sup> Choudhury Jamshed S.A., *op. cit.*, 70.

The new regime announced general election in December 1970. This was the first general election held on adult franchise. The AL won an absolute majority in the National Assembly (AL won 167 seats out of 313 seats including 13 reserved seats for women) as well as in the East Pakistan Provincial Assembly (288 out of 300 seats). But the emergence of the AL upset Yahia Khan because he expected that the election results would either bring his favorite parties to power, or would not fundamentally threaten the ruling elite's position.<sup>48</sup> The political differences between the three factions: Yahia government, the AI and the Pakistan Peoples Party led to non-cooperation movement in East Pakistan when both Yahia and Bhuto, leader of the Peoples Party avoided transfer of power to the elected representatives. Finally, no political arrangement could be reached, and as a result Pakistan Army cracked down on the Bengalis in the late night of March 25, 1971. After the military crackdown, Sheikh Mujibur Rahman proclaimed East Pakistan to be the People's Republic of Bangladesh on March 26 1971. The declaration turned into a full-scale war of liberation. Bangladesh became independent after nine-month long liberation war.<sup>49</sup>

The parliamentary procedures that Pakistan inherited from British India could not be properly cultivated because of the political differences between the political elites and the military interventionist. Considering the existing political environment it was observed that the constitution of 1956 provided wider scope for the legislature to hold its supremacy over the executive. But the legislators were not much active in parliamentary business; they were more active in finding a place in the government and floor crossing was a regular feature.<sup>50</sup> Thereby serious political and governmental instabilities became regular features throughout the period of 1947 to 1958.

The following sections attempt to analyze the structure and functioning of the parliamentary committees of the National Assembly and the East Pakistan Legislative Assembly in the light of the emerging changes in the parliamentary procedures.

### **Committees in the Pakistan National Legislative Assembly**

The committees as set up in the National Assembly were similar to the Constitutional Assembly in structure and procedure. The Assembly had two types of committees: the standing committees and the select committees. The standing committees further had two

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<sup>48</sup> Jahan, Rounaq (1994), *Pakistan: Failure of National Integration*, Dhaka: University Press Limited, p.191.

<sup>49</sup> Jahan, Rounaq, *op. cit.*, p.197

<sup>50</sup> Ahmed Nizam, *op. cit.*,p.31.

types- Ministerial standing committees and Non-Ministerial standing committees. The Public Accounts Committee, the Committees of Privileges, the House Committee, the Petitions Committee and the Library Committee were non-ministerial standing committees in nature. The standing committees were set in the parliament every year for a fixed term while select committees were constituted on *ad hoc* basis for dealing with particular Bills, drafting rules of procedure, or specific task as assigned to them. The following sections attempt to examine the working of the selected (departmental standing committees, PAC and select committees) committees in the National Assembly.

Each of the departmental standing committees was set up every year with five elected members based on proportional representation of the party in the legislature. The committee was headed by the Minister of the concerned department, which weakened the overseeing scope of the committees. Altogether ten departmentally related standing committees were formed in the First Constituent Assembly in 1954. Every standing committee was formally required to sit at least twice a year. Few committees, such as the Standing Finance Committee, the Education Committee and the Law Committee met frequently and worked actively, but most of the standing committees could not fulfill their mandatory meeting requirements. Some committees even did not meet at all. For example, the Standing Advisory Committee to the Ministry of Foreign Affairs did not call any meeting during 1949-50.<sup>51</sup> The committee members themselves were not satisfied with the committee activities. The ministers were reluctant to call committee meetings regularly in order to avoid attack from the opposition. One of the committee members alleged that, “... committees have proved to be nothing but a farce and they do not meet at all.”<sup>52</sup> In fact the government attitude was not in favor of the committee’s effectiveness. The Prime Minister answering a question stated that there was no matter which could be referred to this committee.<sup>53</sup> Negative attitudes of the government towards the standing committees were truly reflected in his statements.

The PAC was one of the most important committees appointed in the first and the second Constituent Assembly. The committee was appointed every financial year with seven elected members and the Finance Minister as its chairperson. It was designated to perform the same functions as its counterparts in the British Parliament. But its chairperson was a member of

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<sup>51</sup> Constituent Assembly (Legislature) of Pakistan Debates, Vol.1, No.13, 30 March 1950, p553.

<sup>52</sup> C.A. (leg.) of Pakistan Debates, 3 March 1948, Vol. I, No.9,p.361

<sup>53</sup> Dawn, March 13,1952.

the Government rather than of the opposition.<sup>54</sup> Major responsibility of this committee was to probe into public expenditure as sanctioned by the parliament in the form of estimates for demands for grants, based on the audit report of the Auditor-General.<sup>55</sup> In addition, the PAC could also deal with such matters referred to it by the Finance Minister.

Compared to any other standing committees in the central legislature, the PAC worked actively and spent most of its time for examining expenditure of the various ministries and placed reports before the House. The PAC first met in 1952, after three years of its formation and the committee submitted its report to the Assembly in 1953 on the Appropriation of Accounts for the year of 1948-49 and 1949-50. But the PAC could not continue its work due to serious constitutional crisis. The next PAC examined accounts of the year between 1950 and 1953 and submitted its report in 1957. The reports were considered to be fairly penetrating studies into the budget and expenditure of different ministries. The PAC's reports disclosed that public money was not fully utilized.<sup>56</sup>

The problems faced by the PAC were that the committees started working after the money had been spent, audit reports were not supplied to them duly and the Secretary of the Ministry concerned did not attend the meetings regularly. However, from the beginning the PAC was asking the government to provide them with proper and sufficient information without hiding any fact, to ensure the representation of various ministries and to supply them with audited report of the Auditor-General.<sup>57</sup> Apart from these drawbacks, the PAC attempted to explore the mismanagement of public money and found a number of financial malpractices, which later became the subject matters of 'leaders' in the newspapers.<sup>58</sup>

The select committees were *ad hoc* committees appointed in the parliament to deal with legislative measures. There were tendencies in both the Constituent and National Assembly to conduct most of the legislative business in the plenary. Therefore a few of the bills passed in the Assembly were earlier referred to the select committees. For instance, during the entire tenure of the Constituent and National Legislative Assembly, altogether 26 bills (9%) were processed through the select committees. There were other select committees formed in the assembly include the Administrative Enquiry Committee, *the Zakat Committee*, the

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<sup>54</sup> Ahmad, Munir (1960), *Legislatures in Pakistan: 1947-58*, Lahore: University of Punjab, pp.77-78.

<sup>55</sup> Harun Shamsul Huda (1984), *Parliamentary Behaviour in A Multi-National State: 1947-58 Bangladesh Experience*, Dhaka: Asiatic Society of Bangladesh, p. 83.

<sup>56</sup> Ahmad, Munir, *op. cit.*, pp.78-79

<sup>57</sup> Harun Shamsul Huda, *op. cit.*, pp.176-77.

<sup>58</sup> *ibid.*, 177.

Economy Committee, the National Anthem Committee and so on. With a few exceptions, recommendations of these committees were not always accepted. For example, the *Zakat* Committee report was placed in the cold storage. On the contrary, the government considered one of the vital recommendations of the Administrative Enquiry Committee for the purpose of improving efficiency of administration. The fact was that the systems of the select committees were mostly neglected and ineffective.<sup>59</sup>

### **Committees in the East Pakistan Legislature (1947-71)**

Until the promulgation of martial law in 1958, there were two legislative assemblies constituted in the province of East Pakistan. The first Legislative Assembly was constituted in 1947 and continued until March 1954. The second Assembly was elected in March 1954 and was dissolved in October 1958, when the military took over the state power. The parliamentary procedure, devices and committee structure were inherited from the Bengal Legislative Assembly in accordance with the section 84(1) of the Government of India Act 1935. The Assembly first appointed a Rules Committee on October 2, 1956 to make a draft Rules of Procedure for the Assembly that appeared in 1958. But the Assembly was dissolved before its presentation to the House.

Like the National Assembly, there were two types of committees: the standing committees and the *ad hoc* select committees. The select committees were either selected by the Speaker or elected by the House. The Select committees were elected in the Assembly on the spur of the moment to scrutinize a particular bill as referred to them by the plenary. Such committees were *ad hoc* in nature as their terms of reference were limited to examine and report on the referred bill. The Committee was constituted with not more than 17 members representing various parties and was chaired by the Minister in charge of the concerned department. At the committee stage, bills were discussed clause-by-clause. Experts and representatives of special interest groups were called for gathering or for gaining opinions. Most of the bills passed by the Assembly were not sent to select committee. These were mostly non-controversial in nature or ordinary amendment bills.<sup>60</sup>

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<sup>59</sup> Wheeler, Richard S.(1970), *The Politics of Pakistan: A Constitutional Quest*, Ithaca: Cornell University Press, p.167.

<sup>60</sup> Chowdhury Najma (1980), *The Legislative Process in Bangladesh: Politics and Functioning of the East Bengal Legislature 1947-58*, Dhaka: University of Dhaka, p.268.



Among the standing committees the PAC was set up for each financial year with nine members including the Finance Minister as an *ex-officio* member. The committee members were elected by the assembly and the chairperson was elected from among its members. The committee composition was roughly proportional to the party strength in the Assembly. Its responsibilities were to scrutinize and report on appropriation of accounts of the provincial government by examining the report of the Auditor General. The experiences reveal that such a potential and powerful watchdog weapon could not work properly. The reasons that made the committees dysfunctional are as follows: firstly, the Auditor-General's office did not submit audit report to the Assembly duly; and secondly, the PAC meetings were not called regularly. For example, between 1948 and 1953, committee did not call any meeting. Explaining the delay the Chief Minister accused the Auditor-General's office for not submitting any appropriation statement since 1947. Despite all of these limitations, the PAC attempted to find out the irregularities in various government agencies and criticized some of them for lack of proper control of expenditure.<sup>61</sup> Comparatively, PAC of the Second Assembly was far more active. It met more frequently and scrutinized more audit reports. From August to December 1957, the PAC met nine times and examined the audit reports up to the period from 1951-52.

The Committee on Privileges was also adopted in the East Pakistan Legislative Assembly from the tradition of Bengal Legislative Assembly.<sup>62</sup> This committee was appointed at the commencement of the first session of each financial year to protect the rights of the parliamentarians. It consisted of 11 members with the Deputy Speaker as the chairperson. Like other committees, the members were elected on the basis of proportional representation. According to the Rules of Procedure, the committee members had to move motion for referring a case of breach of privilege to the committee. After examining the motion committee submitted a report to the House. During the period of the first Assembly a number of such motions were referred to the committee against various newspapers. For Example, committee had a tussle with the daily *Azad* for an editorial published on 1 December 1949. The Committee found that the editorial board constituted a breach of privilege of the legislature. Afterwards, the committee recommended for a proper apology from the newspaper.<sup>63</sup>

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<sup>61</sup> Chowdhury Najma, *op. cit.*, p.45.

<sup>62</sup> The Government of India Act 1935 provided the provision of Privileges Committee in the Indian legislature at center and provincial level to protect the rights of the Members.

<sup>63</sup> Chowdhury Najma, *op. cit.*, pp. 47-48.

The committee on Public Petitions was constituted at the commencement of the first session in each financial year with seven members nominated by the President. The Deputy President was an *ex-officio* Chairperson of this committee. The major responsibility of this committee was to examine every petition referred to them and to report to the assembly either through the members or through the Secretary. The parliamentary records reveal that the first Assembly had three petition committees during five years tenure, while in the second Assembly the committee was constituted regularly.

The House Committee was constituted with the Deputy Speaker as the chairperson and with six members. This committee looked after all the matters connected with the comfort of the members. The Accommodation Committee was added to the Second Assembly to deal with any matter affecting accommodation of the members in or out of the session.<sup>64</sup> This committee consisted of six members with the Chief Minister as the chairperson. The committee members were elected on the basis of proportional representation of the party.

The parliament and the committee structure that were transplanted in Pakistan did not function properly. The legislators failed to develop necessary skill to compromise as solutions to conflicts. The parliaments at the central and provincial level could not resolve a wide variety of conflicts and differences within the society. In fact, the political elites who were in the government did not try to accommodate the ideas of the opposition in the decision-making process.

### **3.4 Parliamentary Structure in Independent Bangladesh**

After the independence of the country in 1971, the new constitution adopted the parliamentary system of the government in 1972. The constitution vested all legislative power to the parliament called the '*Jatiya Sangsad*'. According to the constitutional provisions, the Prime Minister and the cabinet were collectively responsible to the parliament and the President was made ceremonial head. The constitution makers provided with many favorable pre-conditions of the parliamentary systems of the government in the constitution. Article 76 of the constitution empowered the parliament to appoint necessary standing committees in its very first meeting in each session of the parliament. It is worth mentioning that the first parliament had two separate ROP. From April 1, 1973 to July 22, 1974 the

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<sup>64</sup> East Pakistan Assembly Papers, Vol. XVI, No. 5, pp. 112-3, cited from Najma Chowdhury, *op. cit.*, pp. 42-43

House was regulated by the old ROP and from July 22, 1974 onwards by the new ROP. According to the provisions of the old ROP (Rules 77 to 233A), the JS had set up seven standing committees and the new ROP provided for four more standing committees. The first parliament constituted eleven standing committees including three financial committees; two investigative committees (i.e. the Petitions Committee and the Government Assurance Committee) and six domestic committees. According to the ROP, the House appointed select committees only three times for the scrutiny of bills.<sup>65</sup> It is observed that the first parliament could not ensure its supremacy over the executive due to overwhelming majority of the government party and their refusal to recognize the opposition party officially. Soon, the parliamentary form of government was replaced by one party presidential form of the government in 1975.

In a sweeping change, Bangladesh was placed under military rule in August 1975 and remained under military dominated civilian regimes until December 1990. It is important to find out the nature of the military, which ruled over Bangladesh for such a long time. The political scientists observed that the process of politicization of armed forces in Bangladesh was linked with the tradition of colonial rule. During the colonial rule the British-Indian Army was not politically neutralized. They were trained with a view to promoting imperial interest. They were by nature anti-national, anti-political and anti-democratic and they kept themselves away from the mass peoples.<sup>66</sup> After the independence in 1947, the Indian government did not follow the methods of training, recruitment and motivation applied by the colonial rulers. On the contrary, the structures and regulations of the Pakistan army in many ways developed a close resemblance to those of the British Indian Army. Hamza Alavi argued that the Pakistan army, which was the predecessor of the Bangladesh army, remained culturally and physically distanced from the civilian sector.<sup>67</sup> This was reflected in their attitudes towards the political institutions. Regarding this aspect, the political scientists analyze that the ambition of the army to capture political power was one of the main reasons for the declaration of martial law in Pakistan in 1958. It is also argued that the Bangladesh army, which is the lineal descendant of the British-Indian and Pakistan Army, has inherited its orientation against civilian rule and its sensitivity to state power. Most of the military officers who led military coups since 1970s were recruited and trained under the shadow of

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<sup>65</sup> Huq, M. Mufazzalul (1991), "Parliamentary Committees and Public Enterprise Accountability in Bangladesh (1973-75)", *Management Development*, Vol., 20, pp.30-31.

<sup>66</sup> Ahmed Emajuddin (1988), *Military Rule and the Myth of Democracy*, Dhaka: University Press Limited, p.32.

<sup>67</sup> Alavi, Hamza(1966), "The Army and the Bureaucracy in Pakistan", *International Socialist Journal*, Vol.3, No.14,p.158.

Ayub Khan's martial law regime. The Ayub regime had affected them in many ways: they became confident that the military could play important role in the political system and they became sensitive to political power.<sup>68</sup>

Since the independence, the Bangladesh army was in state power directly and indirectly about 15 years. During these periods, three parliaments have been formed to civilianize the civil-military government. It was expected that parliament would play a proper role in establishing parliamentary supremacy over the executive. But none of them had any real scope to minimize the executive dominance. In the real sense, the public did not have positive image of these parliaments. The legislative power of the parliament passed into the hands of the executive. The parliament was frequently used as a tool for endorsing policies and granting legitimacy to rulers who assumed power through unconstitutional means.<sup>69</sup> The parliamentary image began to change after the fall of the military dominated civilian government in December 1990 by a mass upsurge. After the fall of authoritarian regime, the parliamentary system of government was reintroduced in 1991. From the beginning of the democratic set up, committee system has gained importance for strengthening parliamentary democracy in the country. The structure and functions of the committees of the Bangladesh Jatiya Sangsad will be discussed in next chapter.

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<sup>68</sup> Ahmed, Emajuddin (2004), *The Military and Democracy in Bangladesh*, the Australian National University Press, p. 113-115.

<sup>69</sup> Huque, Ahmed Shafiqul (February, 1997), "The Impact of Colonialism: Thoughts on Politics and Governance in Bangladesh", *Asian Affairs*, Vol. XXVIII, Part I, p.20, Ahmed, Nizam (2002), *the Parliament of Bangladesh*, Aldershot: Ashgate Publishing Limited, p.1.

## CHAPTER IV

### **Committees in the *Jatiya Sangsad*: Structure and Functions**

The present chapter attempts to analyze the legal basis, institutional capacity and working procedure of the committees in the Bangladesh parliament. In doing so, the first section analyzes the formal-legal arrangements from the viewpoint of institutional power, the second and the third sections discuss committee structure and procedure respectively. By analyzing the relationship between committees and political parties the fourth section seeks to answer how the parties control their committee members.

#### **4.1 Formal-Legal Framework**

The committees in most of the parliaments of the world are increasingly serving as the nucleus of both legislation and parliamentary oversight of the government.<sup>70</sup>As in other parliaments, major functions of the parliamentary committees in Bangladesh are to ensure accountability of the executive and to filter the legislative proposals before enactment into law.

As discussed in a previous chapter, the parliamentary committees need to have formal power like the right to initiate legislation, the authority to rewrite bills, the control of their own timetable and obtaining information. The committees, which have such power, have greater chance to influence parliamentary deliberations. The parliamentary committees gain their power and legitimacy from two sources: the Constitution and the Rules of Procedure. The committees of the Bangladesh parliament get their legitimacy from the Constitution while their operation and terms of reference are regulated by the Rules of procedure.

The ability to initiate legislation is a crucial source of power as it gives authority to the parliamentary committees to reframe legislation. The committees of a few parliaments have such right. In the Bangladesh parliament, committees cannot initiate bills, the members of the government and the members of the JS have such right. Two types of bills are moved in the parliament: government bills and private members' bills. The bills initiated by the ministers are called the 'government bills' while private members' bills are proposed by the

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<sup>70</sup> Longly, L and Agah, A. (eds.) (1997), *The Changing Roles of Parliamentary Committees*, Research Committee of Legislative Specialists, International Political Science Association, Appleton, p.3.

private members belonging either to the treasury bench or to the opposition bench. The parliament has fixed one day in a week for the private members (government and opposition) called “*be-sorkari dibos*” (Private Members’ Day); when they have the priority to introduce bills. The government bills are sent to the appropriate standing committees while the private members’ bills are sent to the “Standing Committee on Private Members’ Bills and Resolutions”. This committee is set up in the Parliament for the whole electoral term to examine and report on private members’ bills. Whether the government or the private members’ bills, the executive has ample opportunity to control the initiation of legislation in the parliament either directly or through the Members of the Parliament who are persuaded to support the government.

After the first reading, bills are referred to this committee for scrutinizing a bill line-by-line, clause-by-clause and proposing amendments to any of the provisions of the bill. But they cannot adopt any amendment if the majority of the members do not agree. The government with majority in the committees and in the House can avoid such altering if they have little or no interest in changing the government bill. The committee members, however, can record a minute of dissent on any matter or matters connected with the bill and can even walk out from the committee session. The committees in the Bangladesh parliament do not enjoy the authority to rewrite the text of a bill. Their autonomy is limited to propose amendments and to make suggestions regarding linguistic problems or vagueness of the bill.

Another aspect of the committee power is the control of its own timetable. As Ingvar Mattson and Kaare Strøm argued, “the less external actors can control the committees’ timetables, the greater the committee autonomy. The committees which control their own timetables can decide when to introduce the committee report to the plenary assembly.”<sup>71</sup> The Rule of the Procedure of the JS clearly specifies in the Rule 213(1): “a committee shall have power to regulate its own procedure.”<sup>72</sup> When a bill is referred to a committee, the committee itself allocates the time limit for discussion of a bill at which various stages of the Bill in a day shall be completed. However, the committee does not enjoy elasticity of time for its’ reporting. The committees other than the Select Committee have to submit report within one month of the date on which reference to the committee was made. If the House has not fixed

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<sup>71</sup> Mattson Ingvar and Strøm Kaare, *op. cit.*, p., 292.

<sup>72</sup> Government of Bangladesh (2007), *Gonoprajatantri Bangladesh Jatiya Sangsader Karjo Pronali Bidhi (Rules of Procedure of the Parliament of the People’s Republic of Bangladesh)*, Dhaka: Jatiya Sangsad Schibalya, p.80.

any time, the Select Committee has to submit its report within three months from the date on which the House adopted the motion for the reference of the Select Committee. Nonetheless, the House at any time can extend time limit for committee reporting. Sometimes, the committee submits its report within a very short time when parliamentary majority party wants to pass particular bills hurriedly.

Information acquisition is an important power that can make scope for the committees to play distinctive and deliberative roles. In the established democracies, committees provide their members two powerful tools for gathering information. One is investigation and compelling written information from relevant members of the government departments. In this process, the committees allow their members to pursue a line of questioning with the executives for obtaining information. Article 76(2) of the Bangladesh *Sangbidhan* (the Constitution) authorizes the parliamentary committees to make investigations and enforce the minister and government officials for witness. With this power, the committees can investigate or inquire into the activities or administration of a Ministry. In doing so the committees can request the Ministers to appear before the committee or send authorized representative of the Ministry to provide with relevant information and answer questions either orally or in writing. But the ROP limits their power to summon government documents. In this regard, Rule 203 states: "... if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Speaker whose decision shall be final."<sup>73</sup> As in India the executive can deny to produce document before the committee in the name of interest of the state. Rule 203 specifies that "The government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or the interest of the State."<sup>74</sup> On this ground, any reluctant minister can refuse the request of the committee.

The second method of obtaining information is public hearing. The committees in the Bangladesh parliament do not enjoy power to hold public hearing on legislative or other matters. They can only invite experts for eliciting their opinion and can summon persons for a witness. The committee is authorized to settle its mode of procedure for examining witness. It can also settle the relevant points and the nature of questions that may be asked before a witness is called for examination. The committee chairperson may ask the first question and

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<sup>73</sup> *Gonoprajatantri Bangaldesher Sangbidhan* (The Constitution of Bangladesh), available at [www.parliamentofbangladesh.org](http://www.parliamentofbangladesh.org). Bangladesh Government (2007), *Gonoprajatantri Bangladesh Jatiya Sansader Karjo PronaliBidhi*, Bangladesh Jatiya Sangsad, p.78.

<sup>74</sup> *Ibid.*

then other members of the committee put their questions. In principle, the witness is not open to public. During a witness, proceedings are recorded and made available to the members before signing the report. But the evidence and proceedings of witness along with committee report are considered confidential. It can be informally publicized after presentation to the plenary through the committee members if he or she chooses.

The parliamentary committees in the JS are regulated by their own rules of procedure and to some extent by the constitution of the country. Over the periods, numbers of changes have been brought into the rules of procedure, which enhanced committee's formal power and status within the parliament. After the first reading the bills are automatically referred to the committees for detailed consideration. The Speaker is given authority to convene the committee meeting if the chairperson fails to conduct mandatory monthly meeting and backbenchers replace ministers as the committee heads.<sup>75</sup> The committees are authorized to regulate their sitting and business, and committee members are free from immunity for whatever they say or the way they vote. Although there are few limitations in committee power, after scrutinizing the government activities, the committees can make recommendations and decisions but these are not mandatory for the ministry. The ministers and the bureaucrats therefore can defy the recommendations or decisions made by the committees. A general observation is that the committees are formally granted power and authority for their legislative and overseeing activities, but lacking weakens the effectiveness of the committees.

## **4.2 Committee Structure**

The committees are broadly categorized into two types: permanent and *ad hoc* committees. The permanent or standing committees further can be divided into ministerial and non-ministerial standing committees. In accordance with the ROP, standing committees can appoint sub-committee. The sub-committee enjoys power similar to the main committee and its report is considered as the report of the parent committee. The *ad hoc* committees also can be categorized into two heads: a) the committees which are appointed primarily to deal with legislation, they are truly concerned with proposed Bills; b) the committees which are constituted time-to-time to consider specific subject matter referred to them. Compared to the *ad hoc* committees, the permanent committees are given major mandates. As Mezy notes,

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<sup>75</sup> *The State of Governance in Bangladesh 2006: Knowledge, Perceptions, Reality*, Annual Governance Report, Dhaka: Centre for Governance Studies, BRAC University, BRAC Research and Evolution Division, December 2006, p.23.



“Permanent committees which parallel the structure of the ministries have greater opportunities for policy activity than those which are temporary and which have different principles of formation”.<sup>76</sup> In the American Congress and the German Bundestag the permanent committees serve a critical function in both legislative and overseeing process. In these parliaments permanent committees are mostly parallel to the government ministry. On the contrary the British and the Indian parliaments set up *ad hoc* committees to consider and report on particular bill; departmentally related permanent committees work in the area of overseeing. As in the American Congress and the German Bundestag, ministerial standing committees in the Bangladesh JS perform both legislative and overseeing functions. However, *ad hoc* committees (select and special) are also appointed to securitize and report on legislative proposals.

### **The Standing Committees**

All the committees of Bangladesh JS, other than the special and the select committees are termed as the Standing Committees. The departmental standing committees are mirror images of the ministries of the Government. The committees are responsible for scrutinizing the legislative bills before consideration in the House and overseeing the activities of the respective ministry. Following the practices of the U.S. Congressional committees, departmentally related standing committees were first set up in the second JS in 1979. Although the Rules of Procedure framed in 1974 provided for setting up 11 Ministerial Standing Committees (MSC), the first JS did not such committee. The second JS constituted 36 departmental standing committees, which were dropped to 35 in the fifth JS and remained same in the seventh JS. Again the number was increased to 37 in the eighth JS (Table 4.1). The number of the departmental standing committees depends on the size of the government ministry. So, any change of the ministry brings change in the number of the committees. For example, when the Ministry of Food and the Ministry of Disaster Management and Relief merged with the Ministry of Food and Disaster Management in 2003, the two relevant standing committees were replaced by a single committee. Similarly, Standing Committee on Ministry of Textiles and the Standing Committee on Ministry of Jute were merged into a single committee when the Ministry of Textiles and Jute was created replacing the two relevant ministries in 2004. Since 2001, government has expanded the size of the ministries.

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<sup>76</sup> Olson, David M. and Mezey Michael L. (eds.), *op. cit.*, quoted from Olson, David M., “Committees in New and Established Democratic Parliaments: Indicators of Institutionalization” available at [www.uncg.edu/psc/pdc/wps.html](http://www.uncg.edu/psc/pdc/wps.html)

Four new ministries- Ministry of Liberation War Affairs, Ministry of Chittagong Hill Tracts Affairs, the Ministry of Expatriates' Welfare and Oversees Employment and the Ministry of Primary and Mass Education were created. There is an argument that the ministries were expanded to provide patronage than to rationally allocate government business. It helped the government to accommodate their backbenchers as ministers and the members who could not enter into the cabinet were given position in the important committees. The expansion of the ministry contributed to enlarge the committees in number and to provide the scope for the disenchanted backbenchers to take part in the committee process.<sup>77</sup>

**Table 4.1 No. of Committees Formed in the Jatiya Sangsad (1973-2006)**

Types of Committees	Number of Committees						
	1 <sup>st</sup> JS	2 <sup>nd</sup> JS	3 <sup>rd</sup> JS	4 <sup>th</sup> JS	5 <sup>th</sup> JS	7 <sup>th</sup> JS	8 <sup>th</sup> JS
<b>Standing Committees</b>							
Ministerial Standing Committees	0	37	0	35	35	35	37
Non Ministerial Standing Committees	11	11	4	11	11	11	11
<b>Ad hoc Committees</b>							
Select Committees	3	3	2		5	1	-
Special Committees	-	1	0	2	2	1	-
<b>Total</b>	14	52	6	48	53	48	48

Note: As the sixth JS worked only three days it does not consider for this study. Source: Compiled by the researcher based on information provided by the Committee Wing-2, Bangladesh Jatiya Sangsad and the Rules of Procedure of the Bangladesh Jatiya Sangsad.

The Non-Ministerial Standing Committees (NMSCs) are set up for the whole electoral period for five distinct purposes: house keeping, service, scrutiny, investigative and financial. From the functional point of view, NMSC can be divided into five distinct categories, such as the housekeeping committees comprise of three different committees including the Business Advisory Committee, the Committee on Private Members' Bills and Resolutions, and the Committee on Rules of Procedure. Secondly, the House committee and the Library committee fall into the category of service committees. Thirdly, the Committee on Government Assurances is in nature a scrutinizing committee. Fourthly, the Committee on Privilege and the Committee on Petitions are investigative committees. Finally, the Committee on Estimates, the Committee on Public Accounts and the Committee on Public Undertakings fall into the category of financial committees. Out of eleven NMSC, seven are appointed by the House and others are nominated by the speaker.

<sup>77</sup> Ahmed Nizam (2002), *op. cit.*, p.133.

Among the three Housekeeping committees, the Business Advisory Committee consists of the Speaker as the chairperson and 15 Members. The leader of the House, the opposition leader, the deputy speaker and the chief whip are conventionally appointed as members by the Speaker. It is an important committee that is responsible for conducting internal affairs of the JS under the Rules of Procedure. The area of jurisdiction, role and functions of the Business Advisory Committee of the JS are mostly similar to those of the Council of Elders (*Ältestenrat*) of the German Bundestag, which works as *de facto* committee of the Bundestag.<sup>78</sup> Under the Rules of Procedure, the Committee on Private Members' Bills and Resolutions is responsible to examine every Bill seeking amendment of the Constitution for which a notice is given by a private member. All private members' Bills are referred to this committee to classify them according to their nature, urgency and importance. The committee recommends the time that should be allocated for discussion of each private member's Bill and indicates in the timetable different hours at which various stages of the Bill in a day shall be completed. The functions of the Committee on Rules of Procedure of the JS are very much similar to those of the Committee for Scrutiny of Elections, Immunity and the Rules of Procedure of the German Bundestag. The Committee on Rules and Procedure is established "to consider matters of procedure and conduct of business in the House and to recommend any amendment (by way of addition, alteration, substitution or repeal) to these rules that may be deemed necessary."<sup>79</sup>

The House committee and the Library committee are service committees in nature. The House committee is appointed to deal with all questions related to residential accommodation for the members of the Parliament while the Library committee considers and advises on such matters concerning the Library. These two committees assist the members in utilizing fully the services provided by the MP Hostel and the Library.

The Committee on Government Assurances is relatively a new type of scrutinizing committee, which was first established after the independence of the country.<sup>80</sup> According to the Rules of Procedure, the committee scrutinizes assurances, promises, undertakings, etc., given by a Minister, from time to time, on the floor of the House and reports on whether such assurances, promises, undertakings, etc. have been implemented or not.

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<sup>78</sup> Nevil Johnson, "Committees in the West German Bundestag", John D. Lees and Malcolm Shaw (ed.), *Committees in Legislatures: A Comparative Analysis*, Durham: Duke University Press, 1979, p.115.

<sup>79</sup> Bidhi (Rule) 263, *Gonoprajatantri Bangladesh Jatiya Sangsader Karjo Pronali Bidhi* (Rules of Procedure of the Parliament of the People's Republic of Bangladesh), Dhaka: Jatiya Sangsad Schibalya, 2007.

<sup>80</sup> Ahmed, Nizam (2002), *op. cit.*, p. 131.

The Committee on Petitions and the Committee on Privileges are investigative committees in nature. The former is appointed by the JS Speaker consisting of not less than ten members and is chaired by the Speaker. As stipulated in the Rules of Procedure, “Minister shall not be nominated a member of the Petitions Committee, and that if a member; after nomination to the Committee is appointed a Minister, s/he shall cease to be a member of the Committee from the date of such appointment.”<sup>81</sup> Having an investigative power, this committee can examine every petition referred to it and can suggest remedial measures in a concrete form. The Petitions Committee ensures investigation of cases of irregularities of the government departments or misconduct of individual politicians or government officials. The Committee on Privileges is set up to examine every question referred to it and to determine with reference to the facts of each case whether a breach of privilege is involved. In accordance with the Rule 240 of the ROP, if this committee finds out the nature of the breach, circumstances leading to it then it can make such recommendations as it may deem fit.<sup>82</sup>

The financial committees are considered as the most powerful and important committees for sanctioning, scrutinizing and monitoring of public expenditure. The parliaments modeled on the British parliamentary system set up three financial committees, while in the Bundestag the Finance Committee and the Budget Committee together cover the whole area related to the financial matters. The Bangladesh JS sets up three financial committees: the Committee on Estimates (EC), the Committee on Public Accounts (PAC) and the Committee on Public Undertakings (PUC). Among these committees, the PAC is distinguishable from two other committees because it enjoys constitutional status. Article 76 of the Constitution makes it mandatory to set up the Public Accounts Committee. As discussed earlier, the PAC was first set up in the early 1920 while the other two financial committees were introduced in the JS after the independence of the country.

The EC has a broader remit; it can examine any expenditure and make suggestions about achieving efficiency in administration. This committee can examine entire administration of the Government, including financial, administrative and policy matters while the PAC can examine the expenditure after it has actually incurred. As practiced in India and Sri Lanka, the Comptroller and Auditor-General (C&AG) submits yearly reports to the President, which

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<sup>81</sup> *Bidhi* (Rule) 231, Gonoprajatantri Bangladesh Jatiya Sangsader Karjo Pronali Bidhi (Rules of Procedure of the Parliament of the People’s Republic of Bangladesh), Dhaka: Jatiya Sangsad Schibalya, 1994.

<sup>82</sup> *Bidhi* (Rule) 240 to 243, *ibid.*

is later placed to the Parliament, usually through the Minister for Finance. The PAC closely scrutinizes the reports of the Comptroller and Auditor General and fortifies the Principal Accounting Officers against the temptation of financial irregularities. The PAC expresses its opinion thereon and records its findings and recommendations.<sup>83</sup>

Among the three financial committees, the PUC is responsible to examine the reports and accounts of the public sector organizations specified in the Schedule IV of the Rules of Procedure. PUC can also examine any deficiency of the public undertakings, whether the affairs of the public undertakings are being managed in accordance with sound business principles and prudent commercial practices.<sup>84</sup> It should be mentioned here that the PUC is not given authority to examine or investigate the following matters: major Government policy as distinct from business or commercial functions of public undertakings, and day-to-day administration. This committee cannot examine matters for the consideration of which any machinery is established by any special statute under which a particular public undertaking is established.<sup>85</sup>

None of these three financial committees have power to scrutinize the budget because budget does not require detailed review by any committee. However, the Indian Lok Sabha has no budget committee. In the JS, the Estimates Committee can examine the budget estimates immediately after their presentation. The budget committee is seen to be more important in the parliaments of America, Germany and Japan.

### ***Ad hoc Committees***

While standing committees carry the main burden of the parliament, some special and select committees are also formed to deal with particular matters. Their life expires when they finish their specific task. Due to their brief existence they are termed as *Ad hoc* committees. The Bangladesh JS traditionally sets up two types of *ad hoc* committees: the Select Committee on a Bill and Special Committees. The Rules of Procedure of the JS pledges in the Rule 266 that the Parliament may, by motion, appoint a Special Committee, which shall have such composition and function as may be specified in the motion. As in the German

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<sup>83</sup> Asraf, Ali (1997), "The Budget and Role of Committees", paper presented in the International Conference on "Committee System", organized by the Bangladesh Institute of Parliamentary Studies.

<sup>84</sup> The World Bank, (2000), *Parliamentary Control over Public Expenditure in Bangladesh: the Role of Committees*, available at [ww1.worldbank.org/publicsector/legal/BangladeshParliamentary.doc](http://ww1.worldbank.org/publicsector/legal/BangladeshParliamentary.doc)

<sup>85</sup> Rule 238, Rules of Procedure of the Bangladesh Parliament, Dhaka: Jatiya Sangsad Schibalya, 2006.

Bundestag JS rarely appoints special committees. For example, no special committee was formed in the first JS and in the eighth JS. The second and the seventh JS appointed one committee each. The fifth JS appointed five special committees. One of them was appointed to investigate complain about corruption of the Agriculture Minster and others were set up to deal with a difficult preparatory work on large or important legislative projects. The Select Committee is traditionally established to examine a bill if the member-in-charge of the Bill referred it to such a committee rather than a standing committee.

### **Committee Composition**

Each ministerial standing committee is constituted with chairperson and nine members. On the contrary, number of members of the non-ministerial standing committees varies from 8 to 15 (Table 4.2). Among the NMSCs, the PAC and the Business Advisory Committee are the largest committees, constituted with 15 members. The Government Assurance Committee and the Library Committee are set up with eight and nine members respectively. All MSCs are appointed by the House. Among the NMSCs seven are appointed by the House and all the remaining are nominated by the Speaker. Among the four committees appointed by the Speaker, Business Advisory Committee and Library Committee are headed by the Speaker and Deputy-speaker accordingly as *ex-officio*. Chairpersons of two other committees are nominated by the Speaker from amongst the members of the JS. The committee structure and composition can be seen from the Tables 4.2 & 4.3.

The ROP does not make any restriction for the Minister or the opposition leader to sit in a permanent committee. The ministers traditionally were nominated as the chairpersons of the departmental standing committees until 1996. The seventh JS brought an amendment in the ROP which stipulated that standing committee would be chaired by a non-minister MP. Now, the ministers are nominated as members of the departmental committees but not as chairs. Besides this, the ministers are not allowed to appoint as the member of the Petitions Committee, the PAC, the EC and the PUC under the Rules 231, 234, 235 and 239 of the Rules of procedure respectively. It is also stated that if a member of any of these four committees is appointed as a Minister, he/she shall cease to be a member of the committee from the date of such appointment. The Bangladesh JS does not impose any restriction on multiple memberships. On an average 1.4 to 1.5 committee seats were allotted for every JS member in the post 1990s parliaments.

**Table: 4.2 Committee Structures of the Jatiya Sangsad**

Standing Committee	Size	Chairperson	Appointing Authority	Remarks	Rules
MSC	10	usually Backbencher	House	ministers are not eligible	146-8
<b>Financial Committees</b>					
Public Accounts Committee	15	Do	Do	No minister as member	233-4
Estimate Committee	10	Do	Do	Do	235-7
Public Undertaking Committee	10	Do	Do	Do	238-9
<b>Investigative Committee</b>					
Committee on Privileges	10	Usually Speaker	Do	to form in the first session	240-3
Petition Committee	10	Do	Speaker	No minister as member	231-2
<b>Scrutinizing committees</b>					
Government Assurances Committee	8	Not specified	House	-----	244-5
<b>House Committees</b>					
Business Advisory Committee	15	Speaker	Speaker	-----	219-21
Committee on Private Members' Bill & Resolutions	10	Backbencher	House	-----	222-4
Committee on Rules of Procedures	12	Speaker	House	-----	263-5
<b>Service Committee</b>					
House Committee	12	Not specified	Speaker	advisory functions	249-56
Library Committee	10	Deputy Speaker	House	-----	257-8, 262
<b>Ad-hoc committees</b>					
Select Committee on Bills			House		225-30
Special Committee			House		266

Source: Nizam Ahmed, 'Strengthening Parliamentary Committees in Bangladesh: Options, Constraints and Prospects' Seminar III, organized by the MSS, Dhaka, May 2002.

**Table: 4.3 Average Committee Seats for Each Member**

JS	Committee Size			Total Committee Seats	No. of total MPs	No. of seats per MP
	No. of SC	No. of Members (each Committee)	Committee seats			
5 <sup>th</sup>	35	10	350	472	330	1.4
	2	15	30			
	2	12	24			
	6	10	60			
	1	8	8			
7 <sup>th</sup>	35	10	350	472	330	1.4
	2	15	30			
	2	12	24			
	6	10	60			
	1	8	8			
8 <sup>th</sup>	37	10	370	492	330	1.5
	2	15	30			
	2	12	24			
	6	10	60			
	1	8	8			

Note: JS- Jatiya Sangsad, SC- Sanding Committee. Source: data compiled from the proceedings of the parliament (1991-2006), Bangladesh Parliament Secretariat, Dhaka, 2006.

### 4.3 Committee Procedure

The committees deal with all matters referred to them by the House from time to time. Proper operational procedures give the committees right way to carry out their tasks. The committee decision-making procedures are discussed in the following paragraphs.

The distribution of committee seats and the selection process are important factors that condition the committee behavior. In some systems, committee positions are distributed according to the proportional party strength in the house, while in other cases seats are distributed following the majoritarian policy. In this sense, the committee behavior depends upon the distribution of seats and the chair positions of the committees. Among several factors involved in the distribution of committee seats preferences for party and individual members are significant. Damgaard observes that the preference of individual members is never the sole basis for committee assignments. He claimed that other important factors also play roles such as party role. He noted: "Member preferences are taken into account everywhere, but the party is also concerned with the seniority, loyalty and expertise of its MPs as well as with the need to satisfy the systemic demands on the party group as a whole."<sup>86</sup> Two factors are involved in the process of appointment of the committee chairpersons and the members. The parliamentary party has authority to decide which member will go to which committee and the members create demand to sit in a committee either as members or chairpersons. The actors have different goals. A party generally wants to promote electoral safety of its members, provide senior members with appropriate positions, ensure geographic and interest representations. The members have their own goals such as making nation-wide reputation by making good public policy, advancing political career, providing service to constituency and gaining power or holding influence. When there are multiple goals, the committee becomes heterogonous with respect to interests that are represented within it.<sup>87</sup>

The ROP does not specify any method for distributing committee seats. All committee chairs are traditionally distributed to the ruling party following the majoritarian policy and members of different committees are appointed from the parliamentary parties on the basis of their

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<sup>86</sup> Damgaard, Erik (1995), "How parties Control Committee Members", in Herbert Döring (ed.), *Parliaments and Majority Rule in Western Europe*, Frankfurt: St. Martin's Press, p.315

<sup>87</sup> Frish, Scott A. and Kelly, Sean Q (2006), *Committee Assignment Politics in the U.S. House of Representatives*, University of Oklahoma Press, p. 25,



strength in the house.<sup>88</sup> This distribution principle does not ensure representation of different parties in committee leadership. Therefore the opposition party strongly claimed committee membership and chairpersonship on the basis of proportional representation but the ruling party did not offer any chair position to the opposition. One exception was made in the 7<sup>th</sup> JS where one chair position was given to the second major opposition party but none was made chairperson from the main opposition party.

Ministerial standing committee formation was delayed in the post 1990s parliaments for up to seventeenth session (Table 4.4) due to disagreement between the two major political parties about the distribution of committee chairs. Experience shows that compromise or agreement was hardly reached between the treasury and opposition benches before committee formation. In the seventh and the eighth JS, numbers of meetings were held between the ruling party and the opposition party whips in the presence of the senior leaders to negotiate on the demand for committee positions. The Speaker also called the ruling and opposition party leaders to resolve the problem. But they failed to reach an agreement. In this circumstance, Ministerial Standing Committees were first formed keeping slots vacant for the main opposition. However, they were later incorporated in the vacant seats of the standing committees. The Seventh and the eighth JS had passed nearly one quarter of its tenure without having committees in proper sense. With the proposal of the Standing Committee on Rules of Procedure, the eighth JS amended the ROP to avoid unwanted delay in forming standing committees. According to this amendment, the formation of all parliamentary standing committees should be completed within the third session of a parliament.

Once the committee seats are allocated, the parliamentary parties begin to appoint their members at the beginning of the parliamentary session. The appointment of committee chairpersons and members as well as the recall and the replacement are left to the parliamentary parties. With the consent of the parliamentary leader, the Whip prepares the list showing which member will go to which committee and submits it to the Chief Whip. Before submitting the final list to the House, the Chief Whip takes initiative to negotiate with the opposition parties. After negotiating with other parliamentary parties and receiving the list of their nominated members, the Chief Whip presents the names of chairpersons and members of different committees to the House with the permission of the leader of the House.

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<sup>88</sup> Ahmed, Nizam (2002), *op. cit.*, p. 135.

**Table 4.4 Session wise Standing Committee Formation (1991-2006)**

(Total sessions are shown in the bracket.)

Session	Fifth JS (22sessions)		Seventh JS (23sessions)		Eighth JS (23sessions)	
	NMSC	MSC	NMSC	MSC	NMSC	MSC
First Session	3	-	6	-	5	-
Second Session	5	1	5	-	-	-
Third Session	1	33	-	-	-	-
Fourth Session	2	-	-	-	-	-
Seventh Session	-	-	-	14	6	5
Eighth Session	-	-	-	21	-	32
Seventeenth Session	-	1	-	-	-	-
<b>Total</b>	11	35	11	35	11	37

Note: NMSC-Non-Ministerial Standing Committee, MSC- Ministerial Standing Committee. Source: Calculated from the proceedings of the parliament (1991-2006), Bangladesh Parliament Secretariat, Dhaka, 2006.

In the developed democracies, committee seats are in principle distributed on the basis of seniority, specialization on subject matter, competence, personal choice and interest of the constituency. Conventionally re-elected members and senior party members are included in the committees of their choice while newcomers have to look for the best at the hands of party leaders. In case of the Bangladesh parliament, party chief who is also leader of the parliamentary party controlled all parliamentary party decisions and his/her personal choice and consent were given special importance in the appointment of committee members. Therefore, loyalty to the party chief, dedication to the party and lobbying are the real factors for qualifying members to get positions in important committees rather than their seniority or expertise. The major daily national newspapers illustrate that legislators start lobbying to get assignment on particular standing committees parallel to the ministries connected with resource distribution, local and national level planning, and development works.<sup>89</sup>

The roles and responsibilities of the committee members are quite different in nature from those in the plenary. These are not particularly defined in the Rules of Procedure. It is generally said that an individual member, who sits in a committee has three functions: as legislator reviewing, modifying and amending legislation; as overseer reviewing government policies, programs and expenditures; and as representative, hearing various voices of the citizens, representing concerns of the constituency. The reflection of public interest in the deliberations of the committees depends upon the committees' jurisdiction. The members who sit in the Select Committee only work on legislation because this committee is set up in the Bangladesh parliament for scrutinizing the legislative bills. The members of the Standing

<sup>89</sup> *Jugantor* (Bengali daily news paper), Dhaka: 3rd February 2002.

Committee on Private Members Bills also deal with legislation but their activities are limited to those bills initiated by the individual members. The members of the ministerial standing committees have both legislative and overseeing functions. They examine government bill and other matters referred to them. The committee members may ask questions to witness or seek expert opinion for gathering information about pending legislation or controversial policy issues or government's activities. The members of other standing committees do not work for legislative activities. The members of the financial committees work for improving the financial discipline of the public organizations. The Government Assurance Committee members examine the status of implementation of assurances and promises given by the executives in the House. The members of the Business Advisory Committee are entrusted with house keeping. The Committee prepares the timetable for the house and allocates time for discussion of the stage or stages. The members of the Petitions Committee consider the prayers of the citizens and the Privileges Committee members deal with the interests and rights of the legislators.

To increase effectiveness, the committees require the right of setting their own timetables. Döring argued that the committees, which can determine their own timetables, enjoy more strength. On the contrary, the committees where the government majority controls the timetables are comparatively weaker.<sup>90</sup> Mattson and Strøm similarly argued: "the less external actors can control the committee's time tables, the greater is the committee autonomy."<sup>91</sup> The committees which control their own timetables can decide when the report is to be introduced to the plenary session. Besides the control of timetables, committees require sufficient time to settle the detailed provision of a bill or to settle the technical questions or to hold hearings. Thus, the frequency of committee meetings and given time affects the working of committees.

The committees in the Bangladesh parliament can regulate their sittings and the ways of conducting their business. The ROP defines the procedure of convening meeting, preparing decision and reporting to the House. The first step in preparing a committee meeting is fixing venue, date and time. The committee chairperson has right to set up the agenda, venue and schedule. In accordance with the Rule 197 of the ROP, the sittings of a Committee shall be held on such days and at such hours as the Chairperson of the Committee may fix. Thereafter,

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<sup>90</sup> Döring, Herbart, "Time as a Scarce Resource: Government Control of the Agenda", in Döring, Herbert (ed.), *op. cit.*, pp.237-38.

<sup>91</sup> Mattson, Ingvar and Strøm, Kaare, *op. cit.*, p. 292.

the committee secretariat announces the meeting schedule and communicates to the members and concerned ministries before the meeting.

It is mandatory for all standing committees to convene at least one meeting once a month and the members are obliged to attend committee meetings and to participate in discussing, investigating and preparing the committee reports. If a standing committee chairperson is not readily available or s/he fails to call mandatory monthly meeting for any reason the Speaker may direct the Secretary to call a meeting of that committee and the Secretary shall convene a meeting of the committee at a date, time and place fixed by the Speaker.<sup>92</sup> The committees in the Bangladesh parliament do not prepare yearly program for the coming year well in advance and the ROP does not fix a day in a week for committee meeting. The sitting of a committee depends upon the schedule fixed by the committee chairperson.

With the permission of the Speaker a committee may sit whilst the parliament is sitting and make sure that meeting will not interrupt other parliamentary affairs. Meetings usually take place within the area of a parliament, but if it becomes necessary, the meetings can also be held out side the parliament and in that case the matter shall be referred to the Speaker whose decision shall be final.<sup>93</sup> A committee is deemed to have quorum, which means that one third of its members are needed to be present. If the quorum is not found, the chairperson can suspend a sitting of the committee to some future days. Unlike the Congress, the committee meetings in the Bangladesh parliament are not in principle open to the public. Although, the meetings are closed to the media and public, authorized parliamentary staff and people other than the members of the committee may attend the meetings without taking part in deliberations. Ingvar Mattson and Karee Strøm argue that closed-door meetings are more likely to foster inter-party compromise than the open meetings. They again argue that if the committee meets in private, information resides behind the closed door.<sup>94</sup>

The second step in preparing a committee meeting is agenda setting. A committee meets in its first or policy meeting for discussing committee's jurisdiction, responsibilities and settling the agenda for the next meeting. Based on this introductory meeting, the chairpersons set the agenda for the next meeting. The agenda can be extended by the chairperson if any member

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<sup>92</sup>Gonoprajatantri Bangladesh Jatiya Sangsader Karjo Pronali Bidhi (Rules of Procedure of the Parliament of the People's Republic of Bangladesh), *op. cit.*

<sup>93</sup> For detail *Bidhi 200, Gonoprajatantri Bangladesh Jatiya Sangsader Karjo Pronali Bidhi (Rules of Procedure of the Parliament of the People's Republic of Bangladesh), op. cit.*

<sup>94</sup> Ingvar , Mattson and Strøm, Karee *op. cit.*, p.282.

wants to put a new agenda. Prior to the next meeting copies of the agenda are circulated to the members. Like the Speaker of a parliament in plenary, the committee chairperson allocates speaking time for the members and has authority to take measures for maintenance of order as well as for suspending the meeting if necessary.

**Box 4.1: Procedure of Committee Meeting: Public Accounts Committee**

The meetings of the Public Accounts Committee generally take place in the committee room on any day during the weeks when the JS is sitting. The meeting is usually started at 11 hrs or evening time between 14 and 17 hrs and lasted around up to three hours. Before embarking on the agenda, the committee meeting normally begins in the name of God and by giving thanks to the participants. At this point the chairperson introduces the committee staff and other officials to the committee members. Thereafter, the chairperson starts the meeting with a discussion of procedural matters related to the meeting, general information. At this point, proceedings of the previous are tabled and passed by the members. The Chairperson then announces the agenda and the members have to agree which agenda items should be dropped or postponed, debated and which can precede directly to a vote without debate. At the start of each agenda item, the chairperson provides the background information and opens the floor to other members representing different parliamentary parties. The representative of the CAG office and senior officials from the ministry or even Minister him/herself speak during the debate. The Chairperson calls the speakers in order who have already put requests to speak. In the beginning the Chairperson mentions that the debate should be concluded within fixed time. The deliberations on an agenda item conclude with a vote on the item after each parliamentary group has spoken once.

Source: summarized by the Author from the Proceedings of PAC Report, 2006.

The committee decisions are made by a majority vote. When a vote is taken on draft legislation or a complex matter, each separate provision or clause is put up separately. In other cases, the committee decisions are prepared in a draft report and placed for vote or amendment. When disputed issues go for voting, the members cast their votes in party line; both the government and the opposition parties make sure that all of their members are present. If the opposition or other committee members disagree with the majority, they can record 'note of dissent' but they are not allowed to submit 'minority report'. In case of an equality of votes on any matter, the committee chairperson, or the person acting as such, can cast vote. Like the US Congress and Indian Lok Sabha, the Bangladesh parliament does not

allow any proxy vote in the committees.<sup>95</sup> Only few parliaments allow proxy voting, for example, in the German Bundestag substitute members have the right to vote when a regular member is unable to be present.<sup>96</sup>

The concluding deliberation takes place after the final vote and at this stage no amendment can be brought. A record of the decisions are maintained and circulated to the members of the Committee under the direction of the Chairman. Finally, the chairperson prepares the final report with the assistance of the committee secretariat. The committee report generally contains recommendations, the opinion of the minority and other comments of the committees concerned. The committee report shall be signed and presented to the House by the chairperson on behalf of the committee. In absence of the committee chairperson, any member of the committee can submit the report within one month of the date on which reference to the Committee was made, if an appropriate time limit is not fixed by the house for the presentation of the report. The House may at any time be able to extend the time for the presentation of the committee report to a date specified in the motion. A Committee may, if it thinks fit, make a special report on any matter that arises or comes to light in the course of its work, which it may consider necessary to bring to the notice of the House.

Although the departmental standing committees are required to submit a report to the House regarding the examination of legislative proposals but the Rules of Procedure does not specifically mention that they shall have to submit a report to the House relating their general activities referred in the Rule 248 of the Rules of Procedure. The reporting of the departmental standing committees is not mandatory, but the ROP has made provisions for the Select Committee on Bills, Committee on Petitions, Committee on Public Accounts, Committee on Public Undertakings, Committee of Privileges, Committee on Government Assurances, Committee on Rules of Procedure and Committee on Estimates to submit a report to the House.<sup>97</sup>

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<sup>95</sup> The U.S House of Representative eliminated this provision of voting by proxy in House Committees in 1995.

<sup>96</sup> Benda, Susan R. *op. cit.*, p.13.

<sup>97</sup> Rules 228, 232-3, 235,237-38,241, 244,248and265, Gonoprajatantri Bangladesh Jatiya Sangsader Karjo Pronali Bidhi (Rules of Procedure of the Parliament of the People's Republic of Bangladesh), available at <http://www.parliamentofbangladesh.org/rprocedure.htm>

#### 4.4 Committees and Parties

Parliamentary functions are largely prepared and steered by the parties in the parliament called parliamentary parties or parliamentary groups. Parliamentary parties are the groups or fractions of the members of the parliament that belong to the same party. Though parliamentary party organizations are separate from the party organizations outside the legislature, in the developing democracies like Bangladesh political parties have an upper hand over the activities of their parliamentary party groups. This section attempts to discuss how the parties control their members in the legislative process particularly in the committees through their parliamentary parties.

In the parliamentary process, the parliamentary parties control legislative procedure through agenda setting, tabling motions for plenary discussion, amending laws and scrutinizing government activities through committees. The parliamentary parties determine the general guidelines for their committee members. There is hardly anything that can be done by their committee members against their party position or policy. For organizing and commanding the committee members in on going committee activities, the parliamentary parties use different methods, such as recruitment and removal, reward and sanction. The parliamentary party has the authority to decide which member will go to which committee. In the name of party interest, the parliamentary party can also replace them. Besides, the parliamentary parties use the rewards and sanctions method to control their members who sit in the committees. The members, who serve party interests in the committees, are indeed rewarded in a number of ways: the members may get seats on better and more prestigious committees, become chairperson of a committee, can advance in the party group hierarchy, get leading positions within the parliament as a whole or be promoted to government posts. On the contrary, three different sanctions are used for recalcitrant committee members: the member will lose committee seat if his/her party feels inadequately represented by him/her, party possibly strips him off tasks to be performed for the party group and s/he might not be reappointed to the committee in the next session or term.<sup>98</sup> With these mechanisms, the parliamentary parties control their committee members and make sure that every committee member belonging to the party group is loyal to his/her party.

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<sup>98</sup>Damgaard, Erik, *op. cit.*, pp.320-321.

The following sections analyze party ideology and structure, leadership selection process, parliamentary candidate selection process and parliamentary party organization that have considerable influence on the performances of the legislators in the committee process.

### **Party Ideology and Structure**

The political parties in Bangladesh have distinct characteristics in terms of their internal structure, ideology and functioning. All the parties are not made from the same mould. Some of the parties originated during the British colonial period and led the independent movements while some parties were established in the course of legitimacy of the military regime. Since the independence, Bangladesh has shifted from one system to another. The years between 1975 and 1990 were marked by a continuous power struggle within the army. Military rulers consolidated their positions by creating new political parties and holding national elections.<sup>99</sup> After following a mass movement in 1990, Bangladesh returned to parliamentary democracy.

Over one hundred political parties contested in the post-1990 parliamentary elections. Among the contesting parties, less than eight parties put up candidates for more than 50 seats. Only a few of them return to the parliament, and consequently different smaller parties either merge or become allied with the two major political parties- the BNP and the AL. In the post-1990 parliaments, the JIB and the JP came up as large parties. Table 4.5 shows that the BNP and the JP are by nature centrist parties and are comparatively new. It is worth mentioning that Gen. Ziaur Rahman and Gen. H.M. Ershad established them in the process of civilianization of the military government. On the contrary, the AL is a 'left-of-centre' party, which was founded in 1949. The JIB, unlike the BNP, the JP and the AL, is a pro-Islamic party; it opposed the liberation war of Bangladesh in 1971 and was banned until 1976 (Table 4.5).

Party structure is generally paramedical, major parties include AL, BNP, JP and JIB are comprised following the government administrative hierarchy, the national or central committee is the central policy making body and then they have divisional, district, *Upzila* (Sub-district), Union and village committees. At the municipal and city level they have municipal/ city council and municipal/city ward committees. From national to grassroots,

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<sup>99</sup> Mitra, Subrata K. And Enskat, Mike(2004), "Introduction", in Mitra, Subrata K. And Enskat (ed.) *Political Parties in South Asia*”, London: Praeger, pp.20-21.



every committee is led by Chairman or President, Vice-Presidents, General Secretary, Additional General Secretary, Joint Secretaries and number of members. The committees at all levels are responsible to the national committee and finally to the party chief.

**Table 4.5 Profiles of Major Political Parties in Bangladesh**

Name of Party(founded)	Self-description	Support basis	Splits
Bangladesh Nationalist Party (1978)	Nationalist, democratic and liberal	All sections and classes of people, but get greater support from religious, military and business group	Some leaders left and formed new parties
Bangladesh Awami League (1949)	Liberal, democratic, secular and nationalist	All groups of people, including ethnic and minorities	1975,1983
Jamat-e-Islami, Bangladesh (1979)	Islamic and conservative but pragmatic	Religious and business group	No splits
Jatiya Party-Ershad (1986)	Nationalist, believed in Islamic Shariah Laws	All sections and classes of people but business group and a section of people benefited from Ershad government	Split in to three factions in 2000

Source: Suri, K.C. et.al (2007) *Political Parties in South Asia: The Challenge of Change*, International For Democracy and Electoral Assistance (IDEA), Sweden, p.67.

### **Selection of Party Leadership**

Political parties in Bangladesh have their own constitutions that define the way they will be structured and govern their internal functioning. Though these constitutions prescribe democratic rules relating to the election or selection of party leaderships, there is a big gap between what is laid down in the party constitution and how parties actually work.<sup>100</sup> The BNP's constitution prescribes in Article 8(KA) that the party Chairperson will be elected by direct vote of the members of the National Council for a term of two years, and the Chairperson can be removed if two thirds of the national council demands so and three fourths of the national council votes in favor of this demand. But it is observed that the BNP did not call any National Council meeting last fourteen years. The BNP chairperson Begum Khaleda Zia entered into politics after the death of her husband and became vice-president in 1983 and president in 1984. The BNP's former Secretary General Abdul Manan Bhuian

<sup>100</sup> Suri, K.C. and others (2007), *Political Parties in South Asia: The Challenge of Change*, South Asian Regional Report, Stockhom: IDEA, p.90.

argued that they did not feel necessity for holding the council, as they did not want to change the leadership.<sup>101</sup>

Similarly the AL constitution prescribes democratic rules and procedure for the purpose of the selection/election of party office bearers. According to the AL constitution, all office bearers including the party president, presidium members, secretaries and treasure are to be elected to their posts by the councilors at the triennial council meeting. Although the AL holds its council meeting at very three years, no one contests with present Chairperson Sheikh Hasina for the post of party president while other positions were filled through elections. According to the AL's constitution the presidium (15 members) is able to take up and decide upon all programs of the organization. Each member of the presidium has specific duties. Although it is assumed that presidium will be able to play independent role in policy making, it is observed that most of the presidium leaders have a tendency to show their loyalty to the party president.

The third largest party of the country is Jatyia Party (JP). Following the footsteps of Gen. Ziaur Rahman, the JP was established by former President Gen. H.M. Ershad to civilianize his military rule. Still holds the party leadership by virtue of his role in founding the party. Although the Central Committee, in accordance with the party constitution, is the supreme policy making body, it mostly works under the direction of the party Chairman. According to the Article 46 of the JP Constitution, the party chairman has absolute power to form, suspend or abolish committees at all levels. The chairman also has absolute power to appoint anyone to any post or suspend anyone from any post, with the power to replace any official of the party with any person of his choice. In the constitution, the party chairman is given absolute power of interpreting the constitution. Therefore, Kohanerc states that the formal rules establish a 'single man' dictatorship in the JP.<sup>102</sup>

The next largest party is Jamat-e- Islam Bangladesh(JIB). The JIB is headed by Amir-e- Jamat who is elected for three-year term by the direct secret ballot of the rokons. It is worth mentioning that Central majils-e-sura members first elect a three-member panel for the

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<sup>101</sup> New Age, September 4, 2006.

<sup>102</sup> Kochanek, S.A. (2000), " Governance, Patronage politics, and democratic transition in Bangladesh ", *Asian Survey*, Vol. 34, No.11, pp.530-550.

Amir-e-Jamat. If he is unable to carry out his duties for more than six months, he can select one person from the Naib-e- Amirs consulting with the central working council and made him the temporary Acting Amir. The JIB’s constitution prescribes that within six months, the Acting Amir should arrange an election for a new Amir for the remaining period. But the majlis-e-sura can postponed the election for a reasonable period and extend the term of the Acting Amir, but this period cannot exceed the time limit for the normal election period.

**Table 4.6 Highest Executive Bodies of Four Major Political Parties in Bangladesh**

<b>Parties</b>	<b>Highest executive body</b>	<b>Method of selection</b>
BNP	National Standing Committee	All (15) members are nominated by the chairperson.
AL	Central Council	Comprised of 73 members. Of them 26 members are appointed by the party president in consultation with other office bearers.
JIB	Central Majils-e-Sura	Elected by the Rokons.
JP	Central Working Committee	Members are elected by the council

Source: Compiled by the author based on the constitutions of the BNP, the AL, the JIB and the JP.

### **Parliamentary Candidate Selection**

All parties have their own rules and procedure for selection of candidates for the parliamentary elections. For the purpose of selecting candidates for parliamentary polls the political parties set up parliamentary boards or committees. The BNP’s constitution provides for setting up a high powered parliamentary board headed by the party president. The standing committee members, three vice-presidents, general secretary and the president of the district committee (in the selection of a candidate for particular district) are appointed as members for that meeting. Though the party constitution prescribes that the decision of the board will be final in nominating candidates, in practice the Chairperson takes the final decision. It is observed that BNP’s Senior Joint Secretary Traeq Zia, son of Begum Khleda Zia, played a vital role in selecting candidates for the eighth parliamentary election.

The AL also forms a parliamentary board (PB) with eleven members to nominate candidates for the parliamentary elections. According to the party constitution, the president and general secretary, the leader of Awami League's parliamentary party will be members of the board by virtue of their office. The remaining eight members will be elected by the council from

among the Awami League council members. This parliamentary board is however given all authority to select candidates; the party chief takes the final decision.

Likewise the BNP and the AL, the JP also has a parliamentary board comprising with eleven members. The party chairman acts as chairman of the PB, and general secretary is the ex-officio secretary of the PB. Other nine members are selected by the party chairman. Although the PB is constitutionally empowered to select the candidates, but in practice the party chairman chose the candidates, the PB formally approves his decisions only. Article 25 of the JP constitution asserted that the party chairman will chose parliamentary leader, deputy leader, chief whip and whip from the reliable members of the JP parliamentary party and they will work in the parliament consulting with the party chairman. Article 25(4) makes it mandatory for the members of the JP parliamentary party to comply with the direction of the party chairman. Such constitutional provisions authorized the party chairman to control parliamentarians tightly.

However, political parties in Bangladesh have their own parliamentary boards and institutional procedure for selecting candidates for the parliamentary elections, but practically they did not exercise a democratic selection procedure. Though the aspirant candidates were appeared to the PB for a formal interview but there was no written procedure or grading system for selecting candidates. The PB organized an ostensible interview board and after an instant evaluation they offered the nomination, which is undemocratic.<sup>103</sup> It is observed that the party chief awarded nomination to the aspirants considering their social status and ability to win the poll. In the post-1990s parliamentary elections, major political parties (the BNP, the AL and the JP) awarded nomination to those candidates who were able to contribute huge amounts of money to the party fund and to spent money in the election campaign for winning the polls which is called "*mononoyan baniya*" or "nomination trade".<sup>104</sup> It is calculated that 58 business-industrialist contested in the eighth parliamentary elections with the ticket of the AL and 67 contested as the candidates of the BNP. Many of them got the nomination paying huge sums of money to the party funds. Besides the moneyed men the BNP and the AL equally awarded nomination 17 retired civil military bureaucrats who entered politics just

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<sup>103</sup> Hossain, Amran, *Parties and Party System in Bangladesh*, unpublished Ph.D thesis, the University of Sheffield, England, 2007, p.65.

<sup>104</sup> Karim, Rezaul (2004), "Party Nomination on Sale", The Daily Star, 13<sup>th</sup> Anniversary issue, December.

before the election.<sup>105</sup> They were given nomination because the parties have apparently given maximum emphasis on 'seat politics'.

The political parties in Bangladesh are not democratic to the extent they ought to be. Formation of various levels of party committees and their office-bearers are subject to the party chief. Key positions of various levels of party committee are nominated by the party chief. The party chief control all matters with an iron hand, all important decisions on policy matters are taken unilaterally by the party president without hearing the views of the others and they had not been questioned in their parties.

### **How Parties Control Committee Members**

Political Parties considerably influence the activities of the parliamentary parties through formal and informal manner. The following paragraphs explain 'how do the parties control their members in the legislative process.'

The members of the political party who are elected to the *Jatiya Sangsad* are obliged to form the parliamentary party. For example, the AL parliamentary party comprises the members who are elected to *Jatiya Sangsad*; likewise parliamentarians of the BNP, JP and JIB form their own parliamentary parties. According to Article 28 of the AL Constitution, the party's members who will be elected to the parliament shall be obliged to form the Awami League Parliamentary Party. Similarly, BNP parliamentary party is formed with the parliamentarians belonging to BNP. Similarly, the Jatiya Party Constitution states in the Article 25 that parliamentary party will be formed with members of the JP's MPs and parliamentary party members will be obliged to follow the direction of the JP Chairman.

Parliamentary parties are also pyramidal in structure. The party chief traditionally becomes the parliamentary party leader if s/he elected as member of the parliament. For example, the BNP or AL chief, when in office as Prime Minister was also the leader of the House. In the parliamentary party hierarchy, the next position is occupied by the 'Deputy Leader' followed by the Whips. Following the Westminster model, the Bangladesh Jatiya Sangsad has adopted and established the office of the 'Whip'. The Bangladesh (Whips) Order, 1972 provided the positions for Chief Whip from the ruling party as well as from the opposition. The Chief

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<sup>105</sup> Information is gathered from Bengali and English dailies (August to September 2001) and calculated by the researcher

whip of the ruling party is assisted by a Deputy Chief Whip and other whips. In addition to the Chief Whip there are six Whips. Parliamentary parties heaving at least 30 seats in the Jatiya Sangsad have the position of Whip. Though in principle, including the Leader and the Deputy Leader all positions are to be elected by their MPs, in practice parliamentary party leader decides which member will go to which position. It is worth mentioning that unlike the AL and the BNP, the JP Chairman according to the party constitution enjoys supreme power to selects members for parliamentary positions.

Among the parliamentary parties, the leader of the treasury bench, who is also the Prime Minister and the Leader of the House, holds strong control over committee members representing his/her party. The Prime Minister holds executive power and s/he distributes executive positions of the government. Therefore, MPs of the government party did not want to dissatisfy the party chief or other influential leaders. One example can be cited here related to the removal of a committee chairman. The chairperson of the Estimates Committee of the eighth parliament was removed from the committee when he dissatisfied the top party leaders. The influential members, including several ministers and the Mayor of the Dhaka City Corporation made a negative image of him to the Prime Minister and they influenced her to act against the committee chairperson.<sup>106</sup> Another example can be cited here related to the expulsion of two BNP law makers during the period of the seventh and the eighth parliaments. Major Akhteruzzaman was a law maker of the seventh parliament expelled from BNP for his outspoken criticism of party leadership and attending the parliament session while his party boycotted the session. He lost his parliamentary seat under Article 70 of the Bangladesh Constitution. Again in 2005, Abu Hena MP was also expelled from the BNP after bringing allegation against the JIB, partner of the Four-Party Alliance government, to spread Islamic militancy in the country. But the party chief had cancelled his party membership in the name of misconduct and tarnishing the image of the party.

All parties have their own constitutions that govern party activities and behavior of their parliamentarians. The constitutions of the respective parties grant supreme power to the parliamentary party leader to appoint their members to different parliamentary positions like the Deputy Leader, the Chief Whip (only for government party), the Deputy Whip and to different committees. The parliamentary party leader decides which member will go to which committee. Although seniority, expertise, constituency and party interests are to be

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<sup>106</sup> Daily Bhorer Kagoj, Dhaka, 29th August, 1997.

considered in the selection of members to different committees, personal likings and disliking of the party chief affect the selection process. It was observed that the MPs could not go beyond the decisions taken by the parliamentary party leaders. If any MP dares to question their authority s/he is quickly sacked or faces intimidation.<sup>107</sup> The following paragraphs discuss how major political parties control their committee members.

The AL Constitution in its Article 28(b) states that their MPs must be obliged to perform their functions according to the advice and direction of the President of the Executive Committee. The MPs who were appointed to the committees or any other parliamentary position could not go against party line or refuse to comply with party decision. Otherwise, the party president in consultation with the Presidium Members could take disciplinary action against the reluctant members. Article 28 (a) states, “the decision of the majority of the members of the Parliamentary Party shall be regarded as final decision but the Parliamentary Party shall not take any decision inconsistent with the fundamental principles of the Constitution of the Bangladesh Awami League or any section thereof.”<sup>108</sup> However, parliamentary decisions were mostly taken by the party chief in consultation/without consultation with the senior party members. The AL's constitution has no provision for impeachment of the party chief or disciplinary action against any central leader.

The BNP in its constitution entrusts absolute authority to the party chief. The party chairperson can take necessary action against the MPs who do not comply with the party decision or policy.<sup>109</sup> The party Chairperson holds all the executive power of the parliamentary party, as s/he selects the members and chairpersons of different parliamentary committees and holds power to remove or replace him/her from any committee for violation of discipline and party interests. As a result the committee members could not speak freely. An example can be cited. Chairpersons and members of different committees raised their allegations in a seminar in 2005 against several ministers and high officials for gross irregularities in the ministries, but they could not take a hard stand to unearth the serious irregularities committed by them because the party high ups pressured on them not to speak much about those ministries. The member of the Standing Committee on Ministry of Commerce G.M Quader belonging to the Jitya Party (Ershad) claimed that “the government

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<sup>107</sup>Chowdhury, R. Mahfuz, “Is Bangladesh A Democracy or Autocracy”, November 30, 2006, the American Chronicle.

<sup>108</sup>The Constitution of The Bangladesh Awami League, available at <http://www.albd.org>

<sup>109</sup> Constitution of Bangladesh Nationalist Party (BNP), available at <http://www.bnpsbd.com>

is always trying to control the standing committee”, the government had the opportunity to do this, as he added “because the majority members of the standing committees are from the government party so the government make sure that they do not dig out any irregularities of the government.”<sup>110</sup>

The MPs of smaller parties were also loyal to their party chiefs. The legislators of the JP were absolutely dependent upon the decisions of the party chief, Gen. H.H. Ershad. They could not go against his decision in the committee process. The constitutions of the major political parties make it mandatory for their MPs to be loyal to their party leaders or executive committee. Therefore the MPs cannot go against their party policy. The JIB is an exception in this regard. Its party chief is elected from amongst party members and he is accountable to the party members.

Article 70 of the Bangladesh Constitution is another instrument which makes mandatory for the parliamentary members to be loyal to their parties. The Bangladesh Constitution specifies in Article 70 that the members of all parliamentary parties should be loyal to their own parties. Article 70(1) of the Constitution entrusts that " a person elected as a member of Parliament at an election at which s/he was nominated as a candidate by a political party shall vacate his/her seat if s/he resigns from that party or votes in Parliament against the party". The provision of this Article can be used the party chief to expel a member from the party if s/he go against or challenge party decision. The Constitution again states in Article 70(2) that with regard to voting in the Parliament, any member who does not comply with the direction of the leadership so determined shall be deemed to have voted against that party. This Article does not allow the legislators to go against party policy in the parliamentary process. So the committee members were obliged to cast vote in the committees according to party line. Some parliamentarians argue that the Article 70 of the Constitution is an impediment for the members of the parliament; it curbs the democratic rights of the members of the parliament. A prominent parliamentarian argues that Article 70 alone is responsible for instilling autocratic attitude in party chiefs. An MP cannot even speak in the parliament without the endorsement of his party leaders. Any obstruction or objection will lead to the loss of seat of a member. He argued that Article 70 can be explained in a manner that suits the party leader.<sup>111</sup> There is another argument that Article 70 is the strongest safeguard for

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<sup>110</sup> The Daily Star, Dhaka, March 24, 2006.

<sup>111</sup> Major (retd.) Mohd. Akhtaruzaman, “Keeping MPs under the Thumb”, the daily Star, 14<sup>th</sup> Anniversary Special Issue, Dahaka, January 14, 2005.



stability of the government. Constitution makers framed this article after much thought to ensure stability and strengthen parliamentary democracy.<sup>112</sup> Considering both argument academia and civil society members have suggested to suitably amend Article 70 incorporating the option of an MP to speak freely on any subject other sensitive defense matters which may be debated in camera and members should have right to vote according to his conscience except when the no-confidence motion is brought against a particular government. In the case of 'no-confidence' motion the concerned member shall invariably vote for the party on whose ticket he was elected.<sup>113</sup>

Above discussion revealed that political parties in Bangladesh though provided democratic principles in their constitutions regarding the selection of party leadership, these were not practice properly. Top brass party leaders were either appointed or nominated by the party chiefs from their trusted ministers and members of the parliament. Similarly parliamentary positions were distributed to the trusted and loyal members. The analysis presented above shows that personal choice, loyalty and satisfaction of the party chief played important role in making appointments of committee members and chairpersons and the committee members were tightly controlled by their party chiefs personally rather than institutional norms. Therefore in and outside the parliament committee members could hardly say anything about party policy.

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<sup>112</sup> Bangladesh Jatiya Sangsad and Parliamentary Studies Institute (1999), *Parliamentary Committee System*, Conference Report, Dhaka, May 1999, p.78.

<sup>113</sup> Mondal, M. Abdul Latif, "Floor Crossing in the House", the Daily Star, Dhaka: June 13, 2005.

## CHAPTER V

### Social Standing of the Committee Members

In the late nineteenth and early twentieth centuries, the members of the most European parliaments were representatives of some small propertied groups of the society such as the landowners, clergymen, business elites and bureaucrats. According to Max Weber, parliament at that time was a place of *Honoratioren* (notable persons). The parliament members were amateurs in politics and their social status was not defined by their political role. As he put it, they lived “for politics” not “off politics”.<sup>1</sup> After the turn of the century, most of the political scientists have expounded the idea that parliament requires skilled and experienced members who can give full time attention and are capable of working in a complex environment. Since then, political parties appeared as exclusive channels of parliamentary recruitment. In the developed democracies majority of the parliamentarians turn out to be professional politicians. The parliamentary nominations are usually distributed on the basis of qualifications like length of political career, devotion to the party, academic qualification, resource capacity, and attachment with intra party organizations, quota for women, and specialization on subject matter or experience. After the parliamentary elections legislators are appointed to different parliamentary committees as chairperson and members according to their seniority, experience and expertise. Besides these, constituency’s interest and member’s interest or desires are also taken into consideration.<sup>2</sup> Keeping these characteristics in view the present chapter explains the social standing of the committee members of the Bangladesh parliament.

#### 5.1 Occupational Background

Occupation is one of the important sociological criteria to distinguish between the members because every occupation has different implication to one’s political socialization. Although all committees are equally important, Thomas Stratmann and Martin Baur classified

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<sup>1</sup> Weber, Max (1918), “Politics as a Vocation”, speech delivered at Munich University, in 1918, available at [www2.pfeiffer.edu/~Iridemer/DSS/INDEX.HTML](http://www2.pfeiffer.edu/~Iridemer/DSS/INDEX.HTML).

<sup>2</sup> Stratmann, Thomas and Baur, Martin (2002), “Plurality Rule, Proportional Representation, and the German Bundestag: How incentives to pork barrel differ across electoral systems”, *American Journal of Political Science*, Vol. 46, No.3, July 2002; Kaak, Heino (1990), “The Social Composition of the Bundestag”, Uwe Thasen, Roger H. Davidson, Robert Gerald Livingstone (ed.), *op. cit.*, pp.133-4; Frankland, E. Gene (May 1977), “Parliamentary Career Achievement in Britain and West Germany: A Comparative Analysis”, *Legislative Studies Quarterly*, Vol.2, No.2, pp.137-154.

parliamentary committees into two types' based on legislators preference: party committees and non-distributive committees. The committees through which funds can be channeled to the home district are referred as 'party Committees', for example, the Agricultural Committee, Communication Committee, Social-Welfare Committee and etc. On the other hand, there are some committees in which legislators cannot engage in resource distribution politics are identified as 'non-distributive' committees. These committees help members to spread their reputation nationwide. The Petitions Committee, the PAC and the Foreign Affairs Committee are the example of 'non-distributive' committees.

The members of the Bangladesh parliament had different likings to secure a committee assignment. Among the departmentally related standing committees the Defense Committee, the Legal, Justice and Parliamentary Affairs Committee, the Foreign Affairs Committee and the Education Committees are referred to as prestigious committees. Among the non-ministerial standing committees, the Business Advisory Committee and financial committees also fall into this group. The members who were appointed to these committees were senior party members. By being members of these committees they had a chance to influence government policies. The legislators who wanted to be reelected from their constituencies or wanted to secure specific benefits usually prefer those committees where they could engage actively in resource allocation politics. The Standing Committee on Ministry of LGERD, the Communication committee, the Social Welfare committee, the Relief and Rehabilitation committee were such examples. The backbenchers or who could not secure the blessings of the party chief were nominated to the less important standing committees like the Youth and Sports committee, the Cultural Affairs committee, the Women and Children Affairs committee. The members in these committees hardly influenced or provoked concerned ministry to dispense extra money for their constituency.

Apart from the departmental standing committees, the financial committees are also important with regard to scrutinizing financial matters. The Public Accounts Committee, the Estimates Committee and the Committee on Government Undertaking are financial committees with well-defined subject areas. The parliamentarians who intended to flourish their national reputation generally preferred these committees where they had a chance to play an ombudsman role. The following sections analyze the professional, academic and age composition of members in different committees as well as their parliamentary experiences.

## **Politicians by Profession**

The persons who are whole heartedly devoted and dedicated to politics are called the professional politicians. They hold full time positions in the party and have no other professional involvement. The members who hold ministerial or parliamentary positions such as the Speaker, the Deputy Speaker, the Chief Whip and the Whip are generally politicians in profession. The members who work in their parties for a long time before achieving a political position or holding local electoral office as members of the city or local council are also considered professional politicians. Moreover, the housewives who join politics and take up political career seriously are also accounted as professional politicians. These politicians have long political background and experience of membership either in the city council or in the parliament. Heino Kaack argued that full-time performance of political functions being on the rising trend shows a sign of growing professionalization of politics. He observed in Germany, “Political positions that once were held on a part-time or honorary basis are now also increasingly being performed on a full-time basis.”<sup>3</sup> Compared to the United States, political professionalization in Germany occurred much later, but earlier than that in most of the European countries.<sup>4</sup> Similar to the German tradition, parliamentary positions in India were held on honorary basis until 1920. The members of the Central and Provincial Legislatures of India did not receive any salary until that time. The Central and Provincial legislatures became the focus of professional political careers in the late 1920s when legislative elections took place on party line.

Traditionally, the Bangladesh parliament was dominated by the members who had served their parties for a long time and acquired experience in professional politics. But the number of professional politicians has been gradually declining in the JS since 1975. As demonstrated in Table 5.1, the rate of representation of the professional politicians declined from 12% in the first JS to 2% in the fifth JS. The military intervention and rise of business industrial class in politics weakened their positions. Since 1975 both civil-military government offered various incentives to enrich the wealth of the business-industrialist class who in turn used their wealth to capture political power and used it for their further enrichment. This patrimonial politics marginalized professional politicians in the parliament and in the committees as well. Apart from few exceptions, most of the committee members were

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<sup>3</sup> Kaak, Heino op. cit., p.133

<sup>4</sup> Borchert, Jens and Golsch, Lutz (2003), “ Germany: From: Guild of Notables” to Political Class”, in Jens Borchert (ed.) *The Political Class in Advanced Democracies: A Comparative Handbook*, Oxford: Oxford University Press.

amateurs in politics. Among the legislators, professional politicians were mostly appointed to the Business Advisory Committee, the Public Accounts Committee, the Foreign Affairs Committee, the Agricultural Committee, the Law, Justice and Parliamentary Affairs Committee and the Commerce Committee with varying numbers.

**Table 5.1: Social Composition of the Members of the Jatiya Sangsad** (Figure shows in %)

Background		1 <sup>st</sup> JS	5 <sup>th</sup> JS	7 <sup>th</sup> JS	8 <sup>th</sup> JS
Occupational Background	Businessmen & Industrialists	24	53	48	57
	Former Army Officers	-	6	6	5
	Former Civil Servants	1	2	2	3
	Lawyers	26	19	17	11
	Doctors, Eng., Journalists	15	14	9	11
	Politics	12	2	4	7
	Landlords	18	4	7	4
	Others	4	-	7	2
Educational Background	Postgraduate	28	38	40.25	42.38
	Graduate	45	46	45.28	47
	Undergraduate	27	16	10.37	10
	Others	-	-	4.1	0.62
Parliamentary Experiences	No Experience	33	68	40	29
	Experience of one JS	57	17	27	28.33
	Experience of two JS	10	7	33	27
	Experience of three JS	-	4	-	10.33
	Experience of four JS	-	4	-	4
	Experience of five JS	-	-	-	1.33

Source: Talukder Maniruzzaman, *Politics and Security of Bangladesh*, Dhaka: University Press Limited, 1994, pp. 150-57, Nizam Ahmed, *op cit.*, p.70, A S M Samsul Arefin, *Election in Bangladesh (1970-2001)*, Dhaka: Bangladesh Research and Publications, 2003. Data on the eighth parliament is calculated by the author.

### **Business and Industrial Class**

Since the independence of Bangladesh, according to Kochanek, the professional businesspersons have gradually got involved in politics resulting in their higher representation in the JS. It has been observed that during the military rule the business-industrialists were promoted in political arena. Besides, political patrimonialism massive foreign aid also contributed in fostering the growth of the new business-industrialists as a

political class.<sup>5</sup> The business-industrialist class therefore appeared as the dominating force in the JS. In the post -1990 parliamentary elections, major political parties gave nominations to a section of people, who contributed huge amount of money to get nomination without having any political background. It was also observed that political parties gave maximum emphasis on 'seat politics' and therefore people having a long political background failed to get party nomination because of their financial weakness.<sup>6</sup> The parliamentarians belonging to the business-industrialist class intended to use their parliamentary position to advance their economic interests and to build up their social status and wealth. Kochanek rightly observed that the business-industrialist legislators spent most of their time taking care of their own business. They served as lobbyists largely to secure local development benefits for their constituencies and personal benefits from themselves.<sup>7</sup> Similar situation was also found in a survey of the Transparency International Bangladesh (TIB). The TIB survey report shows that the members who mostly remain absent in the plenary session were the business-industrialists. They spent most of their time taking care of their business rather than parliamentary activities.<sup>8</sup> With a few exceptions, they were used to remain absent from the committee meetings regularly.

Compared to the first JS, the representation of the business-industrialist class highly increased from 24 percent in the first JS to 53 percent in the fifth JS. The percentage declined a little in the seventh JS, 47.8% of the members of the seventh JS came from the business-industrialist class (Table 5.1). The same trend was reflected in the committees, as shown in the Table 5.2., percentage of business industrialist class increased in the Standing Committee on Ministry of Foreign Affairs from 20% in the fifth JS to 60% in the seventh JS. Their percentage also gradually increased in the Standing committee on Ministry of Agriculture. Majority of the members of most of the standing committees including the LGERD committee, the Commerce committee and the Communication committee belonged to the business-industrialist class. Simultaneously they also occupied most of the committee chairs. It is worth mentioning that most of the members of different committees coming from military background presently belonged to the business- industrialist class.

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<sup>5</sup> Maniruzzaman, Talukder (1993), *Politics and Security of Bangladesh*, Dhaka: University Press Limited, 1994, pp. 153-54, Kochanek, Stanley A (1993), *Patron-Client Politics and Business in Bangladesh*, Dhaka: University Press Limited, p.222.

<sup>6</sup> Karim, Rezaul (2004), "Party Nomination on Sale?", *The Daily Star*, 13<sup>th</sup> Anniversary Special Issue.

<sup>7</sup> Kochanek, Stanley A, *op. cit.*, p.222.

<sup>8</sup> Ahmed, Tanvir (2005), *Parliament Watch 2005*, Survey Report, Dhaka: Transparency International Bangladesh, pp. 44-46.

## **Civil-Military Bureaucrats**

Like the business-industrialist legislators, civil servants and military officials also enter politics without political experience. The military intervention in politics in 1975 and onwards encouraged them to enter the political arena either after finishing their tenure or by resigning their profession. Over the last two decades, they also appeared as the dominating force in politics and their representation in the JS is continuously increasing. Statistics shows that in the first JS only 2 members (0.67 percent) came from the civil service but no member came from military background. In the fifth JS their share was increased to 8 percent (6 MPs from civil service and 17 from military service). Their representation rate was again increased in the seventh and the eighth JS. Compared to the military professionals, the strength of the civil servants was comparatively low and they were scattered in different committees. On the contrary, the legislators with defense background were mostly appointed to the Defense Committee because of their experience and interest on defense issues.

## **Other Professional Groups**

The representation of other professional groups such as Lawyers, doctors, engineers, journalists, academia and scientists continuously declined in the parliament from 41 % in 1973 to 22% in 2001. After the end of Mujib regime, the professional groups became gradually marginalized in parliamentary politics. The nature of politics turned out to be patrimonial and it increased the rate of representation of the business-industrial class. Unlike the business-industrial class professional groups could not get the blessings of the party chiefs. As a consequence politics was engulfed by the vicious cycle of the business people in conjunction with ambitious partisans.

Available statistics shows that the lawyers had an outstanding representation in the Standing Committee on Legal, Justice and Parliamentary Affairs. The members who either were lawyers or had a higher degree in law were appointed to this committee. The lawyers were not appointed to the Women and Children Affairs committee, the LGED committee and the Defense Committee.<sup>9</sup> The number of members from teaching profession also declined in the parliament. Among the teachers who represented in the parliament very few were university teachers and most of them were teachers of private colleges. Their teaching background was

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<sup>9</sup> Only in the fifth JS, two members from law background appointed to the Defense Committee but in the seventh and eighth JS no law professional was appointed to this committee.

not considered important to get membership in the education committee. For example, in the eighth JS, only one member with teaching background was appointed in the Standing Committee on Education, although six percent of the total members of the eighth parliament were teachers. In the seventh JS, one teacher who previously taught in the Bangladesh Agricultural University belonging to the opposition party was appointed as the Chairperson of the Agriculture committee. The members from other professions such as doctors, journalists, and media representatives were not appointed in the committees relevant to their professions. The members who were appointed in the Public Accounts Committee, the Public Undertakings Committee, the Government Assurance Committee and the Agricultural committee from various professional groups were senior party members. In many cases, professional groups gradually lost their strength in the parliament and professional experience was not recognized as a determining factor for distributing committee seats. This is also seen in the composition of the Education committee and the Health committee. Although the JS had some members belonging to teaching or medical professions but they were not appointed to these committees, most of the members of these committees were business-industrialist legislators. It is worth mentioning that since 1991 business-industrialists class has been investing capital in both the education and the health sector.

It is observed that very few trade union activists, student leaders, employees of the private business or corporate office, workers and women were represented in the JS. Most of the political parties in Bangladesh have their political fronts among the students, workers and employees and they play important roles in national politics. But very few of them were represented in the parliament mainly because of their weak financial capacity. For the same reason they failed to find strong patrons in the party. It is also observed that few trade union or CBA leaders who earned enormous illegal money defeated the businesspersons in the competition for nomination in the parliamentary elections.

## **5.2 Educational Background**

Education enables the legislators to understand and play by the rules in the legislature honing the arts of negotiation and representation.<sup>10</sup> In the Western parliaments, most of the parliamentarians have strong academic background because higher studies or expertise on subject matter is one of the preconditions for securing a parliamentary mandate. More than

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<sup>10</sup> Maniruzzaman, Talukder (1994), *Politics and Security of Bangladesh*, Dhaka: University Press Limited, p.156.



half of the members of the German Bundestag have higher degrees and members with higher education dominate in the parliamentary working groups and committees. Gerhard Loewenberg found a link between educational training and parliamentary appointments. He showed that the members with law background are usually appointed to the Legal Affairs Committee and the members trained in finance or banking become members of the Finance Committee.<sup>11</sup>

Majority of the members (85.6%) of the fifth JS were graduates while 14.4% of the members were undergraduates. Similarly, most of the members of the seventh and the eighth parliaments were college or university educated while very few of them had doctoral degree or undergraduate degrees. Membership to the parliamentary committees in Bangladesh was not necessarily linked with the educational training. Nevertheless, the usual practice was that the members trained in law were generally appointed to the Law, Justice and Parliamentary Affairs Committee and the members who were educated in the college or university were sent to important committees like PAC or the PEC. Less educated members were rarely appointed to the Foreign Affairs or the Defense committees. Most of the members of the Defense Committee were graduates from the Military Academy.

### **5.3 Age and Seniority**

Age is not always considered an important factor when committee seats are distributed, but some experts like Kalus von Beyme, Lowenberg and Heino Kaack considered age and seniority as one of the vital factors that can influence committee performance. They argued that aged committee members with their long legislative experience can contribute more and can influence committee performances considerably.<sup>12</sup> There is an argument that a young legislator can be a firebrand but the middle-aged legislator can be more mature and thoughtful in much the same way as an elderly legislator can bring his/her accumulated experience to bear on the legislature's proceedings.<sup>13</sup> The older members who are involved in politics for a long time have good opportunities to use their experiences in the functioning of the committees. On the other hand, newcomers serve the committees as parliamentary apprentices.

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<sup>11</sup> Loewenberg, Gerhard (1966), *Parliament in the German Political System*, Intheka: Cornell University Press, 1966, pp.106-7.

<sup>12</sup> Beyme, Kalus von ( *Die Politische Elite in der Bundesrepublik Deutschland*, Munich: Piper, p.98 & 112; Lowenberg, Gerhard *op. cit.*, p.130, 432-36; Kaack, Heino *op. cit.*, p.136-7.

<sup>13</sup> Maniruzzaman, Talukder *op. cit.*, p. 156

Table 5.4 shows that the members of the JS belonging to the age group under 36 years were not very large (8 % in 1991). It was found that 38 percent of the members belonged to the age group 36 to 45 and 34 percent of the members belonged to the age group 46 to 55. Similar trend was found in the committees. The newcomers who were members of the fifteen different standing committees mostly became members of the JS at the age of 40 and above while only few of them were below 35 years. Only a small group entered JS just after finishing their academic career and it is found that they were engaged in student politics. But a larger group became parliamentarians after completing long professional careers in the civil service or military service or other services. The members who came from the business-industrialist class joined formal politics at least three to seven years before becoming parliamentarians. It is a fact that the majority of the members of different standing committees belonged to the age group of 46 to 55 years. Only a few committees were dominated by the members belonging to the age group of 56 and above. For example, the majority of the members of the PAC and the Foreign Affairs committee belonged to the age group of 56 and above. They had served in the JS either for three to five terms or held important party positions at the regional or district levels for a long time before being representatives in the JS.

#### **5.4 Party Experience**

Though long party experience is not a guarantee to obtain a better position in the parliament such as chairperson or members of important committees, senior party members who are elected to the parliament usually get such appointment. It has been observed that in the developed democracies party leaders and senior legislators are generally appointed in the important committees while newcomers have less chance to sit there.<sup>14</sup> In case of the Bangladesh parliament, the members who were formally attached with the party for a long time and hold positions in the party organization had more chance to be appointed to important committees such as the Foreign Affairs committee, the Defense committee, the Law, Justice and Parliamentary Affairs committee, the Business Advisory Committee and the financial committees. In the post-1990 parliaments, among the legislators who were senior party members and held important positions in their parties were appointed to the above-

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<sup>14</sup> Patzelt, Werner (1997), "German MPS and Their Roles," *Journal of Legislative Studies*, 3:1, Spring 79-90; Lowenberg, Gerhard (1966), *op. cit.*, pp.192-3.

mentioned committees. On the contrary, newcomers were appointed to the less important committees such the Sports and Youth committee, the Cultural and Media Affairs committee, and the Religious Affairs committee. It is observed that the members who had strong patronization in the party were appointed to the important committees. It is interesting to see that about 12% of the members of the eighth JS had changed their party loyalty before the JS election for getting better position in the government or the parliament.

Experiences show that the legislators who were businessmen/industrialists or retired civil military bureaucrats joined political parties five years before becoming members of the JS. They formally got involved in party politics with the intention of getting nomination to the JS election. It became so easy because nomination procedures were mostly controlled by the party chief rather than by the party caucus. A small group of members who served their parties actively for 20 to 35 years were nominated to those standing committees which played the role of ombudsman like the Business Advisory Committee, the Public Accounts Committee and the Petitions Committee. The members who were potentially ministerial candidates were nominated for committee chairs while senior leaders from the opposition parties got only membership but no chairpersonship in the committees.<sup>15</sup>

## **5.5 Parliamentary Experience**

Individual members who are reelected have opportunity to develop his/her knowledge on a particular committee. The American and the German parliamentary practices show that among the experienced or reelected members who desire to stay in the same committee usually are nominated there and others are usually moved to important committees for making their contributions towards better public policy.<sup>16</sup> Generally, the newcomers are appointed to the less important committees. But those who have achieved prominence in the party organization, or have powerful patrons or have skills are appointed to important committees from the beginning of their parliamentary career.<sup>17</sup> Although experiences and knowledge are indeed important for getting position in some particular committees,

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<sup>15</sup> Only exception was happened in the 7<sup>th</sup> JS, one member from the JP was nominated as chairman to the Committee on Agricultural, named T.I.M. Fazlay Rabbie.

<sup>16</sup> Keefe, William J., 'The Functions of the State Legislature', in Alexander Heard, ed., *State Legislatures in American Politics*, Englewood Cliffs, NJ: Prentice-Hall; Lockard, Duane, "The State Legislator, in Alexander Heard (ed.), *op. cit.*; Broder, David (1982), "The Legislators and the Lobbyists", *San Francisco Chronicle*, August 2, 1982, quoted from Peverill Squire (1988), 'Career Opportunities and Membership Stability in Legislatures', *Legislative Studies Quarterly*, Vol. XIII, No.1, February 1988, Lowenberg, Gerhard (1966), *op. cit.*, p.195.

<sup>17</sup> Lowenberg, Gerhard (1966), *op. cit.*, p.195.

sometimes loyalty appears as an important factor. It is observed in the Bangladesh Parliament that the newcomers who had strong patron in the party had opportunity to choose generally prefer important committees, which might help them to advance their political career. But the recent World Bank study shows that in the absence of experience in parliamentary practice most of the MPs failed to participate knowledgeably in the committee activities.<sup>18</sup>

Statistics reveals that in post-1990 parliaments most of the parliamentarians were newcomers while only 33.4% members of the seventh JS had experience of more than one JS, which was 13.9% in the fifth JS. Though turnout rate increased in the seventh JS and percentage of newcomers declined from 58.8% in the fifth to 39.95% in the seventh JS, they were still majority in the eighth JS. According to parliamentary experience, newcomers can be distinguished into two groups - one group entered into JS with a short political career while another group either served their parties for a long time, or served in the city or local council. It is observed that the members, who were re-elected for three or more times, dominated in the important oversight committees such as the Foreign Affairs Committee, the Agricultural Committee and the Public Accounts Committee. About 20 percent of the members both from the treasury and opposition bench were appointed in the less important committees such as the Sports Committee, the Women and Children Affairs Committee.

The patterns of mobility of chairpersons or members of the different committees indicate that either the members were not interested to stay longer in the committees where they were first appointed or the party leaders did not consider their previous experience. Among the members of the seventh and the eighth JS representing in the standing committees both from the opposition and the treasury bench moved to new committees. About 47% of the members of different 15 standing committees were reelected from the seventh to the eighth JS. Among them 65.8 percent of the members moved to new committees. During these periods, changes in government also brought changes in the committee leadership. For example, during the tenure of fifth JS all committee chairs were occupied by the BNP legislators. When the AL came to power in 1996, the committee chairs again were distributed to the AL members except one position, which was offered to the second opposition party. Consequently, all chair positions were occupied by the ruling BNP members in the eighth JS. Due to the absence of proportional representation method, the committee leaders cannot stay longer in the same committee in the same position unless his/her party comes to power again. Thus the

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<sup>18</sup> World Bank, Bangladesh: Government That Works,p.52

career patterns of committee members in the JS are less stable than those in the established democracies. In the developed countries members mostly stay longer in the same committee and sometimes with the same position. While in the Bangladesh parliament, very few chairpersons could stay in the same committees for the next term as member.

## **5.6 Status of Different Committees**

Although, in principle, all committees are equal in importance and status, few of them are often referred to as more important and prestigious. Such internal hierarchy makes a difference between different committees. Accordingly, the members who sit in the important watchdog committees as chairpersons were senior and experienced members of the parties while back benchers were appointed to the less important committees. The committee chairpersons have generally built their career serving for a long time in their parties and finally becoming central parliamentary policy makers. In the developed democracies, either promising politicians of the party who wish to be promoted in a higher political position or senior leader of the party who previously held important positions in the parliament or in the government are appointed the chairpersons. With the example of the German parliamentary system, Klaus von Beyme noted that top politicians of the party, particularly from oppositions sit in the important committees while government party loses some top personnel to the executive.<sup>19</sup> Unlike the American or the German practice, until the seventh JS, Minister sat in the respective ministerial committee as the chairperson. The practice of making minister chairperson of the ministerial standing committee was changed in the seventh JS. An amendment was brought in the ROP to restrict the Minister or State Minister to be nominated as a chairperson to any of the committees but they can be appointed to any committee as members. Since the seventh JS, the members who were potential ministers were nominated to the important committees as chairpersons. Former Ministers were also appointed as committee chairperson. Under the provisions of the ROP, the Speaker him/herself acts as a chairperson in two non-ministerial standing committees. Due to absence of proportional representation opposition members did not get sit in any committee chair. The mobility pattern of committee members returning from the seventh to the eighth JS is shown in the Table 5.6.

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<sup>19</sup> Klaus von Beyme, *The Legislator: German Parliament as a Centre of Political Decision-Making*, Aldershot: Ashgate, 1998, p.41.

## 5.7 Women in the Jatiya Sangsad and the Committees

The actual role and position of women parliamentarians depend on a number of variables, like the political context in which the assembly functions, party system and policies on women's issues, the type and number of women who are in the parliament. To promote women's participation in parliamentary politics, by constitutional provision 15 seats were reserved for women in the first JS in addition to the three hundred regular seats. It was increased to 30 in the Second JS and continued to be so until the seventh JS. The eighth JS increased reserved seats for women to 45 by the 14<sup>th</sup> constitutional amendment. It is observed that excluding the reserved seats no women were elected from the general seats in the first and the second JS. For the first time two women candidates were returned from the general seats in the third JS and their number increased to 9 in the Fourth JS. Between the fifth and the eighth JS the number of elected female MPs fluctuated from 5 to 7. Excluding the reserved seats number of women MPs elected from the general seats was low compared to their male colleagues. Most of them were elected from the general seats after the death of their husbands. The housewives who entered the political field with the patronization of their husbands or any other relative were mostly nominated for reserved women seats. They used their social links rather than personal political experience or activities. It has been observed that women contestants in electoral politics depended on men for money and support to get access to public political space.<sup>20</sup>

Women's status within the party structure is important to obtain nomination for contesting in the JS election and for getting position in the desired committee because political party is the exclusive channel of parliamentary recruitment. With a few exceptions, party positions are mostly occupied by the male members. The AL and the BNP have been headed by two female leaders who achieved these positions for their familial connections with the two charismatic leaders. The AL chairperson Sheikh Hasina is the daughter of Sheikh Mujibur Rahman, the former Prime Minister and the Chief of AL, similarly the BNP chairperson Begum Khaleda Zia, wife of Ziaur Rahman (former President of Bangladesh and founder of the BNP) came to her present position by using her family connection. Two of them have been promoted to the position of the party chief as dynastic successors. Similarly, the Jatiya party leadership has also assumed a tendency towards establishing dynasty. Thus the women

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<sup>20</sup> Hassanuzaman, Al Masud and Hussain, Naseem A. (1998), "Women in the Legislature in Bangladesh", *Asian Studies*, No.17, p. 80.

who are successors of their father or husband are promoted to party leadership. It has been observed that women's reserved seats in the parliament were usually captured by female candidates with familial connections with the male leaders.<sup>21</sup> Excluding the reserved seats, women were underrepresented in the parliament. They were marginalized in party leadership. No women quota was reserved in the parties. The result is that women members who contested in the general seats or were selected for the reserve women's seats, with few exceptions were not drawn from the ranks and files of the party. The studies show that most of them (65.8% in the fifth JS and 62.2% in the seventh JS) had no previous experience on parliamentary politics.<sup>22</sup>

It seems that once the women enter the parliament, they enter a male domain as parliamentary positions are mostly occupied by the male members. Records reveal that no female parliamentarian was elected to the chair of the Speaker or the Deputy Speaker of the JS; even they did not hold the position of the Whip. The JS is traditionally male dominated and therefore women were marginalized in the committees. The female legislators were not appointed as members to some important committees, such as the Foreign Affairs Committee, the Agricultural Committee, the Defense Committee or the Law, Justice and Parliamentary Affairs Committee. They were mostly appointed to the less important standing committees, for example, the Women and Children Affairs committee, the Cultural Affairs committee. These committees were treated as feminine and proper place for the female parliamentarians. None of the women legislators was appointed to any financial committee or Petitions Committee or Government Assurances Committee. In the fifth JS, only two women legislators chaired two committees as Ministers of the concerned ministries. While in the seventh and the eighth JS no female member obtained any committee chair. However, there were several women members who had the competence to become chairpersons. Women members were treated more as women than the parliamentarians. In these circumstances, the women legislators had little scope for obtaining vital experience in the committee system.

As discussed above, women parliamentarians remained significantly under-represented and male dominated in the JS and its committees because of the political context in which parliament works. The nomination process and the electoral principle of reserved seats for women make women's participation in the legislature dependent on the patrons of the male

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<sup>21</sup> Jahan, Rounaq (2005), "Dynastic Leadership of Political Parties, *the Daily Star*, 14th Anniversary Special Issue, January 14, 2005.

<sup>22</sup> Hassanuzaman, Al Masud and Hussain, Naseem A., op. cit., p. 83.

elites of the party in power. They hide incapacities as legislators behind the wholehearted support for male patronage. This only accentuates women's dependence and subordination in the political sphere.<sup>23</sup> The female parliamentarians mainly served the purpose of gender biased political parties by being a 'vote bank'. These are reinforcing male domination within the legislature.<sup>24</sup>

The system of reservation of seats for women in the parliament gives undue power to the government. On the other hand, it makes the female parliamentarians vulnerable as they have no permanent constituency and there is no assurance that they will be reelected. As women MPs in reserved seats have not gone through a competitive election process, they are taken less seriously by their directly elected colleagues who feel to be superior as 'guardians' of women MPs in the parliament. For example, women MPs were often told by male MPs that they were selected and not directly elected and thus they indirectly reminded them of their vulnerable position.<sup>25</sup>

Though, directly elected women members had higher status in legislature and they were qualified and experienced. They did not seem to have extra attention for women's agenda and apparently, they did not show their interests to educate female members coming from reserved seats. It is observed that the women parliamentarians had lacked in experience and knowledge for effectively participating in parliamentary affairs. They took more time in understanding the functions of the legislature and learning the procedures through which committees work. Inside the parliament and the committees, women were not found to be organized against the "feminization" of legislation and other policy outputs. Beyond party line, women parliamentarians did not establish any instance to come together for putting their issues on agenda for making woman-friendly or gender-sensitive legislation. It is worth mentioning that women's issues were not put on the agenda with priority and thereby women issues were given less priority in the standing committees.

Women parliamentarians particularly those elected from the reserved seats were neglected by their male colleagues. A woman parliamentarian coming from reserved seats reported, "We

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<sup>23</sup> Rahaman, Z and Kamal, A (1991), "Accountable Administration and Sustainable Democracy" in R. Sobhan. (ed.) *The Decade of Stagnation*. Dhaka: UPL, 1991.

<sup>24</sup> Hassanuzaman, Al Masud and Hussain, Naseem A., op. cit., p. 80.

<sup>25</sup> Bhuiyan, Rbia (1999), "The Representation of Women's Issues in the Parliamentary Committee System", in Bangladesh Jatiya Sangsad and Institute of Parliamentary Studies, *Parliamentary Committee System*, Conference Report, Dhaka, 1999, p.221.



were nothing but bonus of our male colleagues”.<sup>26</sup> Joni Lovenduski and Azza Karam describe this situation as “institutional masculinity”. They argued that male-dominated organizations reflect certain male biases, the precise kind varying by country and culture. Until recently, this “institutional masculinity” has been an invisible characteristic of legislatures; it was embedded, pervasive and taken for granted. Only recently legislatures' masculine biases have come under scrutiny.<sup>27</sup>

The political role of women in the legislature became a public issue in Bangladesh since 1990. The donor agencies, the NGOs, the civil society and the academia raised the demand for making parliament more “woman-friendly”. They propagate for bringing reforms in the political parties and to amend the constitution in order to bring more women to legislature by direct election. As two major political parties are headed by female leaders, they could use their power for improving political opportunities for women. They could also develop new legislation and institutions to benefit women. But no such initiative is observed.

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<sup>26</sup> Firoj, Jalal, Women in the Fifth and Seventh parliaments of Bangladesh: A Study on Opinion of Women Members of Parliament, A Study Report, funded by USAID, Dhaka, p.27.

<sup>27</sup> Lovenduski, Joni and Karam, Azza (2002), “Women in Parliament: Making a Difference”, *International IDEA*, Stockholm, available at <http://www.idea.int>

**Table: 5.2 Party Representation in the Standing Committees (selected)**

Standing Committee on	Fifth Jatiya Sangsad			Seventh Jatiya Sangsad			Eighth Jatiya Sangsad		
	Govt.	Main Opp	Others	Govt.	Main Opp	Others	Govt.	Main Opp	Others
<b>Ministerial Standing Committees on</b>									
Foreign Affairs	70%	20%	10%	60%	30%	10%	80%	20%	0
Defense	60%	30%	10%	60%	30%	10%	80%	20%	0
Law, Justice and Parliamentary Affairs	70%	20%	10%	60%	30%	10%	80%	20%	0
LGED	60%	30%	10%	60%	30%	10%	70%	20%	10%
Agriculture	60%	30%	10%	60%	30%	10%	60%	20%	20%
Relief and Rehabilitations	60%	20%	20%	60%	30%	10%	60%	20%	20%
Commerce	60%	30%	10%	60%	40%	0	70%	20%	10%
Communication	60%	30%	10%	60%	30%	10%	80%	20%	0
Women and Children Affairs	80%	10%	10%	60%	30%	10%	70%	20%	10%
Youth and Sports	50%	40%	10%	60%	30%	10%	80%	20%	0
Social Welfare	50%	40%	10%	60%	30%	10%	70%	20%	10%
Cultural Affairs	70%	20%	10%	60%	30%	10%	60%	20%	20%
<b>Financial Committees</b>									
PAC	53.3%	26.7%	20%	60%	33.3%	6.6%	66.7%	20%	13.3%
PUC	60%	20%	20%	50%	30%	20%	70%	20%	10%
PEC	60%	30%	10%	60%	30%	10%	60%	20%	20%
<b>Investigative Committee</b>									
Petitions Committee	80%	20%	0	60%	40%	0	60%	40%	0
<b>Scrutinizing Committee</b>									
Committee on Government Assurances	50%	20%	10%	50%	20%	10%	30%	20%	30%

**Source:** Compiled by the Researcher from the information materials provided by the Bangladesh Jatiya Sangsad Secretariat, Dhaka.

**Table 5.3 Social Compositions of the Standing Committee Members (selected)**

Standing Committee	Jatiya Sangsad	Business/Industrialists	Politicians	Lawyers	Professionals	Army Officers	Civil Servants	Others	Total
Government	5 <sup>th</sup>	6	0	1	2	0	0	1	10
Undertakings	7 <sup>th</sup>	4	1	2	0	1	2	0	10
	8 <sup>th</sup>	6	0	2	1	1	0	0	10
Public	5 <sup>th</sup>	7	2	2	3	0	0	1	15
Accounts	7 <sup>th</sup>	7	0	1	2	2	2	1	15
Committee	8 <sup>th</sup>	8	0	2	2	1	2	0	15
Estimates	5 <sup>th</sup>	2	1	1	2	2	0	2	10
Committee	7 <sup>th</sup>	5	0	0	3	1	1	0	10
	8 <sup>th</sup>	6	0	0	3	0	1	0	10
Government	5 <sup>th</sup>	2	1	2	1	0	0	2	8
Assurances	7 <sup>th</sup>	4	1	3	0	0	0	0	8
	8 <sup>th</sup>	6	0	0	2	0	0	0	8
Pubic Petitions	5 <sup>th</sup>	2	2	2	2	1	0	1	10
	7 <sup>th</sup>	4	0	4	0	0	0	0	10
	8 <sup>th</sup>	3	0	6	1	0	0	0	10
Ministry of	5 <sup>th</sup>	2	4	2	0	2	0	0	10
Foreign Affairs	7 <sup>th</sup>	3	4	2	0	1	0	0	10
	8 <sup>th</sup>	6	0	2	0	2	0	0	10
Ministry of	5 <sup>th</sup>	2	1	2	0	5	0	0	10
Defense	7 <sup>th</sup>	3	2	0	0	5	0	0	10
	8 <sup>th</sup>	0	1	0	0	8	1	0	10
Law, Justice &	5 <sup>th</sup>	1	0	9	0	0	0	0	10
Parliamentary	7 <sup>th</sup>	0	1	9	0	0	0	0	10
Affairs	8 <sup>th</sup>	2	2	6	0	0	0	0	10
Ministry of	5 <sup>th</sup>	5	1	2	0	0	0	2	10
LGGERD	7 <sup>th</sup>	0	1	4	3	0	0	2	10
	8 <sup>th</sup>	5	3	0	1	1	0	0	10
Ministry of	5 <sup>th</sup>	3	1	0	3	1	0	2	10
Agriculture	7 <sup>th</sup>	4	3	0	1	0	0	2	10
	8 <sup>th</sup>	6	1	0	1	0	2	0	10
Ministry of	5 <sup>th</sup>	4	3	1	0	0	0	2	10
Relief and	7 <sup>th</sup>	6	2	0	0	0	0	2	10
Rehabilitations	8 <sup>th</sup>	9	0	0	0	0	0	1	10
Ministry of	5 <sup>th</sup>	4	1	1	0	0	2	2	10
Commerce	7 <sup>th</sup>	6	3	1	0	0	0	0	10
	8 <sup>th</sup>	8	0	0	1	1	0	0	10
Ministry of	5 <sup>th</sup>	5	0	3	0	1	0	1	10
Communication	7 <sup>th</sup>	5	0	2	1	0	0	2	10
	8 <sup>th</sup>	6	0	3	1	0	0	0	10
Ministry of	5 <sup>th</sup>	2	3	1			1	3	10
Women and	7 <sup>th</sup>	2	1	0	6	0	0	1	10
Children	8 <sup>th</sup>	5	1	0	2	0	0	2	10
Affairs									

Source: Calculated by the researcher based on interview questioners and the *Biography of Members of the Eighth Parliament* (in Bengali), Bangladesh Parliament Secretariat, Dhaka, April 2005.

**Table 5.4 Educational Background of the Standing Committee Members (selected)**

Name of the Committees	JS	Doctoral Degree	Post Graduate	Graduate	Under graduate	Total
Committee on Government	5 <sup>th</sup>	1	3	2	4	10
Undertakings	7 <sup>th</sup>	0	6	4	0	10
	8 <sup>th</sup>	0	6	4	0	10
Public Accounts Committee	5 <sup>th</sup>	0	10	5	0	15
(15 members)	7 <sup>th</sup>	0	8	7	0	15
	8 <sup>th</sup>	0	7	8	0	15
Committee on	5 <sup>th</sup>	1	2	7	0	10
Estimates	7 <sup>th</sup>	1	6	3	0	10
	8 <sup>th</sup>	1	3	6	0	10
Committee on Government	5 <sup>th</sup>	0	3	5	0	8
Assurances	7 <sup>th</sup>	0	3	5	0	0
	8 <sup>th</sup>	0	2	4	2	0
Committee on Pubic Petitions	5 <sup>th</sup>	0	3	5	2	10
	7 <sup>th</sup>	0	3	7	0	10
	8 <sup>th</sup>	0	3	7	0	10
Standing Committee on Ministry of	5 <sup>th</sup>	0	5	5	0	10
Foreign Affairs	7 <sup>th</sup>	0	2	7	1	10
	8 <sup>th</sup>	0	5	5	0	10
Standing Committee on Ministry of	5 <sup>th</sup>	0	2	6	2	10
Defense	7 <sup>th</sup>	0	1	8	1	10
	8 <sup>th</sup>	0	4	5	1	10
Committee on Legal Affairs and	5 <sup>th</sup>	0	5	5	0	10
Parliamentary Affairs	7 <sup>th</sup>	0	3	7	0	10
	8 <sup>th</sup>	0	6	4	0	10
Standing Committee on Ministry of	5 <sup>th</sup>	0	3	5	2	10
LGERD	7 <sup>th</sup>	0	6	4	0	10
	8 <sup>th</sup>	0	5	5	0	10
Standing Committee on Ministry of	5 <sup>th</sup>	0	2	6	2	10
Agriculture	7 <sup>th</sup>	1	3	4	2	10
	8 <sup>th</sup>	1	5	4	0	10
Standing Committee on Ministry of	5 <sup>th</sup>	0	2	5	3	10
Relief and Rehabilitations	7 <sup>th</sup>	0	3	6	1	10
	8 <sup>th</sup>	0	4	6	0	10
Standing Committee on Ministry of	5 <sup>th</sup>		4	3	3	10
Commerce	7 <sup>th</sup>	0	3	7	0	10
	8 <sup>th</sup>	0	5	3	2	10
Standing Committee on Ministry of	5 <sup>th</sup>	0	1	5	4	10
Communication	7 <sup>th</sup>	0	3	6	1	10
	8 <sup>th</sup>	0	4	5	1	10
Standing Committee on Ministry of	5 <sup>th</sup>	0	4	5	1	10
Youth and Sports	7 <sup>th</sup>	0	3	6	0	10
	8 <sup>th</sup>	0	6	4	0	10
Standing Committee on Ministry of	5 <sup>th</sup>	0	2	5	3	10
Women and Children Affairs	7 <sup>th</sup>	0	6	4	0	10
	8 <sup>th</sup>	0	3	4	3	10

Source: Calculated by the researcher based on interview questioners and the *Biography of Members of the Eighth Parliament* (in Bengali), Bangladesh Parliament Secretariat, Dhaka, April 2005.

**Table 5.5 Age Background of the Standing Committee Members (selected)**

<b>Committee On</b>	<b>JS</b>	<b>20 – 30Years</b>	<b>31 – 35Years</b>	<b>36 – 45Years</b>	<b>46 – 55Years</b>	<b>56 – Years</b>	<b>Total</b>
PUC	5 <sup>th</sup>	0	0	2	4	4	10
	7 <sup>th</sup>	0	0	2	2	6	10
	8 <sup>th</sup>	0	1	3	4	2	10
PAC (15 members)	5 <sup>th</sup>	0	0	1	12	2	15
	7 <sup>th</sup>	0	0	2	6	7	15
	8 <sup>th</sup>	0	1	4	7	3	15
PEC	5 <sup>th</sup>	0	0	2	5	3	10
	7 <sup>th</sup>	0	0	2	4	4	10
	8 <sup>th</sup>	0	0	1	5	4	10
Government Assurances	5 <sup>th</sup>	0	0	2	5	2	10
	7 <sup>th</sup>	0	1	1	4	2	10
	8 <sup>th</sup>	0	0	4	0	6	10
Pubic Petitions	5 <sup>th</sup>	0	0	1	3	6	10
	7 <sup>th</sup>	0	0	2	4	4	10
	8 <sup>th</sup>	0	1	2	2	5	10
Ministry of Foreign Affairs	5 <sup>th</sup>	0	0	1	7	2	10
	7 <sup>th</sup>	0	0	2	2	6	10
	8 <sup>th</sup>	0	0	1	6	3	10
Ministry of Defense	5 <sup>th</sup>	0	0	3	5	2	10
	7 <sup>th</sup>	0	1	2	5	2	10
	8 <sup>th</sup>	0	0	0	4	6	10
Ministry of Legal & Par. Affairs	5 <sup>th</sup>	0	0	2	5	3	10
	7 <sup>th</sup>	0	1	1	4	4	10
	8 <sup>th</sup>	0	0	1	4	5	10
Ministry of LGED	5 <sup>th</sup>	0	0	3	6	1	10
	7 <sup>th</sup>	0	0	3	4	2	10
	8 <sup>th</sup>	0	0	1	6	3	10
Ministry of Agriculture	5 <sup>th</sup>	0	0	5	3	2	10
	7 <sup>th</sup>	0	1	2	2	5	10
	8 <sup>th</sup>	0	0	2	6	2	10
Ministry of Relief & Rehabilitations	5 <sup>th</sup>	0	1	4	5	0	10
	7 <sup>th</sup>	0	0	3	4	3	10
	8 <sup>th</sup>	0	2	2	3	3	10
Ministry of Commerce	5 <sup>th</sup>	0	0	3	4	3	10
	7 <sup>th</sup>	0	0	1	8	1	10
	8 <sup>th</sup>	0	0	0	5	5	10
Ministry of Communication	5 <sup>th</sup>	0	0	5	4	1	10
	7 <sup>th</sup>	0	2	3	5	0	10
	8 <sup>th</sup>	1	0	3	4	2	10
Ministry of Youth & Sports	5 <sup>th</sup>	0	2	4	4	0	10
	7 <sup>th</sup>	0	2	1	4	3	10
	8 <sup>th</sup>	0	1	5	2	2	10
Ministry of Women & Children Affairs	5 <sup>th</sup>	0	0	4	1	5	10
	7 <sup>th</sup>	0	0	5	4	1	10
	8 <sup>th</sup>	0	1	0	4	5	10

Source: Calculated by the Researcher from *Biography of Members of the Eighth Parliament* (in Bengali), Bangladesh Parliament Secretariat, Dhaka, April 2005.

**Table 5.6: Return of the standing committee (selected) members from the 7<sup>th</sup> JS to the 8<sup>th</sup> JS**

Committees	Committee Size	No. of members re-elected in the eighth JS	No. of members appointed in the same committee	No. of members moved to other committees in the eighth JS	No. of members appointed to Executive/parliamentary Position
Public Undertaking Committee	10	4	1	3	2
Public Accounts Committee	15	8	2	6	4
Estimates Committee	10	1	1	-	-
Government Assurances Committee	8	5	0	5	1
Petitions Committee	10	7	1	6	1(Speaker)
Foreign Affairs	10	5	2	3	3
Defense Committee	10	7	1	6	2
Committee on Legal Affairs & Parliamentary Affairs	10	4	2	2	1 (Speaker)
LGIRD Committee	10	7	1	6	1
Agriculture Committee	10	2	0	2	0
Relief & Rehabilitations Committee	10	5	0	5	0
Commerce Committee	10	5	0	5	1 (Deputy Speaker)
Communication Committee	10	4	1	3	1
Youth and Sports Committee	10	2	0	2	1 (Minister )
Women & Children Affairs Committee	10	3	3	0	0
Total	153	38	13(34.2%)	25 (65.8%)	14 (Ministers) 2(speaker, deputy speaker)

Source: calculated by the researcher from the proceedings of the JS (1996-2002).

## CHAPTER VI

### Parliamentary Support Services

The growth and complexity of government activities lead to a greater expansion in the volume of parliamentary activities. For handling huge volume of legislative works, in modern democracies, parliament delegates tasks to particular bodies, usually committees.<sup>1</sup> Legislative committees perform a broad range of functions and in doing so they require adequate staff and other facilities. It is generally argued that the quality and quantity of committee staff tend to reflect the relative importance of the committee system to the legislative institution. Where the committees are of central importance, these are replete with qualified professional staff. On the other hand, legislatures where committees are less consequential, there are few staff assigned for committees and they largely perform administrative functions.<sup>2</sup> From this point of view, this chapter attempts to analyze structure and functions of the Bangladesh *Jatiya Sangsad* Secretariat, and also focuses on research and other facilities available for the parliamentary committees.

#### 6.1 Nature of Parliamentary Support Services

Factors indicative of support services are broadly of three types: staff facilities, institutional facilities and financial facilities. Again the staff that are working in the parliament can be categorized into two types: parliamentary staff in general and committee staff in particular. The parliamentary staff assist the parliament in general while the committee staff are in particular responsible for committee's works. Their responsibility is different from that of the other parliamentary staff. The committee staff with their organizational and substantive skills assist the committee members at various levels of committees' activities.<sup>3</sup> They prepare the paper works associated with legislating, investigating and overseeing purposes. After the meeting, they also prepare the draft report for the committee.<sup>4</sup> They maintain contact with the ministries and other concerned agencies for supplying information to their committee members and in turn to the relevant ministry. The committee staff are better informed about

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<sup>1</sup> Norton, Philip (1998), *op. cit.*, p.143.

<sup>2</sup> Benda, Susan (1997), *op. cit.*, p.16.

<sup>3</sup> Summarized from discussion of various participant in the workshop on "the Role of Committees in an Effective Legislature", organized by National Democratic Institute for International Affairs, in 1997.

<sup>4</sup> Lees, John D. "Committees in the United States Congress", in John D. Lees and Malcolm Shaw (eds.), *op. cit.*, pp.43-49. Smith, Steven S. and Deering, Christopher J. (1990), *Committees in Congress*, Washington D.C.: Congressional Quarterly Press, pp. 148-49.

committees than other parliamentary staff. Other than committee staff, research assistants, library staff and legal officers also work for the committees from time to time. Adequate office rooms with modern equipments are also considered to be important factors that fall into the category of institutional facilities. The pay and allowances for committee members, allowances for experts or persons who provide information in the committee hearing and office management costs fall into the category of financial facilities.

## **6.2 Bangladesh Parliament Secretariat: Legal Basis and Structures**

Article 79 of the Bangladesh Constitution guarantees establishment of a separate secretariat for the Bangladesh JS. Article 79 says: “(i) Parliament shall have its own Secretariat. (ii) Parliament may, by law, regulate the recruitment and conditions of the service of persons appointed to the secretariat of the Parliament. (iii) Until provision is made by the Parliament the President may, after consultation with the Speaker, make rules regulating the recruitment and conditions of service of persons appointed to the secretariat of the Parliament, and rules so made shall have effect subject to the provisions of any law.”<sup>5</sup> The first section of the Article uses the word “own” to mean that the parliament secretariat shall be independent in all matters. The second section empowers the JS in making laws for regulating the recruitment and conditions of service. Until the formulization of such laws the recruitment and service conditions were regulated by the law made by the president. It is observed that the parliament did not frame any law for the establishment of an independent parliament secretariat until 1994. However, the parliament secretariat existed since the beginning of the first JS. During the period of the fifth JS, the parliament has initiated and passed “Parliament Secretariat Act, 1994”. Some of the major features of this Act are as follows<sup>6</sup>:

1. The Parliament Secretariat is not under the administrative control of any ministry, department or office of the Government;
2. The administrative responsibility for the Parliament Secretariat is entrusted to the Speaker and he/she discharges his/her responsibility either him/herself or shall impose it on an officer determined by rule. The Speaker is accountable to the JS in respect of all activities of the Parliament Secretariat;

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<sup>5</sup> Government of Bangladesh, *The Constitution of the Peoples Republic of Bangladesh*, Dhaka: the Ministry of Law, Justice and Parliamentary Affairs, as modified up to 2006.

<sup>6</sup> Government of Bangladesh, “The Parliament Secretariat Act, 1994”, *Bangladesh Gazette Extraordinary*, May 18, 1994.



3. The Parliament Secretariat shall be constituted with officers and staff who shall be recruited according to the Parliament Secretariat Officers and Employees Recruitment Rules, 1982, until the rules have been made;
4. The Speaker is finally responsible to approve the budget of the Parliament Secretariat with the advice of the Parliament Secretariat Commission before forwarding it to the Ministry of Finance for its incorporation in the annual financial statement of the government;
5. The Parliament Secretariat Act (PSA) has constituted the Parliament Secretariat Commission, which can determine its own procedure. The commission is consisted of the five members, the Speaker, as its Chairman; the Prime Minister, the Leader of the Opposition, the Minister in charge of the Ministry or Department of Parliamentary Affairs, the Minister of Finance. The Act also provides that any Member of this commission can appoint an MP to represent him/her in the commission. The Parliament Secretary Commission has advisory function with regard to the determination, diminution and increase of the number of officers and employees of the Parliament Secretariat and on the preparation of the annual budget of the Secretariat and the expenditure of the budget appropriations;
6. The PSA defines that the Parliament Secretary shall discharge all necessary secretarial duties for the Parliament and shall perform all functions imposed on it by the Rules of Procedure of the parliament of Bangladesh.

Until the enactment of the PSA, most of the Class-I officers of the Parliament Secretariat were deputed from civil service. Therefore, the Secretariat was dependent upon the approval of the Ministry of Establishment and the Ministry of Finance for creating new posts. After the promulgation of the Parliament Secretariat Act, the officials who were deputed to the parliament secretariat were absorbed as parliament Secretariat staff.<sup>7</sup> The Act also abolished the indirect control of the executive over the parliament secretariat. Under the provisions of the Parliament Secretariat Act all the administrative and financial power have been transferred to the hands of the Speaker and he has been granted legislative authority to protect the independence of the Parliament Secretariat. For all activities of the Secretariat the Speaker has been made accountable to the parliament.

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<sup>7</sup> Hashem, Abul (2001), "The Parliament Secretariat: Public Administration at the Service of the House", (research monograph) Dhaka: *Bangladesh Institute of Parliamentary Studies*, pp. 18-21.

The Bangladesh parliament secretariat is organized into four wings: the Legislative Wing, the Committee Wing, the Administration Wing and the Establishment Wing. Each Wing is headed by a Joint Secretary who works under the supervision of an Additional Secretary. There are two Additional Secretaries- Additional Secretary (Law) and Additional Secretary (Implementation). The Legislative Wing and the Committee Wing work under the supervision of the Additional Secretary (Law). The Additional Secretary (Implementation) supervises the works of other two wings. These two Additional Secretaries are responsible to the Secretary who is the administrative head of the Parliament Secretariat.

Among the four wings, the Legislative Wing is perhaps the most important wing. It performs most of the legislative works of the parliament secretariat including processing and drafting of the Bills, keeping record of the debates, printing necessary papers and to provide secretarial support during question hour. This wing is divided into Legislation Section-I and Legislation Section-II; they deal with the Government and the Private Members' Bill respectively. Besides the processing of the Government Bills, the Legislation Section-I also works for the Business Advisory Committee and the Committee on Rules of Procedure. The Legislative Drafting Unit is one of the important components of the Legislative Wing that provides assistance to the Standing Committee on Private Members' Bills in drafting Private Members' Bills and in assisting the standing committees in the examination of Bills. The 'Legislative Wing' particularly provides secretariat service to six different committees including the standing committee on the Ministry of Establishment, the Business Advisory Committees, the Committee on Rules of Procedure, the Committee on Private Members Bills, the Committee on Privilege and the Petitions Committee. All works in connection with these committees are provided by the Legislative Wing. Legislative Wing has Reporters' Cell that helps the committees in recording their proceedings. All the parliamentary papers including the committee reports are printed and distributed by the Printing and Publication Section of the same wing.

The Committee Wing with its 15 different sections serves 36 departmental standing committees, three financial committees (the PAC, the GUC and the EC), the Government Assurance Committee and the Library Committee including their sub-committees. Each section of this wing is headed by the Assistant or the Senior Assistant Secretary. They report to the head of the Committee Wing whose position is equivalent to the Joint Secretary. Four

Deputy Secretaries, seven Assistant Secretaries and Senior Assistant Secretaries and six Committee Officers currently work in the Committee Wing under the supervision of the Joint Secretary. The Secretary of the parliament secretariat is the *ex-officio* secretary to every committee and sub-committee. Under the provision of the Rule 218 of the ROP, the Secretary authorizes other officers of the Secretariat to attend the committee and sub-committee meetings on behalf of the Secretary.<sup>8</sup> The Secretary attends meetings headed by the Speaker, such as the Committee on Rules of Procedure and the Business Advisory Committee.

The Committee Wing is mainly responsible for issuing notices to all the committee members and other concerned persons prior to a committee meeting. This wing prepares working papers for the meeting (sometimes the concerned Ministry would prepare the working paper) and also prepares minutes of the meeting as well as circulates the same after due approval. If a committee decides on calling for papers and witnesses, and desires to visit various places for inspection, inquiry etc the Committee Wing is responsible to arrange everything necessary. Finally, the Committee Wing is assigned for drafting reports of the committees and taking other actions as instructed by the committee. If a committee has set up sub-committees, the Committee Wing also provides them with similar secretarial support. The functions of the Committee wing are mostly regarded to providing procedural support as needed by the committee chairperson and members.

The Administrative Wing serves the parliament as a whole for its smooth functioning. It makes necessary arrangement for security of parliament building and surrounding areas and ensures maintenance of the parliament. This wing also provides various services to the members including medical facilities, transportation and accommodations. In this connection, it is associated with the “House Committee”. It serves the House Committee for maintaining and controlling the MP Hostel. “Office of the Serjant-at-Arms” and “Law Office” work under the supervision of the Administrative Wing. The Establishment Wing is responsible for staff management. It works with its two distinct branches: Personnel administration and Accounts. The former is responsible for staff management and the later for preparing yearly budget and disbursement of funds.

Compared to the parliaments of the developed countries the JS Secretariat works with small number of staff. As it is calculated, 138 staff are employed from three different grades (first,

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<sup>8</sup> Rule 218 (2), Rules of Procedure of the Parliament Secretariat, Bangladesh Jatiya Sangsad, Dhaka, 2006.

second and fourth-class employees) for the committees (Table 6.1 & 6.2), which is on an average three for each permanent committee. Each committee office is provided with one first class ranked officer, one officer from second-class rank, one or two clerical staff and one-fourth class staff. Some committees such as the Public Accounts Committee, the Law, Justice and Parliamentary Affairs committee have more staff. Number of staff varies from committee to committee depending on their size and workload. None of the committees has research staff with expertise on related subject matters.

**Table 6.1: Legislative Staff in the Bangladesh Parliament Secretariat**

Name of the Office	1 <sup>st</sup> Class	2 <sup>nd</sup> Class	3 <sup>rd</sup> Class	4 <sup>th</sup> Class	Total
Secretariat	52	78	216	184	530
Speaker Office	5	0	4	11	20
Leader of the House	2	0	2	7	11
Opposition Leader Off.	4	0	4	12	20
Whip Office	13	0	13	35	61
Committee Wing	24	22	23	24	93
<b>Total</b>	100	100	262	273	735

Source: Establishment Section, Bangladesh Parliament Secretariat, 2006.

Human resources that are available in the Secretariat are not adequate for the committees. With inadequate staff it becomes very hard for different Wings to perform a lot of responsibilities. Until 2007, the committee chairpersons were provided a personal secretary by the concerned ministry. Considering this problem, one personal secretary for each standing committee chairperson was appointed in February 2007. But the committee offices needed more staff for handling the bulk of committee works.<sup>9</sup> Most of the committee chairpersons therefore raised demand for setting up individual secretariat for each committee with sufficient staff and communicative technological facilities (computer, printer, telephone, internet access). They argued that more support services and facilities were required for proper functioning of the committees.<sup>10</sup> In addition to increasing staff facilities the UNDP expert on committees suggested for improving the competency skill of the committee secretariat and committee officers. The expert also suggested standardized formats for preparing committee proceedings and writing report. Considering these recommendations measures have been taken to strengthen the committee secretariats. For example, since the

<sup>9</sup> Five committee officers were interviewed in August 2006.

<sup>10</sup> The Bangladesh Jatiya Sangsad and the Institute of Parliamentary Studies, *Parliamentary Committee System*, Conference Proceedings, Dhaka, 1999.

beginning of seventh JS, the committee secretariats started to improve and update record keeping. The committee proceedings and activity reports are mostly prepared in the seventh and the eighth JS following the format prepared by the committee expert.<sup>11</sup> But there is still lacking in keeping record in the Committee Wing. For example, the Committee Wing did not properly keep record about the presence of members in the committee meetings.

**Table 6.2 Patterns and Size of the Bangladesh Parliament Secretariat Staff**

<b>Name of the Wing</b>	<b>Head of the Wing</b>	<b>No. of Committees to be Served</b>	<b>No. of Personnel</b>
The Legislative Wing	Joint Secretary	6	214
The Committee Wing	Joint Secretary	41	93
The Administrative Wing	Joint Secretary	1	316
The Establishment Wing	Joint Secretary	Appointments of the Personnel Staff of the Committee Chairmen.	111
The Law Office	Judicial Officer	Provide legal Advice to the committees need.	1
<b><u>Name of the Post</u></b>	<b><u>No. of Existing Posts</u></b>	<b><u>No. of Additional Approved Posts</u></b>	<b><u>No. of Total Posts</u></b>
Secretary	1	0	1
Addl. Secretary	2	1	3
Joint Secretary	4	1	5
Deputy Secretary	10	4	14
Director equivalent to Deputy Secretary	4	0	4
Desk Off. /other Class I Off.	79	19	98
Class II Off.	100	7	107
Class III Staff	262	56	318
Class IV Staff	273	10	283
<b>Total</b>	<b>735</b>	<b>98</b>	<b>833</b>

Source: Establishment Wing, Bangladesh Parliament Secretariat, 2007, Hashem, Abul (2001), "The Parliament Secretariat: Public Administration at the Service of the House", (research monograph) Dhaka: *Bangladesh Institute of Parliamentary Studies*.

<sup>11</sup> Information is collected from the Secretary, Committee Office II, Bangladesh Parliament Secretariat, Dhaka, August 2007.

There are numbers of shortcomings also identified in the staff management and decision making process. Firstly, the senior officials who had worked for the committees were deputed from various government departments belonging to the BCS (Administration) cadre service.<sup>12</sup> They normally worked in the Parliament Secretariat for three to five years, and then they moved to the government department. Under the provision of the new Act they are adopted in the Secretariat permanently but the top senior management posts of the Secretariat including Secretary are still filled on by deputation. Therefore they did not show interests to advance their expertise on parliamentary affairs. Secondly, they are not delegated authority to effectively manage the recruitment and deployment of staff.

According to the UNDP Mission (2002) report, the management style of the Parliament Secretariat is characterized by risk-avoidance consistent with a hierarchical bureaucratic structure emphasizing control and top-down decision-making. The Mission revealed that the Parliament Secretariat being a traditional bureaucratic structure focused inward on rules and procedures and work being manually done. Thereby the Secretariat, in its present form, faced rigorous problems to respond adequately to the needs of the Parliamentarians. The Mission after having in-depth discussion with senior management of the Parliament Secretariat including the Speaker, the Chief Whips of government and opposition parties and the top ranking officials suggested to reorganize the Parliament Secretariat and to develop human resource management and planning process.<sup>13</sup>

### **6.3 Logistics and Research Facilities**

It has been observed that the legislators of the developed countries enjoy more facilities than their counterparts in developing countries. In the parliaments of USA, UK, Germany and Japan, every member is provided with personal staff, research assistance and computers. For example, the Bundestag committee members have separate office room equipped with the latest information and communications technologies (computer, printer, telephone, internet access). They also have office in their constituencies. The members have online access to the parliament library as well as to the Reference and Research Service, so every request can be placed to the library service via an online. It has been observed that office automation and

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<sup>12</sup> World Bank, “Parliamentary Control over Public Expenditure in Bangladesh: The Role of Committees”, available at [www.worldbank.org/publicsector/legal/bangladeshParliamentary.doc](http://www.worldbank.org/publicsector/legal/bangladeshParliamentary.doc), p.15.

<sup>13</sup> The UNDP, “UNDP support to Bangladesh Parliament Through “Strengthening Parliamentary Democracy Project (SPD): Enhancing the Parliamentary Process”, an assessment Report, 2006.

flow of information help members to be up to date for committee deliberations.<sup>14</sup> Mostly similar facilities are also offered for the committee members of the British parliament and the Japanese Diet. The Congressional committee members comparatively enjoy more facilities than the legislators of any other parliament.

In contrast with the developed countries, the committee members of the Bangladesh Jatiya Sangsad were not facilitated with separate office room and research service. Separate office rooms were only provided for the committee chairperson. The committee members had no other place to sit and to meet together. Only four meeting rooms were available for all the standing committees. Due to space shortage, some committee offices were shifted to other buildings (such as the MP hostel) near the main parliament building. To meet up the room crisis, the Cabinet Room some times was made available for committee meeting but it requires prior notice from the committee. In this respect the UNDP has suggested for systemic reorganization and improvement on the capacity of personnel engaged and provision of logistic.<sup>15</sup>

As in the developed democracies legislators in the Bangladesh Parliament, according to the provisions of the “Remuneration and Allowances of Members of Parliament Act”, are not given financial support to employ personal assistant for assisting in their legislative activities. The lack of adequate and expert staff is one of the major problems to the effective functioning of the committees. As shown in the Table 6.3 about 93 staff are working in the Committee Wing for 41 standing committees and they are mostly general staff. The committee members have less chance to get research assistance and necessary information on subject matter from the committee staff for participation in the committee process. It is worth mentioning that three research officers work in the library for providing information as requested by the MPs. The Law Office has been included in the parliament secretariat in 1996 for giving legal advice. The Law Office is headed by a Law Officer deputed from the civil service. The Law Officer was usually asked for giving advice on service matters in general and on disciplinary matters in particular. Law Officer also dealt with court cases of the Parliament and the Parliament Secretariat. The Law Officer attended the committee meetings

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<sup>14</sup> Rupert Schick and Wolfgang Zeh (1999), *The German Bundestag: Functions and Procedure*, Rheinbreitbach: Neue Darmstädter Verlagsanstalt.

<sup>15</sup> The UNDP, A Needs Assessment of the Parliament of Bangladesh Private Draft, August 29<sup>th</sup>, 1996, available at <http://magnet.undp.org/Docs/cap/asia/BGD/ZOVATTO.htm>

when a committee examined Bills.<sup>16</sup> But it was very hard for one officer to respond to all queries from the committees. As the committees did not have any expert staff, senior members of the bureaucracy were asked to supply information whenever necessary and to provide specialized or professional advice on matters particularly policy issues and to.<sup>17</sup> Such practices had two major backdrops. Firstly, committees could not work independently from the influence of civil service. Secondly, the bureaucrats, who were asked about technical issues, seemed to be biased to the government side. This had a negative effect on overseeing functions.

As in the other parliaments, the JS has its own library that is responsible for providing relevant information to the members. It operates under the Committee Wing of the parliament secretariat and is headed by a Director (Library and Research). In every electoral period, JS sets up the Library Committee that considers all matters concerning the library and makes suggestions for the improvement of the library. The library is primarily meant to meet the needs and requirements of the Members of the Parliament for performing their functions as legislators. The parliamentary staff can use the library. Also the researchers particularly from the universities and research institutions are allowed to use this library with prior permission from the Secretary of the Parliament.<sup>18</sup>

During the period of the seventh JS, the parliament library has been transformed into an information center named “Legislative Information Centre (LIC)” under the UNDP supported project “Strengthening Parliamentary Democracy”. The main objective of this center is to provide classified and relevant information, in the minimal possible time. The LIC is also responsible for producing research papers as per request of the members. The Library has a reading room for the Members where they have access to the library catalogue via on-line. A Computer User's pool with twelve computers and network printers are also made available for the members, and the parliamentary staff. But it is observed that the legislators occasionally come to use the computer pool.<sup>19</sup>

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<sup>16</sup> Bangladesh Parliament, official website, <http://www.parliamentofbangladesh.org/general-14.html>.

<sup>17</sup> Hasanuzzamn, Al Masud (2007), “Role of Parliamentary Committees in Bangladesh”, in Nizam Ahemd and ATM Obiadullah (eds.), the Working of *Parliamentary Committees in Westminster Systems: Lessons for Bangladesh*, Dhaka: University Press Limited, p.44.

<sup>18</sup> <http://www.parliamentofbangladesh.org/general-14.html>

<sup>19</sup> LIC senior officers told the researcher with a personal interview in November 2006.



**Table 6.3 Strength of Staff and other Support Service of the Bangladesh JS**

Facilities	5 <sup>th</sup> JS	7 <sup>th</sup> JS	8 <sup>th</sup> JS
Number of Parliament Members	330	330	330
No. of existing staff	431	599	735
No. of staff per MP	1.3	1.7	2.2
No. of Committees	46	49	51
No. Committees are Served by CW	41	41	41
No. of Staff working in the CW	70	70	93
No. of staff per committee	0.6	0.6	2.3
No. of Committee Meeting Room	4	4	4
No. of Computer for each Committee Section (on an average)	0	0	1
Total Budget for Parliament (Figure in thousand BdTk.)	NA	32,86,94 (2000-2001)	42,13,26 (2004-2005)
Total Budget for Committees (Figure in thousand BdTk.)	NA	1,54,27	1,77, 26

Source: Committee Section-2, Bangladesh Parliament Secretariat.

#### **6.4 Pay and Allowances for the Members**

The parliamentary committees disburse their official expenditure including staff salary and allowances from their own budget. In every financial period the Parliament Secretariat prepares the budget and after the approval by the Speaker it is sent to the Ministry of Finance for including it to the National Budget. In every financial year certain amount of money is allocated in the budget for the committees. In the financial year of 2000-01, TK. 40, 38,000 was allotted for the committees, which was 1.2% of the total budget of the parliament. In the next financial year, 4.35 % of the total parliamentary budget was allotted for the committees. As of 2001-02, a major portion of the budget (60.35%) was spent in the head of staff salary and allowances while a small portion of the allotted money was spent for committee meetings and conferences. The committee budget is gradually increasing since the beginning of the Fifth JS. In the context of the national revenue budget, 0.18 % was allotted for the JS during the financial year of 2000-01.

The "Remuneration and Allowances of Members of Parliament Act" regulates financial benefits of the JS Members. Under the provision of this Act, the members receive salary and other allowances. The members are also allowed to earn outside income from their private business or private office. In doing so, they are not required to disclose this information to the Speaker. The salary and allowances of the MPs have been increased time to time to make them economically free and independent. According to the recent pay system (as of

September 2005) the members receive a total of Tk. 180,000 per annum as basic salary. In addition, they are also entitled to receive entertainment, medical bills, constituency allowances and telephone bills. Furthermore, they receive travel allowances for parliamentary sittings/business. They are also given facility of buying duty-free cars. In addition to the salary and allowances, they also receive Tk. 500 per day for attending the committee meetings or plenary session. Apart from all of these allowances, every MP has discretionary grant of Tk. 1, 00,000 per year at his/her disposal. The parliamentarians also have the opportunity to stay in the subsidized apartments provided by the parliament for their whole tenure. Pay and allowances that the parliamentarians get are free from tax (Box 6.1).

Although the JS members are not highly paid compared to the members of the West European parliamentarians or even to the members of the Indian and Sri Lankan parliaments, parliamentary seats are attractive in Bangladesh from other grounds. The parliamentarians have an important link in resources distribution. They have opportunities to control all patronages in their constituencies and can use them for their re-election. Even the lawmakers misused their coveted privileges and convicted for receiving commission or bribes for legal and illegal favor.<sup>20</sup>

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**Box 6.1 Remuneration, Allowances and Facilities for the Members of the JS**

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1. Remuneration (per month)	Tk. 15,000/-
2. Constituency allowances(per month)	Tk. 5,000/-
3. Sumptuary allowances(per month)	Tk. 2,000/-
4. Constituency office expenses(per month)	Tk. 6,000/-
5. Insurance coverage for accident causing death/permanent disablement	Tk. 5,00,000/-
6. Traveling allowances(annual)	Tk. 50,000/-
7. Discretionary grant (annual)	Tk.1,00,000/-
8. Telephone bill (per month)	Tk. 6,000/-
9. Daily allowance for attending session/committee meeting	500/=
10. Import of duty free car/jeep	

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Source: The Members of Parliament (Remuneration and Allowances) (Amended) Act , 2005.

It was alleged that the members often misused their position for material and personal interests. For example, the members were allowed to import a duty-free car or a jeep, once in

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<sup>20</sup> About hundreds MPs including 20 senior leaders were arrested by the military backed caretaker government in between 2007 and 2008 for receiving commission, bribes and misusing parliamentary privileges.

eight years without tax for carrying out their parliamentary business. This privilege was granted in May 1998 and was amended several times. According to the amendment of August 2005, the members are granted to import up to 1600cc cars and 3000cc jeeps without tax. But the legislators who would have less than two years tenure after taking the oath are not granted this privilege.<sup>21</sup> The law also restricted that duty-free vehicles would be used for carrying out parliament related activities and could not be handed over or sold before three years from the date of import.<sup>22</sup> According to the statistics provided by the NBR, under the duty-free scheme 303 cars, jeeps and SUV were imported by the lawmakers of the eighth JS and the members of the fifth imported 311 cars or jeeps while the members of the seventh JS imported 177 vehicles. Compared to previous parliaments, most luxurious vehicles were imported from 2001 to 2006 during the period of the eighth JS and their tax ranged from 73.91 per cent to 196.10 per cent. It was reported in the major dailies that during the period of the eighth JS, about 200 luxury cars and jeeps like BMW, Mercedes Benz, Land Rover, Porsche, Range Rover, Cadillac, Hummer were imported. The average import values of these vehicles ranges from 40 thousand to 200 thousand Euros.<sup>23</sup> Many of these luxury cars and jeeps were seized by the interim government in 2007 because of misusing privileges. The NBR authority accused that the lawmakers released these vehicles flouting the existing rules. The NBR also detected that above 90 percent lawmakers either sold out their duty-free vehicles to businessmen or imported those for others in exchange of commission. According to a vernacular daily on February 8, 2007 each permit for duty-free cars was sold by the lawmakers of the eighth JS for as high as Tk 25 lakh and about Tk. 150 crore was smuggled out through under-invoice price of the imported car. Considering these facts the interim government cancelled the lawmakers' privilege of importing duty-free vehicles in April 2007.

It was alleged that the members misused their telephone facilities also. As it is calculated, The BTTB noticed that a total of 771 lawmakers from the first to the eighth parliaments owed over Tk. 83.07 million to the Bangladesh Telegraph and Telephone Board. However, they received their telephone bill (fixed Tk.6000) from the government. According to a statement made by the Post and Telecommunications Minister in the eighth JS that 226 members of the fifth JS did not pay the bill of Tk. 38.5 million and 216 members of the seventh JS did not pay bill of Tk. 13.07 million. At the end of the eighth JS, it was reported that total 183 members did not pay their telephone bill of Tk. 12.6 million. The Whips, the committee

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<sup>21</sup> The New Age, 11 March 2007

<sup>22</sup> Before purchasing the duty free vehicles, parliament secretariat issue a letter with the permission of the Speaker saying that "the vehicle is needed for carry our parliament related activities".

<sup>23</sup> The Daily *Prothom Alo*, Dhaka, February 8, 2007.

chairpersons and the members from both treasury and opposition benches were among the defaulters.<sup>24</sup>

## **6.5 Parliamentary Aid/Assistance**

The parliamentary assistance is a recent phenomenon in the world of development co-operation. Since 1970s the parliamentary assistance program has been introduced by the developed countries as a part of their ‘democracy promotion’ program. This program has developed due to the evident failure of economic-assistance policies in many developing countries. The parliamentary assistance program is aimed at promoting good governance and it involves the NGOs to deliver social and economic aids.<sup>25</sup> The post colonial states and the states that emerged from the Soviet Union are the recipients of the democracy assistance and the most active donor states are the USA, the UK, Germany, the Scandinavian countries, the Netherlands and Canada. Most of the donor states have different agencies that manage and operate the program.<sup>26</sup> It is argued that the donor countries intervene into the emerging states in the name of promoting good governance for really protecting market economies by maintaining the conditions of political stability.

The Bangladesh JS had received parliamentary assistance from various development agencies including the UNDP, the DFID/UK, the USAID, the World Bank and other agencies from 1991 to 2007. These agencies closely worked with the government for developing interactions between the public and the parliament. The parliamentary aid/assurances program in Bangladesh considered committee system as more important program. The DFID/UK assisted projects mainly focused on strengthening parliamentary committees particularly those concerned with finances. The main objectives of the project were updating record-keeping systems, improving facilities for the committees, organizing training for the staff assigned to the committees, organizing orientation programs for the committee chairpersons and the members.

The UNDP introduced a development project in 1997 named ‘Strengthening Parliamentary Democracy’ to overcome the drawbacks of Parliament Secretariat in respect to institutional

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<sup>24</sup> Daily *Prothom Alo*, Dhaka, February 27, 2007.

<sup>25</sup> Perlin, George, *International Assistance to Democratic Development: A Review*, IRPP Working Paper Series no. 2003-04, available at [www.irpp.org](http://www.irpp.org)

<sup>26</sup> Major donor agencies which fund the Global Programme for Parliamentary Strengthening are the CIDA (Canada), the DANIDA (Denmark), the DFID (UK), the French Co-operation, the GTZ (Germany), the JICA (Japan), the NORAD (Norway), the SIDA (Sweden) and the USAID (United States of America).

limitations and operational deficiency.<sup>27</sup> The Parliament Secretariat closely worked with the UNDP to implement this project. Under this project, the UNDP provided fund for several program aimed at improving efficiency of the Members, reducing wastage of resources and time and raising the quality of services. Under the UNDP project ‘Legislative Information Centre’ had received thirty-one computers, two scanners, barcode machines and photocopiers.

For the successful functioning of the parliament, a research and training institute is necessary for providing training and orientation to the members, the parliament secretariat staff and the government officials. To meet such requirements the Bangladesh Institute of Parliamentary Studies (BIPS) Bill was passed in the parliament in 2001 and accordingly BIPS was established in the parliament compound. The UNDP provided necessary financial and logistics supports for its initial establishment under the project of “the Strengthening Parliamentary Democracy (SPD)<sup>28</sup>”. One of the major objectives of the BIPS was to strengthen the committee system. In this regard, the BIPS organized training programs, conferences and conducts researches on subjects related to legislation and committee activities. As part of “the Strengthening Parliamentary Democracy” project a series of discussions were held focusing the role of the parliamentary committees in legislative and overseeing process. The project organized training based on well-prepared modules on parliamentary practices and procedures.

With the assistance of the UNDP, the BIPS took initiatives for developing the parliament homepage with current and upcoming activities of the committees or the House. The UNDP-assisted project also developed a public relations mechanism to enable the parliamentarians, particularly the committee chairpersons to meet the civil society in dialogues. The BIPS also organized an Audiovisual Communication Orientation Program for the parliamentarians, in collaboration with ‘Ekushey Television’ during the period of the seventh JS. This orientation program provided a brief guideline to participate in television interviews, press conferences, debates and round-table discussions.

For improving the quality of parliamentary democracy, seminars, conferences and workshops had been organized by the BIPS for exchange of experience and opinion between the

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<sup>27</sup> Hashem, Abul, *The Parliament Secretariat: Public Administration at the Service of the House*, (research monograph) Dhaka: Bangladesh Institute of Parliamentary Studies, p.52.

<sup>28</sup> The SPD ended in 2007.

parliamentarians and various groups including parliamentary scholars, parliamentary delegation and civil society. During the period of the eighth JS, the BIPS organized orientation program for more than hundreds newly elected Members. Besides these, the BIPS publishes 15 monographs on the area of parliamentary practices and procedures. Library access system had been improved for better use of library and information materials. Under this project, rare documents were transformed into digital format so that the users can use such valuable documents easily.

The UNDP gave special attention towards strengthening parliamentary committees. Among the committees, the financial committees were given special priority in matters of training, record keeping and computerization.<sup>29</sup> These committees were facilitated with logistic and research supports to improve their legislative and oversight functions. In accordance with the guidelines of the BIPS, every committee section has started to keep records of committee activities including meeting, reporting and presence of members. The Institute of Parliamentary Studies held its first International Conference in May 1999 on Committee Systems where fifteen national and international experts presented their papers. The Committee Systems of Bangladesh, the UK, and more generally Asia and the West, were discussed by the participants. More emphasis was given on the oversight of government, the budget, the role of committees, the function of the chairpersons of committees and women in the committee system. The members of civil society, including academia, national NGOs and international donor agencies participated in the conference. The then Speaker in his forwarding message termed the conference as an important step in promoting debate on the fundamental issues for strengthening parliamentary bodies.

For strengthening parliamentary democracy, the donor agencies funded various programs initiated by the national and the international NGOs. The Centre for Analysis and Choice (CAC) was a national NGO which had worked during the period of the fifth JS for strengthening the parliament. “The CAC intended to participate in the process by providing members and committees with legislative analyses of issues related to bills, resolutions, and adjournment motions introduced in the House.”<sup>30</sup> The CAC provided assistance to the committees with legislative analyses of issues related to bills, resolutions, drafting of

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<sup>29</sup> Hasem, Abul (2001), *op. cit.*, p. 53.

<sup>30</sup> Munaim, Syed Fahim and Anam, Parveen (1994), “Bangladesh Center for Analysis and Choice”, S. Reyes and M. Brillantes (ed.), *Legislative Support Services in Asia: an Introductory survey*, Queszen: Congressional Research and Training Service, pp.155-162.

proposals, collection of data and formulation of enquiries. Another national NGO that has been working on the parliament since 1990s is Khan Foundation. It provides training support, networking and mainly helps in strengthening people-parliament relationship. The Transparency International Bangladesh (TIB) has a program on parliament and good governance. Every year the TIB publishes a report named 'Parliament Watch'. In their watch report, committee activities are highlighted giving statistics about committee meetings, presence of members in the meetings, reporting and issues discussed at committee stage. The NDI is America based non-governmental organization working in the area of governance. Since 1985 the National Democratic Institute for International (NDI) has been working in Bangladesh with the political parties, the civil society and the academia to strengthen and promote democratic values. 'Parliamentary Strengthening' is one of their major programs. They organize seminars and workshop on various issues including the role of the opposition, committees and their responsibilities in overseeing public hearings, constituency relations and resource development for the members of the Parliament. They have organized two major international video conferences in December 2004. In these conferences, the NDI brought together the parliamentarians and experts from Indonesia, Sri Lanka, the United Kingdom and the United States to discuss issues on "Parliament and the Media."<sup>31</sup> The parliamentary assistance provided by the donor agencies are intended to promote parliamentary democracy in Bangladesh through strengthening committee system and reducing public-parliament distance.

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<sup>31</sup> Detail information available at <http://www.ndi.org/worldwide/asia/bangladesh/bangladesh.asp>

## CHAPTER VII

### Committee Process in the Bangladesh Jatiya Sangsad

Two most significant functions of the parliamentary committees are to deal with legislation and overseeing government activities. Unlike plenary session most of the legislative works including scrutinizing bills, collecting information, proposing amendments, revising texts are done in the parliamentary committees.<sup>1</sup> The parliamentary committees are therefore often referred to as “a body for carrying, or making, laws”.<sup>2</sup> The committees provide a forum in proposed bills, and other important issues can be reviewed in detail by the legislators. The oversight activities of the committees deal with scrutiny the ministerial performances and expenditures. This chapter intends to analyze the committee process in the Bangladesh parliament.

#### 7.1 Committees in the Legislative Process

The Bangladesh Constitution entrusts the law making power to the *Jatiya Sangsad*. Article 65 (1) states: “there shall be a Parliament for Bangladesh in which subject to the provisions of this Constitution shall be vested the legislative power of the Republic.”<sup>3</sup> Like the parliaments of the USA, the UK, India, Sri Lanka and Germany law making process of the JS is accomplished through three distinct stages: first reading, second reading and third reading. Every legislative proposal is presented in the form of a Bill, which is categorized into two forms: *Sorkari* Bill (Government’s Bill) and *Be-Sorkari* Bill (Private Member’s Bill). According to the Rules 24(2) and (3) of the Rules of Procedure, the government bills are initiated and introduced by a minister and the private member’s bills are introduced by a member other than a minister. Like the parliaments of Australia, Canada, France, and India, the Bangladesh parliament has fixed one day in a week for the private members (belonging to both the treasury and the opposition benches) and on that day, they have the priority to introduce bills. Both of these types of bills are enacted into law through similar stages.

The first reading stage includes the introduction of the bill. The ‘Government Bill’ is first formally introduced by the member-in-charge with a short description of objectives and

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<sup>1</sup> Muylle, Koen J. (2003), “Improving the Effectiveness of Parliamentary Legislative Procedures”, *Statute Law Review*, Vol. 24, No.3, p.176.

<sup>2</sup> Norton, Philip (1993), *Does Parliament Matter?*, New York: Harvester, p.1.

<sup>3</sup> The Government of Bangladesh (1998), *The Constitution of the Peoples Republic of Bangladesh*, p.50.



reasons after giving seven days' written notice to the Secretary. The 'Private Member's Bill' requires fifteen days written notice to the secretary of the JS together with three copies of the Bill. The bills are then set down in the private member's day.<sup>4</sup> In case of the 'Government's Bill', minister first places the proposed bill to the cabinet. After obtaining cabinet approval, the 'Government's Bill' is submitted by the concerned Minister with a copy of the recommendation of the President for its introduction. If the bill involves expenditure from public money, a financial memorandum is attached with it stating an estimate of the recurring and non-recurring expenditures involved. Thereafter the Bill shall be entered in the Orders of the Day (*diner karjo suchi*) for the government business.<sup>5</sup> Like the UK, the JS starts and finishes its first reading with the announcement of the title of the bill, and at this stage, no discussion takes place and no amendment can be moved.

At the second reading, the principal provisions of a bill are discussed in the House. The Member-in-charge who introduces the bill may propose a number of measures. S/he may forward it for consideration by the House, or send it to standing or select committee or circulate it for eliciting public opinion thereon. As in the British House of Commons, the general principle of a bill first must be approved in the plenary before detailed consideration in the committees. After discussion in the House, the scrutiny by the committee takes place. But the American and the German legislatures set the committee stage before a plenary stage. Citing the British House of Commons as an example, Herbert Döring states that by placing before the committee stage, after a general plenary debate, the House of Commons severely constrains the committees' ability to consider bills independently. As a result, the committee considerations are restricted to details only.<sup>6</sup>

In the committee stage, each government bill is discussed clause-by-clause keeping consistency with the principle and subject matter of the bill. In this stage, the committee members may move amendments and put their suggestions about linguistic problems or vagueness of the bill. After a detailed scrutiny, the committee returns the bill to the House with a report, which may or may not contain proposed amendments. The copies of the committee report are made available to the members of the House. The committee procedure

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<sup>4</sup> Bangladesh parliament has fixed one day in week for the private members (government and opposition) on that day they have the priority to introduce bills.

<sup>5</sup> Gonoprajatantri *Bangladesher Jatiya Sangsader Karjo Pronali Bidhi* (Rules of Procedure of the Parliament of the People's Republic of Bangladesh), Dhaka: Jatiya Sangsad Schibalya, 1994, Chapter XIII.

<sup>6</sup> Döring, Herbert (1995), "Time as a Scarce Resource: Government Control of the Agenda", in Herbert Döring (ed.), *op. cit.*, pp. 233-235.

for introducing and examining the private member's bills is to some extent different from the procedure of the government bills.

The private members' bills proposing amendments to the constitution are mandatory to go to the committee first before being introduced to the House. Nevertheless, the other bills are referred to the committee after the first reading. The Government bills are not subject to such rigorous scrutiny.<sup>7</sup> In accordance with the Rules of Procedure, the 'Committee on Private Members Bills and Regulations' is responsible for examining all private members' bills. However, some private members bills are also sent to the Select Committee. Once a Bill has been referred to the committee, meetings take place to consider the Bill and to make a report thereon within the time fixed by the House. In the process of scrutiny, the committee first categorizes all bills referred to it by the House into type A and B according to their nature, urgency and importance. After a detailed review, the committee sends it back to the House along with its recommendations. The committee allocates time limit for discussion of the Private Member's Bill at different stages. It should be mentioned here that if a bill proposes amendments to the constitution, it first goes to the committee before being introduced in the House. However, the government bills with similar objectives are not subject to such rigorous scrutiny. At this stage, if the committee rejects the bill, it will not be included in the Orders of the Day. After committee stage, the member-in-charge makes a motion that the bill has to be passed.<sup>8</sup>

At the 'third reading' stage, the Speaker submits the bill to the House clause-by-clause or schedule-by-schedule for a vote. In this stage the members may propose amendments and discuss in support of the bill or reject it. Thereafter the bill shall be put into the House for voting without allowing any discussion on it. The member-in-charge of the bill may withdraw the bill at any time before it is passed.<sup>9</sup> This process constitutes the third reading of the bill. As per rule 95(1) of the Rules of Procedure, when a Bill is passed by the House, it shall be signed in triplicate by the Speaker and presented to the President for his/her assent. Article 80 (3) of the Constitution states: "the President, within fifteen days after a Bill presented to him, shall assent to the Bill." After a bill is signed by the President, the secretary of the Parliament publishes the bill as an Act of Parliament in the Official Gazette.

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<sup>7</sup> Nizam Ahmed, op. cit., 2002, p.97

<sup>8</sup> Rule 223, "Rules of Procedure of the Bangladesh Parliament", available at [www.parliamentofbangladesh.org](http://www.parliamentofbangladesh.org)

<sup>9</sup> Murphy, Gavin (2006), "How Legislation is Drafted and Enacted in Bangladesh", *Statute Law Review*, Vol. 27, No. 3, p. 144.

## **Legislative Out put**

The trend of the domination of the executive in the legislative process is quite common. In most of the parliaments, private members bills have little opportunity to be transformed into law. As in the parliaments of America, Japan and India individual members have opportunity to introduce a bill in the JS but few of them are finally enacted into law. Most of the bills passed in the Bangladesh JS are government bills. As shown in the (Table 7.1) altogether 549 bills have been passed in the fifth, the seventh and the eighth JS; of these only three bills were private members bills. It is also observed that significant numbers of bills which were passed in the House were earlier promulgated as Ordinances.

## **Government Bills**

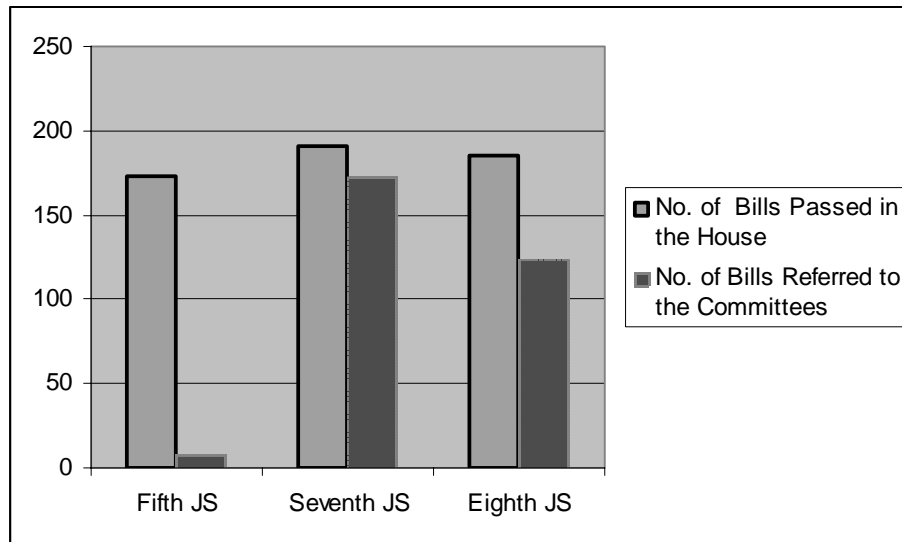
Among the government bills passed in the JS, most of the bills were piloted by the Ministry of Law, Justice and Parliamentary Affairs; for example, nearly 30% of the bills passed in the eighth JS were initiated by them. This figure shows that the Standing Committee on Ministry of Law, Justice and Parliamentary Affairs was comparatively more engaged with legislative business particularly government bills while the Standing Committee on Private Bills dealt with all private members bills. In accordance with the provision of Rule 246 of Rules of Procedure, the committees were given power to examine bills at drafting stage. But there were few instances of such activity at the committee stage. During the period of the fifth JS, only eight bills were referred to the committees for detailed consideration (Table 7.1). Similar situations were also observed in the previous parliaments formed since the independence. Most of the government bills including some controversial constitutional amendment bills were not earlier referred to any standing committee or special committee. For example, in the first JS, the Fourth Constitutional Amendment bill was passed without completing all-procedural stages and with a walkout by the main opposition party. Similarly, the Fifth Amendment Bill, 1979 was hurriedly passed in the Second JS within a short time without its stay in a committee stage or eliciting public opinion. However, the government during Ziaur Rahman's regime intended to shift the focus of politics to the JS.<sup>10</sup> With the passing of this bill, all the activities of the martial law government were legitimized and the state principles were changed. Most of the bills passed in the Second JS were not sent to the committees for

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<sup>10</sup> Ahmed, Nizam (2002), *op. cit.*, p. 44; Chodhury, Dilara *op. cit.*, p. 133; Ziring, L. (1993), *Bangladesh : From Mujib to Ershad : An Interpretive Study*, Dhaka: University Press Limited, p.148.

detailed review. Similarly, in the Third and the Fourth JS 39 and 142 bills respectively were passed escaping the committee stage. For example, the Constitution (Seventh Amendment) Bill and the Constitution (Eighth Amendment) Bill were passed in the House in absence of the opposition members and the bills were not sent to any committee for detailed examination prior to the final consideration.

**Figure 7.1 Committees in the Legislative Process**



Source: Data is calculated by the researcher from the parliamentary proceedings (1991-2006).

Among the post-1990 parliaments, the standing committees of the fifth JS had a little opportunity to review the legislative bills because most of the bills were passed in the House escaping committee stage (Figure 7.1). It is observed that in the fifth JS, only eight (4.6% of the total bills) bills including the Constitution (Eleventh Amendment) Bill and the Constitution (Twelfth Amendment) Bill were earlier referred to the committee and some bills were referred back before the final consideration.<sup>11</sup> Such practice has been identified as one of the major shortcomings in making the parliamentary committees effective and the committee experts thereby suggested bringing the necessary amendments in the Rules of Procedure.<sup>12</sup>

<sup>11</sup> Ahmed, Nizam (2002), *op. cit.*, 2002, p. 81

<sup>12</sup> The UNDP, “UNDP support to Bangladesh Parliament Through “Strengthening Parliamentary Democracy Project (SPD): Enhancing the Parliamentary Process”, Assessment Report, 2006.

**Table 7.1 Committee Activities in the Legislative Process (1991-2006)**

<b>Committee Activities</b>	<b>Fifth JS</b>	<b>Seventh JS</b>	<b>Eighth JS</b>	<b>Total</b>
<b>Government Bills</b>				
No. of Notices	214	195	172	581
No. of Bills Introduced	182	192	157	531
No. of Bills Passed	173	191	185	549
No. of Govt. Bills Sent to-				
Select Committees	2	0	0	2
Special Committees	6	44	0	50
Standing Committees	0	129	124	253
No. of Bills Passed without Committee Stage	166	18	61	245
No. of Committee Reports on Bills	7	173	124	304
<b>Private Members Bills</b>				
No. of Notices	82	46	50	178
No. of Bills Introduced	12	14	13	39
No. of Bills Passed	1	1	1	3
No. of Bills Sent to-				
PMBC	29	20	26	75
Select Committee	5	-	-	5
Special Committee	1	-	-	1
No. of Committee Reports	5	8	5	18

Source: Calculated by the researcher from the Summary of Parliamentary Proceedings (1991-2006), Jatiya Sangsad Schibalya (the Parliament Secretariat), Dhaka, 2007.

The seventh JS has made a significant reform in the Rules of Procedure with regard to the committee's scrutiny of government bills. This reform makes it mandatory to send all government bills to appropriate standing committees after the first reading. Of the 191 bills passed in the seventh JS, 17 bills were earlier promulgated as ordinance by the Caretaker Government and one was promulgated by the party government titled "Post-Flood Rehabilitation (Internal Resource Mobilization) Bill 1998." These ordinance turned bills were not earlier sent to any committee before enacting into law. Of the total bills tabled in the House, 176 bills were sent to the standing committees and returned back 173 bills with committee reports while other 44 bills were scrutinized and returned back by the special committees (Table 7.1). It is worth mentioning that the seventh JS in its first session formed a special committee with 15 members from both the treasury and the opposition benches. This

special committee was formed to examine all bills until the formation of the departmental standing committees. This special committee submitted 44 reports scrutinizing the same number of bills. After the set up of departmental standing committees in the seventh and the eighth parliaments, all bills were automatically referred to the departmental standing committees. Until the formation of departmental standing committees, the eighth JS like its predecessor did not set up any special committee to examine the government bills. Therefore, compared to the seventh JS a large number of bills (33%) were passed in the House without scrutiny by any committee (Table 7.1 & Figure 7.1). Once the committees were constituted, every bill was automatically sent to the appropriate departmental standing committee for detailed review and was referred back to the House with a report.

### **Private Members Bills**

Regarding the private members' bills, Table 7.1 shows that the post-1990 parliaments received 178 notices on private members' bills. Of them 26 bills were introduced in the House with the recommendations of the Committee on Private Members' Bill while other bills were dropped at various levels before final consideration. Available data show that the private members bills were mainly piloted by the individual members on constitutional issues, mostly for amending different clauses of the Constitution while a small portion of these bills dealt with administrative reorganization and electoral procedures. The table also shows that the number of bills examined by the CMBR during the period of the fifth JS was higher than those in the seventh and the eighth JS. During the tenure of the fifth JS, the CMBR submitted five reports scrutinizing 30 private members' bills; of them five different private members' bills were again sent to the select committee and one bill (Indemnity Ordinance Repealed Bill, '91) was referred to the special committee for further review. The CMBR of the seventh JS has submitted eight reports scrutinizing twenty private members' bills. Similarly significant numbers of private members bills were referred to the CMBR but only one bill was transformed into law in the eighth JS. For example, Abdul Manan, the Chairman of Standing Committee on Ministry Agriculture, submitted twenty private members' bills in different sessions of the eighth JS, but none of them was introduced in the House.<sup>13</sup> It is observed that the members routinely initiated private members' bills though most of them were rejected or dropped at the various level of legislation process. Therefore, parliamentary scholar noted that

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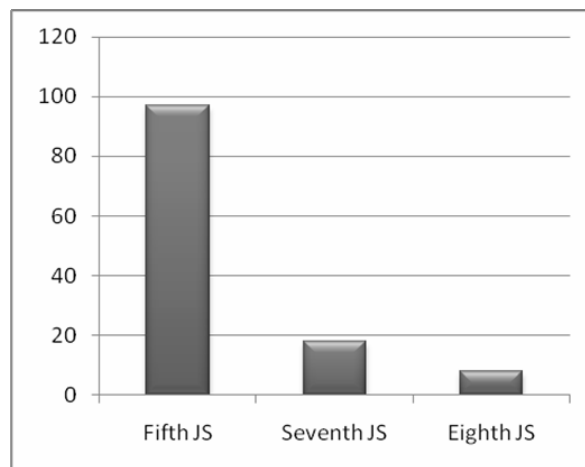
<sup>13</sup> "Parliamentary Committees in Bangladesh: Watchdog or Onlookers? The Chairmen's View", workshop report, prepared and organized by Strengthening Parliamentary Democracy Project (SPD), Dhaka: SPD, March 2005, p.5.

private members' bills have relatively little prospect of being enacted in the Bangladesh parliament.<sup>14</sup> Most of the private members' bills are rejected at various levels of legislation process and few bills are finally transformed into law.

### Legislation by Ordinance

The Constitution has established a system of sharing legislative tasks between the parliament and the executive by delegating legislative power to the executive. Like the constitution of India, Netherlands, Italy and Spain, the Bangladesh Constitution delegates legislative power to the executive with a specific time limit and objectives. As stated in the Article 93 of the Constitution, the President may make and promulgate Ordinances within the statutory framework or constitutional custom when the parliament itself is not sitting or it stands dissolved or in a state of emergency. But the President requires a written advice of the Prime Minister. Ordinances have legally the same effect as law made by the JS but they have to be laid before the JS at its first meeting held immediately after their promulgation. In accordance with the Article 93 (2) of the Constitution, an ordinance only becomes a permanent law if the JS passes it. But the ordinance should be laid before the Parliament as a bill at its first meeting following the promulgation. If the JS does not pass it within a period of 30 days the ordinance will be atomically turned defunct.<sup>15</sup> In accordance with the Constitution, the President cannot promulgate any ordinance for altering or repealing any provision of the Constitution or for continuing in force, any provision of an Ordinance previously made.<sup>16</sup>

**Figure 7.2 Legislation by Ordinance (1991-2006)**



Source: Researcher

<sup>14</sup> Ahmed, Nizam (2002), *op. cit.*, p.101.

<sup>15</sup> *Bangladesher Sangbidhan* (Constitution of the Peoples Republic of Bangladesh), Ministry of Law, Justice & Parliamentary Affairs, Dhaka, 2006.

<sup>16</sup> Article 93 (1, iii), *Bangladesher Sangbidhan* (the Constitution of the Peoples Republic of Bangladesh), 2006.

The provision for 'legislation by ordinance' has been traditionally used in Bangladesh by the executive branch of the government to establish and maintain their dominance over the legislative process.<sup>17</sup> It is observed that the extent of ordinances turning into bills gradually decreased since the beginning of the fifth JS. This is manifested in the volume of ordinance turned bills passed by the different parliaments since the independence. It is calculated that 53.3% of bills passed in the first JS were ordinance turned bills while in the fifth JS 34.10% of the total bills were earlier promulgated as ordinance. Of the 97 ordinance turned bills passed in the fifth JS 44 ordinances were promulgated by the caretaker government. During the period of the seventh JS 18 ordinance turned bills were passed in House. Of them 17 ordinances were promulgated by the caretaker government. Comparatively lowest numbers of ordinances-turned bills (8 bills) were passed in the eighth JS. The ordinance-turned bills which were passed in the fifth JS were not earlier sent to the committee. The seventh and the eighth JS sent one bill each to the committee for detailed review.

### **Limits of Legislative Scrutiny**

Although in the Bangladesh parliament, committees are regarded as the most important device because of their ability to amend the legislative proposals. But above discussion reveals that most of the bills passed in the JS were not earlier sent to the standing committees for detailed review. Most of the bills were hurriedly passed in the House. The committees had little opportunity to alter or amend these bills. For the following reasons legislative proposals did not receive proper attention in the course of securitization. Firstly, the government had an upper hand on legislative committee process as the committee chairs and majority members were appointed from the majority party. The members belonging to the government party were not intended to scrutinize the bills rigorously particularly if the bills were related to the interests of the government. On the contrary the opposition members had a little chance to amend the bill successfully. It is therefore observed that the government bills were not altered or massively amended at the committee stages. Recommendations and suggestions were mostly made on linguistic problems or vagueness. Major recommendations or amendments brought by the opposition members aimed at changing the government strategy were mostly rejected in the committees by the vote of the majority members belonging to the government party. Though, in few cases the opposition members recorded their note of dissents against the bills. Three of such bills were passed in the eighth JS ignoring the note of dissents made by the opposition members. For example, the International Financial Organizations

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<sup>17</sup> Ahmed, Nizam (2002), *op. cit.*, p.84.



(Amendment) Act, 2004 was placed in the parliament in 2005 amid widespread criticism by the opposition political parties. While the bill was scrutinized in the standing committee, the main opposition committee members gave note of dissent and walked out from the committee meeting, terming it a violation of constitution and democracy. The standing committee later finalized the bill and submitted the report to the house without inclusion of 'note of dissent' made by an opposition member. While the report was placed in the floor, an opposition party member again alleged in the floor that he had submitted eight amendments on the bill but those were not incorporated in the committee report. While he gave such a statement, the House turned into a chaotic situation with widespread shouting by the main opposition party legislators. Although the Speaker assured them to include their amendments but the bill was finally placed on the floor with the consent of the Speaker for consideration without incorporating the amendments brought by the opposition party. The bill was at last passed in 2006 with a walk out staged by the main opposition party.<sup>18</sup>

Secondly, the majority members of a committee can delay the legislation, if they desire so. In most cases this strategy was applied by the members belonging to the government party. Some bills were buried in the committees because of the government strategy. For example, the Bill for separation of the judiciary from the executive was not passed in the eighth JS due to the government's insincerity. The bill was introduced in the House on February 26, 2006 and it was referred to the standing committee on Law, Justice and Parliamentary Affairs for scrutiny and submission of report within two months. Although, the committee held six meetings but it did not even start the process of scrutinizing the bill. The committee did not make any scrutiny report on the bill, although the House extended time for preparing the committee report on several occasions. Finally, the effectiveness of the bill was lapsed with the dissolution of the eighth JS on October 27, 2006.<sup>19</sup> Another example was also found in the eighth JS: the Bank Company Act 1991 Amendment Bill slept in the Standing Committee on Ministry of Finance for more than 27 months since 2004. There was an allegation that the government lingered the process of legislation to satisfy the powerful bank owners with stakes in policymaking and politics. One of the committee members said with an interview that an influential group of the government party did not want to pass such a bill. As a result the committee chairperson did not take any initiative to review the bill, or to call any meeting for examining this bill. The bill was finally lapsed with the end of the eighth parliament.<sup>20</sup> In

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<sup>18</sup> The New Nation , Mon, 25 Sep 2006

<sup>19</sup> Weekly Holiday, November 23, 2006.

<sup>20</sup> The New Age, September, 27, 2006.

these circumstances, the committees had little opportunity to put their effort in the legislative process.

Excessive party control over the committee members was another limitation in making the committees effective. Under the party government, the legislators can take initiatives for making law or bringing amendments in the existing law but cannot go beyond their party line. Article 70 of the Constitution makes them loyal to their own party because this Article restricts the legislators to vote in the parliament against his/her party. Therefore the committee members coming from the government or alliance party more frequently advocated government policies and the members belonging to the opposition party tended to stand against them in the committee process. In some cases, the opposition members not only gave 'note of dissent', they also walked out from the committee session. The committee thereafter finalized the decision in absence of the opposition members. It is argued that mutual intolerance between the two major parties and bi-partisanship makes it difficult for the committees to act as a platform of legislative compromise.<sup>21</sup> For example, during the period of the seventh JS, 'Public Safety' bill was piloted by the Home Minister and it was introduced at the Private Members Day on 28 January 2000. The Bill was sent to the relevant standing committee on the same day. Thereafter, the committee chairperson called an emergency meeting the next day for scrutinizing the bill. During the placement of the bill in the committee, the committee members belonging to the main opposition party (BNP) termed the bill as 'objectionable', 'black law' and 'violation of democracy'. Rejecting their allegation the then Home Minister, Altaf Hossain Chowdhury argued, "It's not a black law. It will be used against criminals and not against any gentleman".<sup>22</sup> In the course of securitization of this bill, the opposition members gave a note of dissent and walked out from the meeting. In absence of the main opposition party the committee hurriedly finalized the bill and submitted a report recommending for its passage. The bill was later passed in the House without the presence of the main opposition party. The cases cited above showed that the members had worked in the parliamentary committees according to their party line. The confrontational politics between the two major political parties prevented friendly deliberations in the committees.

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<sup>21</sup> *Prothom Alo*, 29 January, 2000; Hasanuzzaman, Al Masud (2000), "Rule Making in Bangladesh: Case of Seventh Parliament", *Asian Studies*, Journal of the Department of Government & Politics, Jahangirnagar University, Bangladesh, Vol. 19, p.8.

<sup>22</sup> *The Hindu* April 9, 2002.

Concerning private members' bills, three shortcomings are identified which prevented the legislation. First, a large number of private members' bills were dropped at various levels of legislation process. Secondly, the CMBR takes a long time for the examination of bills and does not submit its report in proper time. In some cases, the CMBR delays the scrutinizing process if the government desires to delay legislation process. For example, the Indemnity (Repeal) Bill, 1991 was not referred back to the House for final vote until the end of the fifth JS as the government felt embarrassed with some provisions of this bill. Similar situation occurred in the seventh JS. The Constitution (14<sup>th</sup> Amendment) Bill (Parliamentary Privilege), 1997 slept in the committee for several months and finally it was buried in the House.<sup>23</sup> Thirdly, it is observed in eighth JS that the Speaker either delayed or did not introduce some of the private members' bills to the House. Therefore, the committee members accused the Speaker for violating rules and making the CMBR dysfunctional. The example cited below shows that private members' bills had limited scope to become law in the JS(Box 7.1).

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**Box 7.1 Puzzle of Processing Private Members Bills**

In the early January 2005, during the tenure of the eighth JS, the committee on the Private Members Bills and Regulations recommended a bill related to special privileges and power bill 2002 for discussion in the House. The Speaker sent the bill to the President for his approval treating the bill as money bill. However, the committee had not certified it as money bill. The committee chairperson and the members became unhappy at such a decision and criticized his decision. They expressed their sentiment at a meeting of the Parliamentary Standing Committee on Private Members Bills and Resolutions, which observed that most of the decisions and recommendations made by the committee remained stalled for years. The Speaker did not take any step to pass the private members bills, some of those seeking constitutional amendment, recommended by the committee. They accused the Speaker for making the committee non-functional and threatened him that they would quit the parliament if he continues to ignore committee's recommendations.

The committee members from both the opposition and the government Party untidily demanded for allowing private members' bills recommended by the committee to be placed in the parliament. They asked the Speaker to initiate steps that would allow the lawmakers to place the bills finalized by the committee. Both the government and the opposition legislators in the committee on the Private Members Bills and Regulations criticized the Speaker with a heated discussion in a meeting and thereafter they stopped scrutinizing any new bill. The crisis was geared up again when the law ministry issued an instruction with the approval of highest authority to their legislators asking to consult with the Prime Minister before piloting any private members bills, otherwise they might, under the Article 70, lose their membership of the House. The members of the committee on

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<sup>23</sup> M. Abdul Latif Mondal, "Restrictions on BNP'S MPs", *the Daily Star*, March 17, 2005

private members' bills and resolutions pressured the law ministry to withdraw the instruction. They argued that such instruction was not in consonance with the Rules of procedure. The ROP does not require a private member of a ruling party to take permission from the Leader of the House or the party's parliamentary wing before moving a bill in the parliament. However, the law minister claimed that it was made to avoid embarrassment of opposing a bill moved by a ruling party lawmaker.

*Source: Weekly Holiday, January 7, 2005.*

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Regarding legislation by ordinances, it is observed that the ordinances that were turned into bills passed in the fifth and the eighth JS were not earlier sent to any committee for detailed review. The seventh JS was an exception to that case. The parliament passed 16 ordinances as bills, of them nine bills were earlier referred to special committee but other seven bills were passed without being scrutinized by any committee. For example, the ordinance titled “The Suppression of Terrorists Ordinance 1992” was promulgated by the President when a similar bill was under consideration of the standing committee on Law, Justice and Parliamentary Affairs. The ordinance was later passed in the House as a bill escaping the committee stage. Therefore, the bill, which was waiting in the committee, became lapsed just before the submission of its report. The legislators of the main opposition party strongly protested against this incident and moved a motion for disapproval of the ordinances placed in the House, but the government defeated their motions by using their majority votes in the parliament. The opposition legislators argued that such practices greatly reduced the prestige and power of the standing committees.<sup>24</sup> It was in fact an impingement on the sovereignty of the JS.

## **7.2 Committees in Overseeing Process**

The committee system is one of the powerful oversight tools that offer legislators a means to make the government behave. They are appointed in the parliaments to keep a check on the activities of the executive. In doing so, the committees are given considerable power set out in the relevant law. Carrying out oversight functions effectively the committees have extensive power to request written answers from the government agencies. They are also given power to call for the persons including the ministers and the civil servants for obtaining information by posing direct question. The committees have power to invite experts and various elements of the society to comment on the effectiveness or efficiency of government programs. For scrutinizing government activities the committees are delegated power to investigate specific government policy or performance. In doing so, the committees can

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<sup>24</sup> Hasanuzzaman, Al Masud (1998), *op cit.*, p.161; Ahmed, Nizam (2002), *op. cit.*, pp. 86 and 202.

summon any person to appear before them and can hold public hearing. The purpose of public hearing is to clarify and test the evidence that already provided with witness. In most cases hearing takes place in public where general public and media representatives are allowed to attend. <sup>25</sup>

Like other parliaments, the Bangladesh JS also delegated considerable power to the committees to enable them to carry out their overseeing functions. In accordance with the ROP, the committees can sit with the distinguished citizens, important legislators, experts, civil servants, interests groups' representatives and academia for discussing executive's wrongdoings. Having oversight responsibility, the committee keeps track of what departments and agencies are doing by monitoring implementation of the projects under respective ministries. In this regard, the committees can also request for reports on specific agency's practices and operations to determine whether the laws and programs are implemented or not or whether the program should be continued or not. However, in the Bangladesh parliament the committees are not given power to hold hearing in either public or private; they can request the ministers, the civil servants and the armed forces staff to be present before the committee meeting personally. Necessary information is gathered from their witness. In accordance with the Article 76(2) of the Constitution, the parliamentary committees are empowered to investigate or inquire into the activities or administration of a Ministry. For detailed investigation committee itself can visit places or institutions and can talk with relevant persons to find irregularities and mismanagement.

There are several ways of measuring the efforts of committees in the overseeing process. Among important variables number of meetings held per year, attendance of members and ministers in the committee meeting, number of sub-committees formed and number of reports submitted are generally used to measure the working of the committees. The following sections separately focus on the working of the selected ministerial standing committees, the financial committees, the scrutinizing committees and the investigative committees. It is worth mentioning that the financial committees: the Public Accounts Committee, the Public Undertakings Committee and the Estimates Committee are set up in the JS for sanctioning, scrutinizing and monitoring of public expenditure while ministerial standing committees

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<sup>25</sup> Whaley, John and Benda, Susan R. (2000), "Strengthening Legislative Capacity in Legislative-Executive Relations", Legislative Research Series, Paper No.6, National Democratic Institute for International Affairs (NDI), p.28; House of Representatives Info sheet: Committees, No.4, Canberra : House of Representatives, December 2006.

oversee the government activities. The Government Assurance Committee and the Petitions Committee are by nature scrutinizing and investigating committees respectively.

### **Working of the Ministerial Standing Committees**

Before discussing the working of the MSC in the post-1990 parliaments, it should be mentioned here that the first JS had no provision for setting up the ministerial standing committees; it had only eleven non-ministerial standing committees including the PAC and the EC. The ministerial standing committees were first introduced in the second JS but the Third JS did not set up any MSC. Committees were apparently inactive during the period of the first JS, the third JS and the fourth JS. Parliamentary committees of the first JS and the third JS did not submit any report. Among the ministerial standing committees set up in the second JS only one committee submitted a report to the House while in the fourth JS three MSCs submitted one report each.

Apparently, the committee activities have been improved in the post 1990s parliaments both in terms of convening meetings and submitting reports to the House. Some of the standing committees, however, failed to meet and to submit report as per the Rules of Procedure.<sup>26</sup> As shown in the Table 7.3 and Appendix IV, the standing committees of the eighth JS were more active in terms of convening meetings and preparing reports than their counterparts in the fifth and the seventh parliaments. As it is calculated, on an average, the standing committees of the eighth JS held 7.5 meetings, a year while the fifth and the seventh JS convened 6.8 and 6.9 meetings per year respectively. There was an allegation against the chairperson of the Standing Committee on Ministry of Home for not holding committee meeting regularly. The law makers belonging to main opposition party suspected that the Speaker had not arranged any meeting for a long time to avoid the discussion on the ‘illegal’ president’s clemency given to former Juba Dal leader Mohiuddin Jintu.<sup>27</sup> However, it is mandatory to hold the meeting of the standing committee every month as per the section of 248 of the rules of procedures of the parliament. Some of the committees failed to hold their regular monthly meetings.

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<sup>26</sup> The rule 248 of the ROP of Bangladesh Parliament stipulated that each standing committee shall meet at least once in the month.

<sup>27</sup> The order for the clemency given to the former president of Sweden unit BNP, Jintu, who was awarded death penalty by martial law court. New Age August 2, 2005.

The report prepared by the ministerial standing committees in the fifth JS was lower than their counterparts in the seventh and the eighth JS (Table 7.2). The ministerial standing committees submitted 34 reports in the eighth JS. But the number of reports prepared by the non-ministerial standing committees was lower than their counterparts in the fifth and the seventh JS. It is worth mentioning that the most of the committee reports were submitted at the last three sessions. Therefore the findings and the recommendations of the standing committees had no chance to be discussed in the public forum. As discussed earlier, the Rules of procedure does specifically mentions that the ministerial standing committees shall have to submit report to the House relating their activities. There is also no provision in the Rules of Procedure for discussing committee report in the floor. In this regard the committee members and the academia demanded changes in the provision of the Rules of procedure by adding reporting provision and they argued that the committee report should be discussed in the floor.<sup>28</sup>

**Table 7.2 Comparative Nature of Committee Activities in the Bangladesh JS**

<b>Activities</b>	<b>5<sup>th</sup> JS</b> (April 1991- Nov.1994)	<b>7<sup>th</sup> JS</b> (July 1996- July2001)	<b>8<sup>th</sup> JS</b> (Oct. 2001- Oct. 2006)
Number of Plenary Session	22	23	23
Number of Plenary Sitting	400	382	373
Number of MSC	35	35	37
Number of NMSC	14	14	14
Number of Special Committee	5	1	0
Number of Sub-Committees	53	119	134
Number of Standing Committee Meeting	1465	1493	1242
Yearly av. meeting for each committee*	6.8	6.9	7.5
Number of Sub-Committee Meeting	136	455	321
Yearly av. meeting for each Sub committee	0.5	0.76	0.5
No. of Reports submitted by MSC	13	12	34
No. of Reports submitted by NMSC	28	16	13
Number of total Report submitted	41	28	47
No. of MSCs did not submit report	22	23	5
No. of NMSCs did not submit report	4	6	4

\*Note: Departmental standing parliamentary committees were not duly formed. Standing committees worked in the fifth and seventh JS on average fifty-five months. In the eighth JS, committees were first formed in January 2003 and were reconstituted in their full shape on September 16, 2004. Number of average meeting is calculated based on their actual working period.

<sup>28</sup> Based on personal interview with committee members and academia, June 2007.

It was observed that with a few exceptions, committee members were reluctant to attend meetings regularly. Among the MSC, the average number of members present in the committee meetings varied from 4 to 8 persons. In the fifth JS, the Standing Committee on the Ministry of Finance conducted its meeting with the presence of the lowest number of members (on an average four persons). On the contrary, the highest numbers of members (seven persons) were present at the meeting of the Public Accounts Committee. In the seventh JS, on average two and three persons were present at the meetings of the Standing Committee on the Ministry of Planning and Standing Committee on the Ministry of Social Affairs Committee respectively. However, the attendance of the members of the Public Accounts Committee remained as before. It is observed that the presence of the members in the committee meetings was getting better in the eighth JS. The record reveals that most of the standing committees (64%) of the eighth JS convened their meetings with the presence of more than six members; for example, on an average, more than seven persons were present at the meetings of the Finance Committee, Post & Telecommunication Committee, Shipping Committee and the PAC.

Available statistics revealed that some of the committee members did not show their seriousness in the committee process and even they did not attend committee meeting regularly. For example, the Standing Committee on the Ministry of Social Affairs conducted 33 meetings during the period of the eighth JS. Among these meetings, the chairperson was present at all the meetings and eight members attended 12 to 20 meetings while one member was not present in any committee meeting. Another example is the Defense Committee which conducted most of its meetings with the presence of three to five members. Since the beginning of the fifth JS, the committee could not conduct any meeting with the presence of all the members. Most of the members, who did not attend the committee meetings regularly, came from the business profession. The TIB in their study report shows that the legislators with business background were more interested in money-related pre-occupations, rather than parliamentary business. They often created the quorum crisis.<sup>29</sup>

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<sup>29</sup> *Parliament Watch:2005(15th to 19th Session, Eighth Parliament)*, Transparency International Bangladesh, Dhaka, June 2006, pp.44-45 .



**Table 7.3: Activities of the Parliamentary Committees (1991-2006)**

Types of Committees	No. of meeting held			No. of Sub-committees Formed			No. of Report Submitted		
	5 <sup>th</sup> JS	7 <sup>th</sup> JS	8 <sup>th</sup> JS	5 <sup>th</sup> JS	7 <sup>th</sup> JS	8 <sup>th</sup> JS	5 <sup>th</sup> JS	7 <sup>th</sup> JS	8 <sup>th</sup> JS
<b>MSCs</b>	1118	1175	982	38	107	102	13	12	34
<b>NMSCs (11)</b>									
a) Investigative Committees									
CP	23	1	1	0	0	1	1	0	0
PC	27	10	2	0	0		2	1	1
b) Financial Committees									
PAC	52	103	46	4	1	9	4	3	1
PUC	40	26	49	4	3	3	2	0	2
PEC	27	23	27	5	7	11	0	0	2
c) House Keeping Committees									
BAC	46	37	34	0	0	0	0	0	0
CMB&R	23	43	33	0	1	1	10	8	5
CRP	15	13	11	0	1	1	1	1	1
d) Service Committees									
HC	20	7	19	0	0	8	0	0	0
LC	5	3	1	0			0	0	0
e) Scrutinizing Committees									
GAC	4	48	37	2	0	1	1	1	1
Ad hoc Committees									
a) Select Committees	13 (2)	3	-	-	-	-	7	2	-
b) Special Committees	15(5)	36	-	-	-	-	3	3	-
<b>Grand Total</b>	1428	1528	1242	53	120	137	44	31	47

Note: MSC-Ministerial Standing Committees, PAC-Public Accounts Committee, EC-Estimate Committee, PUB-Public Undertaking Committee, CP-Committee on Privileges, PC-Petition Committee, GAC-Government Assurances Committee, BAC-Business Advisory Committee, MB & R- Committee on Private Members' Bill & Resolutions, CRP-Committee on Rules of Procedures, HC-House Committee, LC-Library Committee, SCB-Select Committee on Bills, SC-Special Committee. Number of select committees and special committees were formed shown in the bracket. Source: Calculated by the researcher from the *Jatiya Sangsader Karjobaher Sarangsho* (Proceedings of the Parliament), 1991-2006.

The attendance of the ministers to the ministerial standing committee meetings was not satisfactory in the seventh and the eighth JSs. As in the fifth JS, the committees were headed by the ministers they had to attend the committee meetings regularly. However, nearly 47 percent of the committees failed to call more than 30 meetings because the committee chairpersons were busy with their ministries rather than the committees. Since the seventh JS,

the ministerial standing committees have been formed with non-minister members as chairpersons. It was observed that the ministers were reluctant to attend the committee meetings regularly. During the period of the eighth JS, nearly 60 percent of the ministers did not attend the committee meetings regularly. Even the Prime Minister who was a member of the Defense Committee was mostly absent from the meetings. During the period of the fifth JS, the Prime Minister nominated a member from the house as her representative and he presided over the meetings. Exceptionally in the seventh JS, the Prime Minister as a member of Defense Committee was present in one meeting. From these examples and statistics of the various ministerial standing committees, it is revealed that the ministers did not take their responsibility seriously.

Most of the ministerial standing committees of the fifth and the seventh parliament did not submit any report (Table 7.2 & 7.3). In the fifth JS, 13 MSCs submitted one report each; of them 12 reports were submitted at the closing session and the other 23 committees (64 %) failed to submit any report. Similar numbers of reports were also submitted by the MSCs during the period of the seventh JS. The situation considerably improved in the eighth JS as nearly 84% MSCs submitted their report to the House. Altogether 31 ministerial standing committees submitted 34 reports; among them twenty-nine MSCs prepared one report each, the Defense committee submitted three reports and the Post and Tele-Communication committee submitted two reports. On the contrary, six ministerial standing committees including the standing committees on the Ministry of Establishment, Home Affairs, Housing and Public Works, Textile and Jute, Women and Children Affairs, and Commerce did not produce any report. It was also observed that nearly 77 percent of the reports were submitted at the closing session of the eighth parliament and therefore no follow-up action could be taken.<sup>30</sup> It should be mentioned here that there is an unwritten rule or practice in the JS that the committee reports presented in the House shall not be discussed. A report of this kind when presented in the House is considered to have been referred to the concerned ministry for implementation.

It was observed that some of the MSCs played active roles in the overseeing process. However, some of the ministerial standing committees could not fulfill the meeting requirement as per the ROP. Among the MSCs, comparatively speaking, the standing

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<sup>30</sup>Fahreen Alamgir, Tanvir Mahmud, and Iftekharuzzaman, Corruption and Parliamentary Oversight: Primacy of the Political Will”, Presented at the Seminar to mark the International Anti-Corruption Day, Dhaka, 9 December 2006, organized by Transparency International Bangladesh (TIB).

committees on the Ministry of Defense, Communication, Shipping, Health, Finance, Agriculture, Education and Ministry of Power, Energy and Mineral resources appeared to be very active in detecting the gross irregularities and mismanagement in the government organizations. It is very difficult to know the activities of those standing committees that did not submit any report. Particularly the Parliament Secretariat or the committee offices did not preserve any document regarding the working of the MSCs in the fifth JS. Among the most active committees the Standing Committee (SC) on Ministry of Defense, the SC on Ministry of Communication, the SC on Ministry of Shipping and the SC on Ministry of Agriculture are purposively chosen for detailed discussion.

### **Standing Committee on Ministry of Defense**

Amongst the ministerial standing committees, the Standing Committee on the Ministry of Defense (later Defense Committee) is the only committee of its kind that particularly scrutinizes the activities of the armed forces. From the beginning of the fifth JS, the Defense Committee started to look into the sensitive armed forces issues. Including the Chiefs of the Army, the Navy and the Air force, the high officials were called before the committee meeting for witness. Ahmed identified three interrelated factors, which created a relatively autonomous space for the Defense Committee to promote greater civilian control over the armed forces. First, intense competition between the two major political parties influenced the opposition party members who were represented in the Defense Committee to restrict any possible alliance between the government party and the military. Second, the civil society and the media were active in constructing a public space for debating issues of the military's accountability. Third, the pressure from the donors for democratization of the armed forces and their involvement in the international peacekeeping mission reduced the risk of challenge by the military prerogatives.<sup>31</sup>

Since the beginning of the fifth JS, the Defense committee took initiative for questioning the Defense purchases, budget, Defense policy, civil recruitment, pension and other facilities. The committee also intended to reveal the irregularities in the armed forces. For the first time in Bangladesh, the committee dealt with the irregularities in Defense purchases. During the period of the seventh JS, the Defense Committee first dealt with the frigate purchase from a Korean bank port company, for the Bangladesh Navy, in November 1999. The former Navy

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<sup>31</sup> Ahmed, Syed Imtiaz (2006), "Civilian Supremacy in Democracies with 'Fault Lines': The Role of the Parliamentary Standing Committee on Defense in Bangladesh", *Democratization*, Vol. 13, No., 2, p.291.

chief and high officials were asked to witness before the Defense Committee with relevant documents. The committee members suspected irregularities in purchasing the frigate. During the period of the seventh JS the committee also scrutinized the purchase of Mig-29. In the course of scrutinizing the Defense purchasing the committee members, particularly from the opposition side, raised questions about the irregularities in purchasing of eight MIG-29 aircrafts from the Russian Federation, by the Bangladesh Air Force (BAF) in 1999 under a military technical co-operation agreement with the Russian Federation. The purchase was made with 30% advance payment of the total amount of US \$ 123.98 million.

Regarding Mig-29, the Defense Committee members, particularly the opposition members alleged that purchasing these old aircrafts would be a misuse of public funds. They also alleged that the mode of purchase agreement lacked transparency. Therefore, they demanded it to be included in the committee agenda for detailed discussion. However, the committee chairperson and other members from the party in power were not interested to discuss this issue. The committee chairperson even tried to withdraw the issue from the agenda just before the meeting. The committee finally decided to review this matter in its 12<sup>th</sup> meeting, but the government officials and the armed force officials were reluctant to hand over the related papers to the committee. In the mean time Major (retd.) Aktharuzzaman, a member of the Defense Committee belonging to the main opposition party instituted a suit in the High Court Division of the Supreme Court in September 1999 against this purchase. Upon his writ petition, the High Court Division issued a *Rule Nisi* on the Government and ordered to stop further payment. The court asked the government to explain why the purchase agreement should not be declared illegal. This issue was hanging in the court until March 2000. While the court finally rejected the writ petition, the government went ahead to buy Mig-29.<sup>32</sup>

The Mig-29 issue was again discussed in the Standing Defense Committee during the period of the eighth JS. Most of the committee members belonging to the government party accused the former AL government for misusing public money in purchasing Mig-29. However, the AL parliamentary party members rejected their allegation in a committee meeting and sent a rejoinder to the newspapers. This rejoinder was also posted in their homepage. In this letter, they argued that the frigate and Mig-29 were bought by following all necessary procedures for such a purchase.

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<sup>32</sup> Ahmed, Syed Imtiaz, op. cit., p.292

The major effort of the Defense committee of the seventh JS was to take a decision for revocation of the court martial judgments in 1981 that convicted 37 army officers, of whom 13 were hanged for the killing of President Ziaur Rahman. Cornel(retd.) Sahwkat Ali played a vital role in bringing this issue to the committee. A sub-committee was formed with three members to revoke the decision. The committee challenged the conviction of 37 army officers and the forced retirement of three hundred air force staff. But the committee could not review the court-martial decision as the Defense Ministry and the Armed Forces Division did not provide the papers which were requested to be placed before the committees. The Armed Forces Division and the Defense Ministry delayed for more than one year but did not submit any paper. At the committee meeting, held on 3 September 2000, the then Army Chief denied finally to show the court-martial proceedings before the committee. He argued that “the proceedings are confirmed or reviewed by the Services Chiefs and not reviewed by the President who is also the Supreme Commander of Armed Force or by the Judges of the Supreme Court and High Court”.<sup>33</sup> However, he told the members keeping the microphone off, that there were some irregularities during the trial. The committee chairperson also suspected that some relevant provisions of the Army Act and Rules were violated during the trial.<sup>34</sup> The discussions in the committee and then decisions taken were projected in the front page of all the major daily newspapers followed by analyses by some Army officers and lawyers. Talking with the media, General Ibrahim marked this committee decision as “a landmark decision to establish human rights, civilian control over the Armed Forces and to strengthen democratic institutions”.<sup>35</sup> The committee also attempted to find out the irregularities in the military coup led by General H.H. Ershad in 1982 and a coup led by Lt. General Abu Saleh Mohamad Nasim in 1996.

Apart from detecting the irregularities, the Defense committee scrutinized and discussed the Defense purchases, the budget and the Defense policy along with other issues. As most of the Defense Committee members of the eighth JS came from the Defense (80%) background, they had interests to go deep into the armed forces issues with their own professional experiences.

There is no Defense policy in the country. In the eighth JS, the Defense Committee took initiative for making the Defense policy for the armed forces. The Committee in its fifth

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<sup>33</sup> The Sangbad, 28 September 2000.

<sup>34</sup> The Daily Star, 4 October 2000.

<sup>35</sup> The Daily Star, 4 October 2000, *Protho Alo* (Bengali News Paper), 4 October 2000.

meeting held on 17 December 2003, asked the Armed Forces Division (AFD) to formulate a Defense Policy. This issue was also discussed in the Defense Committee during the period of the seventh JS. Following the committee decision, the AFD appointed a committee with eleven members to prepare a draft policy in line with the country's foreign policy. Though the draft report was supposed to be presented to the Defense committee, the committee appointed by the AFD could not prepare the draft report timely.<sup>36</sup>

The next major work of the Defense Committee was to review the armed forces budgetary allocation policy and its rationale in its ninth meeting held in April 2004. The Navy chief, the secretary of the Defense ministry and the army CGS were present in the meeting for explaining the committee about the budget allocation procedure and the problems. The committee recommended for modernizing the financial rules and asked them to ensure transparency on financial matters. Apart from the financial matter, the committee also discussed the role of the Navy in ensuring the security of the Territorial Water and the Exclusive Economic Zone. This issue was again discussed in the next 26<sup>th</sup> meeting. The committee recommended for modernizing the Navy with modern equipments.

Among the issues discussed in the Defense Committee, the purchasing of Multi-role Combat fighters received special attention. The opposition members of this committee raised allegations of anomalies in purchasing the Combat fighters. They accused the government high-up and some of their party members of being involved in the irregularities in purchasing 16 Multi-role Combat fighters and helicopters from China for the Bangladesh Air Force (BAF) in 2004. They claimed that the expenditure of the purchase increased after the budgetary offer for providing them with extra financial benefits. Answering to a question in the House in February 2006, the Air Force chief informed the committee that the actual budgetary offer for the 16 fighters was \$117.9 million but he did not mention the extra cost.<sup>37</sup> While Major (retd.) Hafizuddin Ahmed, on behalf of the Defense Minister, informed the committee that the actual price of the 16 aircraft in the budgetary offer was \$120 million and \$15.4 million to cover some additional items and shipping costs. The shipment and other charges again increased to \$24.3 million. Opposition members pointed out the differences between the statement of the Air Force Chief and Major (retd.) Hafizuddin about the price of aircrafts. They alleged that if he told the committee only the basic price, it was also higher

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<sup>36</sup> 1<sup>st</sup> and 3<sup>rd</sup> Report of the Standing Committee on Ministry of Defense of Bangladesh Parliament (in Bengali), September, 2004 and September 2006.

<sup>37</sup> The Daily Somokal, 17 February 2007

than the cost mentioned by the Air Force Chief. Major (retd.) Hafizuddin did not explain how and why this extra expenditure soared to \$24.3 million. So, the mismatch between the offer and the claimed cost becomes even more dubious.<sup>38</sup>

The Defense Committee members suspected irregularities in purchasing the fighter planes and helicopters through ‘government to government’ discussion bypassing the Defense ministry. Cornel (retd.) Shawkat Ali, a Defense committee member of the main opposition party, alleged that the purchase procedure was not transparent. He suspected that a third party was benefited by the purchase procedure. In his words, “I am sure a third party was between the two sides and took commission from the procurement.”<sup>39</sup> Echoing Cornel (retd.) Shawkat Ali, committee members belonging to the main opposition party questioned about fairness of the procurement process and claimed to set up a sub-committee to find out the irregularities. But the committee members belonging to the ruling party, particularly Major (retd.) Syed Eskandar rejected their demand. It was alleged that Major (retd.) Eskandar was involved in this unfair deal along with his business firm named ‘ABR Traders’.<sup>40</sup> The members belonging to the government party raised their strong objections against the formation of any sub-committee. Therefore, no sub-committee was formed and this issue was closed in the 31<sup>st</sup> meeting on 27 July 2006. The committee chairperson told the committee that the anticorruption and other government agencies would handle the issue if there were any irregularity. The eight fighters were finally handed over and fled into Bangladesh by the Air Force pilots in March 2005. Thus, it was proved that the shipment cost was intentionally increased to provide commissions for some groups of people.

The Defense Committee scrutinized the report on the accident of PT-6 training frigate on 24 April 2006 submitted by the Bangladesh Air Force. Examining the report, the committee recommended the air force to take measures for reducing the accident rate. The committee also discussed the activities of the Army Welfare Organization and the production capability of the Bangladesh Ordnance Factory. The Defense committee visited the Bangladesh Ordnance Factory (BOF) and Bangladesh Machine Tools Factory run by the Bangladesh Army. After visiting the Bangladesh Ordnance Factory, the committee chairperson, suggested the BOF commandant to send a proposal to the Defense ministry for modernizing the factory.

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<sup>38</sup> The Daily Star, April 17, 2006.

<sup>39</sup> Ibid.

<sup>40</sup> Major (retd.) Syed Eskandar established his business firm for dealing armed forces purchases after the election of eighth parliament.

The committee asked the Bangladesh Ordnance Factory authorities to increase its production and supply to the paramilitary forces and the civil sectors. The committee visited the Bangladesh Machine Tools Factory used to assemble vehicles for the armed forces and supply to other organizations as per work orders. The committee asked the PDB, the REB and the Bangladesh Railway for sending work orders for flourishing this factory. Apart from these issues, the committee also discussed the service rule and structure, activities of the Bangladesh Armed Forces Medical College Hospital and the financial benefits for the gallantry award holders and their families. Including the Chief of the Army, the Navy and the Air Forces, the C&AG, the Secretary of the Defense Ministry and other high officials of the armed forces were present in the committee meetings for providing information and expert opinion on particular matters. Although the Defense Committee was active in scrutinizing armed forces issues but most of the decisions and recommendations made by the committee were not properly implemented. In the words of the Defense Committee chairperson, "Even though the committees take decisions and make recommendations in presence of ministers, the recommendations are not implemented."<sup>41</sup>

### **Standing Committee on Ministry of Communication**

The TIB had leveled the Ministry of Communication as the most corrupt ministry in its report published in 2004. In reaction to this the Communication Minister blasted the TIB rejecting the report at a meeting of the standing committee on the Ministry of Communication (later Communication Committee) on 2 October 2005. He requested the committee for taking legal action against the organization for smearing the government. According to his request, a sub-committee was formed at the same meeting for looking into the basis of the TIB report and taking legal action against it. The sub-committee was supposed to submit its report within a month of its formation but the committee could not meet as the Minister and the government high officials avoided the supply of necessary documents.

The Communication minister, Barrister Nazmul Huda along with the state minister were alleged for gross irregularities in awarding licenses for importing and marketing CNG-run auto-rickshaws and allocation of land to set up CNG filling stations. Including the ruling BNP lawmaker SA Khaleq, the legislators in the House accused the state minister for communications of taking Tk 25 lakh as bribe to allocate land for setting up CNG refueling

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<sup>41</sup> The Daily Star March 2, 2005.



station in the capital.<sup>42</sup> The major national newspapers published several news and reports projecting the allegations against the Communication Minister. Based on the allegations published in the newspapers, the second and third sub-committees were formed accordingly, to investigate the allegations of corruption regarding the import of CNG-run auto-rickshaws and allocation of land to set up CNG filling stations.<sup>43</sup> But the Communication Committee failed to scrutinize the anomalies in the Ministry concerned and prepare report due to the lack of cooperation of the ministry and tremendous pressure from the party high ups.<sup>44</sup> However, the parliamentary committee could not prove the irregularities of the Communication Minister. At last, he was arrested for the aforesaid allegations on 4 February 2007 by the Army-led joint forces during the period of the Caretaker Government of Dr. Fakruddin.

Apart from the allegations against the Communication Minister and his ministry, during the period of the eighth JS, the Communication Committee also dealt with the anomalies at the Jamuna Resort Co. Limited, the Roads and High Ways Department and various development projects. The committee also reviewed activities of the Bangladesh Railway. The first sub-committee was formed on 6 November 2003 to find out the anomalies of the Jamuna Resort. The sub-committee held five meetings and made some recommendations in its report to solve the problems between the ministry and the Jamuna Resort Co. Limited. The Communication Committee formed its fourth Sub-committee to review the overall activities of the Bangladesh Railway. From the proceedings of the committee report, it appeared that the ministry did not follow the recommendations made by the committee. The committee chairperson disclosed at the committee meeting that the committee made 56 decisions until October 2005 but none of them was implemented as the Communication Minister did not take initiative in implementing the committee decisions. Therefore, the committee members expressed their deep dissatisfaction and grilled the Communication Minister for his wrongdoing. Such a reaction made the party's high officials annoyed and kept them under pressure for their initial hard stand on the irregularities. Syed Manzur Hossain, chairman of the standing committee on communications ministry, said his committee came under pressure from the government high-ups when it began to probe irregularities and corruption of the

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<sup>42</sup> The Daily Star, 14 July 2005.

<sup>43</sup> The Daily Star, 16 July 2006.

<sup>44</sup> In an interview, Syed Manzur Hossain, chairman of the Standing Committee on Communications Ministry, said his committee came under pressure from the government high-ups when it began to probe irregularities and corruption of the ministry. The Daily Star, March 2, 2005.

ministry.<sup>45</sup> The committees were initially very active in revealing wrongdoing of the different ministries, but they lost spirit the later while the government high-ups asked them not to go against the ministers. As a result standing committees became ‘paper tiger’, argued Abdul Hamid, deputy leader of the AL parliamentary party. He again argued that the government failed to implement committee decisions properly as a result committee gradually became weaken, in his words, “*committeer suparish bastobaoner khetre sorker phel koreche, ebong ae karone committeegolo porjaekrome durbol hoe poreche.*”<sup>46</sup>

### **Standing Committee on Ministry of Shipping**

The standing committee on the Ministry of Shipping (later Shipping Committee) was apparently active in the post-1990 parliaments in overseeing the activities of the ministry concerned. The Shipping Committee held, on an average, more than nine meetings yearly and submitted report on each committee in the last three parliaments. In the eighth parliament, the committee was mainly concerned with the irregularities in the shipping sector. Besides discussing the activities of the ministry and its subordinate offices, the committee also reviewed the implementation of different projects and operational management of the New Mooring Container Terminal project.

The BNP led four party alliance government had been amazed with repeated massive launch accidents during the period of eighth parliament. Therefore, one of the major attentions of the Shipping Committee was to find out the reasons of those accidents. When the committee requested, the Shipping Ministry submitted a report identifying the reasons of accidents and attempts were made by the ministry for protecting the passengers and goods from accidents. It is worth mentioning that 30% of goods and 13% of passengers use river transports. The report revealed that overloading, structural faults, unskilled masters and mariners are responsible for 69% of the accidents while 15% of accidents occurred due to weather problem. This report received a special attention of the committee members. The committee detected gross irregularities of MV Nasreen-1, M V Kirtonkhula-1 and 50 vessels of the ‘Basundhara Group’. It was identified that the Association of Naval Architect and Marin Engineers Bangladesh did not properly monitor the making of those vessels and prepared

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<sup>45</sup> Views are expressed in workshop on “The role of Parliament in Increasing Transparency and Accountability”, organized by Transparency International Bangladesh, Dhaka, 1998, the Daily Star, March 2, 2005.

<sup>46</sup> Daily Shomkal, Dhaka, October 14, 2005.

false report favoring them.<sup>47</sup> The shipping committee discussed these issues at its three consecutive meetings and made suggestions against the prevailing accidents. The committee recommended for strengthening the 'Bangladesh Shipping Poribahan Odidoctor' and asked the ministry to ensure proper monitoring of ship making and issuing licenses. The ministry was also asked to find out the officials who were involved in approving design and for giving rout permits for launching their vessels. However, the committee decisions were not wholly implemented.

The Shipping Committee also dealt with the demands of the labor unions. At the presence of labor union leaders, local politicians and stevedore's association leaders, the committee discussed their demands, problems and the total strength of the labors of the Mongla Port. The committee asked the port authority for restructuring labor union, reducing the total labor strength by giving forced retirement and suggesting the ministry concerned to amend the Dock Labor (Recruitment-Control) Law 1980. The Mongla port authority was also asked to allow the private sector to employ labor privately, for which the employer required the consent of the Mongla Port chairperson before the appointment. The committee altogether made six decisions for solving the labor issues in the Mongla Port. It was observed that out of all the decisions taken by the committee, only one was implemented regarding the prevention of new labor from registration.

The proceedings of the Shipping Committee disclosed that the committee set up two sub-committees during the period of the eighth JS for investigating the land uses like leasing land owned by the Chittagong and the Mongla port. The sub-committees were supposed to submit their report as early as possible. However, the subcommittees did not prepare any report. The Shipping Committee in its 31 meetings scrutinized the irregularities and mismanagement in Bangladesh Shipping Corporation, the BIWTC and in the two ports of the country. Some cases of irregularities were detected and necessary recommendations were made by the committee to stop these anomalies. But they were not properly implemented.<sup>48</sup>

The Shipping Committee brought allegations against the Shipping Minister for making decisions by abusing power. It was alleged that the Minister granted a number of importers exemption from paying the port penal charges levied worth over TK. 140 million. He

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<sup>47</sup> Report of the Standing Committee on Ministry of Shipping, September 2006, p.115

<sup>48</sup> The Report of the Standing Committee on Ministry of Shipping (in Bengali), 2006, Dhaka: The Parliament Secretariat.

exempted them from penal charges ranging between 50 and 100 percent on the basis of ‘special discretion.’ The committee members argued, “The minister could not use his discretion unless it is in the interest of the nation or the port or on humanitarian ground.”<sup>49</sup> The Shipping Minister said that he just exercised his discretion power for quick release of containers to ease the port congestion. He argued that he had taken that decision for the greater interest of the businessmen and the port and by doing this he did not violate the existing rule. The standing committee members were not happy with his attitude and explanation. They suggested the political leaders including the minister concerned to reconcile with the democratic system of accountability. As it was extensively projected in the national newspapers, the committee decided to discuss this issue in the next meeting in detail but no further discussion took place.<sup>50</sup> The story behind the incident was that the inland port authority had provided the committee chairperson with a Pajero Jeep and arranged visits to Singapore and Malaysia for ten days. In fact, this initiative was taken for the interest of the Shipping Minister who had been asked in the committee meeting many awkward questions on various malpractices in his ministry.<sup>51</sup>

The Shipping committee members made controversies by seizing unexpected facilities and taking bribes. Among various cases, one was the stevedoring license griped by the committee members. The shipping committee in its 17<sup>th</sup> meeting, held in 4 May 2005, decided to issue seven stevedoring licenses for the Chittagong port and five for the Mongla port. The daily *Prothom Alo* explored that at least six committee members from both the opposition and ruling party abused their portfolios to issue stevedoring licenses of the Chittagong port for seven business firms which were directly or indirectly owned by six committee members.<sup>52</sup> The report also said that the committee members belonging to the opposition bench influenced the port authority for issuing license for clearing and forwarding agents for handling imported goods worth TK.1700 crore.

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<sup>49</sup> The New Age, 10 July, 2005

<sup>50</sup> Bangladesh Jatiya Sangsad, “Report of the Standing Committee on Ministry of Shipping”, September, 2006, p.199.

<sup>51</sup> The Shipping Committee members formally expressed their gratitude to the Speaker, Prime Minister and others for providing support them for visiting Singapore and Malaysia in a committee meeting held on August 9, 2005, for details see “Report of the Standing Committee on Ministry of Shipping”, September, 2006, p.203 .

<sup>52</sup> *Daily Prothom Alo*, Dhaka, May 11,2006.

## **Standing Committee on Ministry of Agriculture**

Formation of the Standing Committee on Ministry of Agriculture was delayed like other standing committees. The fifth parliament formed the committee in its third session while the seventh JS and the eighth JS appointed it in the seventh and the eighth session respectively. As shown in the Appendix-1 the committee was more active during the period of the eighth JS with regard to holding meeting. In the course of three years covering the period from July 2003 to October 2006, the committee held 39 meetings and took 197 decisions. The minutes of such all meetings shows us that the main attention of the committee was to make recommendations for making the activities of the agricultural ministry and its attached departments transparent. Three sub-committees were formed to identify the irregularities of different projects implemented by the attached departments of the agricultural ministry and one sub-committee was formed to make recommendations regarding setting up and selling deep tube wells to the framers of the Mymensingh district. During the period of the eighth JS, the committee visited China and Vietnam to see their agricultural management. During this visit committee members met with ministers concerned and talked with agriculturalists.<sup>53</sup>

Irregularities of the various departments under the Ministry of Agriculture, anomalies in the project implementation and crisis of fertilizer, seeds and pesticides distributions were the major issues discussed in the committee meetings. Committee's dissatisfaction over the crisis of fertilizer distribution was widely reported in the national dailies. The committee in its 8<sup>th</sup> meeting recommended the Bangladesh Chemical Industries Corporation (BCIC), the agency responsible to produce and oversee distribution of fertilizer in Bangladesh, to make easy the fertilizer import process so that farmers can get sufficient fertilizer properly. The committee members particularly members belonging to the opposition party expressed their deep dissatisfaction since ministries concerned did not initiate any step for improving the fertilizer management system. In the ninth meeting the committee suggested the BCIC to set up necessary cold storages in the northern part of the country for preserving potato, banana and vegetables for the off season. Committee's recommendations to the Ministry of Agriculture and attached departments to take necessary actions against the trend of increasing fertilizer, seeds and pesticides crisis were partially implemented; most of the decisions were yet to be implemented. It was observed that the decisions taken in one meeting were not follow up the

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<sup>53</sup> The Report of the Standing Committee on Ministry of Agriculture (in Bengali), August 2006, Dhaka: The Parliament Secretariat.

status of implementation in the next meeting. There is also evidence that the Committee lacked a sense of responsibility in regard to functions entrusted to them by the parliament.<sup>54</sup> The case presented in the Box 7.2 shows us that the Committee some times worked in arbitrary manner.

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**Box 7.2 Case of The Barendra Multi-Purpose Development Authority (BMDA)**

*The Barendra Multi-Purpose Development Authority (BMDA)* is a public body set up by a resolution of the government in 1989. Its major functions include integrated development of some selected districts in Rajshahi Division located in the Northwest region. In one of the procurement cases, a supplier called Hasan Traders failed to perform and accordingly BMDA forfeited its performance guarantee (PG) in accordance with the terms of the contract executed before 1996. Hasan Traders filed a number of representations to the Ministry of Agriculture claiming that the amount of Taka one million forfeited by BMDA should be given back to it because in a similar case, prior to 1996, another supplier's PG was released.

Ministry of Agriculture sent it for disposal by BMDA. BMDA declined to reopen the case on the ground that the case cited by Hasan Traders in respect of a similar case was not based on facts and further that the Ministry of Agriculture prior to 1996 gave the order for such release. Hasan Traders kept on pursuing its case. Some MPs both inside and outside the Standing Committee for Ministry of Agriculture became involved and supported Hasan Traders by way of personal approaches to the Secretary who explained the correct position.

The case ultimately caught the attention of the Committee. It became part of the agenda for meetings. The Minister for Agriculture requested SC not to reopen the case as it was not covered by the terms of the contract signed between BMDA and Hasan Traders. The majority members of SC wanted that the PG forfeited by BMDA should be released. Ultimately written advice from the SC was sent to the Executive Director of BMDA. BMDA sent to back to Ministry of Agriculture seeking its instruction on action to be taken on the advice given by SC. Ministry of Agriculture thought it prudent not to take any further action on the case.

Source: Ali Shwkaht, A.M.M. (2004), *Bangladesh Civil Service: A Political-Administrative Perspective*, Dhaka: University Press Limited, p.279.

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The four different ministerial standing committees, as discussed above, seemed to be active. They met more or less regularly and submitted reports. In the course of overseeing government activities the committee members were more interested to detect irregularities and mismanagement in the ministries concerned rather than policy issues. They appeared to

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<sup>54</sup> Ali Shwkaht, A.M.M. (2004), *Bangladesh Civil Service: A Political-Administrative Perspective*, Dhaka: University Press Limited, p.284.

be very much critical about the implementation of government projects and expressed their deep dissatisfaction due to gross mismanagement, irregularities and corruption in the implementation of development projects. The committee members often and strongly criticised the ministers and the senior civil servants for their indifference to the parliamentary bodies. They were also critical about the manner through which some senior civil servants interacted with the committee members. One example can be cited here. This case occurred in October 2003 and it related to a complaint of misconduct by a senior civil servant of a committee member. The Standing Committee on Ministry of Agriculture strongly criticized the Secretary of the Ministry of Agriculture as he denied giving an appointment Alhaj Safi Ahmed, member of the Standing Committee on Ministry of Agriculture. The committee also requested the Agricultural Minister to take necessary action against the secretary.<sup>55</sup>

The committee proceedings unveiled that the ministerial standing committees were confined to reviewing some of the routine findings of ministries and other agencies rather than in-depth investigation into budgetary and implementation performance.<sup>56</sup> With few exceptions, the committee members had worked in the committees following their party line. Thereby the committee members belonging to the opposition party were intended to find out the irregularities of the ministry, while the members belonging to the ruling party were reluctant regarding this matter. However, in some cases, the committee members from both the ruling and opposition party became united to detect particular irregularities. The Ministry of Communication is one of those examples. But the ministers and the government high officials did not cooperate with them by providing with necessary documents. Most of the committees, thus, could not contribute towards investigating against corruption and irregularities of the ministries.

Most of the committee chairpersons accused the concerned ministries for negligence in implementing their recommendations. As it is calculated of 1,675 recommendations made by the different standing committees in the eighth JS, 530 decisions were fully implemented while other recommendations were not implemented until October 2005.<sup>57</sup> For making the parliamentary committees effective in scrutinizing government activities the committee

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<sup>55</sup> Report of the Standing Committee on Ministry of Agriculture, August,2006, p.5.

<sup>56</sup> The UNDP, Strengthening Parliamentary Democracy, News Letter, January-June, 2005.

<sup>57</sup> Data is calculated from the committee reports and documents provided by the Committee Office II.

chairpersons suggested amendment to the constitution by making it mandatory for the ministries to carry out the committees' recommendations within a limited time frame.<sup>58</sup>

### **7.3 Financial Overseeing**

Among the standing committees, three financial committees namely the Public Accounts Committee (PAC), the Public Undertakings Committee (PUC) and the Estimates Committee (PEC) are responsible for keeping the government accountable for its financial actions and policies. These three financial committees use number of techniques to ensure financial discipline. The following sections focus on the working of three financial committees.

#### **Public Accounts Committee**

Amongst the standing committees, the PAC is often referred as the most important committee. As mentioned in an earlier chapter, examining the accounts of public corporations, trading and manufacturing schemes, concerns and projects together with their profit and loss statements, the PAC takes measures against irregularities and mismanagement. The PAC deals with audit objections based on the annual audit report, the performance audit report and the special audit report prepared by the Comptroller and Auditor General (CAG). The PAC mainly examines those reports on which the CAG has made reservations. While the committee discusses the audit objections, the CAG or any representative of the CAG office and high officials along with the accounting officer of the concerned ministry or department are to be present in the committee meeting.

The first parliament came into being in 1973 and formed the PAC on July 10, 1974. This committee met only three times but there was no discussion on audit report; the committee only discussed the role of the CAG during the preparation of the audit report. The second PAC was set up on 30 April 1979 after 28 days of the formation of the second parliament. This committee discussed 64 audit objections in its nine meetings and submitted one report to the House. An *ad hoc* PAC was constituted by the military government on 19 October 1983. This committee scrutinized the audit reports of 1978-79 and submitted three reports to the President. The third PAC was formed in the fourth parliament on 25 June 1988 and was

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<sup>58</sup> The Daily Star March 2, 2005.



apparently more active than its predecessors. They held 65 meetings, discussed 635 audit objections and reviewed the progress of the recommendations of the previous PACs.

The nature, scope and functions of the PAC have been increased considerably since the formation of the fifth parliament in 1991.<sup>59</sup> The fourth PAC was set up in the fifth JS on July 8, 1991. In all, 52 meetings were held and four reports were submitted to the House. The PAC at that time mainly dealt with old audit reports (until 1986-87) and settled 440 audit objections. Nevertheless, the fourth PAC could not deal with 70.49 % of the audit objections prepared by the CAG. It was difficult for the PAC to discuss all the previous audit reports within the limited time and facilities. The committee thus suggested setting up of a task force for each ministry to settle their old audit objections. Though a large number of old audit objections have been discussed and settled in the PAC meetings, it was not possible for them to implement on practical grounds.<sup>60</sup> However, the PAC of the fifth parliament took an exemplary decision to set up an “Action Token” committee with seven members in its meeting on 17 November, 1992 to review the progress of the implementation of decisions taken in the PAC meetings.<sup>61</sup> This token committee held seven meetings and was dissolved when the fifth parliament finished its tenure.

**Table 7.4 Activities of the Public Accounts Committee (1991-2006)**

<b>Activities</b>	<b>Fifth JS</b>	<b>Seventh JS</b>	<b>Eighth JS</b>
Number of meetings held	52	103	46
Attendance of Committee members (on average)	7.28	7.17	8.73
Number of Sub-committee formed	4	1	9
Number of sub-committee meetings	83	6	48
Number of sub-committee reports	-	1	2
Number of committee reports	4	3	1
Number of Audit objections Disposed	440	497	149

Source: Calculated by the researcher from the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> PACs reports.

The seventh JS set up the fifth PAC four months after the establishment of the parliament. This committee had examined both the current and the old audit reports in 103 meetings, including four policy-planning meetings (Table 7.4). The Committee had examined the audit reports from 1987-88 as the previous committee scrutinized the audit reports until 1986-87.

<sup>59</sup> Nizam Ahmed, *op. cit.*, 2006,p.93

<sup>60</sup> Standing Committee on Public Accounts, working paper, Transparency International Bangladesh, 2002.

<sup>61</sup> This committee was formed only in the fifth JS by the PAC. Such type of committee was not set up in the seventh and eighth JS.

The Committee was able to examine some of the reports for 1996-97 until 23 April 2001. For the year 1996 and 2001, the PAC discussed 1301 audit objections and settled 497 objections involving a total of Tk. 176,300 million.<sup>62</sup>

Comparatively, the PAC of the eighth JS discussed only a few audit objections because it was set up after one and a half year of the establishment of the parliament. From July 2003 to October 2006, the committee held 46 meetings and examined 149 audit objections on 15 ministries involving a total amount of Tk. 131540.54 million and recovered only Tk. 637.7 million which is 0.5 percent of the total money involved in these audit objections. The PAC submitted only one report in the eighth parliament with seven general recommendations. Among these recommendations, they expressed their deep dissatisfaction about the secretaries of the six different ministries, as they did not follow the PAC decisions about resolving the audit objections. Another important recommendation was to ask the executive departments to be careful about providing with necessary documents to the CAG office. The PAC made this recommendation upon the appeal of the CAG. The CAG complained that the officials of the railway division misbehaved with the team of CAG's office and refused them access to the papers while they went to the railway division to check purchase documents. In this circumstance, the then CAG wanted the protection of the PAC against violation of the constitutional rights of his office by the Railway Division. The PAC in its 16<sup>th</sup> meeting discussed this issue and examined the rules and regulations to dispose of the appeal, the first of its kind in Bangladesh.<sup>63</sup>

Although, the PAC was serious about their responsibility, they could not settle all the audit objections. It was observed that from the beginning of the first parliament to the eighth parliament (until April 2004), altogether 799 audit reports were placed to the parliaments. Among the audit reports placed in the parliament, only 166 (20.78%) audit reports on various ministries were discussed in the PAC meeting while 633 audit reports were not discussed due to time shortage. Considering the overall financial management of the country, the PAC of the seventh parliament made recommendations to discuss the reports of the PAC along with other financial committees in the House. It is relevant to mention here that this request was never discussed in any meeting of the standing committee on Rules of Procedure.

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<sup>62</sup>Ahmed, Nizam (2006), *op. cit.*, p.94

<sup>63</sup>The Daily Star, 8th July 2005

The major shortcoming in the committee procedure is that like any other standing committees the PAC is not given power to take any punitive measure against the ministry or department if they do not properly implement committee decisions. It was observed that the decisions and recommendations made by the PAC were not properly implemented by different ministries. Ministries were reluctant to implement the committee decisions as these were not mandatory for them.<sup>64</sup> Most of the ministries appeared to be unable to implement all recommendations and decisions within the allotted time. Considering such circumstances the PAC of the eighth JS asked the concerned authorities to be mindful enough in implementing the recommendations and decisions made by them.

### **Public Undertakings Committee (PUC)**

The Public Undertakings Committee (PUC) is seen more active in the post-1990 parliaments than its counterpart in the previous parliaments in terms of scrutinizing the activities of various government organizations, holding meetings and preparing reports. The PUC of the fifth JS set up in July 1991, held 40 meetings with 19 public sector organizations and submitted two reports. At that time, the committee mainly dealt with corruption, irregularity and mismanagement that plagued various public sector organizations. The PUC identified the organizations and persons responsible for creating mismatch in running the public sector organizations.<sup>65</sup> However, in one case, the committee made a controversy while scrutinizing the activities of a government bank named *Sonali Bank*. The Finance Minister strongly argued that the PUC could not scrutinize the activities of banks. However, the Speaker accepted the committee report where it was revealed that the chairperson of the bank granted millions of Taka as loans by manipulating the rules.

The PUC unveiled huge irregularities and corruption in the implementation of different projects under the Ministry of Energy, Power and Mineral Resources. The Committee found anomalies in various departments. For example, taking the evidences from various sources the PUC of the eighth JS found the PDB and the DESA employees involved in making fake bills. The committee, therefore, set up two sub-committees to review all the activities of the PDB, the REB, the DESA and the DESCO. During the period of the eighth JS, the PUC mainly dealt with the staff recruitment, fake billing, system loss, pre-paid metering, increase

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<sup>64</sup> Former CA&G, M. Hafizuddin Khan agreed with the researcher in this point in a personal discussion, Oct. 23, 2008.

<sup>65</sup> Ahmed, Nizam (2002), *op. cit.*, pp.98-99.

in electricity production and some other issues regarding power sectors. The PUC in its meetings with the power sector organizations expressed its concern about the lack of power generation. "The committee asked the Power Division to fix a uniform model for privatization of the billing system immediately to check power pilferage and systems loss".<sup>66</sup> The committee also recommended installation of pre-paid meter to check fake billing, disconnection of illegal power connection and setting up of a research cell. The PUC dealt with the audit objections raised by the CAG to check the misappropriation of the public funds. Scrutinizing the audit reports on the DESA, the DESCO, the PDB and the REB, the PUC asked them to settle the pending audit objections within December 2005.<sup>67</sup>

The PUC held a discussion on much talked- Tengratila blowout and handing over of the Tengratila gas field to Niko Resources Limited through a joint venture instead of the Production Sharing Contract (PSC). The PUC observed that the country faced a huge financial loss due to rampant corruption in handing over of the Tengratila gas field to Niko. Before visiting the Tengratila, a four-member team of the PUC visited the Petrobangla Head office in Dhaka to have a briefing on the Tengratila gas field disaster. However, the committee members were not satisfied with their briefing and clarification. One of the committee members, Faruk Khan suspected "there were irregularities and corruption at every stage including the agreement with Niko."<sup>68</sup> However, the committee recommended for recovering financial loss by compensating but the government did not take initiative in this regard.

The financial corruption and mismanagement of the Bangladesh Chemical and Industries Corporation (BCIC) were also discussed in a PUC meeting on 20 December 2005. The committee observed that 5, 748 audit objections involving Tk 6,000 crore remained unresolved for years. In the following meeting, the committee discussed the issue again in presence of the representatives of the CAG and asked the BCIC officials to settle the audit objections within a possible short time. The committee also observed that BCIC incurred a loss of about Tk 300 crore a year. It is worth mentioning that the BCIC was set up in 1974 with 88 industries, and 12 of those were functioning until 2006. The rest of the industries did

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<sup>66</sup> The Weekly Holiday 6 May 2005.

<sup>67</sup> The PUC Report (1<sup>st</sup>), Bangladesh Jatiya Sangsad, January 2006,p.34.

<sup>68</sup> The Daily Star, 22 July 2005.

not run properly. The committee identified that the BCIC regularly incurred huge loss due to system losses and irregularities.<sup>69</sup>

**Table 7.5 Activities of the Public Undertakings Committee (1991-2006)**

<b>Activities</b>	<b>Fifth JS</b>	<b>Seventh JS</b>	<b>Eighth JS</b>
No. of meetings held	40	26	49
Attendance of Committee members (on average)	5.3	7.17	5.9
Number of Sub-committee formed	4	3	3
Number of sub-committee meetings	83	6	3
Number of sub-committee reports	-	1	-
Number of committee reports	2	-	2

Source: Calculated by the researcher based on information provided by Committee Office II, August 2007.

The mismanagement and irregularities received major attention of the PUC. Besides them, the audit objections and the activities of the above mentioned organizations were also examined by the committee. From the witness and documents, the PUC pointed out the gap between the government policies and implementations. They also identified the following major reasons for making losses in several organizations under the public sectors: trade union politics, mismanagement, system loss, over staffing, wrongdoings in granting work orders for developing work and irregularities in awarding tender for selling or purchasing. The committee in the eighth JS had set up four sub-committees to find out the irregularities and mismanagement in several organizations working under public sector. Among these sub-committees, only the sub-committee-2, which was set up to examine the overall activities of the DESA and the DESCO, held three meetings while the other three sub-committees failed to call any meeting. Finally, the sub-committees failed to prepare any report. However, the main committee submitted two reports. It was observed that the ministries were reluctant to implement the committee's recommendations, which discouraged the committees from preparing any report. Available evidences revealed that in the eighth JS, the PUC in its 49 meetings took 287 decisions; of them only 16% of decisions were implemented and nearly 28% of decisions were under consideration while about 56% of decisions were not implemented until dissolve of the eighth parliament in October 2006.

<sup>69</sup> The daily Star, 21 December, 2005

## Estimates Committee (EC)

Among the financial committees, the Estimates Committee (EC) has traditionally remained very inactive until 1990. However, theoretically, this committee has better potential than the other financial committees in ensuring financial discipline.<sup>70</sup> It was observed that the EC of the first and the second parliaments did not make any important decision; they met in nine and five meetings respectively. The EC of the first parliament prepared a special report but could not place it to the House because of the resistance from within the ruling party. The Speaker first suggested showing of the report to the Chief Whip and the Law Minister. However, the Chief Whip gave his consent in favor of submission of the report but both the Speaker and the Law minister objected to it.<sup>71</sup> The third parliament did not set up any financial committee and no data were preserved in the parliament on the working of the EC of the fourth parliament.

The EC of the fifth parliament was set up after three months of the first sitting of the parliament. The committee convened its first meeting nearly after three months of its establishment and held 27 meetings altogether. However, the committee could not prepare any report. The EC mainly dealt with the corruption and misappropriation of funds in the public sector and made recommendations for their overall development. During the period of the fifth parliament, the EC set up four sub-committees in its different meetings. The first sub-committee was assigned to prepare a report on the sugar mills under the Bangladesh Sugar and Food Industries Corporation. The second sub-committee was formed to prepare a report on the development of Bangladesh Jute Industries, the third sub-committee was set up to review the activities of the PDB and the fourth sub-committee worked on the activities of the Bangladesh Oil, Gas and Mineral Resources Corporation, the Bangladesh Petroleum Corporation and its subsidiary organizations.<sup>72</sup> However, the sub-committees held 11 meetings altogether, but none of them prepared any report. The main committee also did not submit any report to the House.

Since the beginning of the seventh parliament, the Estimates Committee has been very active with respect to detecting financial irregularities and misappropriation of fund by the

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<sup>70</sup> Ahmed, Nizam (2006), *op. cit.*, p.102.

<sup>71</sup> M. Mufazzalul Hoque, "Parliamentary Committees and Public Enterprise Accountability in Bangladesh (1973-75)", *Management Development*, Vol. 20, 1991, pp. 43-44.

<sup>72</sup> Information is provided by the Committee Office-2, the Bangladesh Parliament Secretariat, Dhaka, August, 2007.

government organizations. The seventh parliament set up the EC on November 20, 1996 and the committee in its first meeting, held on December 19, 1996, settled the strategy and policy. As the committee did not prepare any report, detailed data on the working of the EC of the seventh parliament are not available. Based on the secondary data, it is revealed that the committee scrutinized the tender bidding and purchase documents, appointment of consultants and contractors, uses of public transport, development of projects where irregularities were assumed to be involved. The EC had issued a circular in June 1997, requiring different organizations to supply the copies of terms of reference of the consultants before they were appointed. It also asked for schedule of tender for undertaking public works and appointment of contractors for transport, purchase and sale before advertisement.<sup>73</sup>

**Table 7.6 Activities of Estimates Committee (1991-2006)**

Activities	Fifth JS	Seventh JS	Eighth JS
No. of meetings held	27	23	27
Attendance of Committee members (on average)	7.28	5.3	6.2
Number of Sub-committee formed	5	7	11
Number of sub-committee meetings	83	10	54
Number of sub-committee reports	-	-	5
Number of committee reports	-	-	2

Source: Calculated by the researcher based on data provided by the Committee Office II and the Report of the Estimates Committee (in Bengali), 2006.

The EC of the seventh JS detected gross irregularities in appointing contractors by the Dhaka City Corporation (DCC). The committee, therefore, asked the DCC to get confirmation from the committee before advertising for the appointment of contractors for purchase, transport and development works. The committee also asked the Anti Corruption Bureau and the Public Works Department to evaluate a World Bank funded project implemented by the DCC. The committee scrutinized the tender processing system of various development projects under the Ministry of Food. The EC also reviewed the overall staff position according to the organogram and look into the purchase of transports, the issue of tender and the appointment of consultants on development projects. The committee, in fact, identified various cases of irregularities in several other organizations. Altogether ten sub-committees were, therefore, set up to investigate the irregularities in various organizations including the DCC, the RAJUK, the Dhaka Urban Transport Project, the Jamuna Bridge Authority, the

<sup>73</sup> Nizam Ahmed, *op. cit.*, 2006, p.104.

Roads and High Way Division, the Chittagong Railway Station and the Directorate of Housing and Public works.

The EC scrutinized a large number of cases to find out the irregularities and mismanagement in the public sector organizations. The EC chairperson issued a circular asking various government organizations to send files and documents on the appointment of consultants, contractors, purchase of goods and vehicles, implementation of development projects. It proved to be very inconvenient for the organizations to supply with files and documents. Some organizations reported that the EC activities and their requirement halted their routine works, particularly, the Dhaka City Corporation, the Ministry of Food and Disaster Management, the Ministry of LGRD, the BCIC, the PDB raised questions about the intention of the committee chairperson and they challenged his authority to write a formal letter to the Speaker.<sup>74</sup> While, such incidents were reported in the national newspapers, the Prime Minister called the committee chairperson to clarify his activities. In turn, the EC chairperson requested the Prime Minister to appoint a committee with her Parliamentary Advisor and the Chief Whip to investigate the committee activities.<sup>75</sup> The committee continued its activities with same manner until ending of tenure of the seventh parliament. The committee chairperson in this situation took all documents including resolutions of the committee meetings in his custody just a month before the dissolution of the seventh parliament and he did not return any document to the parliament secretariat yet.<sup>76</sup>

During the period of the eighth parliament, the committee held its first meeting on 12 May 2003 but they could not follow up the activities of its predecessor. Most of the committee members including the chairperson expressed their deep dissatisfaction and strongly criticized the previous committee chairperson for keeping the committee documents in personal custody violating the norms and procedures. The EC in its working period particularly scrutinized the activities of the RAJUK, the REB, the DESA, the DESCO, the Bangladesh Biman Corporation, the Ministry of Food and Disaster Management, the T&T Board, the BWDB, the BIWTA, the Agricultural Extension Department of the Ministry of Agriculture and the Engineering Department of the Ministry of Education. The committee mainly dealt with their audit objections, purchases, tender procedure and construction works

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<sup>74</sup> Nizam Ahmed, *op. cit.*, 2006, p. 104

<sup>75</sup> The Dainik Borer Kagoj, August 29, 30,31 and September 2, 1997.

<sup>76</sup> Estimate Committee, Parliamentary Report (first), September 2005, pp.1-5, personal interview with concerned committee officer in 29 January 2007.



mainly road, bridge and culvert. Among the various organizations, the RAJUK, the LGED, the REB, the DESA, the DESCO and the BWDB received special attention.

The EC detected gross irregularities in the implementation of different projects under the RAJUK. As mentioned earlier, two sub-committees were formed to identify the irregularities in the NAM Villa and NAM Village apartments, Uttara Model Residential City, Purbachal, Nikunja, Hatirjhil, Jhilmil housing projects and construction of some roads including, Kamlapur to Sayedabad link road and Gulshan Square to Pragati Sarani link road undertaken by the RAJUK. The committee scrutinized the sector development plan, budget and expenditure of various projects. The committee also examined the plot allocation process, land acquisition and remittance to the landholder. The committee guessed that some officials and staff of the RAJUK were involved in corruption but the committee failed to identify them due to non-cooperation of the RAJUK. One thing should be noted here that the sub-committee-I issued several letters to the RAJUK authority for sending a list of its staff particularly employed in the design and planning section, estate section, land section and finance section from 1996 to 2003, but the RAJUK did not prepare this list for the sub-committee until April 2006. The committee also found that 27 audit objections involving a total amount of Tk. 235 crore and 96 lacks were unsettled in the Uttara Model Residential City (3<sup>rd</sup> Phase) and the Purbachal Sub-Town projects. The committee then asked the relevant authority to settle audit objections within a possible time.

The EC also identified some major faults in the tender bidding process in the LGED under the Ministry of Local Government and Rural Development (LGRD). The committee chairperson alleged that most of the tenders went to musclemen. They even did not complete the work properly. The EC chairperson told in a meeting to find out an alternative procedure for tender bidding which will be useful to avoid such circumstances. The committee suggested the making a new policy eliminating the faults of the tender bidding procedure practiced currently. In the fifth meeting, held in 16 February 2004, the committee members asked the LGED authority to be active to reduce the scope of irregularities. However, the committee decision was not implemented in the last three years.

The activities of the Water Development Board under the Ministry of Water and Resource received special attention in the PEC. The committee members alleged that most of the projects undertaken by the Water Development Board (WDB) were not implemented

satisfactorily due to massive irregularities. From newspapers, they noticed that mismanagement and irregularities became common features of this institute. The secretary of the concerned ministry was present in the meeting and answered several questions, but he could not satisfy the committee members. The committee decided to appoint a sub-committee to investigate the progress of several projects including 'Food for Work' undertaken by the WDB. The sub-committee was also assigned to take initiative for settling the audit objections. Since its establishment, the sub-committee held seven meetings, visited four project areas and finally submitted a report to the main committee.

The sub-committee mainly dealt with the faults and irregularities of the projects. The sub-committee identified ten defective projects out of 308 projects undertaken by the WDB under the 'River-Cannel Re dredging' project. These faulty projects were completed without following the estimated project designs properly. The committee also detected fund appropriation in the implementation of these projects. After visiting and scrutinizing the work orders and schedules, the committee members asked the concerned authorities to take effective measures. Apart from the misappropriation of fund, the committee also found that the Machinery Department under the Water and Resource Ministry kept pending a total amount of Tk. 33.64 lacs for renting of machinery and vehicle from 59 private companies. The sub-committee detected that some officials of the previously mentioned department had some kind of personal contracts with the private companies and therefore they did not show interest in collecting the pending rent.

The committee identified that a total of 21, 587 audit objections were unsettled in the WDB, involving a total of Tk. 3417,50,24,820 from 1972 to 2004. Discussing the statistics of the audit objections from 1971-72 and onwards, the committee asked the concerned officials to take initiative with the representatives of the CA&G's office to settle audit objections. Thereafter, a total of 2,706 audit objections involving Tk. 237.90 crore were settled but 17, 813 audit objections involving Tk.3822.83 crore were still unsettled. The Committee members again asked the concerned officials to settle the pending audit objections taking a crash program. The committee suggested the ministry to take action against the officials who were involved in misappropriation of fund and corruption. The Committee also asked the officials to be more transparent and accountable for their work.

The EC in its fourth meeting formed a sub-committee with its four members to find out irregularities and to examine the working progress of the PDB, the REB, the DESA, the DESCO and the RPC under the Ministry of Power, Energy and Mineral Resources. The sub-committee met in seven meetings and submitted a report with a set of suggestions for each organization separately. The project background or history, production, operating revenue, expenses, income, system loss, irregularities in tender bidding process and some other issues of each project were discussed in the committee meetings separately. The committee detected massive irregularities in meter reading and billing, giving power connection and tender bidding. The sub-committee also discussed on the statistics of the settled and unsettled audit objections. There were 9, 585 unsettled audit objections on the accounts of the REB, the PDB and the DESCO. The committee thus suggested for settling the audit objections within next two months.

The power crisis received a special attention of the EC members. The secretary of the Power Division and other high officials who worked under the power sector were asked to be present in the committee meetings to answer questions and clarify some particular issues. The REB, the DESA and the DESCO briefly informed the committee about their production capacity and actual demand. The committee was informed that the country generated 3,721 MWs of electricity against a demand of 3,900 MWs. The committee thus asked them to reduce the gap between the demand and the supply by implanting the on going projects as early as possible. The committee members suggested the PDB, the REB, the DESA and the DESCO to pay their best efforts for collecting the pending bills. The EC also suggested them to distribute electricity through rationing system in order to manage power crisis. According to the rationing system, electricity will be used in the irrigation pump and commercial sector after 10 pm at night while from 6 pm to 10 pm it will be scheduled for the normal consumers. The EC of the eighth JS gave special attention to the government policies on power sector. They rigorously discussed the activities and performances of the power sector organizations and made necessary suggestions for improving their overall activities.

Until the last session of the eighth JS, the EC held 27 meetings and set up eleven sub-committees to find out the financial irregularities in different organizations and projects. The sub-committees met in 54 meetings and submitted five reports altogether. The EC prepared two reports containing the proceedings of the total meetings of the main committee. The reports of the sub-committees were also included in the committee reports. The EC made 116

decisions scrutinizing the estimates of the various government organizations; of them 49 decisions (42.24%) were implemented, 16 decisions (13.79%) were under implementation and 51 decisions (43.97%) were under the process of implementation. Among the unimplemented issues, 13 issues (15%) were placed in the next meeting for detailed discussion but they were never included for discussion.<sup>77</sup>

Of all the financial committees, the PAC of the three parliaments of the post 1990s was relatively more active, the fourth, fifth and the sixth PAC had submitted ten reports to the parliament. The PACs had worked more or less in non-partisan manner. However, they could not settle all audit objections raised by the CAG office due to time limitation. Like the PAC, other two financial committees the PUC and the EC were also active to make financial discipline. They were particularly devoted to identify the persons and the organizations involved in financial irregularities. Examining the financial anomalies of the different ministries, the financial committees made more than a hundred recommendations but few of them were implemented due to negligence of the ministries in implementing the committee decisions. They claimed in their reports that different ministries did not take proper initiative against irregularities in expenditure. The major limitation of the committees is that they can make the recommendation against any irregularity but cannot force the ministries for implementing their decisions. They cannot supervise or monitor whether or not their recommendations have been implemented because the implementation of their decisions is not mandatory for the ministries.<sup>78</sup>

#### **7.4 Working of the Government Assurance Committee**

The Committee on Government Assurance (CGA) has been a new beginning in examining the performances of the ministries in implementing government assurances given on the floor since the seventh JS. Comparatively speaking, the CGA of the fifth parliament was less active in the fifth JS. It met only in fourteen meetings, which means that the committee seriously failed to meet the mandatory meeting requirement in accordance with the Rules of Procedure. The CGA of the seventh and the eighth parliaments convened their meetings more frequently. In the seventh parliament, the CGA convened, on an average, 10.3 meetings per year which was increased to 10.6 meetings per year in the eighth parliament. In accordance with the

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<sup>77</sup> Calculated from the PEC Report (2<sup>nd</sup>), Bangladesh Parliament, September 2006.

<sup>78</sup> Transparency International Bangladesh, *Standing Committees on Public Accounts*, Working Paper, 2002, available at [www.ti-bangladesh.org](http://www.ti-bangladesh.org)

decision of the CGA, the concerned ministry compiled government pledges given on the floor and sent an updated report every three months to the committee. Based on these reports, the CGA reviewed the performances of the executive departments and identified the gap between the pledges and their implementations. The CGA of the fifth JS showed in its report that 30% government assurances were implemented. The seventh JS identified that the Prime Ministers, the ministers, the deputy-minister and the state minister of the concerned ministry gave 1221 promises; of them only 620 pledges were implemented and the rest of the promises were either implemented partially or were under implementation. The CGA of the eighth JS revealed that nearly 70% of the promises remained unfulfilled. Since the beginning of the fifth JS, the CGA attempted to follow up the implementation of pledges given on the floor of the JS.

### **7.5 Working of the Petitions Committee**

Among the Non-Ministerial Standing Committees, the Petitions Committee was traditionally inactive. From the discussion with the committee members and staff it was appeared that the citizens rarely come to the committee as they were not aware about the jurisdiction of the Petitions Committee. Though it was found more active in the fifth and the seventh JS compared to the eighth JS. The parliamentary records reveal that covering the period from May 2002 to October 2005 altogether 21 petitions were submitted to the committee of them 20 were rejected as these were not submitted properly according to the Rules of Procedure. Although under Rule 232 of the Rules of Procedure the duty of the committee was to report on specific complaints made in the Petitions referred to the committee but the committee did not submit any report on the above petition. The Petition Committee of the fifth JS met in 27 meetings and submitted two reports. Among the petitions considered by the committee since 1991, one caught the attention of the media and the civil society. The case cited in the following paragraphs was a *suo motu* complaint against a medicine company. This case revealed that the parliamentary committee itself raised personal and party interest and took remedial measures.

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**Box 7.3 Suo Motu Action of the Petitions Committee**

In 1993 alarming reports were being published in the newspapers that hundreds of children were dying in different child Hospitals. Investigating reports suggested that the cause of such death be due to a medicine named "Flamodel" manufactured by Adflem Pharmaceutical Ltd., which were being used in those hospitals for treatment of children. When the Petitions Committee chairman, the then Speaker, found that neither the Drug Control Department nor any administrative Authority took any step to inquire into the matter and adopt remedial measures. The chairman put it up as an agenda in a meeting of the Petition Committee based on the newspaper reports although it was not the rule to take up *suo motu* cognizance of any such matter by the speaker. The chairman placed the news paper reports before each of the members and appealed to their good conscience to make the hands of this Committee long so as to take up suo-motu cognizance of such alarming incidents by the Chairman. Considering the reports published in various national dailies all members took the decision to summon the concerned medicine companies, Hospital authorities, Drug Control Department and others concerned. The ultimate result was that the medicine companies manufacturing such harmful medicine by using cheap chemicals were punished.

Source: Functions of the Committee Chairpersons, Paper presented by former Speaker of the Bangladesh JS Sheikh Razaque Ali in the International Conference on "Parliamentary Committee System", in 1999.

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**7.6 Working of the Special Committees**

As discussed earlier the Bangladesh Parliament may form a special committee if necessary. Among the post-1990 parliament, the fifth Parliament formed five special committees and one was appointed by the seventh JS while the eighth JS did not set up such committee. Among the special committees set up in the fifth JS two committees dealt with legislative bills including the Indemnity Ordinance Bill, and the Local Government (*Zilla Parishad*) Amendment Bill 1993. One special committee was appointed to deal with the violence occurred in the educational institutions. These three special committees could not submit any report to the House. The fifth JS appointed one special committee to deal with five remuneration bills regarding the Prime Minister, the Speaker, the Deputy Speaker, the Ministers and the MPs. This committee submitted a report to the House and considering the committee report remuneration was increased. Another special committee was formed to investigate complains regarding the corruption of the Agriculture Minister. This special committee held 15 meetings and submitted a report to the House though the committee could not make any decision owing to the differences between the members belonging to the treasury and the opposition benches. The seventh JS in its first session appointed a special

committee under Rule 266 to scrutinize every legislative bill. Thereby all the legislative proposals tabled in the House before appointing the standing committees were sent to the special committee for detailed scrutiny. As it is mentioned earlier special committees in this parliament submitted 44 reports scrutinizing the same number of bills. The eighth Parliament is an exception which did not appoint any special committee.

## CHAPTER VIII

### The Committee and the Public

Having discussed the committee performances in legislative and overseeing process this chapter attempts to discuss and analyze the role of media and civil society in making a linkage between the committees and the public. Reaching the public involves mechanisms like open committee meetings, public hearing, broadcasting deliberations, press conference, interview, informal contacts between the committee members and the citizens, the media and the civil society. The parliaments, where committee meetings take place behind the closed door, will remain distant from the people if there is no provision for public hearing. In these parliaments, the media and the civil society are two important channels that can keep the committees closer to the public. The media unfasten numerous windows of opportunity to enhance communication between individuals and organizations. The civil society is another channel for the public to reach the legislators and influence public policy. At the same time, it provides a conduit for the legislators to communicate their decisions and policies to the people.<sup>1</sup>

The committee activities in the western developed democracies are generally linked by two-way communication with the members of the society. Regarding the activities of the US Congress, it has been observed that the openness of committee meetings and public hearing enable citizens to follow up the on going committee activities and to provide opportunities to the legislators to know about public sentiment. When a committee deals with any sensitive issue, like the Watergate scandal, both the electronic and the print media covered such meetings extensively. Unlike the American Congress, where committee meetings are not, in principle, open to the public, for example in Germany, the media, the interest group, the public relations department and the legislators themselves provide information about closed-door committee meetings. Besides, public hearing provides opportunity for the citizens and the interest groups to give their informed opinion on matters under consideration of the committees.

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<sup>1</sup> Bouchet, Nicolas and Kariithi, Nixon K. (2003), "Parliament and Media: Building an Informed Society", working paper, The International Bank for Reconstruction and Development and The World Bank, Washington, D.C.; Raik, Kristi, "Promoting Democracy through Civil Society: How to Step up the EU's Policy towards the Eastern Neighborhood", Centre for European Policy Studies Working Paper, No. 37/February 2006.



## 8.1 Media

It has been observed that many parliaments want themselves to be open to the public and the public also want to be better informed about what the parliament is doing.<sup>2</sup> In this regard, the media is one of the important and popular channels that can play a key role in keeping relations between the parliament and the citizens. Mughan and Gunther noted that through mass media the citizens and their elected representatives communicate in their reciprocal efforts to inform and influence.<sup>3</sup> Where the parliamentary committees meet in private, the media can communicate the parliamentary activities to the citizens and provide a conduit through which the committee members receive feed back from the public. Even the parliaments where the committees meet in public, a few people observe the committee deliberations from the public gallery, whereas all the citizens need information about the activities of their representatives.

In today's parliaments, the most obvious purpose of the committees is to oversee the executive. In doing so, the committees need information about their activities. The media can facilitate the committee members with neutral and good quality of information about the activities of the executive. In all political systems, the media provide opportunity for the committees to scrutinize and criticize the executive by disclosing information about the activities of the executive. Bert A. Rockman notes that interest of the media in scrutinizing government behavior has an impact on the success of the parliamentary committees because it may turn any legislative and overseeing issue into a more salient issue. He argues that if issues become more salient, the committee members have a stronger incentive to perform their oversight activities effectively as this behavior may bring them greater visibility.<sup>4</sup>

The mass media can be categorized into three types: print, electronic and digital media. Among them the print media is still important in keeping the legislators and the public closer. In the developed countries, the parliaments publish weekly/monthly magazines to inform the citizens about their ongoing activities. The parliaments in most cases distribute these papers/magazines among the institutions and the interested citizens free of cost. It was

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<sup>2</sup> Parliamentarians and representatives from parliamentary TV Channels expressed such opinion in a conference on "Broadcasting of Parliamentary Business through Dedicated TV Channels and Public Broadcasting Systems", in Geneva on 19 October 2006.

<sup>3</sup> Mughan, Anthony and Gunther, Richard (2000), "The Media in Democratic and No democratic Regimes: A Multilevel Perspective", in Mughan, Anthony and Richard Gunther (eds.), *Democracy and the Media: A Comparative Perspective*, Cambridge: Cambridge University Press, p.1.

<sup>4</sup> Rockman, Bert A. (1984), "Legislative-Executive Relations and Legislative Oversight", *Legislative Studies Quarterly* 9 (3): 387-440.

observed that the newspapers/magazines, which cannot employ correspondent to the parliament, depend upon the public relations department of the parliament for necessary information. For the journalists the parliaments provide separate media room with modern equipments, so that the journalists can cover the parliamentary news conveniently.

The parliaments which allow the media to publicize the parliamentary proceedings, plenary or the committee sessions are televised by both the public and the private TV channels. Besides the private and the public TV channels, some of the parliaments like the German Bundestag, the French and the Italian national parliaments have their own TV stations within the parliament building, so that they can telecast the parliamentary procedures live to create a direct link between the citizens and the parliament. It is worth mentioning that some private TV channels like C-SPAN of Canada, SVT 24 Direct of Sweden and the BBC Parliament broadcast the parliamentary proceedings and public hearing. A survey on public broadcasting of the parliamentary proceedings, carried out by the Inter Parliamentary Union (IPU) in 2005 among 70 countries, shows that 83 per cent regularly broadcast parliamentary proceedings and 70 per cent do so on a daily or weekly basis.<sup>5</sup>

In the information world, a recent significant development is the introduction of Internet Technology. It enables the parliaments to open their parliamentary archives and make the information about ongoing committee activities available to the public through their home pages. Internet technology (such as E-mail and other dialogue applications) enables the public and the legislators to contact with each other. Internet technology is also used for internal communication.

In the last decade of this century, both the developed and the developing countries improved their information facilities to make the legislators more efficient, transparent and accountable than those in older parliaments.<sup>6</sup> Like the USA, the UK, Germany and Japan some of the developing countries like Bangladesh introduced Internet Technology to make information available to the public as part of public relations. It is observed that in the developed democracies, the legislators widely use Internet Technology for their day-to-day work.

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<sup>5</sup> Cited from “The Challenge of Broadcasting Parliamentary Proceedings” Conference Proceedings, organized by the Inter Parliamentary Union on “Broadcasting of Parliamentary Business through Dedicated TV Channels and Public Broadcasting Systems”, in Geneva, on 19 October 2006. 2006, p.29.

<sup>6</sup> Coleman, S.; J.A, Tailor and Donk, W. Van De (1999), “Parliament in the Age of the Internet”, *Parliamentary Affairs*, Vol. (52 (3), p.365.

Internet enables them to contact with their constituencies and the public.<sup>7</sup> The developing countries where Internet facilities are not easily available depend on the print and electronic media for connecting their legislators to the public.

The committee meetings in the Bangladesh parliament are generally closed to the public and the press. The committee reports are not available for public scrutiny. Interested citizens or researchers can collect the committee reports or the bulletin from the members of the parliament or the parliamentary staff if they have good relation with them. Generally the parliament circulates a weekly bulletin to their members, which covers parliamentary procedures of the week. It does not present any comprehensive report about the ongoing parliamentary activities. It is observed that unlike the developed democracies, the Bangladesh parliament does not provide information materials to the public. Therefore, interested citizens and researcher depend on the media for necessary information about the parliamentary activities. Among a verity of media, the print media historically played an important role in promoting democratic values and norms in the society. During the colonial period the print media was one of the important channels for the Indian leaders to communicate with their people and to inspire them to protest against the colonial rulers. Since the colonial rule, the print media played a significant role against the non-democratic policies and actions of the government. Soon after the independence of Bangladesh, though it was assumed that the media will be independent from the state control, successive governments brought the media under their control by imposing censorship.

After the restoration of the parliamentary democracy in 1991 the electronic and the print media emerged in Bangladesh as an industrial sector in association with the professionals and the media interested business houses. According to recent information more than 700 registered newspapers are published on daily and weekly basis. About 15% of the total populations of the country are regular readers of the newspapers. Among the Bengali dailies, the *Prothom Alo*, the *Jugantor*, the *Janakantha*, the *Samokal*, the *Ittefak*, the *Ajker Gagoj* and the *Bhorer Kagoj* stand out as the most popular. On the other hand, the Daily Star, the Observer and the New Age are the most circulated (estimate readership 65,000) English dailies. The main readers of these English dailies are the policy elites, the civil servants, the

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<sup>7</sup> Mambrey, Peter et. All (1999), "Bridging the Gap Between Parliament and Citizen- the Internet Service of the German Bundestag", *Parliamentary Affairs*, Vol. (52 (3), p.480.

academia, the diplomats and the representatives of the donor agencies. Therefore, the English dailies are publicly recognized as more influential than their circulation figures suggest.<sup>8</sup>

Table 8.1 Number of News Papers and Magazines Published in Bangladesh in 2006

<b><u>Frequency</u></b>	<b><u>Dhaka-Based</u></b>	<b><u>Regional</u></b>
Daily	183	225
Weekly	130	104
Fortnightly	34	3
Monthly	53	5
Quarterly	5	1
Total	405	338

Source: Centre for Governance Studies, *The State of Governance in Bangladesh 2006: Knowledge, Perceptions, Reality*, Dhaka: BRAC University and BRAC RED, 2006, p.100.

Since 1990, the committee activities received special attention of the print media. The print media brought the important issues to the public and created pressure on the government departments to respond to the Committee queries.<sup>9</sup> Most of the national newspapers have their special correspondence for covering the parliamentary deliberations and performances. They collected necessary information on the committee activities through personal contact with the committee members, the chairpersons or the parliamentary staff and from the press briefing. The regional or the local newspapers, which did not have their own correspondence in the capital or in the JS, depended on the BSS and other media network for information on the committee activities.

Since the beginning of the restoration of parliamentary democracy, the major dailies draw public attention to the committee activities. The committee discussions and decisions were widely covered in the national dailies, particularly when controversial issues were discussed there. Most of the national newspapers presented detailed information about the on-going committee activities based on the briefing given by the committee chairperson or members. Both the Bengali and English dailies focused on the performances of the committees in their lead news and often published exclusive reports about the activities of the committee chairpersons and the members. Some important issues (i.e. irregularities of the different ministries, partisan role of the Speaker, party control over the committee members) were brought before the public with exclusive reports, features, articles and expert opinions.

<sup>8</sup> Centre for Governance Studies, *the State of Governance in Bangladesh 2006: Knowledge, Perceptions, Reality*, Dhaka: BRAC University and BRAC Research and Evaluation Division, 2006, p.100.

<sup>9</sup> *ibid*, p. 24.

Traditionally the Defense sector was kept beyond the public gaze. The debates over the defense issues were brought to public attention since 1990. Through investigation, the standing committee on the Ministry of Defense detected inconsistencies in the purchase procedures. Picking up this issue the major dailies published several exclusive news and editorials. Particularly, the purchases of Mig-29 fighter jets and frigate were brought to public attention. The BNP-led alliance government accused the previous government of mishandling funds for the purchase and filed cases against Sheikh Hasina and others. But the AL rejected all the allegations discussed in the meetings of the Defense Committee in a rejoinder, which was later published in the newspapers and was posted in the AL home page on 24 January 2004. In this rejoinder the AL strongly claimed that the government intentionally fabricated the issue (Box-8.1).

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**Box 8.1 Fabrication of Defense Committee**

The Bangladesh Awami League posted several rejoinders in their home page rejecting all the allegations brought into the Defense Committee. The AL argued that the most modern battle Frigate was purchased with a reasonable price following all processes. They also claimed in this rejoinder “Standing Parliamentary Committee on Defense in the seventh parliament, in which the BNP and the Jatiya Party members were included, visited Korea and observed the naval exercise. Only after their fully satisfactory report on return to the country, the Frigate started its journey to Bangladesh.” The AL also denied the allegations about the purchase of Mig-29 in the same rejoinder posted on 23 January 2004. They claimed that the Mig-29 was brought with the recommendation of purchase committee consisting of the members of Air Force and high-level officers from other concerned ministries including the Defense. On the basis of the committee decision, international tenders were called for by the Directorate General Defense Purchase (DGDP). The lowest price quoted against this tender was \$289m. This price was considered to be on the high side. Prime Minister Sheikh Hasina then ordered direct government-to-government negotiations for the purchase. After fruitful negotiations between the two governments the price was brought down to \$119m, marking a reduction of \$170m from the original offer received by the DGDP. The AL blamed the BNP-Jamat Alliance government for filing baseless cases against Sheikh Hasina alleging corruption. The AL brought allegation against the standing Defense Committee for raising its voice to corruption allegations following the deliberate Alliance Government campaign for discrediting the AL and diverting attention from the national discontent on other governance issues.

Source: Compiled from the Bangladesh Awami League official webpage.

[www.albd.org/autoalbd/index.php?option=com\\_content&task=view&id=59&Itemid=37](http://www.albd.org/autoalbd/index.php?option=com_content&task=view&id=59&Itemid=37)

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Simultaneously in the eighth JS, the opposition members accused the BNP- led alliance government for misgivings in purchasing 16 Chinese F-7 fighters for the Bangladesh Air Force at a cost of \$117.9 million. In mid-2006, the opposition members raised this issue in a meeting of the Defense Committee when they alleged that a third party had taken ‘undue commission’ from the deal.<sup>10</sup> Apart from the Defense purchase, controversy surrounding the import of Converted Natural Gas (CNG) auto-rickshaws was also brought to public attention. A sub-committee was set up by the standing Committee on the Ministry of Communication in January 2004 to probe the allegation. The CNG story published in the national newspapers illustrated the weakness of the standing committees. First, the reports published in the dailies revealed that the parliamentary sub-committee could not submit its report within the time fixed by the main committee. Secondly, the ministry repeatedly refused to supply relevant information and documents to the sub-committee.

The major national newspapers repeatedly published exclusive news on the mismanagement and corruption of different ministries. These reports disclosed dissatisfactions of various standing committee chairpersons about the irregularities and corruption of several ministries. The reports presented in Box-8.2 shows that the standing committees detected mismanagement and irregularities in at least 20 out of 39 ministries. When the committee chairpersons moved to talk about the mismanagement of the ministries, they were thrown into trouble. The news presented in Box-8.3, illustrates two pictures. First, the committee recommendations were not implemented, and ministries did not cooperate with the committees. Second, the Government high-ups restricted the committee chairpersons to talk publicly about corruption and irregularities of the government departments. Criticizing this situation an editorial was published in the same newspaper (Box -8.3). The editorial demanded expansion of the committee’s power for performing their role more seriously.

The print media not only disclosed the unlawful activities of the executive, they also brought the wrongdoings of the committees to the public. For example, the daily *Sangbad* disclosed in their lead news on December 28, 2005 that a member of the Standing Committee on the Ministry of LGRD took bribe before submitting a fake report on the wrongdoing in tender processing in the Public Health Engineering Department. The daily *Prothom Alo* illustrated another story. The report explored that the standing committee on the Ministry of Shipping and Transport first asked the Chittagong Port Authority to issue seven stevedoring licenses

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<sup>10</sup> The Weekly Holiday, 9 January 2004; the Daily New Age, 16 May 2006.

for quick delivery of goods from the dock and later six members of this standing committee influenced the CPA to issue seven stevedoring licenses to them anonymously. Such reports informed the public about the wrongdoings of the committee members as well.

Since 1990s the journalists tended to be more serious in reporting on the parliamentary affairs. Special correspondents of the daily national newspapers working in the JS formed ‘Bangladesh Parliament Journalists Association’ (BPJA). They have been raising their voice demanding access of the journalists to the parliamentary standing committee meetings. The BPJA organized a round table discussion in 2005, titled “Active Committee: Effective Parliament” in Dhaka in co-operation with a national NGO. In this discussion the parliamentarians expressed their views in favor of holding the standing committee meetings in public and demanded amend the ROP. Some necessary amendments to the parliamentary rules of procedure are required to hold the committee meetings in public.

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**Box 8.2 Twenty ministries embroiled in graft, irregularities**

Different parliamentary standing committees have raised allegations of irregularities and corruption in the activities of at least 20 out of the 39 ministries. Although the ruling BNP and Jamaat-e-Islami lawmakers dominate the standing committees, they found performance of the ministries below par due to gross mismanagement, irregularities and corruption. Thirty-nine parliamentary bodies on as many ministries are still reviewing their activities. Most of them held two or three meetings and found mismanagement and irregularities, especially in different projects. Four of the ministries blamed for such misdeeds are under the prime minister -- Chittagong Hill Tracts (CHT) affairs, energy, power and mineral resources, establishment, primary and mass education ministries. Sources said other ministries accused of mismanagement and corruption are home, commerce, housing and public works, food, health, communication, religious affairs, cultural affairs, land, water resources, fisheries and livestock, information, environment and forestry, science, information and communication technology, liberation war affairs, and expatriates welfare and overseas employment. Parliamentary bodies on ministries of finance, industry, planning, foreign affairs, agriculture, law, justice and parliamentary affairs and industry have not started monitoring implementation of the projects under respective ministries.

The Public Undertakings Committee held three meetings on power sector and upon finding huge irregularities and corruption in the sector decided to form two committees to look into the anomalies. Abdul Alim, chairman of the committee, observed that irregularities and corruption were rampant in the sector. The committee found irregularities in implementation of different projects under the energy, power and mineral resources ministry and fake billing by the Power Development Board and Dhaka Electric Supply Authority.

The Public Accounts Committee raised allegations against the Roads and Highways Department under the communication ministry. Besides, the parliamentary standing committee on communication ministry raised allegations of irregularities at the Bangladesh Road Transport Corporation under the ministry.

The Estimate Committee found gross irregularities in different organisations, including Rajuk, under the housing and public works ministry and formed two sub-committees to identify the

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irregularities. The sub-committees are now investigating the alleged irregularities and corruption at Uttara Model Residential City, Purbachal, Nikunja, Hatirjhil, Jhilmil and construction of some roads including Kamlapur to Sayedabad link road and Gulshan Square to Pragati Sarani link road. Chairman of the committee Syed Mehedi Ahmed Rumi termed it a huge work and said the two sub-committees took an additional two months to complete their investigation.

The parliamentary standing committee on the Chittagong Hill Tracts (CHT) affairs ministry observed that the ministry was performing poorly because of a lack of coordination among its top officials. Even the deputy minister of the ministry raised allegations of corruption in the implementation of every project in the CHT and has already threatened to quit office. ... Moreover, there are allegations of irregularities in the non-formal education project under the primary and mass education ministry, allocation of food grains of TR and Kabikha projects under the relief and disaster management ministry, and promotion of government officials under the establishment ministry.

Source: The Daily Star, November 8, 2003.

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### **Box 8. 3 Committees Under Pressure**

The parliamentary standing committees are facing pressure from the government high-ups in their move to probe corruption and irregularities in the ministries, the committee chiefs alleged yesterday. Speaking at a seminar, the committee chairmen accused the ministers and high officials of various ministries of non-cooperation with the committee moves and non-implementation of their recommendations. They said the parliamentary committee system is not functioning properly due to the prevailing situation. Speaker Jamiruddin Sircar, who chaired the seminar, said he would inform the prime minister and other ministers about the grievances of the committee chairmen. Some 20 parliamentary committee chairmen, all from the ruling BNP and Jamaat-e-Islami, spoke at the seminar. They strongly criticised the ministers for their indifference to the parliamentary bodies. They said the committees are not functioning properly as most of the ministers, secretaries and other high officials are reluctant to join parliamentary committee meetings and to provide the committees with necessary documents. The committee chiefs demanded amendment to the Rules of Procedure to ensure that ministries are obliged to implement committees' recommendations and be accountable to the committees for not carrying out the recommendations. *(Staff Correspondent, Daily Star, 2nd of March 2005)*

#### **Move to stop talks between JS body chiefs, ministries**

The government high-ups have moved to stop holding open dialogues between the parliamentary body chiefs and the ministry high officials, apparently to save the ministers and secretaries from public criticism by the standing committee chiefs. Sources said the speaker has asked the officials not to hold open dialogue with the committee chairmen and secretaries until further directive as the government high-ups were embarrassed by the committee chiefs' accusations against the ministries. The move to stop such dialogue has virtually stalled an UNDP-sponsored project aiming at strengthening the parliamentary committee system, under which a series of discussions were planned between the committee chiefs and ministry officials. The chairmen of a number of parliamentary standing committees at the March 1 dialogue openly accused the ministers and high-ups of creating pressure against their move to probe corruption and irregularities in the ministries. The following day, the speaker met with the prime minister at her office where a number of senior ministers were present. They reacted sharply against the committee chiefs' allegations against ministers and asked the speaker to stop such dialogues. The IPS officials said they had planned to hold a dialogue with the secretaries of different ministries in the first half of this month but could not hold it. Another joint meeting of the committee chiefs and the secretaries is scheduled to be held also this month. "But now we are in confusion whether we can hold any such meeting," a senior official told The Daily Star wishing anonymity. Speaker Jamir Uddin Sircar who extended full support to the dialogues has now asked the officials not to arrange such meetings until further orders, sources said. Earlier, inviting

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committee chiefs and secretaries to the March 1 dialogue, the speaker in a letter said, "I have decided to hold several meetings with the parliamentary committee chiefs, secretaries of different ministries in phases, both individually and jointly." "There is an urgent need for promoting collaboration between committees and the executive agencies of the government," the speaker said. "The open discussion on the promotion of better understanding and collaboration among the parliamentary committees and ministries of the government is a crucial issue to strengthening of parliamentary democracy," he said in the letter. The committee chairmen in the March 1 dialogue accused the ministers and high officials of non-cooperation with the committee moves and non-implementation of their recommendations. They said the parliamentary committee system was not functioning properly due to the prevailing situation.

*(Staff Correspondent, Daily Star, March 18, 2005)*

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Like the print media, the electronic media also play an important role in democratic interaction. Until 1998, the state-owned BTV was the only medium of entertainment and information. Parliamentarians belonging to the opposition often blamed that the state-owned radio and TV served the purpose of the government; they called the Bangladesh Betar and the Bangladesh Television 'mouthpiece of the government party'. Since 1990, the autonomy of the radio and TV became an issue. After fall of autocratic Ershad regime, three major political party alliances pledged in a joint statement that the mass media, including Bangladesh Betar and BTV will be made into independent and autonomous bodies. Rashed Kahn Menon, leader of the Left Democratic Front, moved a resolution seeking withdrawal of state control over the public broadcasting in the fifth parliament. He proposed in the resolution that the authority of the parliamentary committee on the ministry of information be strengthened to conduct the affairs of Betar and BTV. But the resolution was not passed.<sup>11</sup> Although it was expected that the democratic government will grant autonomy of the state-owned radio and TV, but they denounced the idea of neutrality of the state-run media.

Since 1998, the private TV channels started to telecast their programs with the government permission. The government first decided to grant permission for terrestrial broadcasting to the private sector in 1998. The ETV was first granted terrestrial broadcasting permission. As its owners were suspected to be closer to the AL government and there were allegations about irregularities in the licensing process, the ETV lost their license and went off the air in March 2002. The then BNP government announced that no terrestrial permission would be given. They granted permission to fifteen companies for telecasting their program through satellite. But the all companies did not come to launce their program. As of June 2007, about twelve private TV channels broadcast their program through satellite. Besides the entertainment programs, talk shows, discussions are the main features of their programs which focus on

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<sup>11</sup> The Forum (a monthly publication of the Daily Star) , Vol.2, Issue 4, May 2007.

recent political issues. One study argues that the private TV channels provide political space where politicians from both sides sit and debate.<sup>12</sup> In absence of the parliament, talk shows and discussion programs emerge as the alternative places of political compromise. Although the privatization of the electronic media has opened a new window for building society democratic, but there are still some problems. The owners of the private media houses are mostly party members or associated with the party high-ups. They often use their media houses for advancing their political career or promoting particular ideology.

The political government had considerable control and influence over the state-run BTV and the Bangladesh *Betar*. The Bangladesh *Betar* and the BTV have been misused as the propaganda machine of the ruling party. Thereby the opposition parties, the civil society and the academia brought allegations against the government for fabricating political news and parliamentary debates. Although, it was expected that the private media will be neutral but there has been a trend towards involvement of the owners of several print and electronic media in politics. They have a tendency to promote particular political ideology or program and protect their political and business interests through their media houses, which is likely to have impact on news and reporting. There are allegations against the print media owners that they use their news papers to destroy the careers of the rival politicians or business houses by fake reporting. These fake reports add natural tension between the legislators and the journalists. Despite these limitations, the print and the electronic media have enabled a large section of people of the country to have access to the political events. It is therefore argued, “a major success of the media is the creation of space for political debate which is still absent within the institutionalized political form.”<sup>13</sup>

It is generally observed that the main consumers of the print and the digital media are the urban, educated middle classes while the state-run BTV and the Bangladesh *Betar* (radio) are the principal sources of information for the rural people.<sup>14</sup> Compared to the urban people, information access of the rural people is very limited. Therefore the NGOs and the civil society organizations are implementing political awareness programs in the rural areas to reduce the gap between the mass people and the parliament. They are bringing the important issues to public attention and are raising public awareness about governance.

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<sup>12</sup> Rahman, Hussain Zillur (2007), *Unbundling Governance: Indices Institutions Process Solutions*, ed., Dhaka: PPRC, p.132.

<sup>13</sup> Centre for Governance Studies, BRAC University & BRAC Research and Evaluation Division (2006), *op. cit.*, P. 106.

<sup>14</sup> *ibid*, p.101.

More recently, the Internet facilities have enabled the educated urban people to have access to information. Internet opens a new window for the legislators and the public to contact with one another. By using computers the members can rapidly prepare discussion papers for the plenary as well as for the committees. Several computers were installed in the Legislative Information Centre (LIC) with Internet facilities but few of the legislators actually used these computers. The fact is that most of the members of the Bangladesh parliament were not familiar with computer applications. Therefore, the computers are mainly used in the committee offices for writing memos, minutes of the meetings and reports.

Like other parliaments, the JS also entered into the World Wide Web network in 1996 with its own homepage containing very general information on the Constitution, the Rules of Procedure and parliamentary procedures. A few Weekly News Letters are also made available. But it does not provide information about current legislative activities. In contrast with the other parliaments like Indian Lok Shabha or Sri Lankan Parliament, there is no particular information about the ongoing committee activities. The committee composition, the meeting schedule and the reports are not available in the home page. In the age of technological revolution, it is surprising that most of the members of the Bangladesh parliament were not used to respond to the public through email. Even the officers worked in the committee offices did not reply to any email query. As mentioned earlier, the donor took initiatives to improve legislative information flow so that the parliamentarians and the public can contact with one another. As part of this effort in the beginning of the eighth JS, the Local Consultative Group (LCG) has published a “Parliamentary Guide” in their website.<sup>15</sup> The biography of the committee members and their contact addresses are available in their homepage for the users.

The academia, the interest group, the party activists, the journalists, the citizens who were interested to know about legislation, policy matters and other issues under consideration of the committees depended on the print media as necessary legislative information was not available in the parliament website. Although, internet users have been tremendously increased in Bangladesh, majority people particularly at the local level still rely on the print

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<sup>15</sup>LCG is set up in 1988 with 32 Bangladesh-based representatives of bilateral and multilateral donors of the Bangladesh Development Forum and the Secretary, Economic Relations Division (ERD), representing the Government. The LCG Sub-Group on Governance functions primarily as a medium of coordination and dialogue on a wide range of governance issues within the donor community in Bangladesh.

and the TV media.<sup>16</sup> The print media often draw public attention disclosing the wrongdoings and mismanagements of the government organizations. They also wanted the parliamentary committees to be better informed about the government activities so that the committees hold the executive accountable for their activities. Considering the importance of the media in keeping the government accountable to the people, the PAC members argued in the seventh JS in favor of the media access to the committee meetings. They demanded that the media access would make the committees more transparent. In turn the trust of the people in the democratic system will be strengthened. The PAC requested the ‘Standing Committee on Rules of Procedure’ to provide the committee chairperson is discretionary power, so that they can allow the journalists to the committee meetings’.<sup>17</sup>

## **8.2 Civil Society**

Since mid 1980s the civil society has been seen more active in Bangladesh as an alternative force along with the conventional political parties and the pressure groups for promoting democratic environment. During the military rule in the 1980s the civil society attempted to resist authoritarian regimes. Their contributions have been recognized in the country as a part of the process of gaining democratic freedom for their citizens.<sup>18</sup> After the restoration of democracy they led movements to pursue reforms in the political institutions and raising public awareness towards democratic values and practices. According to Parnini, in the early 1990s the donor agencies (i.e. the World Bank, the IMF, the ADB and the UNDP) involved the civil society organizations for ensuring good governance in Bangladesh for the following reasons. First, the civil society considers improvement of people’s lives as the top priority and an end in itself. Second, the civil society organizations are usually independent and can act as the watchdogs by monitoring the implementation of governmental commitments in different sectors. Third, civil society can fill the legislative and policy gap by advancing anti-corruption proposals that may not be supported by the political parties. Fourth: the civil society can operate on the basis of ideas rather than prestige, power and money.<sup>19</sup>

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<sup>16</sup> Internet users have been increased in Bangladesh from 0.1 million in 2000 to 0.45 million in 2007 which is 0.3% of the total population. Source: [www.internetworldstatus.com](http://www.internetworldstatus.com)

<sup>17</sup> The Public Accounts Committee Report, p.2, October 1998.

<sup>18</sup> Parnini, Syeda Naushin (2006), “Civil Society and Good Governance in Bangladesh”, *Asian Journal of Political Science*, Vol. 14, No. 2, December 2006, p. 195.

<sup>19</sup> *ibid.*, p.197.

The civil society has opened a new 'window of opportunity for the community to monitor public institutions and to identify critical issues. They indemnify the limitations of the government policy and actions and propose remedial measures. Through discussions, research, writings and conferences, they attempt to raise public awareness, stimulate public debate and create constituencies in favor of reform. Along with other issues they are advocating for strengthening the parliamentary bodies. Among the prominent civil society organizations the Transparency International Bangladesh (TIB), the Centre for Policy Dialogue (CPD), the Manabik Shahajya Sangstha (MSS), and the Power and Participation Research Centre (PPRC) are well known organizations that are working to make a bridge between the parliamentarians and the public. Major activities of the civil society organizations in strengthening parliamentary democracy are discussed in the following paragraphs.

The Transparency International Bangladesh (TIB) started their program in 1994. Since the beginning they have been working to ensure transparency and accountability in both the government and the non-government spheres. One of the major projects of the TIB is 'Parliament and Good Governance'. The main objective of this project is to strengthen parliamentary accountability. In doing so, they give emphasis on the working of the committee system. The TIB watches the parliamentary sessions and publish regularly 'Parliament Watch Report' in both Bengali and English. The Parliament Watch reports mainly focuses on the working of the parliament particularly illustrated the activities of the committees. They are advocating for raising public awareness against corruption and for strengthening the parliamentary committees. There is an argument that the corruption can be reduced through strengthening the parliamentary committees. As part of this effort they organize seminar, workshop and round-table discussion where the civil society members, the parliamentarians and the public came together to exchange their views. For example, the TIB organized a workshop on "The Role of Parliament in Increasing Transparency and Accountability" in 1998. The MPs who participated in this workshop identified the following institutional weaknesses to the effective functioning of the committee system : (a) the standing committees are not composed according to the proportional representation in the parliament, (b) the ministers are not required to disclose the recommendations of the committees, (c) the report of the committees on issues of national importance may not be on the agenda for discussion in the parliament, (d) the decisions taken by the standing committee are not binding, (e) the standing committees lack visibility in the media though the main

functions of the committees are to inform and expose important issues to the public. They suggested that the standing committees should be composed according to the proportional representation and the MPs from the opposition should be allowed to chair some of the standing committees. They also demanded that the ministers should be present at meetings and they should be bound to disclose the committee recommendations to the parliament and the press. It was also suggested that strong links with the civil society should be created through the committee system.<sup>20</sup> The TIB also publish monographs, reports and discussion papers on various topics including the performances of the parliamentary committees; for example, an investigative report on the PAC was published in 2002.

The Manabik Shahajjo Sangstha (MSS) is a non-governmental organizations working for promotion of democracy and strengthening democratic institutions. The Legislative Support Service Project (LSSP) is component of the MSS. Under this project the MSS is working for promoting parliamentary democracy. In doing so it brings public opinion to the parliament and therefore assists the parliamentarians in preparing private bills and enriches policy makers with relevant and current information through organizing seminars, workshops, dialogues and publishing articles on legislative issues, fact finding information on much debated issues. It is worth mentioning that MSS through its LSSP assists the parliamentarians in drafting Private Members Bills. It offers secretarial support and provides with necessary information on legislative parliamentary issues. It is working for making a closer working relationship with the civil society actors and the parliamentary committees. Since 2002 it has organized about 20 discussion programs and seminars where the civil society actors directly exchanged their views with the committee members and the chairpersons.<sup>21</sup>

The Centre for Policy Dialogue (CPD) is a prominent research organization of the country. It is also well known for the civil society activities. After ending the eighth JS, the CPD has organized a nation-wide dialogue to involve the citizens in a debate of fair candidate selection for the national parliamentary election. The media widely covered the dialogue program to raise public awareness. The Power and Participation Research Centre (PPRC) is another well-known research organization established in 1996. It mainly works with the political development, the governance, the quality of education and the development of local

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<sup>20</sup> Workshop on 'Conscientization of the Civil Society and the Transparency International (TI) Chapters in Strategic Planning within the context of Strengthening Integrity', organized by TIB, July 14-15, 1998.

<sup>21</sup> Information is provided by the Legislative Support Service, Project of MSS, Dhaka, October, 2003.

governance. The PPRC strives to develop a holistic approach towards issues of development, knowledge management and citizen empowerment.<sup>22</sup>

In the 1990s, the civil society organizations appeared to be active in raising the demand for strengthening the parliamentary bodies. The academia and the journalists in their writings provided with a strong voice for creating reciprocal environment in the parliament so that the committees can function properly. In this regard, the civil society members made the following recommendations in various seminars and workshops: firstly, the Speaker should be neutral in conducting the parliamentary business; secondly, the chairmanship of important committees, such as the Business Advisory Committee, different ministerial standing committees and the financial committees should go to the opposition; thirdly, the standing committees should be composed according to the proportional representation in the parliament; fourthly, the media should have access to the standing committee meetings; and fifthly, the members should not involve in any activities other than legislative. They also recommended for opening the parliamentary committees to civil society groups allowing for more open consultations and discussions.<sup>23</sup> However, the above mentioned recommendations were repeatedly discussed in various forums and the government and the parliamentarians were accordingly informed, but none of these recommendations was implemented. Major success of the civil society organizations in strengthening parliamentary democracy in raising voice for amending the ROP to avoid delaying the standing committee formation. It is worth mentioning that when the standing committee formation was delayed during the period of the eighth JS, number of sub-editorials were published both in Bengali and English dailies demanding the amendment of the rules of procedure to ensure that all the parliamentary standing committees are to be formed within a minimum time from the beginning of first session. There is no doubt that the civil society turned this issue for public discussion. They demanded that the standing committees should be formed within a limited time from the first session of the new parliament. Major national dailies include the *Daily Star*, the *Prothom Alo*, the *Somakal* published editorials and sub-editorials giving emphasis on this demand.

As a result of the civil society's demands, the eighth JS amended the ROP in its last session and decided that the parliamentary committees should be formed within the first three sessions of the parliament which means that the committee formation will be completed in

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<sup>22</sup> Rahman, Hussain Zillur (2007), *op. cit.*, back cover illustration.

<sup>23</sup> The Daily Star, March 24, 2006; civil society members expressed their opinion in the workshop on "The Role of Parliament in Increasing Transparency and Accountability", organized by TIB, July 14, 1998

four months of the first session. As it was observed, every new parliament convened its third session within four months. The lawmakers, the civil society members and the media appreciated the chairperson and the members of the Standing Committee on Rules of Procedure for taking such decision to avoid unwanted delay in forming the parliamentary watchdog bodies.

The media reports revealed the extent to which these sub-committees have failed or have been unwilling to do the job they were assigned to do. The New Age in its editorial titled "JS sub-committees, verily silent" dated May 15, 2005 writes: "... the many sub-committees set up by parliament to inquire into the allegations of ministerial as well as the administrative corruption have not been working, there is something of a shock that comes into our sensibilities." Again the Daily Star in its editorial titled "Allegations of corruption" of June 17, 2005 writes, "Investigations into the charges of corruption against ministers and high officials by parliamentary sub-committees have made little headway and, in most cases, come to a complete halt." The print media repeatedly noticed that the committee chairpersons belonging to the ruling party were reprimanded by the party's high command for their initial hard stand on the irregularities in the ministries concerned. Taking this issue seriously, the academia and the journalist have raised questions on the role of the parliamentary standing committees on ministries. The civil society members argue for strengthening the parliamentary committees so that they can perform their due responsibilities. One member of the civil society writes in his column: "the standing committees on ministries must discharge their assigned responsibilities without fear or favor. They should be objective rather than being subjective in the discharge of their functions. The ministries must render all co-operation and assistance to the committees. Any non-cooperation by a ministry should be seriously dealt with. The parliament should give due importance to the recommendations made by these committees to give effect to the constitutional stipulation that the executive is responsible to the parliament."<sup>24</sup> It was largely observed that the civil society together with the media raise demands for strengthening the parliamentary committees to ensure democratic accountability. The members of civil society by appearing in the talk shows in the electronic media and by writing in the print media have successfully created a discourse on democratization in Bangladesh. The broader impact of the inputs given by the civil society organizations in raising people's awareness is by no means a proactive trend to build a proactive committee system.

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<sup>24</sup> The Daily Star, 17 July 2005.



## **CHAPTER IX**

### **Summary and Conclusion**

This study has intended to explain how parliamentary committees perform in a country where the political institutions, at least partly, have been imposed from outside rather than being fully indigenous. In the foregoing chapters, it has been observed that Bangladesh has adopted many of its parliamentary structure and procedures from the British model that was transplanted in this soil during the colonial days. Like other post-colonial states, the countries of this region had first exposure to the western parliamentary system during the British colonial days. The analysis of the development of the parliamentary structure under the British colonial era presented in this study showed that until 1909 the parliamentary structures in both the central and provinces functioned more or less as an advisory council of the executive and the parliament had not much scope for criticizing and controlling the government activities. Though the Government of India Acts 1909, 1919 and 1935 added democratic elements and introduced committee system in the central and provincial parliamentary structures, the executive dominance remained almost the same as before because the British government did not establish representative institutions in this region to the full requirements of the Westminster model. The analysis of the functioning of the parliamentary committees of the Indian Central and Bengal Provincial Assemblies showed that the parliamentary committees did not perform any useful work in terms of holding executive accountability to the representative institutions. During this period the committees helped to enlighten the members to be familiar with the parliamentary process. Following the end of British colonial role parliamentary democracy was adopted as form of government both in India and Pakistan. Though parliamentary institutions and procedures successfully worked in India, it failed to take roots in Pakistan. It has been observed that lack of consensus among the competitive political parties, delaying of constitution making, absence of democratic principles within the political parties, military interventions in state power halted the growth of parliamentary practices in Pakistan. The government failed to accommodate the East Pakistani (Bengali) political elites in the decision making process. Given facts showed that the legislative compromise was lacking to solve conflict and differences within the society. In this consequence, unusual tension, wide variety of conflicts and differences within the two wings finally led to the breakdown of united Pakistan in 1971.

After the independence of Bangladesh, the parliamentary system of the government was introduced to fulfill the aspirations of the people. The Constitution of Bangladesh came to effect on 16 December, 1972. Though the Constitution vested all legislative power to the parliament, officially named Jatiya Sangsad, under a Westminster style of democracy, it could not function successfully in post-liberation period. It is important to note here that successful functioning of parliamentary democracy depends upon certain conditions, such as consensus among the competitive political parties, presence of democratic norms and values within the party structure, peaceful transfer of power and responsibility equally by the government and opposition party. The analysis of the functioning of the Bangladesh Jatiya Sangsad (JS) presented in this study revealed that the first JS was totally controlled and dominated by the government party. Because of the minimal presence of the opposition parties in the parliament, the ruling party (AL) did not recognize any official opposition. The overwhelming majority of the AL in the first parliament and their authoritarian attitudes played a negative role making the parliament ineffective. It was observed that the legislative devices were not properly used in the legislative and the overseeing process. In all the eight sessions of the first parliament, the committees were mostly inactive. During this period, the committees did not hold their meetings regularly and did not submit any report. The study also showed that the committees established in the first parliament could not ensure parliamentary accountability for the following reasons. Firstly, authoritarian attitudes of the leaders of the ruling party played a negative role in growing parliamentary culture. Secondly, due to the absence of official opposition in the parliament, the committees were formed only with the members of the treasury bench. Thirdly, due to the absence of democracy within the party structure and procedure, the parliamentarians could not go against their party leaders who occupied ministerial positions. Fourthly, the committee members were more concerned with achieving political patronage rather than ensuring parliamentary accountability. The present study showed that the conditions which required for proper functioning of Western liberal democracy were absent in the post-liberation Bangladesh. The parliamentary system of the government was thus replaced with one-party presidential rule by the Fourth Amendment of the Constitution in 1975. But it could not last longer.

In a sweeping change, Bangladesh came under the military rule by a bloody coup on August 15, 1975 and remained under military dominated civil-military regimes until 1990. In the post-colonial states where democracy was broken down by military intervention, parliaments were either abolished or suspended. The present study showed that the process of

civilianization of the military regime began in Bangladesh with the formation of political parties under state patronization. The BNP and the JP are such kinds of political parties established by military governments respectively in 1978 and in 1986. Both parties had overwhelming majority in the parliaments. Between 1975 and 1990, three parliaments had been formed to civilianize the military regime. Under a presidential form of government they had a record of poor performance in holding the government accountable to the parliament. Though the departmental standing committees were, for the first time, created in the second JS, they seemed to be failed in ensuring departmental accountability. The analysis of the functioning of the parliamentary committees of the second, the third and the fourth parliaments showed that the committees had limited scope to oversee the government activities due to lack of parliamentary sovereignty. Though military regimes attempted to civilianize their regimes by launching political parties, holding referendum and general elections, dominance and control of the civil-military bureaucrats over political power essentially weakened the parliament. Given facts showed that parliamentary committee members could hardly raise their voices against the misgivings of the government departments since the departmental standing committees were headed by the ministers. Through party hierarchy ministers dominated and controlled their MPs in the committee process. Secondly, like many other post-colonial states Bangladesh inherited powerfully organized bureaucratic structure that became overdeveloped compared to the socio-economic structure of the country. The present study showed that since 1975 civil-military bureaucrats emerged as the power-bloc in decision making apparatus. It was thus observed that the parliaments from 1975 to 1990 served the purposes of the government and the committee system could therefore not work properly.

There was a new beginning since the reintroduction of the parliamentary system of the government in 1991. Due to the fragile base of Western liberal democracy, significant changes have been made in the political system since 1991 for strengthening the democratic process. One of these efforts was to introduce Non-Party Caretaker Government (NCG) headed by the Chief Adviser. The provisions regarding the NCG were added in the Constitution with the formal approval of the 13<sup>th</sup> Amendment in 1996. According to the provisions of Article 58 of the Constitution, an NCG shall be appointed for an interim term to assist the Bangladesh Election Commission in holding the general elections imperially and freely. The concept of the NCG came from the crisis of confidence between the major

political parties on holding free and fair elections. After the installment of the NCG, the seventh and the eighth JS elections took place.

Unlike the committees of the previous parliaments the post-1990 standings committees seemed to be comparatively more active both in legislative and overseeing process. Examining the performances of the parliamentary committees the present study showed that in the post 1990 parliaments the committees spent most of their time for scrutinizing legislative proposals and monitoring activities of the executive departments. Though theoretically the committees were not granted authority to propose a bill or to rewrite a bill, they were allowed to move amendments on every proposal referred to them. The introduction of automatic referral system in 1997 allowed the committees to scrutinize every bill before legislation. However, 25 bills in the seventh JS and 61 bills in the eighth JS were passed without scrutinizing by a committee because the committee formation was delayed in these two parliaments owing to the disagreement between the treasury and the opposition benches. Once the committees were formed, every bill was automatically sent to the appropriate standing committee and referred back to the House with a report. As observed, despite the privilege of moving amendments and suggestions on a bill, most of the bills passed in the JS were not altered or amended at the committee stage. Though in the developed countries legislative compromise takes place in the committees, the present study found a different picture in Bangladesh. The study revealed that the members belonging to the government or the ruling alliance more frequently endorsed the government bills while the members belonging to the opposition bench opposed them. In some cases, they gave 'note of dissent' and even walked out of the committee session. Some of the bills were so hurriedly backed to the House; the committee members had little opportunity to review such bills.

The committees also could not scrutinize the ordinance-turned bills before being enacted into laws. The analysis of the law making process of the post 1990 parliaments presented in this study showed that the ordinance-turned bills passed in the fifth and the eighth JS were not earlier referred to a committee. The seventh JS was an exception; among the 16 ordinance-turned bills passed by the House, nine bills were earlier referred to the special committee and others were passed without detail review by concerned committee. Even a bill was earlier promulgated as ordinance when a similar bill was under consideration of the standing committee. Though the legislation process of such type greatly reduced the prestige and

power of the standing committees, the government with majority in the JS repeatedly passed ordinance-turned bills.

Most of the bills passed in the JS were government bills. The Private Member's Bills tabled in the House were dropped at the various level of legislation process. It is recorded that the fifth, the seventh and the eighth parliaments each passed one Private Member's Bills. A large number of bills moved by the private members were dropped at various level of the legislation process. Following shortcomings are identified regarding the process of private members bills- the Private Members' Bills Committee usually took a long time for scrutinizing the bills; secondly the PMBR committee did not submit its report in due time; thirdly, the bills those were referred back to the House with a report, were not introduced to the House; fourthly, most of the members did not have expertise in making a legislative proposal properly. Due to these difficulties only three private members' bills were finally enacted into law in the post-1990 parliaments.

Since the beginning of the fifth JS, the parliamentary committees appeared to be active and vibrant in detecting misgivings of the government departments. The analysis of the performances of the parliamentary committees presented in this study showed that at least twenty ministries were accused of mismanagement of public funds including the Ministry of Defense, the LGRD, the Shipping, the Communication, the Education, the Health and the Ministry of Energy and Mineral Resources. The standing committees detected major lapse and mismanagement of these departments and recommended necessary remedies. However, a few of them were finally implemented. From the discussions of functioning of the departmental standing committees presented in this study showed that several government departments were reluctant to implement committee decisions since the adversary relationship between the minister and the committee chairpersons. The indifference of the government departments to the parliamentary committees was another major problem for proper functioning of the parliamentary bodies. During the period of the seventh JS, at least 20 committee chairpersons publicly accused the bureaucrats and ministers for ignoring their decisions. The analysis of this study showed that the adversary relationship between the minister and the committee chairperson considerably affected the working of parliamentary bodies properly.

The present study showed that the departmental standing committees were more concerned with detecting misgivings of the government departments and discussing some of the routine affairs of the ministries rather than policy related issues. In this regard, the Defense Committee was an exception. During the period of the eighth JS, the Defense Committee took initiative to review the Armed Forces budgetary allocation policy and make a draft Defense policy. In doing so, the committee held several meetings and the Armed Forces Division (AFD) appointed a committee in accordance with the suggestions made by the committee.

In today's political systems, one of the major responsibilities of the parliament is to oversee the financial activities of the government departments. Like other post-colonial parliaments (i.e India and Sri Lanka), the Bangladesh JS relies on the PAC for ensuring the financial discipline of the government departments. The Bangladesh JS has other two financial committees (the PEC and the PUC). The idea of the PAC was transplanted in this region during the colonial period following the practice of the British Parliament while the PEC and the PUC are comparatively new. The analysis of the working of the financial committees presented in this study showed that during the post-1990 period the financial committees made their efforts to bring discipline in financial management of the public sectors. Among the financial committees, the PAC was found comparatively more active in the eighth JS than the other two financial committees. Though the PAC dealt with a good number of audit objections, the committee could not settle all objections due to staff crisis and delaying of committee formation. It was observed that other two financial committees were devoted to identify the persons and organizations involved in financial irregularities. While examining the financial anomalies of different ministries, the financial committees made more than hundreds of recommendations but few of them were implemented due to negligence of the government departments in implementing the committee decisions. They claimed in their reports that different ministries did not take proper initiative against the expenditure irregularities. It may be mentioned that the committees can make the recommendation against any irregularity but cannot force the ministries for implementing their decisions, even they cannot supervise or monitor whether or not their recommendations have been implemented because implementation of their decisions is not mandatory for the ministries.

Though the committee meetings, in principle, were not open to the public, the media played a major role in communicating committee activities and their weakness to the public. The

media particularly the print media provided with an incentive for the committees to oversee government activities. On the one hand, they highlighted the misgivings of government departments and on the other hand, they took the committees close to the people. The public exclusively depended on the print media to know the committee activities because the parliament did not provide with necessary information about an ongoing committee work in their home page and in the bulletins, the newsletters and the monographs that were published by the IPS. Including the committee reports, information materials were not circulated to the public. The media also highlighted the wrongdoing of the committee members. The present study cited several examples from the reports published in the national dailies. These reports showed the nature of wrongdoing of the parliamentary bodies.

Along with the media, civil society organizations for some years had raised their voices for strengthening the parliamentary committees. Since the 1990s, they seemed to be active in raising public awareness for establishing an accountable and transparent government. The civil society in their writings, speeches and in other activities gave emphasis on the better functioning of the committee system. They identified the factors that prevented the parliamentary committees from functioning properly and recommended the remedies.

Although the committees seemed to be active in the post-1990 parliaments compared to previous parliaments, certain weakness made difficulties for the committees to work independently and properly. The absence of separation of power, lack of consensus between the political parties, the lack of democratic principles within the party structure, the lack of expertise of committee members on particular subject matter and the scarcity of staff and resources affected the proper functioning of the committee system in varying degrees. Drawing on contemporary evidence, this study analyzes the factors underlying the non-functioning of committees in the post 1990 parliaments.

The parliamentary committees set up in the Bangladesh parliament are regulated and guided by the Constitution and the ROP. Thereby, these are the two sources of legal basis of the committee structures and procedures. Article 76 of the Constitution formally granted the parliament to appoint standing committees as necessary for discharging its functions and the ROP constructs their number, size and way of operation. But the ROP does not mention anything about the distribution of the committee seats among the parliamentary parties. The analysis of the committee formation and procedure presented in this study showed that the committee formation were delayed for one and a half years both in the seventh and the eighth

parliaments owing to disagreement between the party in power and the opposition party. There was no legal binding for the parliamentary parties to form the committees within a fixed period. An important reform of the committee system was made in this regard by the eighth JS. In the last session of the eighth JS, the ROP was amended to avoid unwanted delay in forming the parliamentary committees. Under the new parliamentary rule all parliamentary standing committees must be formed within the third session of a parliament.

Responsibility equally of the government party and the opposition party is necessary for upholding the parliamentary democracy. The analysis of the role of parliamentary parties in functioning of committee system presented in this study revealed that both the government and the opposition party were reluctant about their responsibility. It is revealed that the main opposition party repeatedly boycotted the parliamentary session. Their repeated boycott and difference with the treasury bench badly affected the committee performances. Although in some cases the opposition members attended the committee meetings during their boycott program, intolerance among major parliamentary parties created a chaotic situation in the committee session. The study also showed that confrontational politics outside the parliament fostered the differences between the government and the opposition parties in the committees. Due to the lack of responsibility, the committee chairperson could hardly come out of his/her party line. The opposition members thus brought the allegations against the committee chairperson for his/her partisan behavior.

Lack of responsibility of the government departments also affected the proper functioning of the parliamentary committees in Bangladesh. It was observed that the government with its majority tended to control committee procedures. The government departments often ignored the committee decisions or recommendations. Though the committee chairpersons and members criticized the ministers and bureaucrats for their indifference to the parliamentary bodies, they often ignored the committee decisions. It so happened because the committees were formally granted authority and power to oversee the government activities but their decisions were not mandatory for the government departments for implementation.

For effective functioning of liberal democracy, political parties should be democratic internally. The present study showed that the political parties in Bangladesh are not democratic internally. Although every party has a supreme decision making body, major decisions are taken by the party chiefs. Formation of various levels of party committees and



their office-bearers are subject to the party chief. However, it is assumed that the steering or executive committee will take the decision regarding party policy the meeting of the executive committee seems to be ceremonious. There had been a great gap between the theoretical role of the parliamentary board and the personal power and authority of the party chiefs. Though all political parties in Bangladesh have parliamentary boards but parliamentary candidate selection is highly centralized to the party chiefs. Parliamentary candidate selection was not made through democratic process. In the absence democratic means of the candidate selection process, businessmen and retired civil-military bureaucrats got party nomination because of their wealth and influence in the state apparatus. It thus created a new political class who intended to use their parliamentary positions to make money and social status. Such practices prevented the nurture of a parliamentary political culture.

Absence of democratic practice within the party organization restricted the legislators to work in the parliamentary committees freely. It was observed that the party chiefs both formally and informally controlled their parliamentarians assigned to various parliamentary positions and committees. Through sanction and rewarding capacity the party chiefs control their committee members. The analysis of the party constitutions presented in this study showed that the party chief enjoys enormous authority in controlling their members. The party constitution prescribes their MPs to be loyal to the party chief. Article 70 of the Bangladesh Constitution also restricts the parliamentarians from going against party line while decisions are made in the parliament. The party dominance and the constitutional provisions of party discipline do not encourage their members to work in the committees independently. The present study showed that under the party constitutions the party chief and the parliamentary party leader is the same person. S/he enjoys overwhelming authority to control party members in and out side the legislature. The analysis of this study showed that the committee members who were loyal to the party chief and complied with he decision of party chief promoted to an important position rather than others who were reluctant to follow such guidance. This study also revealed that the legislators who criticized their party leaders or challenged their decision had been expelled from the party in the name of party discipline. It can therefore be argued that strong party dominance reduces the ability of the legislators to work in the committees effectively.

The social standing of the committee members also had considerable effect in the functioning of the committees. As discussed in the fifth chapter, most of the members of the JS came from business profession while lawyers; professionals, farmers and professional politicians were poorly represented in the post-1990 parliaments. It was observed that the business-industrialist class entered into parliament mostly because of their money, muscle power and patronage rather than any sort of political experience. They chose politics as a second profession and hardly spent much time in parliament-related business. Therefore, quorum crisis became a regular phenomenon in the parliament as well as in the committees. Most of the committees could not convene their meeting regularly and did not submit report in accordance with the ROP. It was also observed that the direct involvement of business-industrial class in politics made a significant change in the social composition of the JS. Statistics reveals that the parliament became more unrepresentative of the majority of the population. The JS had a little opportunity to nominate the committee members on the basis of their professional experiences. As such, the standing committees like the Education Committee, the Health Committee or the Environment Committee lacked members with specialized knowledge or professional background. Thereby, most of the committees depended on the bureaucrats for expert opinion or advice. Due to the lack of expertise on subject concerned, the committees were keen to discuss the misgivings of the government departments rather than policy matters. Though, the committees were expected to have role in policymaking, their activities ended up with finding corruption cases. Another dimension was that most of the woman parliamentarians were indirectly elected and they were usually appointed to the less important committees. The Committee on Women and Children Affairs had seen it as a firm place for the women legislators. It was noticed that their male colleagues often ignored them in the committee session, which in turn discouraged them to participate in the committee process actively.

The members of the JS were facilitated with financial benefits including salary, insurance, travel allowances, constituency allowances and entertainment allowances. The members had also been provided with furnished family apartment with subsidized rate having the right to import vehicle without tax. With all of these things the legislators enjoyed a good number of facilities. But the committees did not have adequate staff and professionals which was a basic requirement for their proper functioning. The analysis of the parliamentary support services presented in this study showed that most of the committee staff were appointed for clerical jobs. They were mostly engaged for keeping records, preparing notice for meeting, drafting

report and conducting with the government departments. They could not provide research assistance or technical advice. Though the parliament library has some research officers, they hardly claimed to have expertise on parliamentary affairs. Due to the lack of sufficient professional staff, the committees depended on the ministries for technical advice. In this circumstance, the committee members found it difficult to accomplish their responsibilities properly. In the recent years, the donor agencies, particularly the UNDP took significant steps for providing necessary supports for strengthening the committee system under the Project of Strengthening of the Parliament. The UNDP funded project assisted the parliament to develop a home page and installed about 50 computers and printers with Internet facilities. Although the numbers of computers were supplied, these were insignificant compared with the total number of staff and parliamentarians. However, it was observed that most of the legislators were not inclined to use these computers.

From the above discussion, one can generalize the conditions that matter for proper functioning of the parliamentary committees in a post-colonial state in general and in Bangladesh particular. The analysis of this study showed that a number of factors such as the colonial legacies, the absence of inner-party democracy, the overdeveloped bureaucracy, the military intervention and the breakdown of democracy, the dominance of business-industrial class in politics and the lack of parliamentary support services hindered proper functioning of parliamentary committees in Bangladesh. Though all these factors have a considerable influence on the functioning of the parliamentary committees, the analysis and findings of this study showed that breakdown of democracy and authoritarian style of leadership of the party organization greatly affected their performance negatively.

Considering the above problems and constraints, the following measures can be taken for strengthening the parliamentary committees in Bangladesh:

- The analysis presented in this study showed that the standing committees served as advisory body, and their recommendations were not binding for the government departments. For strengthening the oversight role of the parliamentary committees, it should be obligatory for the government departments to implement committee decisions, and they should be accountable to the committees for not carrying out the recommendations. To promote parliamentary accountability, the committee reports should be discussed and followed up the implementation status in the House.

- For strengthening the financial accountability of the executive, the CAG office should be independent from the executive and build up a good tie with the financial committees, particularly with the PAC. It is also necessary to empower the financial committees to examine and rewrite the draft budget before being placed to the House.
- An important reform of the committee system was made in the seventh JS by introducing the practice of heading up the standing committees with non-ministers. Despite the appointments of non-minister member chairperson of the committee, they were often seen helpless when the ministry delayed to supply necessary information. The views of the committee chairpersons presented in this study showed that the ministers and high officials of various ministries did not properly cooperate with the committees in implementing of their recommendations. Due to the prevailing situation, the committees could not work properly. In this regard, status and power of the committee chairpersons should be defined in the ROP.
- Though the ROP makes it mandatory that parliamentary committees must meet at least once in a month, most of the committees did not follow the rule. It is necessary to ensure holding committee meetings regularly and make it mandatory for the committees to submit at least one report to the House timely. There should be an evaluation of their performances, or at least committee reports should be discussed in the House.
- It is observed that committee formation took much time due to disagreement between the political parties. To develop healthy parliamentary traditions, the ROP can be amended to adopt one of the following two methods for distributing committee positions among the parliamentary parties. First, following the example of the German parliament, the committee chairs can be distributed on the basis of proportional strength of the parties in the House, and each committee may have a Vice Chairperson who will be appointed from the opposite party. Second, like the British and the Indian parliaments, important watchdog committee chairs can be offered to the opposition parliamentary party.

- It is observed that political parties in Bangladesh are not democratic to the extent they ought to be. The study showed that parliamentary candidates were not democratically selected, decisions were mostly taken by the party chief and legislators relied on their chief for settling their parliamentary strategy. For strengthening the parliament, political parties should emphasis on political professionalism rather than the personal choice and loyalty in the selection of parliamentary candidates. The analysis presented in this study showed that the political advancement of the legislators depended upon the satisfaction of the party chief rather than their performances in the parliamentary process. The legislators therefore seemed to be active in gratifying their party chiefs rather than playing constructive role in the parliament. Political parties therefore should be democratic internally and they should encourage their members to take part in the parliamentary committees more seriously.
  
- Unlike the developed democracies, party chief and parliamentary leader in Bangladesh is the same person. Party chiefs formally enjoy enormous authority to decide which member will go to which committee in the party organization. The legislators could hardly criticize decisions or policy taken by the parliamentary party leader. The parliamentary party chief and senior leaders had decisive control over their committee members, which in turn weakened the committees. It is thus important to make the political parties democratic and reduce party control over committee members so that they can perform in the committees in a non-partisan manner.
  
- For strengthening the parliament, parliamentary parties should have some specialized working groups and subgroups on particular policy area. Like the parliamentary parties of the German Bundestag, parliamentary decision is profoundly prepared by these groups. Parties should introduce some mechanism so that party members can develop their knowledge about particular policy area.
  
- Though Article 70 was farmed for stability of the government, it has a negative impact. It restricts the parliamentary party members to go against the party line. Article 70 (2) of the Bangladesh Constitution states that 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. This provision of the Article can be explained in a manner that suits the party chief. So, it becomes the best instrument for the party chief to control party members in parliamentary process. As we observed in Chapter IV, an MP has been expelled from the party under Article 70, though he neither voted against nor resigned from the party, he only attended parliament sessions by denying the party decision. In this regard, Article 70 of the Constitution can be amended to ensure democratic rights of the parliamentarians. To make the parliamentary committees effective there should be consensus and compromise among the parties on national issues and the committee members should have commitment to take an issue from pluralistic viewpoint.

- In order to facilitate the standing committees to function successfully, parliamentary support services including staff facilities, research assistance, financial benefits and necessary logistic support should be increased. Each committee should have an individual secretariat with professional staff.
  
- Finally, there should be an effective mechanism to link the people with the committee activities. For expert suggestions and public input, the committees have to be given the right of holding public hearing. The important committee reports, relevant information and activity reports should be made public. For making a bridge between the parliament and the public, mass media should be given access to the committee meeting, and the parliamentary web site must be reconstructed and enlarged with necessary information.

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## APPENDIX I

### Activities of the Ministerial Standing Committees

Standing Committee on Ministries	No. of meeting held			No. of Sub-committees Formed			No. of Report Submitted		
	5 <sup>th</sup> JS	7 <sup>th</sup> JS	8 <sup>th</sup> JS	5 <sup>th</sup> JS	7 <sup>th</sup> JS	8 <sup>th</sup> JS	5 <sup>th</sup> JS	7 <sup>th</sup> JS	8 <sup>th</sup> JS
Agriculture	29	29	39	0	6	3	1	-	1
CHT	NE	NE	27	3	0	3	-	-	1
Civil Aviation	42	34	27	3	4	7	1	0	1
Commerce	39	30	26	1	4	5	0	0	0
Communication	34	37	17	0	9	5	0	1	1
Culture	42	28	31	3	2	4	0	0	1
Defence	26	34	33	0	1	0	0	1	3
Education	47	32	35	1	1	1	1	1	1
Environment & Forestry	33	32	28	1	2	9	0	0	1
Establishment	28	31	21	0	0	2	0	0	0
Expatriate Welfare	NE	NE	30	0	0	1	0	0	1
Finance	23	60	21	0	2	0	1	1	1
Fisheries & Livestock	38	27	27	0	5	3	0	0	1
Food & Disaster Management	NE	NE	17	0	NE	2	0	0	1
Food	30	36	NE	0	3	NE	0	0	NE
Flood & Disaster Management	24	27	NE	2	0	NE	0	0	NE
Foreign Affairs	25	30	23	0	1	1	1	1	1
Health	27	31	38	0	3	5	0	0	1
Home	26	24	16	0	0	2	0	0	0
Housing & Works	34	23	28	0	3	4	0	0	0
Information	26	35	20	3	1	1	0	1	1
Industry	27	26	34	0	0	7	0	1	1
Labor and Manpower	31	40	20	4	3	1	0	0	1
Land	15	39	25	3	18	4	0	0	1
Legal & Parliamentary Affairs	46	43	48	0	7	0	1	0	1
Liberation War	NE	NE	16	0	NE	3	0	0	1
LGRD	34	38	23	0	0	2	1	0	1



Standing Committee on Ministries	No. of meeting held			No. of Sub-committees Formed			No. of Report Submitted		
	5 <sup>th</sup> JS	7 <sup>th</sup> JS	8 <sup>th</sup> JS	5 <sup>th</sup> JS	7 <sup>th</sup> JS	8 <sup>th</sup> JS	8 <sup>th</sup> JS	5 <sup>th</sup> JS	
Planning	36	33	20	0	1	0	0	1	1
Primary & Mass Education	NE	NE	39	0	0	0	0	0	1
Post & Telecommunication	26	21	25	1	2	1	0	0	2
Power & Energy	39	16	43	7	3	6	1	0	1
Religious Affairs	36	37	32	5	2	5	1	0	1
Science & ICT	9	20	17	0	0	1	0	1	1
Shipping	39	35	31	0	4	1	1	1	1
Social Welfare	32	34	26	0	9	2	0	1	1
Textile & Jute	NE	NE	15	0	NE	2	0	0	0
Textile	46	24	NE	0	3	NE	1	1	0
Jute	29	39	NE	0	0	NE	0	0	0
Water Resource	25	50	22	0	4	2	0	0	1
Women & Children	36	31	22	1	2	4	1	0	0
Youth & sports	22	27	20	0	2	3	1	0	1
Grand Total	1118	1175	982	38	107	102	13	12	34

Note: NE- Not Existing. Ministry of Textile & Ministry Jute were later merged into a single ministry as the Ministry of Textile & Jute, similarly the Ministry of Food & Disaster Management was formed with Ministry of Food and Ministry of Disaster Management. Source: Compiled by the researcher based on the Summary Parliamentary Proceedings (1991-2006) and the committee reports.

## APPENDIX II

### Parliament and Committees in the Constitution of Bangladesh (as modified up to 30th April, 1996)

#### CHAPTER I- PARLIAMENT

##### 65. Establishment of Parliament

- (1) There shall be a Parliament for Bangladesh (to be known as the House of the Nation) in which subject to the provisions of this Constitution, shall be vested the legislative power of the Republic: Provided that

nothing in this clause shall prevent Parliament from delegating to any person or authority, by Act of Parliament, power to make orders, rules, regulations, bye-laws or other instruments having legislative effect.

- (2) Parliament shall consist of three hundred members to be elected in accordance with law from single territorial constituencies by direct election and, for so long as clause (3) is effective, the members provided for in that clause; the member shall be designated as Members of Parliament.
- <sup>30</sup>[(3) Until the dissolution of Parliament occurring next after the expiration of the period of ten years beginning from the date of the first meeting of the Parliament next after the Parliament in existence at the time of commencement of the Constitution (Tenth Amendment) Act, 1990, there shall be reserved thirty seats exclusively for women members, who shall be elected according to law by the members aforesaid: Provided that nothing in this clause shall prevent a woman from being elected to any of the seats provided for in clause (2)].
- (4) The seat of Parliament shall be in the capital.

##### 66. Qualifications and disqualifications for election to Parliament

- (1) A person shall subject to the provisions of clause (2), be qualified to be elected as, and to be, a member of Parliament if he is a citizen of Bangladesh and has attained the age of twenty-five years.
- (2) A person shall be disqualified for election as, or for being, a member of Parliament who-
  - (a) is declared by a competent court to be of unsound mind;
  - (b) is an undercharged insolvent;
  - (c) acquires the citizenship of, or affirms of acknowledges allegiance to, a foreign state;
  - (d) has been, on conviction for a criminal offence involving moral turpitude, sentenced to imprisonment for a term of not less than two years unless a period of five years has elapsed since his release; <sup>31</sup> \*
  - <sup>32</sup>[(dd) holds any office of profit in this service of the Republic other than an office which is declared by law not to disqualify its holders; or]

<sup>33</sup>\* \* \* \* \*

<sup>34</sup>\* \* \* \* \*

- (g) is disqualified for such election by or under any law.
- <sup>35</sup>[(2A) For the purposes of this article a person shall not be deemed to hold an office of profit in the service of the Republic by reason only that <sup>36</sup>[he is a President, <sup>37</sup> \* Prime Minister], <sup>38</sup> \* \* Minister, Minister of State or Deputy Minister.]

<sup>39</sup>\* \* \* \* \*

- (4) If any dispute arises as to whether a member of Parliament has, after his election, become subject to any of the disqualifications mentioned in clause (2) or as to whether a member of Parliament should vacate his seat pursuant to article 70, the dispute shall be referred to the Election Commission to hear and determine it and the decision of the Commission on such reference shall be final.

- (5) Parliament may, by law, make such provision as it deems necessary for empowering the Election Commission to give full effect to the provisions of clause (4).

#### 67. Vacation of seats of members

- (1) A member of Parliament shall vacate his seat-
  - (a) if he fails, within the period of ninety days from the date of the first meeting of Parliament after his election, to make and subscribe <sup>40\*</sup> the oath or affirmation prescribed for a member of Parliament in the Third Schedule: Provided that the Speaker may, before the expiration of that period, for good cause extend it;
  - (b) if he is absent from Parliament, without the leave of Parliament, for ninety consecutive sitting days;
  - (c) upon a dissolution of Parliament;
  - (d) if he has incurred a disqualification under clause (2) of article 66; or
  - (e) in the circumstances specified in article 70.
- (2) A member of Parliament may resign his seat by writing under his hand addressed to the Speaker, and the seat shall become vacant when the writing is received by the Speaker or, if the office of Speaker is vacant or the Speaker is for any reason unable to perform his functions, by the Deputy Speaker.

#### 68. Remuneration, etc., of members of Parliament

Members of Parliament shall be entitled to such <sup>41</sup>[remuneration], allowances and privileges as may be determined by Act of Parliament or, until so determined, by order made by the President.

#### 69. Penalty for member sitting or voting before taking oath

If a person sits or votes as a member of Parliament before he makes or subscribes the oath or affirmation in accordance with this Constitution, or when he knows that he is not qualified or is disqualified for membership thereof, he shall be liable in respect of each day on which he so sits or votes to a penalty of one thousand taka to be recovered as a debt due to the Republic.

#### <sup>42</sup>[70. Vacation of seat on resignation, etc.

- (1) 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 the party. Explanation. - If a member of Parliament-
  - (a) being present in Parliament abstains from voting, or
  - (b) 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.
- (2) If, at any time, any question as to the leadership of the Parliamentary party of a political party arises, the Speaker shall, 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.
- (3) If a person, after being elected a member of Parliament as an independent candidate, joins any political party, he shall, for the purpose of this article, be deemed to have been elected as a nominee of that Party.]

#### 71. Bar against double membership

- (1) No person shall at the same time be a member of Parliament in respect of two or more constituencies.
- (2) Nothing in clause (1) shall prevent a person from being at the same time a candidate for two or more constituencies, but in the event of his being elected for more than one-
  - (a) within thirty days after his last election the person elected shall deliver to the Chief Election Commissioner a signed declaration specifying the constituency which he wishes to represent, and the seats of the other constituencies for which he was elected shall thereupon fall vacant;

- (b) if the person elected fails to comply with sub-clause (a) all the seats for which he was elected shall fall vacant;
- (c) the person elected shall not make or subscribe the oath or affirmation of a member of Parliament until the foregoing provisions of this clause, so far as applicable, have been complied with.

## 72. Sessions of Parliament

- (1) Parliament shall be summoned, prorogued and dissolved by the President by public notification and when summoning Parliament the President shall specify the time and place of the first meeting:

<sup>43</sup>[Provided that a period exceeding sixty days shall not intervene between the end of one session and the first sitting of Parliament in the next session:

Provided further that in the exercise of his functions under this clause, the President shall act in accordance with the advice of the Prime Minister tendered to him in writing.]

- (2) Notwithstanding the provisions of clause (1) Parliament shall be summoned to meet within thirty days after the declaration of the results of polling at any general election of members of Parliament.
- (3) Unless sooner dissolved by the President, Parliament shall stand dissolved on the expiration of the period of five years from the date of its first meeting.

Provided that at any time when the Republic is engaged in war the period may be extended by Act of Parliament by not more than one year at a time but shall not be so extended beyond six months after the termination of the war.

- (4) If after a dissolution and before the holding of the next general election of members of Parliament the President is satisfied that owing to the existence of a state of war in which the Republic is engaged it is necessary to recall Parliament, the President shall summon the Parliament that has been dissolved to meet.

<sup>44</sup>\* \* \* \* \*

- (5) Subject to the provisions of clause (1) the sittings of Parliament shall be held at such times and places as Parliament may, by its rules of procedure or otherwise determine.

## 73. President's address and messages to Parliament

- (1) The President may address Parliament, and may send messages thereto.
- (2) At the commencement to the first session after a general election of members of Parliament and at the commencement of the first session of each year the President shall address Parliament.
- (3) Parliament shall, after the presentation of an address by the President, or the receipt of a message from him, discuss the matter referred to in such address or message

## <sup>45</sup>[73A. Rights of Ministers as respects Parliament

- [(1) Every Minister shall have the right to speak in, and otherwise to take part in the proceedings of, Parliament, but shall not be entitled to vote <sup>46</sup>[or to speak on any matter not related to his Ministry] unless he is a member of Parliament also. .
- (2) In this article, "Minister" includes a Prime Minister, <sup>47</sup>\* \*, Minister of State and Deputy Minister.]

## 74. Speaker and Deputy Speaker

- (1) Parliament shall at the first sitting after any general election elect from among its members a Speaker and a deputy Speaker, and if either office becomes vacant shall within seven days or, if Parliament is not then sitting, at its first meeting thereafter, elect one of its members to fill the vacancy.
- (2) The Speaker or Deputy Speaker shall vacate his office-

- (a) if he ceases to be a member of Parliament;
- (b) if he becomes a Minister;
- (c) if Parliament passes a resolution (after not less than fourteen days, notice has been given of the intention to move the resolution) supported by the votes of a majority of all the members thereof, requiring his removal from office;
- (d) if he resigns his office by writing under his hand delivered to the President;
- (e) if after a general election another member enters upon that office; or
- (f) in the case of the Deputy Speaker, if he enters upon the office of Speaker.
- (3) While the office of the Speaker is vacant or the Speaker is <sup>48</sup>[acting as] President, or if it is determined by Parliament that the Speaker is otherwise unable to perform the functions of his office, those functions shall be performed by the Deputy Speaker or, if the office of the Deputy Speaker is vacant, by such member of Parliament as may be determined by or under the rules of procedure of Parliament; and during the absence of the Speaker from any sitting of Parliament the Deputy Speaker or, if he also is absent, such person as may be determined by or under the rules of procedure, shall act as Speaker.
- (4) At any sitting of Parliament, while a resolution for the removal of the Speaker from his office is under consideration the Speaker (or while any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker) shall not preside, and the provisions of clause (3) shall apply in relation to every such sitting as they apply in relation to a sitting from which the Speaker or, as the case may be the Deputy Speaker is absent.
- (5) The Speaker or the Deputy Speaker, as the case may be, shall have the right to speak in, and otherwise to take part in, the proceedings of Parliament while any resolution for his removal from office is under consideration in Parliament, and shall be entitled to vote but only as a member.
- (6) Notwithstanding the provisions of clause (2) the Speaker or, as the case may be, the deputy speaker, shall be deemed to continue to hold office until his successor has entered upon office.

#### 75. Rules of procedure, quorum, etc.

- (1) Subject to this Constitution-
  - (a) the procedure of Parliament shall be regulated by rules of procedure made by it, and until such rules are made shall be regulated by rules of procedure made by the President;
  - (b) a decision in Parliament shall be taken by a majority of the votes of the members present and voting, but the person presiding shall not vote except when there is an equality of votes, in which case he shall exercise a casting vote;
  - (c) no proceeding in Parliament shall be invalid by reason only that there is a vacancy in the membership thereof or that a person who was not entitled to do so was present at, or voted or otherwise participated in, the proceeding.
- (2) If at any time during which Parliament is in session the attention of the person presiding is drawn to the fact that the number of members present is less than sixty, he shall either suspend the meeting until at least sixty members are present, or adjourn it.

#### 76. Standing committees of Parliament

- (1) <sup>49</sup>\* \* \* Parliament shall appoint from among its members the following standing committees, that is to say-
  - (a) a public accounts committee;
  - (b) committee of privileges; and
  - (c) such other standing committees as the rules of procedure of Parliament require.
- (2) In addition to the committees referred to in clause (1), Parliament shall appoint other standing committees, and a committee so appointed may, subject to his Constitution and to any other law-
  - (a) examine draft Bills and other legislative proposals;
  - (b) review the enforcement of laws and propose measures for such enforcement;
  - (c) in relation to any matter referred to it by Parliament as a matter of public importance, investigate or inquire into the activities or administration of a Ministry and may require it to furnish, through an authorised representative, relevant information and to answer questions, orally or in writing;
  - (d) perform any other function assigned to it by Parliament.
- (3) Parliament may by law confer on committees appointed under this article power for-
  - (a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;

- (b) compelling the production of documents.

#### 77. Ombudsman

- (1) Parliament may, by law, provide for the establishment of the office of Ombudsman.
- (2) The Ombudsman shall exercise such power and perform such functions as Parliament may, by law, determine, including the power to investigate any action taken by a Ministry, a public officer or a statutory public authority.
- (3) The Ombudsman shall prepare an annual report concerning the discharge of his functions, and such report shall be laid before Parliament.

#### 78. Privileges and immunities of Parliament and members

- (1) The validity of the proceedings in Parliament shall not be questioned in any court.
- (2) A member or officer of Parliament in whom power are vested for the regulation of procedure, the conduct of business or the maintenance of order in Parliament, shall not in relation to the exercise by him of any such power be subject to the jurisdiction of any court.
- (3) A member of Parliament shall not be liable to proceedings in any court in respect of anything said, or any vote given, by him in Parliament or in any committee thereof.
- (4) A person shall not be liable to proceedings in any court in respect of the publication by or under the authority of Parliament of any report, paper, vote or proceeding. (5) Subject to this article, the privileges of Parliament and of its committees and members may be determined by Act of Parliament.

#### 79. Secretariat of Parliament

- (1) Parliament shall have its own Secretariat. Secretariat of Parliament.
- (2) Parliament may, by law, regulate the recruitment and conditions of service of persons appointed to the secretariat of Parliament.
- (3) Until provision is made by Parliament the President may, after consultation with the Speaker, make rules regulating the recruitment and condition of service of persons appointed to the secretariat of Parliament, and rules so made shall have effect subject to the provisions of any law.

## APPENDIX III

(Excerpts from the Rules of Procedure of Bangladesh)

### CHAPTER XXVII

#### Rules Regulating Committees

##### (A) General

#### 187. Committee

In this Chapter, unless the context otherwise requires, "Committee" means and includes "Committee" as defined in sub-rule (1) (f) of rule 2.

#### 188. Appointment of Committee

(1) The members of a Committee shall be appointed by Parliament on a motion made by it.

(2) No member shall be appointed to a Committee who has a personal, pecuniary or direct interest in any matter which may be considered by that Committee. Nor shall a member be appointed to a Committee if he is not willing to serve on it. The proposer shall ascertain whether the member whose name is proposed by him is willing to serve on that Committee.

*Explanation* – For the purpose of this sub-rule the interest of the member should be direct, personal or pecuniary and separately belong to the person whose inclusion in the Committee may be objected to and not in common with the public in general or with any class or section thereof or on a matter of State policy.

(3) Casual vacancies in a Committee shall be filled by appointment by the Parliament on a motion made, and any member appointed, to fill such vacancy shall hold office for the unexpired portion of the term for which the member in whose place he is appointed, would have normally held office.

#### 189. Term of office of a Committee

(1) Subject to the provisions of the Constitution in this behalf, the term of office of a Committee of the House other than a Select Committee on a Bill or a Special Committee constituted by the House for a specific purpose, [shall be valid during the duration of the Parliament]:

[Provided that a Committee may be reconstituted by the House, if necessary.]

(2) A Committee nominated by the Speaker under these rules shall, unless otherwise specified in the rules contained in this Chapter, hold office for the period specified by him or until a new Committee is nominated.

[\* \* \* \* \*]

#### 190. Resignation from Committee

A member may resign his seat from a Committee by writing under his hand, addressed to the Speaker.

#### 191. Chairman of Committee

(1) The Chairman of a Committee shall, unless designated by the House, be elected by the Committee from amongst the members of that Committee.

[(2) If the Chairman ceases to be a member of the Committee, remains absent from any sitting of the Committee or is otherwise unable to perform his duties, the Committee shall choose another member to act as Chairman for that sitting.]

### **192. Quorum**

(1) The quorum to constitute a sitting of a Committee shall be, as near as may be, one-third of the total number of members of the Committee.

(2) If at any time fixed for any sitting of the Committee or if at any time during any such sitting, there is no quorum, the Chairman of the Committee shall either suspend the sitting until there is a quorum or adjourn the sitting to some future day.

(3) When the Committee has been adjourned in pursuance of sub-rule (2) on two successive dates fixed for sittings of the Committee, the Chairman shall report the fact to the House.

### **193. Discharge of members absent from sittings of Committee**

If a member is absent from two or more consecutive sittings of a Committee without the permission of the Committee, a motion may be moved in the House for the discharge of such member from the Committee.

### **194. Voting in Committee**

All questions at any sitting of a Committee shall be determined by a majority of votes of the members present and voting.

### **195. Casting vote of Chairman**

In the case of an equality of votes on any matter, the Chairman, or the person acting as such, shall have a second or casting vote.

### **196. Power to appoint Sub-Committees**

(1) A Committee may appoint one or more Sub-Committees, each having the power of the undivided Committee, to examine any matters that may be referred to them, and the reports of such Sub-Committees shall be deemed to be reports of the whole Committee, if they are approved at a sitting of the whole Committee.

(2) The order of reference to a Sub-Committee shall clearly state the point or points for investigation. The report of the Sub-Committee shall be considered by the whole Committee.

### **197. Sittings of Committee**

The sittings of a Committee shall be held on such days and at such hour as the Chairman of the Committee may fix.

Provided that if the Chairman of the Committee is not readily available, the Secretary may fix the date and time of a sitting:

Provided further that in the case of Select Committee on a Bill, if the Chairman of the Committee is not readily available, the Secretary may, in consultation with the Minister concerned fix the date and time of a sitting.

### **198. Committee may sit whilst Parliament is sitting**

A Committee may sit whilst the Parliament is sitting provided that on a division being called in the House the Chairman of the Committee shall suspend the proceedings in the Committee for such time as will in his opinion enable the members to vote in a division.



**199. Sittings of Committee in private**

The sittings of a Committee shall be held in private.

**200. Venue of sittings**

The sittings of a Committee shall be held within the precincts of the [ \* ] House, and if it becomes necessary to change the place of sitting outside the <sup>52</sup> [ \* ] House, the matter shall be referred to the Speaker whose decision shall be final.

**201. All strangers to withdraw when Committee deliberates**

All persons other than members of the Committee and officers of the Parliament Secretariat shall withdraw whenever the Committee is deliberating.

**202. Power to take evidence or call for documents**

(1) A witness may be summoned by an order signed by the Secretary and shall produce such documents as are required for the use of a Committee.

(2) It shall be in the discretion of the Committee to treat any evidence given before it as secret or confidential.

(3) No document submitted to the Committee shall be withdrawn or altered without the knowledge and approval of the Committee.

**203. Power to send for persons, papers and records**

A Committee shall have power to send for persons, papers and records:

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Speaker whose decision shall be final.

Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

**204. Evidence on oath**

(1) A Committee may administer oath (or affirmation) to a witness examined before it.

(2) The form of the oath (or affirmation) shall be as follows:

"I, ..... , do solemnly swear (or affirm) that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false".

**205. Procedure for examining witnesses**

The examination of witnesses before a Committee shall be conducted as follows:-

(i) The Committee shall, before a witness is called for examination, decide the mode of procedure and the nature of questions that may be asked of the witness.

(ii) The Chairman [ \* \* ] may first ask the witness such question or questions as he may consider necessary with reference to the subject-matter under consideration or any subject connected therewith according to the mode of procedure mentioned in clause (i) of this rule.

(iii) The Chairman may call other members of the Committee one by one to ask any other questions.

(iv) A witness may be asked to place before the Committee any other relevant points that have not been covered and which a witness thinks are essential to be placed before the Committee.

(v) A verbatim record of proceedings of the Committee shall, when a witness is summoned to give evidence, be kept.

(vi) The evidence given before the Committee may be made available to all members of the Committee.

#### **206. Record of decisions of Committee**

A record of the decisions of a Committee shall be maintained and circulated to members of the Committee under the direction of the Chairman.

#### **207. Evidence, report and proceedings treated as confidential**

(1) A Committee may direct that the whole or a part of the evidence or a summary thereof may be laid on the Table.

(2) No part of the evidence, oral or written, report or proceedings of a Committee which has not been laid on the Table shall be open to inspection by anyone except under the authority of the Speaker.

(3) The evidence given before a Committee shall not be published by any member of the Committee or by any other person until it has been laid on the Table:

Provided that the Speaker may, in his discretion, direct that such evidence be confidentially made available to members before it is formally laid on the Table.

#### **208. Special reports**

A Committee may, if it thinks fit, make a special report on any matter that arises or comes to light in the course of its work which it may consider necessary to bring to the notice of the House, notwithstanding that such matter is not directly connected with, or does not fall within or is not incidental to, its terms of reference.

#### **209. Report of Committee**

(1) Where the House has not fixed any time for the presentation of the report by a Committee, the report shall be presented within one month of the date on which reference to the Committee was made:

Provided that the House may at any time, on a motion being made, direct that the time for the presentation of the report by the Committee be extended to a date specified in the motion.

(2) Reports may be either preliminary or final.

(3) The report of the Committee shall be signed by the Chairman on behalf of the Committee:

Provided that in case the Chairman is absent or is not readily available the Committee shall choose another member to sign the report on behalf of the Committee.

#### **210. Availability of report to Government before presentation**

A Committee may, if it thinks fit, make available to Government any part of its report before presentation to the House. Such reports shall be treated as confidential until presented to the House.

#### **211. Presentation of report**

(1) The report of a Committee shall be presented to the House by the Chairman or in his absence by any member of the Committee.

(2) In presenting the report the Chairman or in his absence, the member presenting the report shall, if he makes any remarks, confine himself to a brief statement of fact, but there shall be no debate on that statement at this stage.

#### **212. Printing, publication or circulation of report prior to its presentation to House**

(1) The Speaker may, on a request being made to him and when the House is not in session, order the printing, publication or circulation of a report of a Committee although it has not been presented to the House. In that case the report shall be presented to the House during its next session at the first convenient opportunity.

#### **213. Power to make suggestions on procedure**

(1) A Committee shall have power to regulate its own procedure.

[(2) A committee may obtain co-operation and advice from any expert in its respective field, if deemed necessary.]

#### **214. Power of Speaker to give directions**

If any doubt arises on any point of procedure or otherwise, the Chairman may, if he thinks fit, refer the point to the Speaker whose decision shall be final.

#### **215. Business before Committee not to lapse on prorogation of House**

Any business pending before a Committee shall not lapse by reason only of the prorogation of the House and the Committee shall continue to function notwithstanding such prorogation.

#### **216. Unfinished work of Committee**

A Committee which is unable to complete its work before the expiration of its term or before the dissolution of the House may report to the House that the Committee has not been able to complete its work. Any preliminary report, memorandum or note that the committee may have prepared or any evidence that the Committee may have taken shall be made available to the new Committee.

#### **217. Applicability of general rules to Committees**

Except for matters for which special provision is made in the rules relating to any particular Committee, the general rules in this Chapter shall apply to all Committees; and in so far as any provision in the special provisions relating to a Committee is inconsistent with the general rules, the former rules shall prevail.

#### **218. Secretary to be ex-officio Secretary of Committees or he may authorise any officer**

(1) The Secretary shall be ex-officio Secretary to every Committee of the Parliament.

(2) The Secretary may authorise any officer of the Secretariat to perform such duties as he may direct.

#### ***(B) Business Advisory Committee***

#### **219. Constitution of Business Advisory Committee**

[The] Speaker may nominate a Committee called the Business Advisory Committee consisting of not more than [fifteen] members including the Speaker who shall be the Chairman of the Committee.

## **220. Functions of the Committee**

(1) It shall be the function of the Committee to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills and other business as the Speaker, in consultation with the Leader of the House, may direct for being referred to the Committee.

(2) The Committee shall have the power to indicate in the proposed time-table the different hours at which the various stages of the Bill or other business shall be completed.

(3) The Committee shall have such other functions as may be assigned to it by the Speaker from time to time.

*Explanation.-* The expression 'other business' referred to in this rule means business, other than private members' Bills and private members' Resolutions under these rules.

## **221. Notification of allocation of Time Order**

The allocation of time in respect of Bills and other business as may be decided by the Committee, shall be notified in the Bulletin:

Provided that the Speaker may, after taking the sense of the House, vary the time-table to such extent as may be considered necessary.

### ***(C) Committee on Private Members' Bills and Resolutions***

## **222. Constitution of Committee on Private Members' Bills and Resolutions**

(1) There shall be a Committee on Private Members' Bills and Resolutions consisting of not more than ten members.

(2) The Committee shall be appointed by the House on a motion made by it.

## **223. Functions of the Committee**

(1) The functions of the Committee shall be-

(a) to examine every Bill seeking to amend the Constitution notice of which has been given by a private member, before a motion for leave to introduce the Bill is included in the Orders of the Day;

(b) to examine all private members' Bills after they are introduced and before they are taken up for consideration in the House and to classify them according to their nature, urgency and importance into two categories namely, category A and category B;

(c) to recommend the time that should be allocated for the discussion of the stage or stages of each private members' Bill and also to indicate in the time-table so drawn up the different hours at which the various stages of the Bill in a day shall be completed;

(d) to recommend time-limit for the discussion of private members' Resolutions and other ancillary matters.

(2) The Committee shall perform such other functions in respect of private members' Bills and Resolutions as may be assigned to it by the House from time to time.

## **224. Notification of classification and allocation of Time Order**

The classification of Bills and the allocation of time in respect of Bills and Resolutions as may be decided by the Committee, shall be notified in the Bulletin:

Provided that the Speaker may, after taking the sense of the House, vary the time-table to such extent as may be necessary.

***(D) Select Committees on Bills***

**225. Constitution of Select Committee**

The members of a Select Committee on a Bill shall be appointed by the House when a motion that the Bill be referred to a Select Committee is made;

Provided that the member-in-charge of the Bill shall be a member of the Committee, even if his name be not included in the motion for constitution of such a Committee:

Provided further that a Minister who is not a member of the Committee may, with the permission of the Chairman, address the Committee.

**226. Notice of Amendments and procedure generally**

A member of a Select Committee may propose amendments to any of the provisions of the Bill after giving one day's notice unless the Chairman allows amendments to be proposed without such notice.

**227. Power of Committee to take evidence**

A Select Committee may hear expert evidence and representatives of special interests affected by the measure before them.

**228. Report of the Committee**

(1) As soon as may be, after a Bill has been referred to a Select Committee, the Select Committee shall meet from time to time in accordance with rule 197 to consider the Bill and shall make a report thereon within the time fixed by the House:

Provided that where the House has not fixed any time for the presentation of the report by a Select Committee, the report shall be presented before the expiry of three months from the date on which the House adopted the motion for the reference of the Bill to the Select Committee:

Provided further that the House may at any time, on a motion being made, direct that the time for the presentation of the report by the Select Committee be extended to a date specified in the motion.

(2) The Select Committee shall in their report state whether the publication of the Bill required by these rules has taken place, and the date on which the publication has taken place.

(3) Where a Bill has been altered, the Select Committee may, if they think fit, include in their report a recommendation to the member-in-charge of the Bill that his next motion should be a motion for circulation, or, where the Bill has already been circulated, for re-circulation.

(4) Any member of the Select Committee may record a minute of dissent on any matter or matters connected with the Bill or dealt with in the report.

(5) A minute of dissent shall be couched in temperate and decorous language and shall not refer to any discussion in the Select Committee nor cast aspersion on the Committee.

**229. Presentation of report**

The report of the Select Committee on a Bill together with the minutes of dissent, if any, shall be presented to the House by the Chairman or in his absence by any member of the Committee.

### **230. Printing and publication of reports**

The Secretary shall cause every report of a Select Committee to be printed, and a copy of the report shall be made available for the use of every member of the House. The report and the Bill, as reported by the Select Committee, shall be published in the Gazette.

#### ***(E) Committee on Petitions***

### **231. Constitution of Committee on Petitions**

[The] Speaker shall nominate a Committee on petitions consisting of not less than ten members:

Provided that a Minister shall not be nominated a member of the Committee, and that if a member, after his nomination to the Committee is appointed a Minister he shall cease to be a member of the Committee from the date of such appointment.

### **232. Functions of the Committee**

(1) The Committee shall examine every petition referred to it, and if the petition complies with these rules, the Committee may direct that it be circulated. Where circulation of the petition has not been directed, the Speaker may at any time direct that the petition be circulated.

(2) Circulation of the petition shall be *in extenso* or in summary form as the Committee or the Speaker, as the case may be, may direct.

(3) It shall also be the duty of the Committee to report to the House on specific complaints made in the petition referred to it and to suggest remedial measures in a concrete form.

#### ***(F) Standing Committee on Public Accounts***

### **233. Functions of Committee on Public Accounts**

(1) There shall be a Committee on Public Accounts for the examination of accounts showing the appropriation of sums granted by the House for the expenditure of the [Government], the annual finance accounts of the <sup>58</sup>[Government] and such other accounts laid before the House as the Committee may think fit. [Upon examination of irregularities and lapses of Institutions, the Committee shall report to Parliament with recommendations of remedial measures.]

(2) In scrutinising the Appropriation Accounts of the <sup>2</sup>[Government] and the report of the Comptroller and Auditor-General thereon, it shall be the duty of the Committee to satisfy itself-

(a) that the moneys shown in the accounts as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged;

(b) that the expenditure conforms to the authority which governs it; and

(c) that every re-appropriation has been made in accordance with the provisions made in this behalf under rules framed by competent authority.

(3) It shall also be the duty of the Committee-

(a) to examine the statement of accounts showing the income and expenditure of state corporations, trading and manufacturing schemes, concerns and projects together with the balance-sheets and statements of profit and loss accounts which the President may have required to be prepared or are

prepared under the provisions of the statutory rules regulating the financing of a particular corporation, trading or manufacturing scheme or concern or project and the report of the Comptroller and Auditor-General thereon;

(b) to examine the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies, the audit of which may be conducted by the Comptroller and Auditor-General of Bangladesh either under the directions of the President or by a statute of Parliament; and

(c) to consider the report of the Comptroller and Auditor-General in cases where the President may have required him to conduct an audit of any receipts or to examine the accounts of stores and stocks.

(4) If any money has been spent on any service during a financial year in excess of the amount granted by the House for that purpose, the Committee shall examine with reference to the facts of each case the circumstances leading to such an excess and make such recommendation as it may deem fit.

#### **234. Constitution of the Committee**

The Committee shall consist of not more than fifteen members who shall be appointed by the House:

Provided that a Minister shall not be appointed a member of the Committee, and that if a member, after his appointment to the Committee, is appointed a Minister he shall, cease to be a member of the Committee from the date of such appointment.

#### ***(G) Committee on Estimates***

#### **235. Functions of Committee on Estimates**

There shall be a Committee on Estimates for the examination of such of the Estimates as may seem fit to the Committee or are specifically referred to it by the House. The functions of the Committee shall be-

(a) to report what economies, improvements in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates, may be effected;

(b) to suggest alternative policies in order to bring about efficiency and economy in administration;

(c) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and

(d) to suggest the form in which the estimates shall be presented to the House.

#### **236. Constitution of the Committee**

The Committee shall consist of not more than ten members who shall be appointed by the House from amongst to its members:

Provided that a Minister shall not be appointed a member of the Committee, and that if a member, after his appointment to the Committee, is appointed a Minister he shall cease to be a member of the Committee from the date of such appointment.

#### **237. Examinations of Estimates by Committee**

The Committee may continue the examination of the estimates from time to time throughout the financial year and report to the House as its examination proceeds. It shall not be incumbent on the Committee to examine the entire estimates of any one year. The demands for grants may be finally voted notwithstanding the fact that the Committee has made no report.

#### ***(H) Committee on Public Undertakings.***

### **238. Functions of Committee on Public Undertakings**

There shall be a Committee on Public Undertakings for the examination of the working of the public undertakings specified in Schedule IV. The functions of the Committee shall be-

- (a) to examine the reports and accounts of the public undertakings specified in the Schedule IV;
- (b) to examine the reports, if any, of the Comptroller and Auditor-General on the public undertakings;
- (c) to examine, in the context of the autonomy any deficiency of the public undertakings, whether the affairs of the public undertakings are being managed in accordance with sound business principles and prudent commercial practices; [the Committee shall report to Parliament on remedy of irregularities and lapses of the public undertaking and recommend measures to free the institution from corruption and, if considered necessary, a part of its report in this respect may be sent to the Government before the report is placed before Parliament;] and
- (d) to exercise such other functions vested in the Committee on Public Accounts and the Committee on Estimates in relation to the public undertakings specified in the Schedule IV as are not covered by clauses (a), (b) and (c) above and as may be allotted to the Committee by the Speaker from time to time:

Provided that the Committee shall not examine and investigate any of the following, namely:-

- (i) matters of major Government policy as distinct from business or commercial functions of the public undertakings;
- (ii) matters of day-to-day administration; and
- (iii) matters for the consideration of which machinery is established by any special statute under which a particular public undertaking is established.

### **239. Constitution of the Committee**

The Committee shall consist of not more than ten members who shall be elected by the House:

Provided that a Minister shall not be elected a member of the Committee, and that if a member, after his election to the Committee, is appointed a Minister he shall cease to be member of the committee from the date of such appointment.

[ \* \* \* \* \* ]

### ***(I) Standing Committee of Privileges***

### **240. Constitution of Committee of Privileges**

[At its first session] [the] Parliament shall appoint a Committee of Privileges consisting of not more than ten members.

### **241. Examination of question by Committee**

(1) The Committee shall examine every question referred to it and determine with reference to the facts of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it and make such recommendations as it may deem fit.

(2) The report may also state the procedure to be followed by the House in giving effect to the recommendations made by the Committee.

### **242. Consideration of report**



After the report has been presented, the Chairman or any member of the Committee or any other member may move that the report be taken into consideration whereupon the Speaker may put the question to the House.

#### **243. Priority for consideration of report of the Committee**

A motion that the report of the Committee be taken into consideration shall be accorded the priority assigned to a matter of privilege under rule 167 unless there has been undue delay in bringing it forward:

Provided that when a date has already been fixed for the consideration for the report, it shall be given priority as a matter of privilege on the day so appointed.

#### ***(J) Committee on Government Assurances***

#### **244. Functions of Committee on Government Assurances**

There shall be a Committee on Government Assurances to scrutinize the assurances, promises, undertakings, etc., given by a Minister, from time to time, on the floor of the House and to report on-

- (a) the extent to which such assurances, promises, undertakings, etc. have been implemented; and
- (b) where implemented, whether such implementation has taken place within the minimum time necessary for the purpose.

#### **245. Constitution of the Committee**

The Committee shall consist of not more than eight members who shall be appointed by the House.

#### ***(K) Standing Committees on certain other subjects***

#### **[246. Appointment of Committees on certain other subjects**

Parliament shall, as soon as may be, after the inauguration of each new Parliament, appoint the Standing Committees on each Ministries which may, subject to the Constitution and to any other law,-

- (a) examine draft Bills and other legislative proposals;
- (b) review the enforcement of laws and propose measures for such enforcement; and
- (c) examine any other matter referred to them by Parliament under Article 76 of the Constitution.]

#### **[247. Constitution of the Committee**

(1) Every Standing Committee, as referred to in Rule 246, shall consist of not more than ten members including the Chairman.

(2) Members including the Chairman shall be appointed by the House:

Provided that a Minister shall not be the Chairman of the Committee.

(3) If a member, after being elected as Chairman under Sub-Rule (2), is appointed as Minister, he shall cease to be the Chairman of the Committee from the date of such appointment.

(4) the Minister in-charge or if there is no Minister, the Minister of State or if there is no Minister of State. Deputy Minister of a Ministry shall be the ex-officio member of the Committee provided he is a member of Parliament.

(5) Even if the Minister-in-charge or the Minister of State or the Deputy Minister of a Ministry is not a member of Parliament, he may remain present in the meeting of the Committee and take part in the proceedings but shall abstain from voting.

(6) If there be no Minister in-Charge or Minister of State or Deputy Minister of a Ministry, the Leader of the House shall nominate a member of the Cabinet to the Standing Committee of such Ministry and if he is a member of Parliament he shall be a member of the Committee and if he is not a member of Parliament, he may remain present in the meeting and take part in its proceedings but shall abstain from voting.]

#### **[248. Functions of Committee**

Each such Standing Committee shall meet at least once in a month and the functions of a Committee shall be to examine any Bill or other matter referred to it by Parliament, to review the works relating to a Ministry which falls within its jurisdiction, to inquire into any activity or irregularity and serious complaint in respect of the Ministry and to examine, if it deems fit, any such other matter as may fall within its jurisdiction and to make recommendations.

Provided that if for any reason the meeting of a Committee is not called in accordance with these rules, the Speaker may direct the Secretary to call a meeting of that Committee and the Secretary shall convene a meeting of the Committee at a date, time and place fixed by the Speaker.]

#### ***(L) House Committee***

#### **249. Constitution of House Committee**

- (1) There shall be a House Committee consisting of not more than twelve members including the Chairman.
- (2) The Committee shall be nominated by the Speaker [\* \* \* \*]. A member may be renominated by the Speaker to the new House committee.

#### **250. Functions of the Committee**

- (1) The functions of the House Committee shall be –
  - (i) to deal with all questions relating to residential accommodation for members of Parliament; and
  - (ii) to exercise supervision over facilities for accommodation, food, medical aid and other amenities accorded to members in M.P. House in Dacca.
- (2) The functions of the Committee shall be advisory.

#### **251. Accommodation Sub-Committee**

- (1) There shall also be an Accommodation Sub-Committee consisting of not more than four members including the Chairman of the House Committee who shall be the ex-officio Chairman of the Sub-Committee.
- (2) The members of the Sub-Committee shall be nominated by the Chairman of the House Committee from amongst the members of the House Committee.
- (3) The quorum to constitute a sitting of the Sub-Committee shall be two.
- (4) The function of the Sub-Committee shall be to advise on the allotment of residential accommodation to members.

#### **252. Power to appoint Sub-Committee**

(1) The Committee may appoint one or more Sub-Committees, each having the power of the undivided committee, to examine any special points relating to residential accommodation, food, medical aid and other amenities in M.P. Houses and the reports of such Sub-Committees shall be deemed to be the reports of the whole committee, if they are approved at a sitting of the whole Committee.

(2) The order of reference to a Sub-Committee shall clearly state the point or points for investigation. The report of the Sub-Committee shall be considered by the whole Committee.

### **253. Secretariat for Committee**

The Secretariat for the House Committee or its Sub-Committees shall be provided by the Parliament Secretariat. An Officer of the Parliament Secretariat nominated in this behalf by the Secretary of the Parliament shall be the Secretary to the House Committee and the Accommodation Sub-Committee.

### **254. Record of proceedings and Minutes of Committee**

(1) A record of the proceedings of the sittings of the House Committee and the Accommodation Sub-Committee shall be maintained.

(2) The draft minutes shall be prepared by the Secretary to the Committee and approved by the Chairman.

(3) The minutes of each sitting shall be circulated to members of the Committee or the Sub-Committee, as the case may be. Relevant extracts therefrom may be forwarded to appropriate authorities for necessary action.

### **255. Appeal against decision of Committee or Sub-Committee**

An appeal against the decision of the House Committee or Accommodation Sub-Committee shall lie to the Speaker whose decision shall be final.

### **256. Provisions applicable in other respects**

In other respects, the general rules applicable to [other Committees] shall apply with such adaptations, whether by way of modification, addition or omission, as the Speaker may consider necessary or convenient.

### ***(M) Library Committee***

### **257. Constitution of Library Committee**

(1) There shall be a Library Committee consisting of the Deputy Speaker and nine other members from the Parliament nominated by the Speaker.

[(2) \* \* \* \* \*]

(3) The Deputy Speaker shall be the ex-officio Chairman of the Committee

(4) Casual vacancies in the Committee shall be filled by nomination by the Speaker from the members of the Parliament.

### **258. Functions of the Committee**

The functions of the Committee shall be –

- (a) to consider and advise on such matters concerning the Library as may be referred to it by the Speaker from time to time;

(b) to consider suggestions for the improvement of the Library; and

(c) to assist members of Parliament in fully utilising the services provided by the Library.

[ \* \* \* \* ]

## **262. Provisions applicable in other respects**

In other respects, the general rules applicable to other Committees [\*\*\*] shall apply with such adaptations, whether by way of modification, addition or omission, as the Speaker may consider necessary or convenient.

### ***(N) Standing Committee on Rules of Procedure***

## **263. Functions of Rules Committee**

There shall be a Committee on Rules of Procedure to consider matters of procedure and conduct of business in the House and to recommend any amendments [by way of addition, alteration, substitution or repeal] to these rules that may be deemed necessary.

## **264. Constitution of the Committee**

The Committee on Rules of Procedure shall be appointed by the House and shall consist of twelve members including the Chairman [\*]. The Speaker shall be the ex-officio Chairman. <sup>73</sup>[\*\*\*].

## **265. Laying of report on the Table**

(1) The recommendations of the Committee shall be laid on the Table and within a period of seven days, beginning with the day on which they are so laid, any member may give notice of any amendment to such recommendation.

(2) The House shall consider the Report of the Committee and amendments, if any, proposed thereto and the Rules shall stand amended [accordingly] after the same has been adopted by the House.

(3) The amendments or additions to the rules shall come into force on their adoption by the House and shall be notified in the official Gazette.

### ***(0) Special Committee***

## **266. Composition and Functions**

The Parliament may, by motion, appoint a Special Committee which shall have such composition and function as may be specified in the motion.

## APPENDIX IV

### Bangladesh: Chronology of Important Political Events

#### Independence of Bangladesh

- December 7, 1970 First general elections; Awami League under Mujib secures absolute majority in new Constituent Assembly; West Pakistan-dominated government declines to convene assembly
- March 26-28, 1971 East Pakistan attempts to secede, beginning civil war; Mujib, imprisoned in West Pakistan, declared provisional president.
- April 10, 1972 The Proclamation of Independence is drafted by the Members of both National Assembly and Provincial Assembly who earlier met together in Kolkata and formed themselves into a constituent assembly in exile.
- April 17, 1971 The Constituent Assembly formally meet at Baidyanathtala (re-named Mujibnagar after the proclamation), a border area in present Meherpur district and read out the Proclamation of Independence at a simple ceremony. Mujib named president.
- December 3-4, 1971 Pakistan launches preemptive air strikes against India and India invades East Pakistan.
- December 6, 1971 India recognizes Bangladesh
- December 16, 1971 Bangladesh came into being as an independent and sovereign state after a nine- month long liberation war.

#### Mujib Regime (1972-1975)

- January 10-12, 1972 Sheikh Mujibur Rahman returns from prison in West Pakistan; promulgates interim constitution and is sworn in first as president, then as prime minister.
- March 23, 1972 Sheikh Mujibur Rahman declares Presidential Order-22. This order provided for the establishment of a Constituent Assembly comprising the members elected in 1970 from East Pakistan to Pakistan's National Assembly.
- April 10, 1972 The Constituent Assembly starts its first session.
- Nov.4, 1972 The Constituent Assembly adopts a Constitution for the country. The Constitution introduces Westminster model of parliamentary democracy.
- December 16, 1972 The Constitution comes to effect.

- December 23, 1972 The Jatiya Samajtantrik Dal (JSD) calls its first convention. In the convention JSD declares its committee and objectives. The JSD considers Awami League as an agent of the bourgeois. One of the major objectives of the JSD is to overthrow the Awami League government.
- March 7, 1973 The general election takes place. Fourteen parties contest in the parliamentary election. Including the reserved women seats Mujib's Awami League win 308 seats while the opposition parties secure 2 seats and Independents candidates win 5 seats.
- April 7, 1973 The Jatiya Sangsad starts its first session.
- April 8, 1973 Justice Abu Syeed Chowdhury is elected president.
- July 22, 1974 The parliament promulgates its new Roles of Procedure.
- April –Nov., 1973 The Jatiya Sangsad has appointed eleven permanent committees but there were no provision for the departmental standing committees.
- January-March, 1974 The JSD appears as a strong opposition. They observe countrywide general strike is called on 20 January to protest against the American, Soviet Union and Indian hegimonism and exploitation. On 17<sup>th</sup> March they *gherao*(confinement) offices and residences of cabinet members to protest against corruption, nepotism and exploitation of the regime. Three people are killed on the spot by police firing and numbers of peoples are injured.
- Dec. 28, 1974 State of emergency is declared as political situation deteriorates; fundamental rights under Constitution suspended.
- January 25, 1975 Constitution is amended to replace parliamentary system with a one-party presidential system. Sheikh Mujibur Rahman becomes president of Bangladesh.
- February 24, 1975 President Mujibur Rahman through a decree announces formation of the single legitimate national party- Bangladesh Krishak Sramik Awami League (BAKSAL).
- June 7, 1975 President Mujibur Rahman as the chairman of BAKSAL declares its constitution. He declares a 15 member- executive committee and a 115 member- central committee. Due to the announcement of the BAKSAL all other political parties get abolished. He declares himself to be the chairman of BAKSAL.
- July 17, 1975 The Jaiya Sangsad ends its eighth session. It was the last session of the first Jatiya Sangsad.

August 15, 1975 Mujibur Rahman is assassinated in "majors' plot"; Khondakar Mushtaque Ahmed takes the presidency. BAKSAL dissolves after assassination of Mujibur Rahman.

### **Civil-Military Regime (1975-1990)**

After assassination of President Sheikh Mujibur Rahman Gen. Ziaur Rahman assumed the presidency in November 1977 and continued until 1981. He was also assassinated by a military coup in May 1981. Gen.H.M. Ershad seized state power in March 1982 by overthrowing the civilian President Justice Abdus Satter. Through a mass movement Gen. Ershad handed over power to the civilian government in December 1990. After fall of the military dictator, parliamentary style of democracy is restored again in 1991.

### **The Zia Era**

- August 25, 1975 Gen. Ziaur Rahman became the chief of army staff.
- November 3, 1975 Khaled Mosharraf stages a *coup d'etat* on 3 November 1975 and forces Gen. Ziaur Rahman (Zia) to resign his command. Zia was put under house arrest.
- November 7, 1975 A third coup stages under Colonel Abu Taher and a group of socialist military officers and supporters of the left-wing JSD, called the *Sipoy-Janata Biplob (Soldiers and People's Coup)*. Colonel Taher freed Ziaur Rahman (Zia) and re-appoints him as army chief.
- An interim government is formed with Justice Abu Sadat Mohammad Sayem as Chief Martial Law Administrator and Zia, Air Vice Marshal M. G. Tawab and Rear Admiral M. H. Khan as Deputy Chief Martial Law Administrators.
- November 8, 1975 The first Jatiya Sangsad dissolves through a presidential proclamation after two and half years.
- July 30, 1976 The army regime permits activities of political parties within the frame work of multi-party system.
- Under the provisions of the Political Parties Regulation (PPR) Act the government allows indoor politics.
- November 19, 1976 Army chief of staff Gen. Zia becomes Chief Martial Law Administrator.
- April 21, 1977 Gen. Zia takes the charge of the president replacing Justice Sayem on health grounds. He bans political parties, censors the media, re-impose martial law and order the army to arrest dissidents.
- April 23, 1977 General Zia issued a proclamation order amending the Constitution of Bangladesh to insert Bismillah-ir- Rahmanir Rahim (In the name of Allah, the Beneficent, the merciful) and other Islamic principles in the

of the Constitution in place of secular ideals. The principle of socialism was given a new meaning – ‘economic and social justice’.

- May 30, 1977 General Zia legitimizes his own presidency by holding a presidential referendum.
- June 3, 1977 Gen. Zia appoints Supreme Court justice Abdus Sattar as his vice president.
- April 22, 1978 Gen. Zia announces schedule for presidential elections and lifts ban on political parties.
- June 3, 1978 Gen. Zia is elected president for five years term.
- September 1, 1978 Gen. Zia launches his own political party named the Bangladesh Jatyotabadi Dal (Bangladesh Nationalist Party-BNP).
- February 18, 1979 Gen. Zia's BNP wins 207 out of 300 seats in parliamentary election.
- April 6, 1979 Martial law revokes; Constitution restores in full; Fifth Amendment ratifies all actions of Gen. Zia's martial law administration.
- March 21, 1980 For the first time, the Jatiya Sangsad appoints the ministerial standing committees.
- May 30, 1981 Gen. Zia assassinated; Justice Sattar becomes acting president.
- Nov. 15, 1981 Presidential election takes place. Justice Sattar elected president.
- Feb. 15, 1982 President Sattar admitted the presence of corruption and crisis in the on going system in his presidential address in the Jatiya Sangsad.
- March 2, 1982 President Sattar dissolved the second Jatiya Sangsad.

### **The Ershad Era**

- March 24, 1982 President Sattar ousted in coup engineered by Lieutenant General Hussain Muhammad Ershad (Ershad); Constitution suspends Parliament dissolves, and bans political activities; Ershad assumes full powers as chief martial law administrator. Justice Abdul Fazal Muhammad Ahsanuddin Chowdhury is appointed as president.
- Feb.14-15, 1983 Student riots mark first major expression of public opposition to Ershad's martial law administration.
- April 1, 1983 Ban on indoor politics is withdrawn.
- Nov. 27, 1983 President Justice Ahsanuddin Chowdhury declares the central committee of a political front known as ‘Janadal’ (Peoples Party). Party stands up in favor of the regime.



Dec. 11, 1983	Ershad assumes presidency replacing Justice Ahsanuddin Chowdhury. At the same time he also holds the position of the Chief Martial Law Administrator.
March 21, 1985	General Ershad obtains 94.14% of the affirmative votes from the 72% of the voters. Referendum supports the continuance of Ershad's administration until the formation of an elected civilian government.
May 16- 20, 1985	General Ershad holds Upzila (Police station based local government) elections.
January 1, 1986	General Ershad forms a new political party named 'Jatiya Party'.
March 2, 1986	General Ershad announces his decision to hold parliamentary election in late April of 1986.
March 21, 1986	The final day for filling nominations for the third parliamentary election, the AL led 15-party alliance suddenly decides to participate in the parliamentary election. The BNP led 7-party alliance stands position for resisting the poll.
March 1986	Ershad removes military commanders from key civil posts and abolishes martial law offices and more than 150 military courts in an attempt to ease martial law restrictions.
May 7, 1986	Third parliamentary election takes place. Eight party-alliances comprising the AL and some smaller parties contests in the parliamentary election while the seven party-alliances led by the BNP boycott the election.  Parliamentary elections give pro-Ershad Jatiyo Party (National Party) majority in the Jatiya Sangsad. Bangladesh Awami League appears as the major opposition party.
July 10, 1986	The third Jatiya Sangsad starts its first session but the AL boycotts the session in protest against the sitting of the parliament with martial law in the country.
October 15, 1986	Gen. Ershad elected president.
October 23, 1986	Gen. Ershad sworn in as elected president. Opposition parties include the AL, the BNP and the left parties organized a nation wide protest program against Gen. Ershad.
November 10, 1986	Parliament passes Seventh Amendment to Constitution, ratifying all actions of Ershad's martial law administration; Gen. Ershad lifts Martial Law.
July 13, 1987	The third Jatiya Sangsad ends its last session.

July 24, 1987	The longest general strike in Bangladesh's history (54-hour) led by the Workers-Employees United Council (Sramik Karmachari Oikkiya Parishad) ended after 11 people were killed and 700 injured in street violence between demonstrators and security forces.
Oct. 23-24, 1987	The Workers-Employees United Council (Sramik Karmachari Oikkiya Parishad) led another lengthy nation-wide strike.
October 28, 1987	Sheikh Hasina and Khaleda Zia meet signaling a new phase of cooperation between the two leading opposition coalitions.
Nov.10-12, 1987	Opposition parties untidily hold mass demonstrations- "Siege of Dhaka" against Ershad's government.
Nov. 27, 1987	After opposition demonstrations and nation wide strike Ershad declares state of emergency.
December 6, 1987	Series of protests, demonstrations, <i>hartal</i> and rallies paralyze the administration. The state of emergency is declared.  The third Jatiya Sangsad dissolves which was inactive since July.
Jan.– Feb.1988	Opposition coalitions repeatedly implement nationwide general strike.
March 3, 1988	The nation goes to poll to elect 300 members of the fourth Jatiya Sangsad. Parliamentary elections reaffirm Jatiya Party control of Parliament.  The Awami League led eight-party coalition, the BNP led seven-party coalition, the leftist five-party coalition and Jamaat-e- Islami Bangladesh boycott the parliamentary election.
April12, 1988	Ershad lifts the state of emergency.
April 25, 1988	The Fourth Jatiya Sangsad convenes its first session amid general strike called by the opposition coalitions.
June 7, 1988	The Constitution (Eighth Amendment) establishes Islam as state religion.
1989	In this year opposition observed blocked and <i>hartals</i> for more than 60days demanding the resignation of Ersahd.
December 6, 1990	Ershad dissolves the fourth Jatiya Sangsad and resigns from the post of the president. He transfers power to a nominee of the combined opposition alliances, the Chief Justice of the Supreme Court, Justice Shabuddin Ahmed.

### **Post 1990s**

February 27, 1991	The fifth Jatiya Sangsad election is held under a neutral caretaker government. The BNP emerges as the single largest party by obtaining 140 seats out of 300; Awami League appears as the main opposition party securing 88 seats followed by the Jatiya Party and the Jamat-e-Islami Bangladesh.
October 8, 1991	The Jatiya Sangsad's members for the first time cast their votes to elect the President under parliamentary form of government.
August 5, 1992	The opposition submits seven notices of no-confidence against the government. The opposition lost the vote on this motion.
October 27, 1992	The government proclaims the Anti-terrorist Ordinance. The opposition terms this ordinance as an anti-opposition move.
March-April 1994	The Bangladesh Awami League and the Jatiya Party observed strikes and <i>gherao</i> program against the government for their failure in governing the country properly. They repeatedly boycotted the parliament.
October 1994	Commonwealth Secretary General, Emeka Anyoaku offered for a formal dialogue between the two rival parties- the AL and BNP- to solve the political crisis. In this process the former Governor General of Australia, Sir Ninian Stephan came to Dhaka and hold dialogues.
December 28, 1994	The main opposition (147 MPs of the AL) resigns <i>en masse</i> from the parliament. But it became invalid because of Speaker's ruling on it.
May 1995	The government party offers a dialogue with the main opposition to solve the political crisis. But the opposition did not accept their proposal. The observed various types of protest program.
July 28, 1995	The main opposition comes back to the parliament but the Speaker declares their seats vacant because of their absence in the House for 90 consecutive days.
Aug.-Nov. 1995	The major opposition parties, namely, the AL, the JP and the JIB, and other smaller parties observed protest program in favor of holding fresh elections under a Non-Party Caretaker Government.
Nov. 24, 1995	The BNP chief and the Prime Minister, Begum Khaleda Zia advises the president to dissolve the parliament and arrange the next parliamentary elections.
February 15, 1996	The sixth Jatiya Sangsad election is held despite opposition boycott and violence. Awami League chief, Sheikh Hasina urges the donor countries not to recognize the 15 February election.
Feb.- March 1996	Awami League urges for holding parliamentary elections under a neutral caretaker government. Continues nation wide demonstration,

	<i>hartal</i> and <i>gherao</i> paralyze the administration. Major donor countries and agencies express serious concern over the political crisis.
March 19, 1996	Sixth parliament session opens despite anti-government demonstration.
March 21, 1996	A Constitutional Amendment Bill introduced and passed in parliament which provides an 11-members non-party caretaker government headed by the Chief Advisor.
March 30, 1996	Prime Minister Begum Khaleda Zia resigns. Former Chief Justice Mohammad Habibur Rahman sworn in as the Chief Advisor of the non-party caretaker government. President Abdur Rahman Biswas dissolves the parliament.
May 18, 1996	President Abdur Rahman Biswas issues a premature retirement order to two army officer because they maintain contacts with the AL but the army chief refuse to implement his order.
May 20, 1996	Upon the order of the Army Chief General Abu Saleh Mohammad Nasim troops from Bogra and Mymensingh cantonment marched towards Dhaka to remove the President but he failed to get much support from the commanding officers of other cantonments. The President issued a compulsory retirement order of Gen.Nasim.
June 12, 1996	The seventh Jatiya Sangsad election takes place. Awami League emerges as the single majority party in the parliament to form a new government.
June 22, 1996	Awami League Chief Sheikh Hasina is elected as the leader of the Awami League parliamentary party.
July 14, 1996	The first session of the seventh Jatiya Sangsad was convened and continued till September 2, 1996.
October 9, 1996	Former Chief Justice and Chief Advisor of the Non-Party Caretaker Government, Justice Shabuddin Ahmed sworn in as elected President for the second time.
1997-2000	The BNP repeatedly boycotted the parliament and observed strikes, and other agitation program against the government.
October 1, 2001	The eighth parliamentary election takes place. The BNP led four party alliance won majority in the parliamentary election. The AL rejects the election result because of massive vote rigging.
October 10, 2001	Begum Khaleda Zia is sworn in as the Prime Minister. With the support of the Jamat-e-Islami Bangladesh, the BNP comes to the State power again.
September 6, 2002	Professor Iajuddin Ahmed is sworn in as the seventeenth president of the country.

- October 17, 2002 The government calls out the army troops to tackle deteriorating law and order situation called 'operation clean heart'.
- Oct. 2001- Oct. 2006 The main opposition repeatedly boycotted parliament and walked out. They observed strikes and other agitation program against the BNP led government.
- October 28, 2006 Prime Minister Begum Khaleda Zia ends her five years term.
- October 31, 2006 Professor Iajuddin Ahmed appoints himself as the chief of the Non-Party Caretaker Government (NCG).
- January 11, 2007 Replacing Professor Iajuddin's NCG, Dr. Fakruddin Ahmed sworn in as the chief of the NCG. Professor Iajuddin Ahmed remains in his earlier position.
- December 29, 2008 The ninth parliamentary election takes place. The AL won the overwhelming victory in the election.

## APPENDIX V

### Interview Questionnaire

#### Research Title: Parliamentary Committee System in Bangladesh: An Analysis of its Functioning

I am a Ph.D candidate at the Department of Political Science, South Asia Institute, University of Heidelberg, Germany. As you served in the JS's Committee/s, I would like to get some information from your own experiences to enrich my thesis. I only use this interview and findings for my research, which will be published at a later date. It would be grate help for my research project if you kindly spare some time to answer following questions.

#### Personal Experiences

- 1) When did you first enter the JS? When are you first appointed in a JS committee?
- 2) What was your position in the party when you were first appointed?
- 3) What was your position in the party when enter the JS?
- 4) What Position do you currently hold in the party?
- 5) Why were you selected on a committee? (Tick as many as relevant)  

<input type="radio"/> Personal Interests	<input type="radio"/> Professional expertise
<input type="radio"/> Previous Experiences	<input type="radio"/> As per party's decision
<input type="radio"/> Constituency Interests	<input type="radio"/> others (Please specify)
- 6) How often did you attend a committee meeting for month ?
- 7) To which three parliamentary organs: plenary, parliamentary party, or committees do you devote most of your time?

#### Information and Staff Support

- 1) Please tell me which of information source do you use for your committee assignment? (you can also cross one more option )  

<input type="radio"/> Parliamentary / Committee staff	<input type="radio"/> Interests Group
<input type="radio"/> Personal Staff	<input type="radio"/> Internet
<input type="radio"/> Parliamentary Reference and Research Service	
<input type="radio"/> Friends and colleagues	<input type="radio"/> Public



- Chairperson was dominating/ friendly
  - Members from other parties were friendly/ rigid
  - Discussions took place with a friendly/ hostile environment
  - others (please comment)
- 6) Would you kindly tell me how committee's agenda were set up?
- 7) Would you kindly tell me How do committees set their agenda ?
- 8) What is your opinion about committee deliberation process (Please cross one)
- Decision was taken on a compromise basis       Minority Neglected
  - Decision was dominated by majority       other (please comment)

**Personal Information**

Name:

Age:

Party Affiliation:

Education:

Gender:  Male       Female

**Profession**

Before entering in the JS:

Thank you very much.

K.M. Mahiuddin  
Ph.D. Candidate  
Department of Political Science, South Asia Institute  
Im Neuenheimer Feld 330, 69120, Heidelberg  
E-mail: [mahiuddinbd@yahoo.com](mailto:mahiuddinbd@yahoo.com)