Parliamentary committees and parliamentary government in Bangladesh

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ABSTRACT Committees are ubiquitous. They are found in all types of parliaments; old or new, large or small. The Jatiya Sangsad, as the parliament is called in Bangladesh, is no exception. However, compared with their predecessors, the committees set up in recent years, especially since the restoration of the parliamentary system in 1991, have acquired a special significance; in particular, they are more representative in partisan composition and have relatively better scope to assert their authority. The extent to which they have succeeded in ensuring responsible government behaviour and redressing the imbalance between the executive and the parliament has not yet been ascertained. This article examines the patterns and performance of parliamentary committees in Bangladesh. It explores a number of issues such as the partisan composition of committees, their nature of activism, the behavioural orientation of their members, and their scope to influence government policies. The evidence presented in this paper clearly shows that the committees set up by recent parliaments have fared far better than their predecessors in almost every function, including scrutinising legislation and exercising oversight over executive departments. They are, however, yet to emerge as an important site of policy-making and as scrutineer of government policies. This paper identifies three sets of factors—structural/procedural, political, and behavioural—that tend to limit the influence of committees.

One of the important problems confronting the modern democratic state is to identify the way(s) to balance relations between the executive and the legislature. Everywhere, the executive has become interventionist, assuming the responsibility for functions, especially law-making, traditionally considered to be the prerogative of the legislature. This trend, however, is more noticeable in Westminster systems than in consensual democracies or congressional systems. As the executive and the legislature remain independent of one another and cannot threaten each other’s existence in congressional systems, their relation-
ship is likely to be balanced. Balance in executive-legislative relations, to some extent, can be noticed in consensual democracies mainly because of the lack of dominance of government or parliament by a single party. However, although the executive owes its origin to and remains formally responsible to parliament in Westminster systems, the former, in actual practice, dominates the latter. It is thus often argued that the role of parliament in Westminster systems remains confined to rubber-stamping measures proposed by the executive government.

There is, however, no ‘one best way’ of balancing relations between the executive and the legislature. But it is now widely recognised that one important way of strengthening parliament without weakening the executive is to make maximum use of committees. Committees allow the legislature to (simultaneously) perform numerous functions that otherwise might not be conducted at all. For example, they help parliament reduce its workload and perform different functions more efficiently. They also help perfect legislation and provide an important means of parliamentary oversight of government. Committees are also capable of offering members of parliament (MPs) a variety of rewards and opportunities such as encouraging them to build up a more specialised knowledge of policy areas, providing a means of keeping them busy and feeling useful, and granting them more active and rewarding participation in the governing process. In particular, they are seen as [one of] the most effective means of underpinning the authority of the assembly against the executive.

Until recently, however, most of the parliaments patterned after the Westminster model did not make much use of committees. They historically resisted embracing the new roles of parliamentary committees pioneered elsewhere. In particular, department-related committees (DPCs) that shadow government departments were very often seen as a characteristic of the congressional system; an alien device inappropriate to parliamentary government. Initial attempts to set up DPCs in different Westminster-type democracies were opposed on the grounds that they (committees) would detract attention from the chamber, elevate some members to new positions of influence, and reduce the party struggle to technical matters and coalitional politics. But many Westminster-derived parliaments have, in recent years, adopted this important congressional technique as a means of strengthening the surveillance capacity of parliament. The suspicion of opponents that the use of this new device might clash with many time-honoured parliamentary principles and practices has waned considerably overtime. In fact, committees, in particular DPCs, now find prominence in almost all types of government—parliamentary or otherwise. The new parliaments of East and Central European countries, which Philip Norton and David Olson refer to as ‘parliaments in adolescence’, and most of the nascent legislatures that are the products of what Samuel Huntington calls the ‘Third Wave’ of democratisation, have also stressed the importance of establishing and making committees effective. Rarely can one now find a modern legislature that does not have an organised committee system of one kind or another. The
‘committee stage’ has become a basic moment in the workings of parliament throughout the world.\textsuperscript{12}

The \textit{Jatiya Sangsad} (JS), as the parliament is called in Bangladesh, has traditionally made some use of committees. But, until recently, the committees did not experience balanced growth. Nor did their work arouse any serious public or political interest, mainly because of the country’s lack of continuity in constitutional rule, as we shall see later. They also remained a neglected field of academic inquiry. However, in recent years, in particular since the election of the Fifth Parliament in 1991, committees have received important, if not widespread, recognition. These are now more visible and much talked-about institutions, and have a better scope to assert themselves, although the extent to which they can live up to the expectations of their sponsors is yet to be ascertained properly. This paper\textsuperscript{13} explores the factors that have discouraged a steady growth of parliamentary committees in Bangladesh. It examines the reasons that account for the differential performance of various parliaments in setting up committees and making them work. The paper also seeks to identify the factors that may limit the growth of committees as an important site of policy-making and a scrutineer of government policies.

\textbf{Parliament in Bangladesh: a short introduction}

The parliament in Bangladesh owes its origin to the British Parliament. Its precursor, the Legislative Council of Bengal (Bengal Council), was established in 1861 when only a few countries outside of Europe and North America could claim to have established this type of institution. However, for nearly six decades, the Bengal Council lacked any representative character. The British-appointed Governor presided over its sessions and framed the rules for regulating its activities. It was in the early 1920s that measures were first taken to democratise the Bengal Council and to delineate its functions.\textsuperscript{14} The central legislature was also established at about the same time.\textsuperscript{15} The scope of operation of the Bengal Council was still quite limited; it could legislate only on a few subjects. Franchise was also restricted. But most of those who were elected to the Bengal Council (except \textit{swarajists} demanding home rule) showed an active interest in making it operational. The formal authority of the Bengal Council was bolstered to a great extent following the enactment of The Government of India Act 1935 (1935 Act), which provided for granting autonomy to different Indian provinces, including enlarging the size of the Bengal Council from 114 to 250 members and empowering it to legislate on all provincial matters. All ministers were made responsible to the Bengal Council, now named the Bengal Assembly.

In short, the 1935 Act marked the beginning of ‘responsible government’ in Bangladesh. Elections to the Bengal Assembly were held in 1937. But it could not work properly mainly because of the Second World War, which broke out in 1939. A new Bengal Assembly was elected in 1946, but before it could start
doing any serious business, India was partitioned into two independent states: Pakistan and India. Bangladesh opted to join the new state of Pakistan. During the first decade of the quarter-century of Pakistani rule (1947–1971), a new legislative assembly was elected in 1954. But the federal government and its local agent—the Governor—sought to block the working of the East Bengal Legislative Assembly (EBLA) in a number of ways. The failure of politicians to abide by the 'rules of the game' was an important factor causing the decay of the legislature.16 Following the introduction of martial law by General Ayub Khan in 1958, all representative institutions were dissolved. A provincial assembly was, however, revived in the 1960s; so also was the federal legislature called the National Assembly of Pakistan. Neither, however, managed to do any significant work.17

Following independence in 1971 after 9 months of war with the Pakistan Army, Bangladesh began with a parliamentary system patterned after the Westminster model. The constitution, which came into effect on 16 December 1972, provided for making the cabinet collectively responsible to parliament, the JS. It also granted to the JS various high-status symbols such as immunity, inviolability, procedural independence, and freedom of meeting, which are considered to be necessary to ensure the ‘sovereignty’ of parliament. However, some restrictions on floor-crossing were imposed with a view to making the government stable. The MPs risked losing membership of the JS if they voted against their own parties or resigned from them.18

Elections to the JS were held first on 7 March 1973. The Awami League (AL), which led the liberation war and had been in power since independence with Sheikh Mujib, the architect of Bangladesh independence, as prime minister, won all except seven of the 300 popularly elected seats. But, as it turned out, the overwhelming victory of Mujib and his party in the 1973 general elections greatly reduced the chances of a balanced growth of parliamentary democracy.19 The parliament degenerated into a ‘talking shop’ for ratifying the actions of the government.20 Before the parliamentary system could have a ‘real’ trial, it was replaced with a one-party presidential rule in early 1975. Following the Fourth Amendment to the constitution made in January 1975, Mujib was made president. The new president was given executive, legislative and judicial powers to such an extent that he could easily call himself ‘the state’. The JS and judiciary were virtually reduced to his personal instruments.21 But, before the new system could have a real beginning, the government was overthrown in a military coup on 15 August 1975. The new military government declared martial law, suspended the constitution and banned politics. Later, the JS was dissolved.

Between 1975 and 1990, the country remained under absolute military rule for 8 years. The two army generals who dominated Bangladesh politics during this period—General Ziaur Rahman from 1975 to 1981 and General Ershad from 1982 to 1990—made attempts to civilianise their rule by creating political parties and holding elections to the parliament and presidency. Zia also democratised the constitution by scrapping the one-party system and redefining relations between the executive and the legislature, and the executive and the judiciary.
In particular, some of the discretionary powers granted to the president by the Fourth Amendment were withdrawn.\textsuperscript{25} Both the parliament and the judiciary were given more freedom, although some restrictions on their actual working were still be noticeable. Three parliaments—the Second, Third and Fourth—were elected during this period. The Bangladesh Nationalist Party (BNP), founded by Zia in September 1978, won the second elections held in February 1979, while the Jatiya Party established by Ershad secured an absolute majority in the third and fourth elections held, respectively, in 1986 and 1988. Although the Second and Third Parliaments, respectively indemnified the actions of the military governments of Zia and Ershad, none of them, in particular, the Third and Fourth JSs, could achieve the legitimacy needed to become effective mainly because of the way it was elected. Each of these parliamentary elections was alleged to have been rigged, with the scale of rigging surpassing the previous record during the third elections held in 1986. The various parliaments were intended more to legitimise the military rule than to provide a source of independent law-making and/or a framework for public participation. None of them could survive its five-year term, and each was dissolved prematurely.\textsuperscript{23} Neither could Zia and Ershad, respectively elected president in 1978 and 1986, complete their five-year term. The former was assassinated in an abortive military coup in May 1981, while the latter was forced by opposition politicians and the public to step down.

There has, however, been a new beginning in parliamentary politics in Bangladesh since the early 1990s. The factors that separate the parliaments elected in the 1990s\textsuperscript{24} (especially the Fifth Parliament and the Seventh Parliament, respectively elected in 1991 and 1996) are many. Perhaps the most important is that they are considered to be more legitimate than their predecessors—mainly because of the way they were elected rather than the way they have worked. The responsibility for holding elections to the Fifth and Seventh Parliaments rested with non-partisan caretaker governments (NCGs) and not with party governments, as is the practice in other parliamentary democracies. Since the members of NCGs, under the existing constitutional arrangement, cannot contest elections, they are likely to remain neutral. The parliaments elected in the 1990s are also more representative in partisan composition (see Table 1). The presence of a large number of opposition MPs in recent parliaments has made parliamentary proceedings much livelier and provided, to some extent, a check on the unbridled exercise of power by the executive. These parliaments have also undertaken a number of substantive and procedural reforms, the most important of which was the restoration of the parliamentary system in 1991, 16 years after it was abolished by the AL in January 1975. The JS has now its own secretariat that is independent of the executive. Some notable procedural reforms have also been undertaken; in particular, the committee system has undergone considerable transformation. In fact, rarely can the prime minister or her cabinet colleagues now complete their public speeches without referring at least once to the ‘miracle’ of committee reforms made in recent years.
Table 1. Numerical strength of government, opposition and independents in the JS

<table>
<thead>
<tr>
<th>JS</th>
<th>Ruling party</th>
<th>Year elected</th>
<th>Number of MPs</th>
<th></th>
<th></th>
<th>Total</th>
<th>Tenure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Government</td>
<td>Opposition</td>
<td>Independents</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First</td>
<td>AL</td>
<td>1973</td>
<td>308 (97.78)</td>
<td>02 (0.63)</td>
<td>05 (1.59)</td>
<td>315 (100)</td>
<td>33 months</td>
</tr>
<tr>
<td>Second</td>
<td>BNP</td>
<td>1979</td>
<td>248 (75.15)</td>
<td>77 (23.34)</td>
<td>05 (1.51)</td>
<td>330 (100)</td>
<td>37 months</td>
</tr>
<tr>
<td>Third</td>
<td>JP</td>
<td>1986</td>
<td>206 (62.42)</td>
<td>115 (34.85)</td>
<td>9 (2.73)</td>
<td>330 (100)</td>
<td>19 months</td>
</tr>
<tr>
<td>Fourth</td>
<td>JP</td>
<td>1988</td>
<td>251 (83.67)</td>
<td>24 (8.00)</td>
<td>25 (8.33)</td>
<td>300 (100)</td>
<td>34 months</td>
</tr>
<tr>
<td>Fifth</td>
<td>BNP</td>
<td>1991</td>
<td>168 (50.91)</td>
<td>159 (48.18)</td>
<td>03 (0.91)</td>
<td>330 (100)</td>
<td>56 months</td>
</tr>
<tr>
<td>Seventh</td>
<td>AL</td>
<td>1996</td>
<td>175 (53.03)</td>
<td>155 (46.97)</td>
<td>0 (00)</td>
<td>330 (100)</td>
<td>Current</td>
</tr>
</tbody>
</table>

Parliamentary committees: formal-legal framework

Parliamentary committees in Bangladesh owe their origin to and gain legitimacy from two sources: the Constitution of the People’s Republic of Bangladesh, and the Rules of Procedure of Parliament (Rules). The constitution makes it mandatory for parliament to set up a Public Accounts Committee (PAC) and a Privileges Committee, and empowers it to constitute as many standing committees as it considers necessary. The Rules, on the other hand, specify the actual number of committees to be set up and delineate their formal scope of operation. These also specify the composition of different committees and prescribe some other important matters, such as the way(s) decisions are to be taken, the procedures to be followed to convene meetings of a committee and the methods used for examining witness. A committee can sit while the parliament is in session. Normally, the sittings of a committee are held within the precincts of the House. However, if it becomes necessary to change the place of the sitting outside the House, it can be done with the permission of the Speaker. Committee meetings are held in private and are not open to the public. Except for committee members and staff, no outsiders may attend when a committee is deliberating.

A committee can regulate its sittings and the way it conducts its business. It can obtain cooperation and advice from any expert in its field, if deemed necessary. A committee may appoint as many subcommittees as it considers necessary. Each subcommittee has the power of the main committee. The Rules, however, require that the order of reference to a sub committee must clearly state the point(s) for investigation. A committee has the power to send for persons, papers and records. No document submitted to a committee can be withdrawn or altered without its knowledge. The constitution also authorises parliament to confer on committees powers for enforcing the attendance of witness and examining them on oath, as well as for compelling the production of documents. Paradoxically, parliament, rather than taking measures to give effect to these provisions, has empowered the government to decline to produce a document on the grounds that its disclosure would be prejudicial to the safety or interest of the state. Committee members enjoy immunity for whatever they say and/or the way they vote. Thus, parliamentary committees in Bangladesh formally enjoy important status and extensive powers.

Structure and membership

The JS has traditionally set up three types of committees: standing committees, select committees, and special committees. The main difference between the different committees centres on their nature of appointment. Standing committees are relatively permanent; they are normally constituted for the duration of the parliament. Special and select committees are ad hoc bodies; they cease to exist when their job is completed. Standing committees are generally classified into a number of categories, the most important of which are DPCs. The other
categories are scrutinising committees, financial committees and house committees.

Some standing committees (for example, the House Committee providing personal services to members) are as old as the parliament itself, while others are relatively new. In particular, DPCs, constituting about three-quarters of the total standing committees, were first established by the Second JS (1979–1982) in 1980. Although the Rules framed first by the JS in 1974 provided for setting up 11 DPCs, the first JS (1973–1975) did not take any initiative in this respect. Nor did the Third JS survive long to set up an elaborate committee system. The other JSs, however, have established these committees as a matter of priority. Some other standing committees such as the Public Undertaking Committee (PUC), the Committee on Estimates (EC) and the Committee on Government Assurances (CGA) are also relatively new. These were first established after the independence in 1971. The PAC, however, predates most other committees; it was first set up in the early 1920s after the democratisation of the Bengal Council. Table 2 shows the nature and number of committees set up by different JSs in independent Bangladesh.

The number of committees set up by different JSs has varied. As Table 2 shows, the Third JS (1986–1987) was the least active in this respect; it did not set up any DPC or financial committee. But the Fifth JS (1991–1995) and Seventh JS (1996–) have outdistanced the other parliaments in setting up committees. The first JS also lagged far behind all (legislatures) except the Third Parliament in this respect. Thus, although the Rules, which were first approved by the JS in 1974, provided for setting up an elaborate network of committees including DPCs, these were mostly honoured in the breach. The PAC and the Privileges Committee were set up at the beginning of the first session in early 1973, probably to satisfy the constitutional requirement. But other important committees such as the PUC and the Petition Committee did not sit until the sixth session in late November 1974. In particular, the delay in the creation of the PUC in the context of widespread nationalisation and radical expansion of the public sector caused serious suspicion in the minds of many people about the bonafides of the ruling party in making the huge public enterprises accountable to parliament. There were no serious demands from the MPs for strengthening the legislature and/or its committees. None wanted to take the wrath of the government headed by the Mujib by demanding a more participatory role. This contrasted sharply with the attitude of members of the Second and Fifth Parliaments who took an active interest in the setting up of committees. Most of the committees in the Second and Fifth Parliaments were constituted within a few months of their inauguration.

One of the important factors influencing the creation of an elaborate network of committees by the second JS (and also the Fifth and Seventh JSs) was the presence of a sizeable number of opposition MPs in it. As Table 1 shows, more than one-quarter of the popularly elected members of the Second JS belonged to the opposition. The then ruling BNP, which Ziaur Rahman founded three months after his election to the presidency, had a two-thirds majority in the House. Zia,
Table 2. Nature and number of committees

<table>
<thead>
<tr>
<th>Nature of committee</th>
<th>Number of committee (in Parliament)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>First</td>
</tr>
<tr>
<td><strong>Standing committees</strong></td>
<td></td>
</tr>
<tr>
<td>Departmentally-related</td>
<td>–</td>
</tr>
<tr>
<td>Committee (DPC)</td>
<td></td>
</tr>
<tr>
<td>Financial Committee&lt;sup&gt;a&lt;/sup&gt;</td>
<td>3</td>
</tr>
<tr>
<td>Investigative Committee&lt;sup&gt;b&lt;/sup&gt;</td>
<td>2</td>
</tr>
<tr>
<td>Scrutinising Committee&lt;sup&gt;c&lt;/sup&gt;</td>
<td>1</td>
</tr>
<tr>
<td>House Committee&lt;sup&gt;d&lt;/sup&gt;</td>
<td>3</td>
</tr>
<tr>
<td>Service Committee&lt;sup&gt;e&lt;/sup&gt;</td>
<td>2</td>
</tr>
<tr>
<td><strong>Ad hoc committees</strong></td>
<td></td>
</tr>
<tr>
<td>Committees on bills (Select &amp; Special)</td>
<td>3</td>
</tr>
<tr>
<td>Special Committee</td>
<td>–</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>14</strong></td>
</tr>
</tbody>
</table>

<sup>a</sup>Committee on Estimates (EC), Public Accounts Committee (PAC) and Public Undertakings Committee (PUC).

<sup>b</sup>Committee on Privileges (CP) and Petition Committee (PC).

<sup>c</sup>Committee on Government Assurances (CGA).

<sup>d</sup>Business Advisory Committee (BAC), Committee on Private Members’ Bills and Resolutions (CPMBR), and Committee on Rules and Procedure (RC).

<sup>e</sup>House Committee (HC) and Library Committee (LC).


However, adopted a policy of allowing as many opposition leaders to win as possible, not by doing them any special favours, but by not giving any extra help or patronage to his own party’s candidates. Immediately after the inauguration of the second JS, they demanded the setting up of committees. Many of them had a chequered career in parliament and politics, and also had familiarity with the working of the committee system in the past.

Secondly, and perhaps more importantly, committees provided an important institutional means for accommodating a large number of government backbenchers who demanded an active role in the parliamentary process. Following elections to the second JS, many government backbenchers demanded a greater scope for participation in the governing process. Some even openly confronted the party leaders in the meetings of the BNP parliamentary party.<sup>28</sup> The leadership of the parliamentary party faced serious difficulties in exerting control over the disenchanted backbenchers. The BNP was a conglomerate of different
opposing forces. What prompted them to gather under Zia’s leadership was their eagerness to share state power, which they found difficult during the three-year rule of the AL. The government thus faced a dilemma. One of the important decisions taken by the government to overcome it was to increase the number of ministries. This was intended more to provide a source of patronage than to rationally allocate government business, and turned out to be doubly advantageous. It helped the government induct a large number of people as ministers, while those who could not be accommodated were given positions in committees.

The short-lived Third Parliament (1986–1987), as observed earlier, did not set up any elaborate committee system. But the Fourth Parliament which, like the first JS, was also a one-party legislature, fared much better than the latter in setting up committees and making them work. This was probably used as a strategy to acquire some semblance of legitimacy for the Fourth JS, which was not considered as legitimate by the population. However, legislatures elected in pre-liberation Bangladesh remained far more inert and ineffective than those elected since independence in setting up committees. The EBLA (1947–1958), for example, set up only five committees: PAC, House Committee (HC) Committee on Petitions, Committee on Privileges, and Accommodation Committee. A Rules Committee (RC), appointed by the assembly in 1956, recommended setting up a committee to examine and scrutinise the assurances, promises and undertakings given by ministers on the floor of the House, and to see whether these assurances, promises and undertakings had been implemented. The RC also proposed to set up a Business Advisory Committee (BAC) and a Committee on Private Members’ Bills and Resolutions (CPMBR) to associate members more closely with the fixing of time tables and private members’ business. But, before the report of the committee could be presented to the House, the EBLA was dissolved following the 1958 military intervention in Pakistani politics.

The nature of the composition of different committees varies. While the number of members of different standing committees are fixed by the Rules, the House decides on the number of members to be appointed to a select committee or a special committee. Most standing committees (87%) have 10 members. The exceptions are the BAC and PAC, which have 15 members each, and the RC and HC that are composed of 12 members each. The Library Committee (LC) has the lowest number of members: just eight. No member can be appointed to a committee who has a personal, pecuniary or direct interest in any matter that may be considered by these committees. Nor can a member be appointed to a committee if he/she is not willing to serve on it. The Rules require that the proposer shall ascertain whether the member whose name is proposed by him is willing to serve in that committee. These, however, do not specify the proportion of members to be drawn from different party groups in parliament, as is the practice in some countries. Experience nevertheless shows that the membership of different committees is generally distributed among different parties in proportion to their strength in the parliament. The ruling party has
traditionally claimed the chairmanship of different committees. One important exception was the PAC in the second parliament. A government MP initially headed the committee but following his elevation to the rank of a state minister, a veteran opposition MP was made chairman of the committee. The chairman of the PAC of the Fourth Parliament was also an opposition MP. Several opposition MPs in the Fifth Parliament held chair positions of a number of sub committees. None was, however, made chairman of any committee.

Among the committees, only a few can be regarded as backbench committees. There is no legal restriction, as is the case in Britain and other Western democracies, on ministers and other front-benchers such as whips becoming members of different committees. Until recently, ministers even headed the DPCs. The Rules, first framed in 1974, originally made this provision. Those responsible for making the Rules were probably influenced by similar practices followed by central legislatures in British India and Pakistan. It is to be mentioned here that the Standing Advisory Committees (SACs)—the precursor of present-day DPCs—were headed by concerned ministers. Even the PAC was not an exception until 1970. The Rules followed by the EBLA provided for granting *ex officio* membership of the PAC to the finance minister. During the pre-partition period, the finance member of the Governor’s Executive Council was made the *ex officio* chairman of the PAC at its birth in 1921. However, since independence, ministers cannot claim *ex officio* membership of several committees such as the PAC, the EC and the Petition Committee. The Rules state that a minister shall not be appointed a member of any of these committees; if a member is made a minister after his appointment to the committee, he/she shall cease to be a member of the committee from the date of such appointment.32

The (past) practice of allowing ministers to head different DPCs has been criticised as well as defended. Those who were against the practice argued that it negated the very purpose of creating committees. M.M. Khan, for example, observed that it was impossible for the chairman of one such committee to be dispassionate when his actions and those of his senior civil servants were thoroughly scrutinised, lapses unearthed and responsibility assessed.33 Many MPs also expressed dissatisfaction with the practice, observing that as ministers were always busy with various functions and responsibilities, they did not find enough time to convene and attend meetings of different committees.34 They further observed that ministers had a tendency to conceal the shortcomings of their ministries and to impose their decisions on the committees.35 There was a tendency on the part of ministers not to accept charges of irregularities in their respective departments, while the opposition point of view was not given due consideration in many instances.36 On the other hand, those supporting the practice observed that the presence of the minister helped the committee function smoothly.37 Khondakar Abdul Haque, for example, argued that a review of activities of a ministry or a review of the enforcement of laws relating to a ministry in a parliamentary committee in the presence of the minister was expected to bring about direct inputs into the policy of the government relating to the subject. He further observed that a review of the enforcement of laws in
the absence of the minister could find the committee and the minister in a position of confrontation against each other.  

The seventh parliament has changed the *Rules*, replacing the minister as the chairman of the DPC by a backbencher. Each of the 35 standing committees on ministries is now headed by a ruling party MP, excepting one chaired by an opposition member. Ministers are not totally excluded from the committees. They have been made their members. Technocrat ministers—those who are not MPs—can participate in committee meetings but cannot vote. This change, which has been made mainly to give effect to an electoral commitment made by the present prime minister on the eve of the seventh parliamentary elections in 1996, may be seen more as cosmetic than real. Yet it was difficult to make the change for reasons explained elsewhere.

Sufficient to mention that the government and the main opposition remained at serious loggerheads for a substantial period of time over a number of issues, thereby causing delay in amending the *Rules*. Yet, even when the *Rules* were finally amended in June 1997, the task of setting up the DPCs remained problematic mainly because of the deadlock arising out of the disputes between the AL and BNP with respect to the ascertainment of proportionate representation. The deadlock was finally resolved in early 1998 when the DPCs were formally set up.

**Scope of work**

The creation of an elaborate committee system is necessary, but is not sufficient to ensure that it will work unless some other conditions are met. Much of what committees can do depends on the nature of powers granted to them. Committees normally do not possess general competence power; their powers and functions are generally codified in the *Rules*. If they remain seriously handicapped in the exercise of functions, rarely can one expect them to be useful. We have already observed that most standing committees (and also other committees) formally enjoy similar status. Yet some can still be seen as ‘more equal’ than others. This becomes evident when one looks into their scope of operation. However, since the nature of functions performed by different committees is likely to vary, this section will focus on the scope of operation of only three sets of committees—DPCs, financial committees, and investigative committees—because they are considered to be more capable of making the government behave. Their actual nature of working will be discussed in the next section.

Successive parliaments have set up two investigative committees: a privileges committee and a petition committee. The Privileges Committee investigates the complaints of breach of privilege made by MPs. Its main responsibility is to safeguard their interests. While many privilege motions moved by MPs concern themselves as a group, others are intended to strengthen parliament. In particular, many such motions are intended to bring administration under popular control. On the other hand, the Petition Committee can now deliberate over more issues than before. During the pre-liberation period, its scope of operation was strictly limited. For example, petitions could be made to the EBLA only on bills that had
been published in the gazette or introduced in the House. But now, petitions can be made not only on bills, but also on any of the important matter connected with the business pending before the House, as well as on any other matter of public importance. The Petition Committee (PC) of the Fifth Parliament took the lead in redefining its functions; it also published a report informing the members about the changes made in its formal jurisdiction. This change has marked an important improvement over the past. There are, however, certain restrictions: no petition can be made on a matter which is sub-judice before any court of law, or which can be raised on a substantive motion or resolution, or for which remedy is available under law; no citizen can directly submit a petition to the committee or to the House until it is countersigned by a Member of Parliament; and no MP can make a petition on behalf of himself/herself.

The scope of operation of the PAC, which has existed much longer than other committees, has changed to some extent. The PAC has traditionally been entrusted with the task of scrutinising the appropriation accounts of government and examining the report(s) of the Comptroller and Auditor General (CAG). It has to check a number of things: that the moneys shown in the accounts as having been disbursed are legally available for, and applicable to the service or purpose to which they have been applied or charged; that the expenditure conforms to the authority which conforms it; and that every re-appropriation has been made in accordance with the provisions made in this behalf under rules framed by competent authority. The Rules, framed in 1974, provided for enlarging the scope of activity of the PAC, empowering it 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 CAG either under the directions of the president or by a statute of Parliament). No changes were made in the terms of reference of the PAC for nearly two decades, especially until the election of the fifth JS, empowering it to report on the irregularities and lapses of different institutions of government, and to suggest measures for rectification.

The nature of functions (to be) performed by the PUC, originally defined by the Rules in 1974, also remained the same until 1992, when some important modifications were made. The PUC is now required to report to parliament on the remedy of irregularities and lapses of public undertakings, and to recommend measures to free the institutions from corruption. The Rules originally provided that the functions of the PUC would be to examine the reports and accounts of the public undertakings, and to check whether affairs of the public undertakings are being managed in accordance with sound business principles and prudent commercial practices. The PUC, however, cannot examine and investigate matters of government policy, as distinct from business or commercial functions of public undertakings, or matters of day-to-day administration.
In other words, the member in charge of the department had the discretion to submit only such matters of policy as he deemed necessary. The SACs set up by the federal legislature in Pakistan had a slightly broader remit. They could evaluate the legislative proposals and/or discuss matters of public importance and tender advice on the general policy of the department. The main limitation that could be seen in pre-partition days, however, remained intact. The SACs could advise only when it was sought by ministers. To do otherwise was to exceed their limits, which was considered illegal. Some additional restrictions were also imposed during the Pakistan days. For example, unlike the past when they could meet at any time of the year, the advisory committees set up in the early years of Pakistan could meet only when the constituent/national assembly was in session. The committees were thus formed with built-in-safety valves ensuring executive authority.

However, the Rules, made in 1974, provided for granting more powers to the DPCs. They could now examine draft bills and other legislative proposals, review the enforcement of laws, propose measures for such enforcement, and examine such other matters referred to them by the JS. Compared with the past, the changes made in the Rules by the First JS can be considered as very significant, if not revolutionary. The authority granted to the DPC to examine draft bills was very important. Theoretically, this had the potential to make DPCs one of the central sites of policy-making. The Rules, however, did not require committees to meet at any specific interval. The Chairman, who was also the minister, took the decision on committee meetings. He was not under any obligation to regularly convene meetings of the committee. One MP, Rashed Khan Menon, in the Second JS raised this point, suggesting that the House made it mandatory for the DPCs to meet at periodic intervals. The government was initially opposed to any such amendment to the Rules. What probably worried the government was that government backbenchers and opposition members in different committees might create some extra pressure upon the ministers to accede to some of their demands. The bureaucracy also might consider it an extra burden to prepare submissions and papers for meetings, and to attend the committee meetings. There was, however, cross-bench support for the amendment moved by Menon. The government finally yielded to the pressure. The Rules were thus amended in June 1981, requiring each DPC to meet at least once a month.

The second JS made another important modification in the Rules, specifying that technocrat ministers be not allowed to head different DPCs. As the ministers in the AL Government were necessarily required to be MPs (at least until the introduction of the one-party system), there was no special need to specify this provision in the Rules when these were first framed in 1974. Following the amendment of the constitution allowing the appointment of non-MPs as ministers, the need to amend the Rules became imperative. The government, however, initially remained silent on this issue. But following the
demands by MPs, it agreed to amend the *Rules* barring technocrat ministers from becoming members/chairmen of parliamentary committees.\(^51\)

While the Third JS, elected in 1986, did not take any initiative to change the *Rules*, the Fourth JS made some important reforms. In particular, it amended the *Rules* to require different standing committees to be elected for the duration of the parliament.\(^52\) Until then, various standing committees were elected at the beginning of each parliamentary session. The Fifth JS further amended the *Rules* in 1992, allowing the Speaker to convene meetings of the DPCs in case the chairmen did not want to follow the *Rules* of holding at least one meeting every month. Committees can also now seek and obtain expert advice from outside. More importantly, the various DPCs were also granted some deterrent powers in 1992: the power to review the works relating to a ministry that fell within its jurisdiction and, in particular, to inquire into any activity or irregularity and serious complaints in respect of the ministry and examine, if it deemed fit, any matters that fell within its jurisdiction and to make recommendations.\(^53\) This could be seen as an important departure from the past and set apart the Bangladesh Parliament from other parliaments in the region.

Haque argues that there appears to be nothing in India’s committee system that would match the powers of Bangladesh’s standing committees to review the enforcement of laws and the activities of ministries, or to inquire into any activity or irregularity or serious complaints.\(^54\) By having the power to conduct inquiry, the committees are as important for what they can do as much as for what they actually do. Civil servants are also aware that their work may be subject to inquiry, an awareness that encourages much rigour in working practices as well as greater sensitivity to possible parliamentary scrutiny.\(^55\) The Seventh Parliament, as observed earlier, has changed the *Rules*, replacing the minister as the Chairman of the DPC by a backbencher, but has not made any change in its permissive powers.

On the whole, the changes made by different JSs in the formal scope of operation of various committees can be considered incremental in nature. However, comparatively speaking, the parliaments elected in the 1990s appear to be more active than their predecessors in broadening the scope of activities of different committees. MPs have sought and succeeded, to a certain extent, in carving out a greater role for parliament and for themselves. The political leadership is also seen to be more receptive to demands for parliamentary reform. Two factors—one internal and another external—have apparently influenced the current thinking on committee reform. First, there is now cross-party consensus on giving MPs more scope to engage in parliamentary activity; to do so is to invigorate the committee system. Second, recent changes in the international environment of parliaments (globalisation) have also been an important (external) factor. Various donor agencies stress on strengthening the parliament, among others, by reforming the committee system and making it effective. The parliament in Bangladesh cannot remain immune from international influences; hence the reform.
The working of committees

There are several ways of measuring the nature of activism of a parliamentary committee, including the frequency at which committee meetings are held, the regularity of members’ attendance, the number of reports prepared over a particular time, the number of hours spent on deliberation, the scope for agenda setting by members, the nature of issues raised and discussed, and the quality of decisions reached. The list is not obviously exhaustive but the measures referred to here are generally considered as important. When measured in the context of the presented variables, one can easily notice substantial differences in the nature of working of different committees. Variations can also be found in the working pattern of the same (sets of) committees over time. For example, the PAC, which now appears to be very active, however, remained very inactive for a long time. Chowdhury reports that the PACs set up by the EBLA had met only twice during 1947 and 1958; these did not dispose of a single audit report. Similarly, although the first parliament (1973–1975) promptly set up a PAC on the first day of its first session, no attempt was made to make it operational. The committee met only three times during its three years of existence. Members also did not show much interest in its working; the average turnout in each committee meeting was not more than one-half of the members.

However, since the election of the second parliament, the PAC has played a more pronounced pro-active role, meeting more frequently and reporting to the JS more regularly. The quality of reports produced by the PAC has also improved considerably. The nature and scale of activity of the PAC has also increased considerably in the 1990s (see Table 3). The PAC of the Seventh Parliament has devised some different, albeit important, ways of working. For example, unlike its predecessors that mostly examined the CAG reports that were more than a decade old, the present PAC is examining both current and old audit reports. It has also suggested the introduction of performance audit and value-for-money audit on a selective basis in various government organisations and projects. As a first step, it has suggested that it may be introduced in 1% of the (20000) organisations annually audited by the CAG. Some organisations have already adopted these new types of auditing. This can be seen a significant improvement over the past and is expected to set in motion a new trend in financial accountability of government departments.

The other financial committees, especially the PUC, also initially remained relatively inert. For example, the PUC set up by the First JS did not meet at all. But some improvement in its working can be noticed since the election of the second JS in 1979. It has met more regularly and reported to the House at periodic intervals. These reports appear to be more critical and more blunt in their observations. For example, the PUC of the Fifth Parliament provided a vivid account of the nature of corruption, irregularity and mismanagement that plagued the various public sector organisations. Among the financial committees, the EC has generally remained very inactive. Although the different JSs have routinely set up the EC, none has yet produced any report. Neither does its
activity receive any special recognition. Nor can it realistically do much to ensure fiscal discipline and economy in expenditure.

We have already observed that the successive JSs have set up two investigative committees: a PC and a Committee on Privileges (CP). Comparatively speaking, both committees were more active in the fifth JS than in the present Seventh Parliament. The PC of the Fifth JS, for example, held 27 meetings and submitted two reports, while the CP appeared to be hyperactive, holding 23 meetings and submitting eight reports (the largest number of reports prepared by any parliamentary committee). The CP enjoys a special privilege: its reports are considered immediately. On the other hand, both committees in the present parliament have remained largely inactive. The PC has met twice so far and no concrete business has been conducted on these meetings. The CP also is no different. Although hundreds of notices have been submitted, the Speaker has held most of these notices to be inadmissible; the few that have been referred to committee have not been heard of again.61 None of them has yet reported to the House even once.

The DPCs set up by different JSs also have fared differently. Until recently, however, they did not exercise their permissive powers in a balanced way. They often stressed on one (function) at the expense of the other. For example, the DPCs of the Second JS were extremely active in scrutinising the legislative proposals of the government rather than in overseeing the regular activities of different ministries. To be specific, of all the bills introduced in the Second JS, 44% were referred to various DPCs. Nearly one-half of them were subsequently reported back to the House by them after scrutiny, while four bills scrutinised earlier by committees were adopted by the House. Many DPCs only took a few days to report to the JS. Beginning with the sixth session, all bills introduced in the House were referred to different DPCs. However, before many of the committees could report to the Second JS, the military intervened in politics and dissolved the Second JS.

The DPCs of the Fourth JS did not have any major role either in the scrutiny

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**Table 3. Nature of committee activism**

<table>
<thead>
<tr>
<th>Nature of activism</th>
<th>Committee</th>
<th>Parliaments</th>
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<tbody>
<tr>
<td></td>
<td>First</td>
<td>Second</td>
</tr>
<tr>
<td>Number of sub-committees formed</td>
<td>PAC</td>
<td>–</td>
</tr>
<tr>
<td>PUC</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>EC</td>
<td>–</td>
<td>NA</td>
</tr>
<tr>
<td>Number of meetings held</td>
<td>PAC</td>
<td>3</td>
</tr>
<tr>
<td>PUC</td>
<td>–</td>
<td>84</td>
</tr>
<tr>
<td>EC</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>Number of reports prepared</td>
<td>PAC</td>
<td>–</td>
</tr>
<tr>
<td>PUC</td>
<td>–</td>
<td>1</td>
</tr>
<tr>
<td>EC</td>
<td>–</td>
<td>–</td>
</tr>
</tbody>
</table>

*Until April 2000.*
of bills or in undertaking the oversight functions. As the legitimacy of the House was seriously questioned, committees could hardly attract public or political attention. The DPCs of the Fifth Parliament did not have any major role in the legislative process: none of the bills moved in the Fifth JS was ever scrutinised at the standing committee level. But the DPCs were more active in overseeing the operations of different ministries. Yet, while the activities of some agencies, mainly those that could provide some constituency benefits, were scrutinised in a rigorous way, others remained mostly neglected. Their activities also focused less on policy and accountability, and more on details of implementation.\textsuperscript{62}

The DPCs set up by the present Seventh JS appear to be equally active in both respects: scrutinising legislative proposals and overseeing the activities of government departments. Bills are now routinely referred to different standing committees for scrutiny. Although, in most cases, the House sets the time limit for submitting their reports, the committees are gradually acquiring additional importance. Their meetings are also held more regularly. Some of them also appear to be very active in exploring substantive issues of policy and administration. Two committees that have received the most attention recently are the Standing Committee on the Ministry of Defence (the Defence Committee) and the Committee on the Ministry of Health and Population Control (the Health Committee). The Health Committee, for example, has identified huge irregularities and massive corruption in the procurement of medical and surgical equipment by civil surgeons heading government hospitals in the district, while a sub committee of the Health Committee has detected misappropriation of an amount of no less than TK 200 million by civil surgeons in connivance with some mid-ranking and junior officials of the Ministry.\textsuperscript{63}

The Defence Committee has also looked into many important issues, including a review of the decision by the Bangladesh Navy to purchase a frigate from a bankrupt Korean company at an exorbitant price. The Defence Committee summoned the navy chief, asking him to explain the reasons for taking a decision that appeared to be wrong. The explanation given by the chief did not apparently satisfy the members, many of whom suspected that a leading businessman having high political connections deliberately influenced increase the price so that he could earn a high profit. The committee members thus decided to summon the Director General of Defence Purchases to explain the issue. Some have suspected that there are serious irregularities in the frigate deal, which will cost the nation millions of dollars extra. In a recent meeting, the Defence Committee asked the navy chief and the secretary of the Ministry of Defence to submit to it all documents related to the frigate deal. The Chairman cautioned the officials that a probe into the purchase deal would be launched if it detected any irregularities.\textsuperscript{64}

\textit{The role of committees}

This section provides a summary account of the significance of committees, specifying the extent to which they have had any impact on the dominant pattern
of behaviour of different actors and agencies. One important measure is to see the extent to which various government organisations faithfully comply with the directives/suggestions of different committees. It is probably relevant to mention here that committees generally do not possess any executive power; what they mostly do is to recommend actions for improvement. Comparative experience shows that the recommendations of parliamentary committees are generally honoured. But Bangladesh appears to be a deviant case. It has been noticed that rarely are reports produced by different committees debated in the House; hence the recommendations made in these reports do not have any chance of being implemented. Perhaps more importantly, officials not only consider these committees as competitive, but they also have a tendency to bypass them and/or defy their directives.

The PAC and PUC of the Fifth Parliament, in all their reports, referred to this aspect of the behaviour of various organisations. The PAC, for example, observed that officials were generally reluctant to adhere to its recommendations to settle audit objections and to regularise the excess expenditure incurred by them. Despite repeated warnings, no change could still be noticed in the actual behaviour of the defaulting organisations. The PAC, in its fourth report released in June 1996, three years after the third report was submitted to the House, again referred to the old complaints of non-compliance of ministries to its directives. The PUC of the Fifth Parliament also held similar views about the reluctance of various public-sector organisations to comply with its directives. It observed with great regret that despite repeated requests, many organisations failed to supply relevant documents and respondents refused to turn up to give evidence.65

The hostility of government and administration was thus an important factor limiting the effectiveness of the financial committees. The failure of the parliament itself to take, with any seriousness, the recommendations of committees also limited their effectiveness as watchdogs. Rarely did the observations and recommendations of committees receive any serious government attention. This contrasts sharply with the situation in many parliamentary democracies where committees are generally treated with deference and their suggestions/recommendations are conventionally honoured.

The situation, however, has changed, at least to some extent, in recent years. The PAC of the Seventh Parliament appears to have had greater success than its predecessors in influencing the behaviour of recalcitrant officials and agencies. Following the recommendation of the PAC, an amount of Tk 2040 million has been recovered to the exchequer and Tk 9050 million has been adjusted.66 This seems to be an extraordinary success. Unlike the past, the present PAC has never made any complaints of non-compliance. It has noted with satisfaction that officials are now more careful not to sideline its recommendations. In one of its reports, the PAC has observed that two secretaries of the government who, according to the Rules, are principal accounting officers of their ministries, apologised in writing for their inability to attend meetings of the committee. Never before in the past in Bangladesh’s history did any senior official do such things. One parliamentarian has referred to the presence of skilled parliamentar-
ians as members of the PAC and the good understanding between themselves as one of the most important reasons for its success. Following the recommenda-
tion of the Health Committee a number of civil surgeons and employees have already been removed from their services for corruption and embezzlement of funds. Many of these officials who had to appear before the committee accepted their guilt, and some even proposed to return the money. But, until the election of the Seventh Parliament, rarely did any government department take notice of what was suggested in different committee reports. Why various defaulting departments now comply with directives/suggestions of parliamentary commit-
tees more than before is yet to be ascertained properly.

The aforementioned observations are, however, not intended to idealise the role of committees in the Seventh Parliament. They have witnessed several important problems. In particular, the DPCs are apparently looked upon with suspicion by different ministries. In more than one instance, officials have declined to produce documents sought by committees. For example, the Energy and Mineral Resources Committee, in its first meeting, directed officials to produce copies of all production sharing contracts signed by the successive governments with different international agencies for the exploration of natural resources in the next meeting. But the latter did not respond favourably. In another case, officials of the Ministry of Defence declined to produce before the Defence Committee the documents relating to the purchase of the MIG-28 fighter jet, an issue that caused serious political uproar and controversy. There are also allegations that many ministers do not regularly attend committee meetings. Nor do they take their proceedings seriously. Moreover, when ministers are opposed to any issue or policy, committees can rarely do anything. There are also cases of outright rejection of the recommendations of parliamen-
tary committees by ministries.

Neither is it easy to provide a detailed account of the activities of different committees, mainly because they meet in private. Their proceedings are not easily accessible. Notwithstanding this problem, it can be observed that unless the parties adopt a more consensual approach, the task of making committees effective will be very difficult. Experience shows that cross-party consensus generally remains confined to less important issues, while members of the two benches generally divide along party lines when committees deliberate on substantive issues. In particular, those issues that have strong partisan implications are unlikely to appeal to them equally. For example, although bills are now routinely being referred to committees, the scope for partisan mutual adjustment in the legislative process still remains extremely limited. Rarely are they modified at the committee stage; most of the bills are reported back to the House in almost the same form as they are referred to committees. Even minor amendments are very often rejected. Besides, the amount of time spent on deliberation of bills in committees is extremely limited. There is also not much scope for providing inputs from outside.

On the whole, notwithstanding some changes made in their composition and scope of power, committees still remain handicapped for a variety of reasons. In
particular, partisanship is widely evident, especially when committees deliberate on substantive issues of policy and management. In Bangladesh, rarely do conflicting actors agree on the basic ‘rules of the game’. The activities of committees are thus more likely to have publicising effects and not much operation effects.

Conclusion

Committees are ubiquitous; they can be found in all types of legislatures. They figure significantly on all continents and in most countries of the world, increasingly serving as the main organising centre of both legislation and parliamentary oversight of government. However, the extent to which committees can be a useful instrument depends upon a number of factors such as the attitudes and authority of the chairmen, the jurisdiction of committees, the partisan attitude of committee members, and the general legislative structure.

Our scrutiny of the development and working of parliamentary committees in Bangladesh shows that as the parliament itself did not experience any steady growth, at least until the beginning of the 1990s, committees could rarely assert themselves. Nor, however, can they exercise much influence now when there exists, at least formally, an ideal arrangement for their work: a competitive parliament and a broad consensus on making committees effective. This appears paradoxical.

The factors that discourage the working of committees in an efficient and effective manner can be grouped into three categories: structural/procedural, political, and behavioural. One of the structural drawbacks is the presence of the minister as a member of the DPC. In fact, as long as ministers sit on committees as members and do not appear before them as witnesses, they will have a natural advantage over backbench members. This will enable ministers to influence the setting of the agenda and manipulate the working of committees. As senior party leaders, ministers have the ability to help many government backbenchers achieve their career aspirations. Alternatively, they can block them. This may be seen as a deterrent against backbenchers taking a critical view of the working of a particular ministry. Another important structural defect is that there are more committees than are necessary. A long-time observer of parliamentary politics in Bangladesh recently suggested that the responsibilities vested in some committees can be [easily] transferred to the DPCs. Suggestions for reducing the number of committees by assigning to each DPC the responsibility for overseeing the operation of more than one ministry, as is the practice in many countries, have also been made by MPs themselves. The scope for implementing these suggestions is very limited, at least politically. As observed in an earlier section, the number of ministries has increased not for allocating governmental functions rationally but to offer ministerial jobs to many party leaders and stalwarts. Following the reform of the committee system, a large number of those who cannot be offered positions in the Cabinet can nevertheless be chosen as chairmen of committees. Committees can thus be used as a source of patronage.
To reduce the number of committees, mainly DPCs, is also to reduce the number of ministries, none of which appear to be politically feasible.

Another important structural drawback to making the committee system effective is the (negative) attitude of the bureaucracy. Although the bureaucracy does not always openly defy the authority of committees, neither can it be seen as much hospitable to their suggestions or demands for more transparency and accountability. One of the important reasons is the overdependence of the successive ruling parties over the bureaucracy for regime maintenance. Comparative experience shows that committees fare better in those systems where the bureaucracy is under some kind of pressure on a continual basis to adapt to changing political demands and priorities. In democracies such as Britain, Canada, Australia and New Zealand, substantive administrative reforms have preceded/followed reform of the parliamentary committee system. These have, to a large extent, reduced the capacity of the bureaucracy to short-circuit the implementation of decisions taken by committees. In Bangladesh, on the other hand, the main parties apparently do not have any plan for administrative reform; whatever attempts have been made over the past 25 years have turned out to be abortive. Notwithstanding the restoration of the parliamentary system of government in the 1990s, relations between the political leadership and the bureaucracy remain seriously imbalanced, with the latter exercising much more policy influence than the former.

One of the most important political factors is the role of political parties. One of the most important arguments in favour of strengthening committees is to lessen the influence of political parties. Yet, as we have already seen, members of different committees in Bangladesh do not easily agree to proposals for a nonpartisan approach to problem-solving and/or critical scrutiny of the activities of ministries. Part of the reason stems from the drawbacks of the existing party system in Bangladesh. Comparative experience shows that committees fare better in those countries where the party system is decentralised and party members have more freedom of action. Where parties exert limited or no control over committees, the latter are free to develop a life of their own and a strong contribution to the outputs of the legislature. In many parliamentary democracies, measures have been taken to reduce the scope for party influence in the nomination of members to committees and the way they behave. The influence of constituency parties, which play an important role in nominating parliamentary candidates, is also an important factor, limiting strong party control over the behaviour of MPs/committee members. In Bangladesh, on the other hand, parties not only play an extremely important role in assigning members to different committees, but also seek to regulate their behaviour in many ways. In particular, party heads exercise widespread discretionary powers, including the authority to nominate candidates to parliamentary seats. Most of the members have to toe the party line; to attempt to play an independent role vis-à-vis the party is to risk disciplinary actions including refusal of party nomination in the next election. The ubiquity of the party is thus an important factor in limiting the effectiveness of committees.
Another important political factor is that, where political parties (both within and outside parliament) do not share a broad consensus on national issues, members of committees are unlikely to agree on these important issues. In other words, where different parties define their role in a mutually exclusive way, committee members are unlikely to be non-partisan in their explicit attitude and behaviour. In Bangladesh, the ruling AL and the main opposition BNP not only refuse to acknowledge each other’s legitimacy, but also seek to prosper at each other’s expense. The two differ almost on every issue; even foreign policy issues do not remain an exception. The two main leaders—Prime Minster Sheikh Hasina and Leader of the Opposition Khaleda Zia—do not even speak to each other. This deviant behaviour influences the attitude of their colleagues in parliament and committees. To be specific, committee members may agree on issues providing common benefits to themselves and to their constituents, but are unlikely to agree on those issues that have strong policy implications. The existing political culture discourages inter-party collaboration both in parliament and in committees.

Among the behavioural factors, the influence of the political party is extremely important. We have already referred to the type(s) of constraints that parties impose on the independent behaviour of MPs. The inexperience of MPs is also an important factor, affecting the ability and behaviour of committee members to be assertive. Available studies show that more than two-thirds of MPs in recent years are newcomers to parliamentary politics. Only 17% of the members of the fifth JS had the experience of one legislature, and 7% of two legislatures.\(^79\) Many of them are even new to politics. To be specific, 26 and 24% of MPs belonging to the BNP and AL in the Fifth Parliament, respectively, did not have any previous experience in party politics;\(^80\) they joined politics just before the 1991 parliamentary elections. Moreover, the majority of MPs are part-timers, spending only a few hours on parliamentary business or committee work. The number of career politicians has decreased over the years; this has had a negative impact, limiting the role of parliament and committees.

That parliamentary committees face serious problems does not mean they are unimportant. They provide a training ground for members to learn, at least up to a certain point, the intricacies of modern government, an avenue for ventilating grievances, and a forum for explanatory dialogue between officials and MPs. Bangladesh government officials, who were apparently outside the reach of public representatives in the past, have to change their routinised style of behaviour, attending committee meetings, preparing queries made by members and defending their actions.\(^81\) The significance of parliamentary committees cannot be overlooked altogether.

Notes and references

2. Susan Benda, ‘Committees in legislatures: a division of labour’ in Lawrence Longley and Attila Agh (eds)
7. This is not to argue that committees did not have any place in parliamentary government. In fact, some committees are almost as old as parliament itself. In Britain, they also predate some important means of parliamentary scrutiny. But until recently, as Rush (op cit, Ref 4, p 141) observed, they were used for specific purposes on an ad hoc basis and were not an integral part of the operation of the House of Commons.
8. Rush, op cit, Ref 4, p 141.
14. For details of origin, development and working of the Legislative Council of Bengal, see Shawkat Ara Husain, Politics and Society in Bangladesh: A Legislative Perspective (Dhaka: Bangla Academy, 1991).
16. For an extended account of the development and decay of the EBLA and the federal legislature in Pakistan, see Najma Chowdhury, The Legislative Process in Bangladesh (Dhaka; Dhaka University, 1980); and Shamsul H. Harun, Parliamentary Behaviour in a Multi-National State (Dhaka: Asiatic Society of Bangladesh, 1984).
19. For details, see Moudud Ahmed, Bangladesh: The Era of Sheikh Mujibur Rahman (Dhaka: UPL, 1984); and Zillur Khan, From Crisis to Crisis (Dhaka: UPL, 1985).
22. For details of the constitutional changes made by General Zia in the early years of his rule, see Moudud Ahmed, Democracy and the Challenge of Development (Dhaka: UPL, 1995), pp 56–65, 98–103.
23. The Second and Third JSs were dissolved by the military, while the Fourth Parliament was dissolved under serious public and political pressure.
24. The short-lived Sixth Parliament, elected in February 1996, needed to make an amendment to the constitution to give effect to the proposal raised by the opposition political parties to hold all future parliamentary elections under neutral caretaker governments. It did not transact any legislative business other than enacting The Constitution (Thirteen) (Amendment) Bill 1996 providing for the change in the system of holding parliamentary elections in the future.
27. BJS, op cit, Ref 26, p 63.
28. Ahmed, op cit, Ref 19, pp 118–120.
29. Chowdhury, op cit, Ref 16, pp 40–46.
31. BJS, op cit, Ref 26, p 61.
37. CAC, op cit, Ref 34, p 9.
40. Chowdhury, op cit, Ref 16, p 41.
42. BJS, op cit, Ref 26, pp 35–36, 68.
43. Chowdhury, op cit, Ref 16, pp 43–44.
44. BJS, op cit, Ref 26, pp 68–69.
45. Ibid, p 68.
46. Ibid, p 70.
47. Rashiduzzaman, op cit, Ref 17, p 152.
48. Harun, op cit, Ref 16, p 86.
49. Ibid, p 85.
50. BJS, op cit, Ref 26, p 72.
51. Ibid, p 72.
52. Ibid, p 72.
53. BJS, op cit, Ref 26, p 72.
54. Haque, op cit, Ref 16, p 120.
57. Chowdhury, op cit, Ref 16, p 45.
60. In its first report the PUC observed: ‘Most organisations are indulged in corruption. Corrupt officials have made these organisations sick and bankrupt by illegally and unlawfully appointing relatives and huge employees and workers in return for cash and other benefits in defiance of the directives of the government’. Some other lapses identified by the PUC included rewarding culprits with promotion, granting contracts without tenders to friends and relatives at a much higher rate than originally estimated, selling products at a much lower rate than set by the government and purchasing machinery and spare parts without tenders at a much higher rate than these actually cost.
64. Ibid, 24 October and 1 November 1999.
67. Khaliquzzaman, op cit, Ref 61, p 47.
69. Janakantha (Dhaka), 10 August 1998. Some committee members and chairmen also referred to these issues in an international seminar organised by the Institute of Parliamentary Studies of the Bangladesh Parliament. One chairman of a high-profile committee observed that, without the cooperation of the Minister, it often became difficult to take the decisions, while one senior parliamentarian observed that the chairperson often looked to the Minister for guidance. He went to the extent of arguing that he even heard a chairman telling a member that he should not do something that should be brought to the notice of the


74. *Ibid*.


76. Khalequzzaman, *op cit*, Ref 61, p 49.


