

Parliamentary Committee System in Bangladesh: Functional Analysis of different Parliamentary Committee.

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Abstract:

“Parliamentary Committee System in Bangladesh: Functional Analysis of different Parliamentary Committee.” this article examines the patterns and performance of Parliamentary Committees in Bangladesh. Committees are ubiquitous. They are found in all types of parliamentary old or new, large or small, The *Jatiya Sangsad*, as the parliament is called in Bangladesh, is no exception. 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 scrutinizing legislation and exercising oversight over executive departments. 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. Comparative experience shows that the recommendations of Parliamentary Committees are generally honored. But Bangladesh appears to be a deviant case.

Keywords: Jatiya Sangsad (JS), Public Accounts Committee (PAC), Committee on Government Assurance (CGA), *ad hoc*.

1. Introduction:

Bangladesh is a small but resourceful country of South Asia. Despite years of military and autocratic rule, Bangladesh enjoyed a popular familiarity with parliament that was much deeper than in many other countries in the Third World. The parliament in Bangladesh is called *Jatiya Sangsad (JS)* and it is a unicameral parliament patterned after the Westminster model.

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. 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. 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.

The *Jatiya Sangsad (JS)* has traditionally setup three types of committees: standing committees, select committees, and special committees. The main difference between the different committees centre's 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 scrutinizing committees, financial committees and house committees.

2. Objectives of the Study:

Focusing on the following issues this article attempts to assess the parliamentary committee system in Bangladesh: An Analysis of its working, Bangladesh Parliaments with necessary Example 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.

In today's political systems, the legislative organ as the national representative body is considered indispensable for proper governance. In democratic framework the working 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.

3. Methodology of the study:

The methodology applied in this Article is a combination of qualitative & quantitative approaches. Adopting the above approaches present Article intends to identify the role of historical forces and factors in the evolution and development of parliamentary committee system in Bangladesh.

The Present Article analyzes working of the committees in the Bangladesh *Jatiya Sangsad (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. Information is also gathered from the discussion with prominent political leaders, civil servants and academia.

4. 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. 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*, 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. 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 *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. *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. 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. 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." From this brief survey of the sources referred to above it is evident that partially they may shed Luster on some points or aspects of the research to be undertaken. They may come to use for the clarification of some ambiguities pertaining to the work. It is, therefore, reasonable to assume that this work will fit in the gap and ventilate or the materials relating to this work.

5. Parliamentary Structure in Bangladesh: A Historical Account:

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.

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.⁶¹ 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 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. 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. 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.⁶⁵ 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. 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. 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 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. 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. 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.

6. Parliamentary committee's formal-legal frame work:

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 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 authorizes 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 enjoys important status and extensive powers.

7. Working of different parliamentary committee system in Bangladesh:

Parliamentary Committees formed exclusively of members of the *Jatiya Sangsad (JS)* (Parliament) for such purposes as to evaluate legislative proposals and scrutinize activities of the executive government. In effect, these committees in most democracies provide a means of keeping the parliamentarians busy and feeling useful and remaining watchful on the policy-management processes.

The Constitution of Bangladesh provides provisions for establishing various parliamentary committees. The Bangladesh *Jatiya Sangsad (JS)* is empowered through Article 76 of the Constitution to appoint a number of standing committees, including the Public Accounts Committee and the Committee of Privileges, for the purposes of examining legislative proposals, considering bills, inquiring or investigating into the performance of the ministries, and reviewing measures for enforcement of laws for proper governance. The rules of procedure framed by the *Jatiya Sangsad (JS)* itself guide and regulate functional details, overall operation and terms of reference of these committees. There are provisions also for the

formation of sub-committees within the committees. The standing committees in Bangladesh are generally grouped into such categories as ministerial committees, finance and audit committees, and a number of other committees of standing nature. These however, exclude select or special committees.

The members of the standing committees are either appointed by the *Jatiya Sangsad (JS)* itself or nominated by the Speaker. Members of the financial and ministerial committees, including those of the committees on privileges, government assurances, rules of procedure and private members' bills, are appointed by the *Jatiya Sangsad (JS)* while the members of the house committee and the business advisory committee, including the two committees on petitions and library, are nominated by the Speaker. The sittings of the committees and their hearings and deliberations are held in private. In order to have quorum for the sitting of a committee, the presence of one-third of the committee members is required. Agenda of the committees are addressed by a majority of the members present. The committee chair has a casting vote in case of a tie of votes. The committees prepare their respective reports that are subsequently placed before the *Jatiya Sangsad (JS)* in session.

The standing committees involve themselves in activities of the day-to-day parliamentary business and in such other matters as facilities to be provided to the members of *Jatiya Sangsad (JS)*, control of financial actions of the executive, examination of the functions of various ministries, and scrutinizing on matters of specific issues. The select committees are appointed on *ad hoc* basis to deal with the proposed bills. In order to examine and report on certain assigned subjects, special committees are also formed temporarily. The standing committees on ministries examine the activities of the executive government. They also review bills and other issues referred to them from time to time by the *Jatiya Sangsad (JS)* in session. They are supposed to meet at least once a month to review and examine various affairs of the administration.

Finance and audit committees are considered as special mechanisms of the *Jatiya Sangsad (JS)* to perform its supervisory role over the government expenditures. Thus the Public Accounts Committee chaired by a member of the *Jatiya Sangsad (JS)* scrutinizes annual financial accounts and appropriations as approved, and pinpoints the irregularities of the government bodies with necessary recommendations and remedial measures. The Committee on Estimates examines estimates throughout the financial year and gives suggestions for ensuring economy and efficiency in governance process. Accounts and reports of public institutions are reviewed by the Public Undertaking Committee, which points out the gap between the affairs of the public offices and the on-going government policies. The functions which are discharged by other standing committees include: rights and immunities of the members of *Jatiya Sangsad (JS)*, specific complaints made in the petitions, allocation of time for the stages of government bills, private members' bills, conduct of business in the house of *Jatiya Sangsad* and matters of procedure, enhancement of library facilities, and accommodation facilities and other services for the *Jatiya Sangsad (JS) members*.

Through the parliamentary committee system attempts are made to demand transparency and accountability of the government. The meetings of the standing committees are attended by senior members of bureaucracy who explain their respective performance and, whenever necessary, submit information before the concerned committee. While scrutinizing administrative actions in the committees on ministries, the people's representatives keep themselves informed of the ongoing state business. In the process of examining accounts and public expenditure, the financial committees determine whether the government's financial powers are exercised properly and public money has been spent following the approved procedures.

Bangladesh *Jatiya Sangsad (JS)* has altogether organized its committee structure. The first *Jatiya Sangsad (JS)* had eleven committees. With the passage of time and increase of state business, the number of standing committees rose to 49 in the fifth *Jatiya Sangsad (JS)* and 46 in the seventh *Jatiya Sangsad (JS)*. With this the number of sub-committees has also increased. Until the sitting of the seventh *Jatiya Sangsad (JS)* the ministers themselves headed the committees on ministries. In the fifth session of the seventh *Jatiya Sangsad (JS)* an amendment to the rules of procedure was adopted under which no minister but only a

member of the *Jatiya Sangsad (JS)* was made chairman of each of these standing committees. This was done to give impetus to the committees for effectively demanding executive accountability.

7.1. Finance Committees in Bangladesh:

In order to examine draft bills and legislative proposals, to review the enforcement of laws and propose measures for such enforcement in relation to any matter referred to it by Parliament as a matter of public importance, investigate or enquire into the activities of administration of ministry and to perform any other function assigned to it by Parliament Article 76 of the Constitution of Bangladesh provides the scope for formation of standing committees of Parliament from among its members. These committees are:

- A) A Public Accounts Committee;
- B) A Committee of Privileges; and
- C) Such other standing committees as the Rules of Procedures of Parliament require.

From the functional point of view these committees may be classified as:

- 1) Finance Committees;
- 2) Other committees; and
- 3) Standing Committees on Ministries.

The following standing committees in respect of financial matters of the government form finance committees:

- A) Public Accounts Committee (PAC);
- B) Committee on Estimates (CE) and
- C) Committee on Public Undertakings (CPU).

Financial management in the government is as needful as oxygen in human living. Hence D.D white (Introduction to the Study of Public Administration, 1955) stated, "Finance and administration cannot be divorced, every administrative act has financial implications as inseparable as a man and his shadow". It is believed that imprudent financial management alienates the people from the government, ultimately endangering latter's existence. Since the finance committees perform the functions of watchdogs to oversee financial management, these committees are of great importance. In order to make things transparent no minister is eligible to become member of these committees. If we go through the history of the parliamentary committee system in Bangladesh we can see that all these three committees were present from the 1st Parliament in 1973. Only in the 3rd Parliament (1986-87) these finance committees were absent.

7.1.1. Committee of Public Accounts (CPA):

The CPA is commonly known as Public Accounts Committee (PAC). It is responsible for examination of the annual audited accounts of the public expenditure. It consists of not more than 15 members of the Parliament other than ministers. The functions of the PAC are laid down in the Rules of Procedure rule No.233. The main functions of the Public Accounts Committee are to oversee:

- 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 rule framed by competent authority .

7.1.2. Committees on Estimates (CE):

The Committee on Estimates is to examine the estimates presented before the Parliament as to whether they are prepared with maximum possible efficiency and economy. This committee is also composed of not more than ten Parliament members other than minister. Rule 235 has assigned the following functions to this Committee:

- A) to report what economies, improvement in organization, 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 suggest the form in which the estimates shall be presented to the House.

7.1.3. Committee on Public Undertakings (CPU):

The Committee on Public Undertakings constituted by the Parliament is meant for examination of the working of the public undertakings. It shall consist of not more than ten Parliament Members other than minister. The functions of the committee are specified in Rule 238 of the Rules of Procedure as follows:

- 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 Committees 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.

7.2. Ad hoc Committees:

The Bangladesh *Jatiya Sangsad (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. 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.

7.3. 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. 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.

During the period of the seventh *Jatiya Sangsad (JS)*, the Defense Committee first dealt with the frigate purchase from a Korean bank port company, for the Bangladesh Navy, in November 1999. 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”.

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.” 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.

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.²¹ 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.

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. 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”.

7.4. 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. 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. 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.

7.5. Committee on Government Assurance (CGA):

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 *Jatiya Sangsad (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.

7.6. 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 Rule²³² 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.

7.7. 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 committee in this parliament submitted reports scrutinizing the same number of bills. The eighth Parliament is an exception which did not appoint any special committee.

8. Implementation of the committee's Report:

Government can play vital role for the smooth running of the committee system. Government should place factual reports and data before the committee for proper consideration and timely intervention. Government should pay due regard to the recommendations and observations made by the committees. Committee recommendations are strictly speaking not binding on government but they are undoubtedly entitled to great weight and consideration on the part of the government.

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. 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.

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.

9. Women in the *Jatiya Sangsad* and the Committees:

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 constitutional amendments. 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.

The Bangladesh Constitution entrusts the law making power to the *Jatiya Sangsad (JS)*. 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.”

10. Recommendations:

Bangladesh started parliamentary democratic system in 1973 but the proclamation of martial law in 1975 and 1982 became a hurdle to the smooth development of the Parliamentary system in the country. Though we started committee system in 1973 we are not able to perform satisfactorily. If we compare the committee system in India with ours, we can see how effectively they are working. Forming parliamentary committees alone will not ensure the democratic process. The committees need to function effectively and efficiently and government should provide proper support to these committees. The committee should work on a non-partisan attitude when it is in session. The decision of the committee should be unanimous for the healthy development of the parliamentary practices. All political parties should advise their representatives to work in the committees in a non-partisan manner. The present committees are suffering from different shortcomings. In order to make the committee system more effective following measures could be taken without further delay.

10.1. Status of Committee Chairpersons:

Committee chairpersons should be offered due status. Such status must be defined and specified. Without any status a Parliament Member as chairperson cannot influence any Minister.

10.2. Logistic Support:

The parliamentary committee should be given full logistic support in order to maintain the continuity and smooth operation of the committee system. At present the committee badly suffers from logistic support. Most of the committees have no proper accommodation as yet.

11. Conclusion:

Parliamentary committees are a constitutionally mandated system of facilitating law making and overseeing how the executive exercises its role according to the law. All political parties aspiring to be represented in the Parliaments must make a firm political pledge to make the Parliamentary Committee effective. They must be committed to the formation of all committees in first session, at least within three months thereof, the office of the Parliamentary ombudsman as provided in the constitution must be appointed without delay. MP who do not disclose and update their assets and liabilities, interests should be barred from becoming members of the parliamentary committees. Article 70 of the Constitution must be reviewed to ensure objectivity and integrity of the Parliamentary Practice. There should be a “Committee of committees” to undertake periodic evaluation of the performance of the Parliamentary Committees and their oversight functions. Most of the committees could not make any significant contribution in terms of investigation against corruption or other irregularities of different ministries under their Jurisdiction. In spite of many problems, Parliamentary Committee system is very significant of “*Jatiya Sangsad (JS)*”.

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