

Effectiveness of Parliamentary Standing Committees in Bangladesh: Challenges and Way Forward

Executive Summary

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Preface

Transparency International Bangladesh (TIB) has been working to make citizens aware and raise their voice with the objective of creating anti-corruption demand and an environment conducive to establish good governance in the country. One of the important components of TIB activities is to conduct research on the effectiveness, transparency and accountability of institutions that are essential for institutionalizing democracy, and to carry out advocacy based on the findings of such research.

The *Jatiya Sangsad* is one of the most important institutions of the national integrity system. An effective committee system is essential for making the Parliamentary system a dynamic and successful one. Effective Parliamentary Standing Committees have also been mentioned as a key objective in the National Integrity Strategy formulated by the present government. Alongside its important role in ensuring accountability of the Executive branch, there is little alternative to making the committees effective for gaining the trust of the common people in the parliamentary system. Though the Parliamentary Committees have been emphasized after restoration of the Parliamentary system in the country since early 90s, their effectiveness is yet to achieve the desired level. Despite the fact that a number of positive steps were taken such as forming all committees during the first sessions in the 9th and 10th *Jatiya Sangsad* and selecting members in proportion to the representation of the political parties in the 10th *Jatiya Sangsad*, no significant progress is observed for making the committees fully effective particularly in terms of making the Executive more accountable. Reports on the violation of rules in forming committees and holding meetings, as well as existence of conflict of interest among committee members have also been published in the media at various times.

TIB has been publishing a report titled 'Parliament Watch' since the 8th *Jatiya Sangsad* with observations and analytical information on how far the Parliament is discharging its fundamental responsibilities. However, there has been dearth of in-depth assessment on the effectiveness of the Standing Committees. The present research has been carried out to identify various challenges faced by the standing committees with specific reference to the 9th and 10th Parliament.

TIB researchers Fatema Afroz and Juliet Rossette conducted this research and prepared the report. Besides, other colleagues of the Research and Policy Division have made contributions for enriching the report through valuable feedback.

Advocate Sultana Kamal, Chairperson of the TIB Trustee Board, M Hafizuddin Khan, former Chair and present member of the Board, Dr. Sumaya Khair, Deputy Executive Director of TIB, and Mohammad Rafiqul Hassan, Director (R&P) provided necessary guidance in carrying out this research. We are optimistic that the analyses of various data as well as suggestions contained in this report would help enhance the effectiveness of parliamentary committees.

We welcome any suggestions for revising, amending and correcting this report.

Iftekharuzzaman
Executive Director

Effectiveness of Parliamentary Standing Committees in Bangladesh: Challenges and Way Forward

Executive Summary*

1.1 Background and Rationale

There are two types of arrangements for establishing accountability of the government in a parliamentary democracy – the question-answer sessions at the individual level, and the parliamentary standing committees (henceforth mentioned as ‘standing committees’) at the collective level. In this regard, the collective level provides more opportunities to go in-depth, comparing to the individual level. The more effective the committee system of a country is the more powerful and effective its legislature becomes. The standing committees play an important role in ensuring accountability of the executive branch, while the system also acts as a medium for involving the common people in parliamentary deliberations. Despite the fact that there have been a number of positive developments such as formation of all parliamentary committees within the first sessions during the 9th and 10th *Jatiya Sangsad*, there has not been any notable progress with regard to the effectiveness of the committees. News reports about violations of the rules have also been published at different times in the media. However, there has been a dearth of in-depth research on the effectiveness of the parliamentary standing committees in Bangladesh. Transparency International Bangladesh (TIB) has conducted this research as a part of its series of research on the activities of the Parliament, which is a vital pillar in the national integrity system for establishing good governance.

1.2 Objectives and scope of the Research

The objectives of this research are to review the effectiveness of parliamentary standing committees and offer recommendations for making them more effective. The specific objectives are:

1. To analyze the formation and activities of the parliamentary standing committees;
2. To identify the challenges to the effectiveness of the committees; and
3. To offer recommendations on the basis of the research findings.

1.3 Scope of the Research

Considering the objectives, the scope of this study includes review of laws related to the committees, formation, attendance and role of the chair and members of the committees, meetings and decisions, nature of decisions and their implementation, reports, challenges to the implementation of the committee decisions, effectiveness of the committees, and experiences of other countries. Committee activities during the whole tenure of the 9th *Jatiya Sangsad* (January 2009 to December 2013) and the period between January 2014 and April 2015 of the 10th *Jatiya Sangsad* have been covered in this research.

1.4 Research Methodology

This is a qualitative research. Data were collected by following qualitative research methods. Data on all the 51 committees of the 9th and 50 committees of the 10th *Jatiya Sangsad* were collected. Data were

* The Executive Summary of the research report released through a press conference on 9 August 2015 at the conference room of TIB.

collected on 11 committees as case studies for detailed review. From both primary and secondary sources data were collected. The primary sources of information included interviews with members and chairs of standing committees, officials of the Parliament Secretariat, experts, journalists and other stakeholders. Information was obtained from both national and local levels. Secondary sources of information included reports of the committees published by the Parliament, official gazettes, published books and articles, newspapers, and documents of different public and private offices. Data were collected during October-December 2013 and between November 2014 and January 2015.

2. Legal Basis of Standing Committees: Scope of Work, Authority and Jurisdiction

According to the Bangladesh Constitution¹ and the Parliamentary Rules of Procedure², the main responsibilities of parliamentary standing committees are to examine the draft bills and other legislative proposals, to review the activities of ministries and to investigate irregularities and serious allegations. A committee can examine any matter within its jurisdiction and make recommendations, if the committee deems fit, and discharge any other responsibility given by the Parliament.

The standing committees have the authority to control their own working procedure in accordance with the Constitution and the Rules of Procedure. A committee can make recommendations, but it does not have authority to take steps if they are not implemented. Besides, the committees can summon files or concerned individuals. There is, however, no compulsion in this regard. The Constitution mentions that the parliament can endow the committees through law with the power to enforce attendance of witnesses before them, take their evidences under oath, declaration or any other means, and force them to submit documents. However, no such law has been enacted till now.

3. Analysis of the Effectiveness of Standing Committees

3.1 Formation of Standing Committees, Party Representation and Conflict of Interest

All the standing committees were constituted during the first sessions of the 9th and 10th *Jatiya Sangsad*. The chairs and members of the committees are appointed in accordance with the proposals of the whip of treasury bench subject to the approval of the Leader of the House.³ The ministers are ex-officio members of the concerned standing committees. It has been observed that the efficiency, qualification, experience, and business involvement of members are not considered during selection. Rather, the influence of the ruling party and its chief has been observed in the formation and decision making process. On the other hand, it is alleged that the members of the opposition bench are not being able to play their role effectively. Proportionate representation of parties has not been followed in the appointment of chairs of the committees; for example, the representation of the opposition in the 9th and 10th parliaments were 13% and 17% respectively, while their representation as members in the standing committees were 11% and 17% respectively; and as chairs 4% and 2% respectively. There is, however, no specific provision on the representation of opposition parties in the committees. During the 9th *Jatiya Sangsad*, 11 committees were reconstituted on 31 occasions, while three committees have been reconstituted thrice during the 10th *Jatiya Sangsad*. But the causes for such reconstitution have not been disclosed in any instance.

According to the information provided in their affidavits, the members of six committees out of 51 in the 9th *Jatiya Sangsad*, and five out of 50 in the 10th *Jatiya Sangsad* had conflicts of interest, although in such cases membership is prohibited in the Rules of Procedure.⁴ Moreover, disclosure of information by a candidate in the national elections on occupation, source of income and involvement of any financial

¹ *Constitution of the People's Republic of Bangladesh*, Article 76 (2).

² *Parliamentary Rules of Procedure*, Rule 248.

³ The members of a committee will select its chairperson if the parliament does not nominate somebody earlier for the post in accordance with the Rules of Procedure. Source: *Parliamentary Rules of Procedure*, Rules 191 (1) (2).

⁴ *Parliamentary Rules of Procedure*, Rule 188 (2).

issues have been made compulsory while submitting the nomination to the EC.⁵ According to information collected from the local level on 38 members of 11 committees included as case-studies, 19 members of 9 committees had business in related areas.⁶ There have been allegations of exerting influence for promoting personal or business interests during decision-making of committees. Besides, allegations of influence-peddling in decision-making have also been reported in instances where the ministers of relevant ministries are ex-officio members and where former ministers were appointed as chairs of the concerned standing committees.

3.2 Holding Committee Meeting

Although there is a provision for holding committee meetings at least once a month according to the Rules of Procedure, 13 committees out of 51 in the 9th and 3 committees out of 50 in the 10th *Jatiya Sangsad* could hold meeting according to rules. It may be mentioned that the Committee on Petitions, the standing committee of Privileges and the Committee on Rules of Procedure did not hold any meeting during the period covered by this research.

3.3 Attendance in Meeting

No problem of quorum during committee meetings was reported. Out of 11 cases, the study obtained data on nine committees of the 9th parliament and two committees of the 10th parliament. It was found that the average attendance rate was 64% during the 9th and 62% during the 10th parliament. But there were complaints regarding the chairs coming late and not holding meetings for their absence. The average attendance of treasury bench members during the 9th *Jatiya Sangsad* was 60% and 58% during the 10th *Jatiya Sangsad*. On the other hand, the attendance rates of opposition members were 31% and 47% respectively. According to the Rules of Procedure, if a member is absent from two or more consecutive sittings of a committee without the permission of the committee, a motion may be moved in the House for the suspension of such member from the committee⁷. In the study it was found that there were instances when members remained absent from two consecutive meetings, but no motion was moved. Ten out of 15 members of the standing committee on Public Accounts of the 9th *Jatiya Sangsad* were absent in two or more consecutive meetings, and three members each of two committees in the 10th *Jatiya Sangsad* remained absent in two or more consecutive meetings. But the information on whether they took permission from the committee was not available. However, there was a lack of formal arrangement in the process of remaining absent with permission of committee.

3.4 Role in Law Formulation Process

The standing committees have the responsibility to verify the bills placed in parliament. However, public opinion was not sought for any of the bills during the researched period. In case of the 11 committees 73 bills were passed with recommendation from the committee. Among these, the parliament members proposed seeking of public opinion on 69 bills. The proposals were rejected by voice vote in case of 37 bills in the session, while the remaining proposals on 32 bills were not placed before the House due to the absence of concerned members. The decision to seek public opinion is on one hand dependent on the approval of the Parliament, while on the other the standing committees do not take any initiative for the purpose. In many cases, the committees cannot play an effective role due to prohibitions in rules. For example, money bill is not sent to any committee due to embargo in the Rules of Procedure.⁸ It may be mentioned that the recommendations of the committees usually do not contain opinion for enhancing the quality; rather they mainly focus on editing language of the bill.

⁵ *The Representation of the People Order (Amendment) Act 2009*, Clause 12.

⁶ There were four members in the standing committees on health and shipping ministries and two members in the committees on housing and public works, and local government and rural development, who had businesses related to the committees.

⁷ *Parliamentary Rules of Procedure*, Rule 193.

⁸ *Parliamentary Rules of Procedure*, Rule 111 (3).

3.5 Committee Decisions and Implementation of Decisions

Decisions are taken during committee meetings on the basis of unanimity. But the dominance of the ruling party is observed as the chairs and most of the members usually come from the treasury bench. There are allegations that they cannot go beyond the dictates of the House Leader as well as party decisions. There is no legal obligation as well as time limit for implementation of committee decisions, nor time limit for providing responses from the concerned ministries. Implementation of decisions is influenced by lack of legal obligations, budget deficit, tension between the chair and the minister, personality of the chair, party decisions, less importance to deliberations of the committees and so on.

A significant portion (39%) of the committee decisions is not implemented. A total of 1,891 decisions were adopted by the 11 committees of the 9th *Jatiya Sangsad* that included in the research. Of these, 41% decisions were implemented, and 20% were under implementation till the end of the tenure (Figure 1). Many decisions that were deemed important for establishing accountability of the government were not implemented. It is also seen that in the reports of the committees, issues such as- shifting discussion to the next meeting and approval of previous meeting minutes are shown as committee decisions. There are differences in implementation based on the type of decisions. For example, the decisions (357) of the standing committee on Housing and Public Works during the 9th *Jatiya Sangsad* were divided into eight categories, of which the number of decisions related to progress of programs and future plans was the highest (175); but their rate of implementation was the second lowest (23%). On the other hand, although the least number of decisions (5) were taken on inviting the authorities, the rate of implementation was the highest (100%). Again, while analyzing the decisions on progress of programs and future plans, it was seen that the decisions on planning and implementation of projects were the highest (34%).

Figure 1: Implementation of Decisions (%)

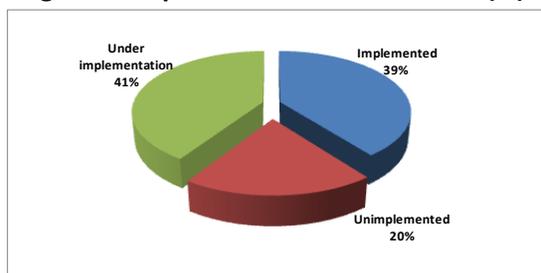
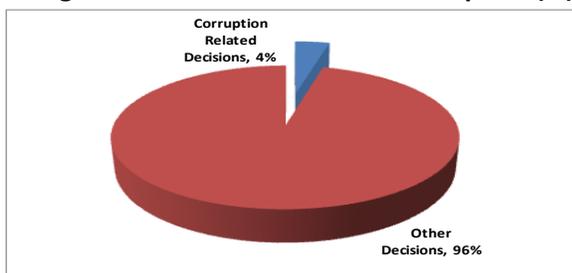


Figure 2: Decisions related to Corruption (%)



Source: Reports of nine committees of the 9th *Jatiya Sangsad* (selected as cases)

Decisions Related to Corruption: The number of decisions taken in committee meetings on corruption was comparatively low. Only 4% decisions adopted by the 11 committees during the 9th *Jatiya Sangsad* were related to corruption (Figure 2). Political partisanship was observed in adopting such decisions. It was seen that 50% of the corruption-related decisions were of the previous government. There are instances of saving individuals involved in corruption instead of ensuring accountability. There are also instances when no action was taken despite obtaining proof of corruption through committee investigation.

3.6 Summoning by Committees and Taking Evidence

The committees have the power to call for persons, papers and records.⁹ There are instances of calling for documents and persons at different times, but such information is not recorded on papers. The committees lack the jurisdiction to compel any person or institution in this regard. Consequently, in many

⁹ *Parliamentary Rules of Procedure*, Rule 203.

instances the initiatives become futile due to non-cooperation or refusal of the concerned persons or institutions. Besides, there is a tendency not to summon people from the government in power for ensuring accountability.

3.7 Involvement of the People in Committees' Activities

The Committees engage the people with parliamentary activities. According to rules, the committees involved people in different matters through public hearing, consultations with the experts, inspection, and sharing meetings etc. However those initiatives were at the minimum level compared to the requirements. For example, although there were decisions taken by the standing committee on Housing and Public Works to hold seven sharing meetings with stakeholders and undertake four inspections, in reality only three meetings and one inspection were materialized. There is lack of information on the committees' initiatives for engaging the public; for instance, the website of parliament provides insufficient information about public hearings. There is neither any plan on programs for involving the people nor any fund sanctioned for the purpose in the budgets. So far the public hearings have been organized with financial support from the development partners.

3.8 Participation and Role of Female Members

A positive scenario is observed for the first time with regard to female representation in parliamentary committees in the 10th *Jatiya Sangsad*. The representation of female members in the 9th *Jatiya Sangsad* was 20%, whereas they accounted for only 10% in committees. The female members have now been given proportional representation (20%) in the 10th *Jatiya Sangsad*. However, the principle of proportional representation was not applied while nominating chairs. In the 9th *Jatiya Sangsad*, four female members were made chairs in six committees, while in the 10th *Jatiya Sangsad* five female members were nominated as chairpersons for eight committees. It should be noted that the Speaker (a female) is the ex-officio chairperson of four committees. However, despite the increase in number of the female members, their attendance and participation were not encouraging. Among the nine committees of 9th *Jatiya Sangsad*, average attendance of female members was less than that of the male members in five committees among the nine committees. There were allegations of disappointments among committee members due to late arrivals of female chairs. Besides, the female members also lagged behind in participation in the committees' deliberations.

3.9 Secretarial and Technical Assistance

There is lack of manpower with regard to providing secretarial and technical assistance in the discharge of the committees' responsibilities. Proper utilisation of skills and experiences of directly-recruited staff of the Parliament Secretariat has not been ensured. There were complaints about not involving the committee members and officials in setting the agenda of committee meetings. On the one hand, the directly recruited officials enjoyed less scope for promotion to senior positions, while on the other hand the personnel working on deputation lacked relevant experience and interest. There were also deficiencies in providing adequate guidance to the committee officials from the end of committee chairs and members. Necessary background reports were not prepared on the subjects of discussions as well as evaluation and monitoring of decisions taken by the committees. There were also notable deficiencies in supplying necessary information to the committees through relevant research.

3.10 Openness of Information

There is deficiency in voluntary disclosure of information on committee activities. Not all committees publish reports, and those who do are also not regular. There is no compulsion in the Rules of Procedure in this regard. The structures of reports also vary from committee to committee. In many published reports, there is dearth of information. In many cases, the published reports do not include attendance of members, progress in implementation of decisions, summoning and taking evidence, detailed discussions, reasons for reconstitution of committees, whether permission was taken from the committee in case of

absences, etc. The subjects raised in the reports of committees are not discussed in the House. The people and the mass media do not have access to committee meetings. On the other hand, detailed information on the committee deliberations is not provided in the parliament website.

4. Comparison with Other Countries

The parliamentary committees are used in a positive manner in developed democracies including the United Kingdom. In the UK and neighbouring India, the members and chairs of committees are selected in conformity with proportionate representation of different parties in the parliament. The ministers are not made chairs or members of relevant committees. In both the countries, there is a timeframe for replying to the recommendations of the committees by concerned divisions/ ministries and the recommendations are considered with utmost importance. In the UK, the deliberations of committees are broadcast live. Directives are issued on behalf of ministries in case of summons and testimonies. The committees can oversee appointments to top levels of the government. Furthermore, in both countries, committees of concerned departments/ministries are involved in reviewing the finance bill. Besides, there is a separate committee for evaluating the effectiveness of committees and for overseeing the activities during the interim period between two governments.

5. Conclusion

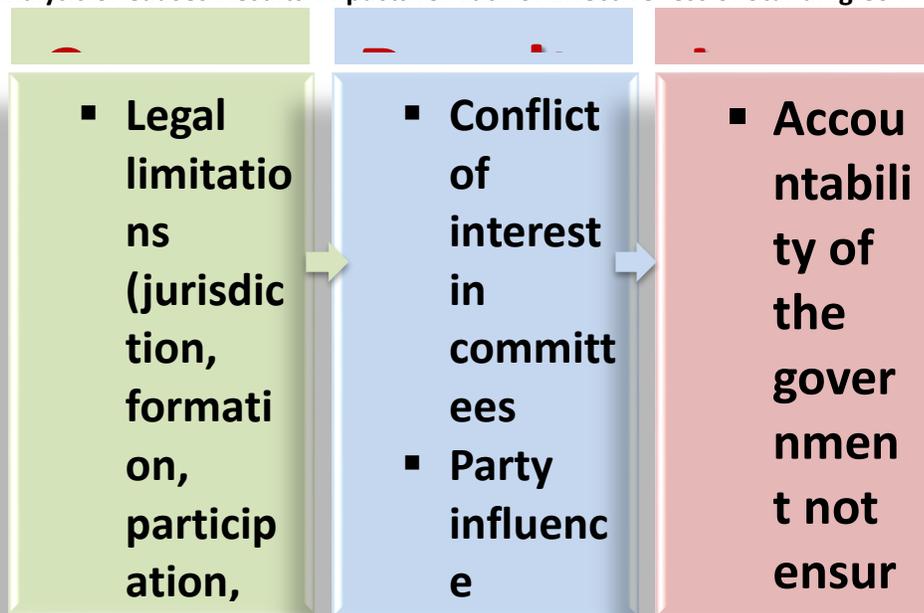
It is seen from the findings that the parliamentary committees have not been effective despite the constitution of all committees during the first sessions of the Parliament and selection of committee members in proportion to party representations in the Parliament. There are legal, institutional, and political challenges that the committees face. Overall, it is seen that political influences are exerted in the formation and working of the committees. Members' business interests are found to exist in the committees; proper verification is not carried out on this issue during and after the formation of committees. In some cases, the committee members use the committees as tools for promoting their interests.

A large segment of decisions taken by the committees are not implemented because there is no legal obligation. The decisions of the committees are not considered important by many members as well as the respective ministries/ departments. It is also seen that discussions and decisions on corruption are comparatively very few and far between. It is observed that there is a deficit in extending secretarial and technical assistance to the committees.

There is a lack of transparency and accountability in the activities of the committees. The meetings are not open for the common people and the access to information is also insufficient. Besides, the involvement of people in committee meetings is very limited. It is also seen that there is no monitoring and evaluation framework for the committees. There is deficiency in the coordination of activities carried out by different committees as well as during the intervening period between two parliaments.

As the effectiveness of standing committees is not up to the desired level, the accountability of the government is also not ensured. There is a distance created between the people and the parliamentary activities and as a whole, the effectiveness of parliamentary committees is hindered.

Figure 1: Analysis of Causes-Results-Impacts for Lack of Effectiveness of Standing Committees



6. Recommendations

1. The committees must be empowered to enforce the presence of witnesses, submission of testimonies and documents by enacting law in accordance with Article 76 (3) of the Constitution.
2. The following changes must be brought about by amending the Parliamentary Rules of Procedure:
 - a. Provision should be made for compulsory updating of information about the business and financial involvement of committee chairpersons and members each year, which should be made public.
 - b. Provisions should be made for complete verification of information on conflict of interest during selection of committee members, and for expelling a member from a committee if any information is obtained on the involvement of his business-interest in the committee after his inclusion in the committee.
 - c. Provision should be introduced for barring present or former ministers from the chairmanship/ membership of relevant committees.
 - d. The post of vice-chairperson must be introduced in the committees.
 - e. The chairs in at least 50% of the committees, at least in finance-related committees, must be appointed from the opposition parties.
 - f. Provision should be introduced for appointing chairpersons and members from females in proportion to their representation in parliament.
 - g. The Finance Bill must be referred to the Committee on Estimates for detailed examination.
 - h. Committee discussions must be generally broadcast live through *Sangsad* Television with the exception of important deliberations on sensitive subjects like national security.
 - i. The approval process for condoning absence of members in committee meetings must be made formal.
3. The annual calendar of each committee must be published at the start of the year specifying the dates and times of their activities in each month.
4. A Liaison committee must be formed for annual evaluation of committees and for strengthening coordination between all committees.

5. Actions taken by a ministry in the light of committee recommendations must be notified to the committee in written within three months of holding a meeting and this should be made mandatory by provision.
6. The minutes of committee meetings must be released within two weeks of holding a meeting and the complete annual report must be published each year in the website of parliament.
7. A common format based on specific indicators (e.g. attendance, cause of committee reconstitution, implementation of committee decision, summons and testimonies, etc.) must be used in preparing a committee report.
8. Public involvement should be increased in the programs of the committees, and there should be separate and specific financial sanctions and work-plans for this area (public hearings, appointment of experts, etc.).
9. Scope for promotion to higher levels should be enhanced for employees/officers directly recruited by the Parliament Secretariat, and the officials posted on deputation should be gradually reduced.
10. The participation of members in setting the agenda of committee discussions should be ensured. Experienced officials should be engaged at a higher rate for extending secretarial and technical assistance to the committees.
11. Reports containing specific information on discussions and decisions of the previous meetings based on sufficient data and facts should be prepared and supplied by the committee section to the chairperson and members for taking preparation before meeting.