

Working and Impact of Parliamentary Committees in the UK and Bangladesh: A Theoretical Analysis

M. Jashim Ali Chowdhury*

1. Introduction

Described as its “eyes and ears”¹, committees do three important jobs for the Parliament.² They continuously oversee executive accountability. They facilitate public participation in the parliamentary process. They offer expertise and alternative career prospects to the backbench MPs. All of these three tasks, however, risk putting the committees at odd with parliamentary political parties. Assertive parliamentary committees may invite the wrath of the governing party by seeking information on and revision of governmental policies.³ They may question the government’s sole representative claim by creating an independent public relations route for the Parliament.⁴ They may trouble the parliamentary parties by fending off crude partisanship in parliamentary business and encouraging expertise-based work by the MPs.⁵ The majority parties may see them as a reservoir of backbench revolts. The opposition parties may see them as harmful to their oppose-everything-and-propose-nothing approach. Therefore, the committee system’s relationship with the party system is not straight.

The nature of legislature largely conditions the party-parliament relation and its impact on the committee system. The US styled congressional and the Westminster styled parliamentary systems offer significantly different political and institutional contexts that shape the work and impact of the committee system. Party cohesion is relatively loose in the congressional model. Therefore, committee assertiveness and

* PhD Researcher, King’s College London, UK.



Creative Commons Non Commercial CC BY-NC: This article is distributed under the terms of the Creative Commons Attribution-Non Commercial 4.0 License (<https://creativecommons.org/licenses/by-nc/4.0/>) which permits non-commercial use, reproduction and distribution of the work without further permission provided the original work is properly cited.

¹ Michael Jogerst, *Reform in the House of Commons: The Select Committee System* (The University Press of Kentucky 1993) 215-216.

² Martin Indyk, ‘Making government responsible: The role of parliamentary committees’ (1980) 15(1) *Australian Journal of Political Science* 93.

³ Gareth Griffith, ‘Parliament and Accountability: The Role of Parliamentary Oversight Committees’ *Briefing Paper* (No. 12, NSW Parliamentary Library Research Service 2005) 11.

⁴ Jogerst (n 1) 215-216.

⁵ Bert A Rockman, ‘Legislative-Executive Relations and Legislative Oversight’ (1984) 9(3) *Legislative Studies Quarterly* 387, 394.

individual member activities draw visible public attention there.⁶ On the other hand, a Westminster parliament is party and cabinet dominated and, hence, the committee activism is relatively harder to achieve.⁷

There are four leading committee theories⁸ that explain how the parliamentary committees are organised across the congressional and parliamentary systems, why they behave in particular ways and how the political parties influence their formation and work. These theories are known as the “distributive or gains from trade theory”; “information, scrutiny and expertise supply”; “coalition”; and “partisan cartel” theories. Exponents of the *distributive or gains from trade theory* argue that parliament members take their committee assignments seriously because it provides them with a scope to distribute development and other material benefits to their constituents and thereby enhances their chance for re-election. They can also use their committee positions as leverage to gain from trade or bargain with fellow parliament members working in other committees.⁹ The *information, expertise and scrutiny theory* explains the institutional issues that support a strong committee system. Proponents of this theory argue that a strong committee system helps the Parliament by supplying information and expertise about public policies and ensuring detailed scrutiny of the governmental proposals.¹⁰ The *coalition theory* considers the impact of coalition governments on the committee system.¹¹ The *partisan cartel theory* deals with the partisan influence in the committee formation process.¹²

This paper aims to test each of the four committee theories on the UK House of Commons and Bangladesh’s “Westminster Parliament”¹³. It argues that while the UK parliamentary committees have been able to overcome most of the partisan barriers and amass great institutional strength to make sense of the system in terms of all of the four theoretical strains, the operation and impact of the Bangladeshi committee

⁶ Malcolm Shaw, ‘Parliamentary Committees: A global perspective’ (1998) 4(1) *Journal of Legislative Studies* 225, 227.

⁷ Lawrence D. Longley and Roger H. Davidson, ‘Parliamentary committees: Changing perspectives on changing institutions’, (1998) 4(1) *Journal of Legislative Studies* 1, 2.

⁸ Thomas Zittel and Eric M., ‘Uslaner, Comparative Legislative Behavior’ in Robert E. Goodin (ed.) *The Oxford Handbook of Political Science* (Oxford University Press 2009) 392–408.

⁹ Kenneth A. Shepsle and B. R. Weingast ‘Political Preferences for the Pork Barrel: A Generalization’ (1981) 25 *American Journal of Political Science* 96.

¹⁰ Keith Krehbiel, *Information and Legislative Organization* (University of Michigan Press 1991).

¹¹ Lanny W. Martin and Georg Vanberg, *Parliaments and Coalitions: The Role of Legislative Institutions in Multiparty Governance* (Oxford University Press 2011).

¹² Gary W. Cox and Mathew D. McCubbins, *Legislative Leviathan: Party Government in the House* (Cambridge University Press 2007).

¹³ M Jashim Ali Chowdhury, ‘Eastminster’ Adaptations in the Westminster Model: The Confusing Case of Bangladesh (*Dhaka Law Review*, 11 February 2020) <<https://www.dhakalawreview.org/blog/2020/02/eastminster-adaptations-in-the-westminster-model-the-confusing-case-of-bangladesh-4488>> accessed 01 August 2021.

system has remained hostage to a pervasive “partisan cartelisation”. The next part (Part 2) of the paper will explain each of the four committee theories in greater detail. Part 3 will briefly introduce the committee system of Bangladesh *Jatya Sangsad*. Parts 4-7 of the paper would attempt a comparative evaluation of the UK and Bangladesh’s parliamentary committee system *vis-a-vis* each of the four committee theories. Part 8 would conclude the paper.

2. The Four Committee Theories

There are four major theoretical propositions about how committee systems are organised and how they behave across the systems. The first theory – the distributive and gains from trade theory – focuses on individual committee members. The works of Shepsle and Weingast¹⁴ influence this perspective highly. They argue that committee members seek committee assignments most relevant to their constituency interests and congenial to their re-election prospects.¹⁵ They also engage in policy trade or pork-barrel politics with colleagues from the same or other committees to make sure that decisions most favourable to their constituents are supported and adopted there in return for their concession to measures that might be less relevant for their own but important for the others’ constituents.¹⁶ This type of behaviour allows the members to distribute particularistic benefits to their constituents and increase their re-election prospects.¹⁷

However, the distributive theory assumes that the legislature is highly decentralised¹⁸ and has policymaking capability comparable to the US Congress. It also assumes that MPs can self-select into their preferred committees¹⁹ without much dictation from their parties.²⁰ As the discussion in Part 4 would show, recent development in the UK House of Commons has paved the way for such non-partisan, if not fully autonomous, selection to the committees. Bangladesh’s strictly partisan selection process, however, renders this theory a near redundancy here.

The second theory - the expertise or information supply theory - is attributable to the work of Keith Krehbiel.²¹ Krehbiel has questioned the idea of distributive benefits

¹⁴ Shepsle and Weingast (n 9).

¹⁵ David W. Rohde and Kenneth A. Shepsle, ‘Democratic Committee Assignments in the House of Representatives: Strategic Aspects of a Social Choice Process,’ (1973) 67(3) *American Political Science Review* 889.

¹⁶ Kenneth A. Shepsle, *The Giant Jigsaw Puzzle: Democratic Committee Assignments in the Modern House* (The University of Chicago Press 1978).

¹⁷ Ingvar Mattson and Kaare Strom, ‘Parliamentary Committees’ in Herbert Dohring (ed), *Parliament and Majority Rule in West Europe* (University of Mannheim 1995) 249.

¹⁸ Shane Martin and Tim A. Mickler, ‘Committee Assignments: Theories, Causes and Consequences’ (2019) 72(1) *Parliamentary Affairs* 77.

¹⁹ Shepsle (n 16).

²⁰ Martin and Mickler (n 18) 79.

²¹ Krehbiel (n 10).

or pork-barrel politics of trade grains. He rather perceives the committees as suppliers of information, scrutiny, and policy expertise to the main chamber. Applicable to both congressional and parliamentary models, Krehbiel's theory argues that committees improve the quality of the policy process by capitalising on the varied expertise of the large pool of legislators. This theory invokes an economy of operation logic²² and rational choice institutionalism²³ where specialisation and expertise are encouraged on a cost-benefit basis. If a member incurs the cost of applying his knowledge to a specific public domain, s/he should gain authority and deference in that policy area. Under this process, the chamber will need to "generate an incentive structure that induces members to take the trouble of acquiring expertise."²⁴ Parliament will benefit from the expertise and diversification of the workload. It will increase the overall legislative output.²⁵ As Mickler's study²⁶ shows, the workload of a legislature is a really good indicator of variation in committees and their mandates. The higher workload a parliament faces, the more autonomous its committees become. As the discussion in Part 5 would show, the UK Parliament has acquired a laudable level of specialisation, information generation and scrutiny capability over the years. Bangladesh, however, is simply refusing to move in that direction, though the underpinnings of this theory remain extremely relevant for her.

The third theory - Martin and Vanberg's coalition theory²⁷ - argues that the organisation of a legislature follows governments' formation and is, in particular, influenced by the frequency of the emergence of coalition governments. The theory builds on the tension between coalition partners who govern jointly but remain accountable to the people separately. To minimise the risk of being overly accommodating, parties try to keep a tab on their coalition partners. This factor has important ramifications for the organisation and the assertiveness of parliamentary committees. A Series of empirical studies show that multiparty governments significantly imbue committee autonomy.²⁸ Martin and Vanberg²⁹ tested the logic in

²² Mattson and Strom (n 17).

²³ Thomas W Gilligan and Keith Krehbiel, 'Organization of Informative Committees by a Rational Legislature' (1990) 34(2) *American Journal of Political Science* 531, 544-47.

²⁴ Thomas W Gilligan and Keith Krehbiel, 'Collective Decision-Making and Standing Committees: An Informational Rationale for Restrictive Amendment Procedures' (1987) 3(2) *Journal of Law, Economics and Organization* 287; Thomas Gilligan and Keith Krehbiel, 'Asymmetric Information and Legislative Rules with a Heterogeneous Committee' (1989) 33(2) *American Journal of Political Science* 459.

²⁵ Martin and Mickler (n 18) 81-82.

²⁶ Tim A. Mickler, 'Committee autonomy in parliamentary systems –coalition logic or congressional rationales?' (2017) 23(3) *The Journal of Legislative Studies* 367.

²⁷ Martin and Vanberg (n 11).

²⁸ Mickler (n 26).

²⁹ Lanny W Martin and Georg Vanberg, 'Coalition Policymaking and Legislative Review' (2005) 99(1) *American Political Science Review* 93, 97-131.

strong (Denmark, Germany, and the Netherlands) and weak (Ireland and France) parliamentary setups. It appears that a strong committee system better allows the coalition partners to police their coalition bargain. Government bills on divisive issues get very rigorous scrutiny by coalition partners sitting in committees.³⁰ Another study by Martin and Depauw on Ireland shows that strong committees are the most powerful institutional tool for tabbing the coalition partners.³¹

Zubek has tried the coalition logic from yet another angle. He shows that the coalition governments trying to temper committee autonomy is less likely to succeed than a majority government.³² The strength of committees shapes the relative policy influence of coalition partners. Weak committee systems prioritise the dominant party's policy. A strong committee system enforces compromise on the positions of all coalition members and helps build an added layer of intra-coalition scrutiny over the one already working through the official opposition. An appraisal of the UK's Conservative-Liberal coalition government of 2010 bears testimony to this. However, discussion in Part 6 of this paper would show that Bangladesh's several "tactical electoral coalitions" have miserably failed to generate a minimum relation of intra-coalition accountability between the partners. The reasons behind those are relatable to the way the parties do their politics.

The fourth theory - the partisan cartel theory - is expounded by Cox and McCubbins, who argue that distributive and expertise theories unduly ignore the phenomenon of party politics within legislatures.³³ Political parties "cartelise" the legislative power by shaping the committees. Parties naturally need unity around any coherent policy programme. If individual members start seeking popularity at their constituencies by deviating from the party line, the leadership must worry. There, therefore, is a need to enforce at least a minimum coherence in their members' behaviour.³⁴ Hence, Cox and McCubbins reject the self-selection thesis.

They argue that though the member preferences for committee assignment are important in the US Congress, and determine much of actual assignments, party involvement in the process is no less significant. Cox and Cubbin's argue, if non-partisanship is so strong, there is a risk that committees become equally unpopular among the government and the opposition.³⁵ Governments might see a committee-

³⁰ *ibid* 132-155; Lanany W Martin and Georg Vanberg, 'Policing the Bargain: Coalition Government and Parliamentary Scrutiny' (2004) 48(1) *American Journal of Political Science* 13.

³¹ Shane Martin and Sam Depauw, 'Coalition Government and the Internal Organization of Legislatures' (Annual Meeting of the American Political Science Association, Toronto, September 2009).

³² Radoslaw Zubek, 'Coalition Government and Committee Power' (2015) 38(5) *West European Politics* 1020, 1032.

³³ Cox and McCubbins (n 12).

³⁴ Martin and Mickler (n 18) 82-83.

³⁵ Bert A. Rockman, 'Legislative-Executive Relations and Legislative Oversight' (1984) 9(3) *Legislative*

oriented parliament as a threat to party discipline and a potential reservoir of backbench revolts. The opposition also might feel forced by a consensual committee system to co-operate with the government rather than oppose it. It, therefore, makes sense that parties would like to leave the committee system within a structure that would allow them to influence the committee members' behaviour and agenda.³⁶ Given the paradox, it is perplexing that the UK House of Commons has recently opted for a less partisan committee assignment process and injected a very strong policy influencing and scrutiny capability in the system. Discussions in Part 7 will show how Bangladesh's political party system is resisting any progress in that direction.

While the later parts (Parts 4-7) of this paper would elaborately consider Bangladesh's position *vis-à-vis* each of the four committee theories, a general introduction of the Committee System of Bangladesh is presented in the next part (Part 3).

3. Parliamentary Committee System in Bangladesh

The Committee System is constitutionally entrenched in Bangladesh. Article 76 of the Constitution of Bangladesh specifically mentions two standing committees – public accounts and parliamentary privileges - and leaves the others to be detailed in parliamentary Rules of Procedure (from now on RoP).³⁷ Accordingly, Chapter XXVII of the RoP details other standing, select, and special *ad hoc* committees.³⁸

Including the two mentioned in the Constitution, the RoP has mentioned eleven standing committees. While standing committees are constituted permanently for the whole duration of a parliament, select and special committees are constituted on an *ad hoc* basis to deal with specific issues arising from time to time. Permanent standing committees relating to a general area of concern, *e.g.*, parliamentary privileges, are known as General or Non-Ministerial Standing Committees (NMSC). Standing Committees relating to a designated ministry, *e.g.*, standing committee on the Ministry of Foreign Affairs, are known as Ministerial Standing Committees (MSC). General standing committees include committees on parliamentary business, private member legislation, public petitions, parliamentary privileges, government assurances, Parliament's internal administrative affairs, parliament library, parliamentary rules of procedure, public accounts, government estimates and public undertakings. Ministerial standing committees are entrusted with oversight of the related ministries. Until changes in the RoP in February 1992, the main functions of

Studies Quarterly 387, 394.

³⁶ John H. Aldrich and David W. Rohde, 'Measuring conditional party government' (Annual Meeting of the Midwest Political Science Association, Chicago, April 1998).

³⁷ The Constitution of the Peoples Republic of Bangladesh 1972, art 76(1) <<http://bdlaws.minlaw.gov.bd/act-367.html>> accessed 13 July 2021.

³⁸ The Rules of Procedure (RoP) of Bangladesh Jatyā Sangsad, r 189(1) <<http://www.parliament.gov.bd/index.php/en/parliamentary-business/procedure/rules-of-procedure-english>> accessed 15 July 2021.

the ministerial standing committees were to scrutinise the bills concerning a ministry's mandate. After the 1992 amendment, ministerial committees now "review the enforcement of relevant laws and propose measures for such enforcement, any matter referred to it by Parliament as a matter of public importance, investigate or inquire into the activities or administration of a Ministry."³⁹

Standing committees shadow the actual number of ministries and departments of the government. Hence the numbers of ministerial standing committees vary from Parliament to Parliament. As a study of Prof Nizam Ahmed⁴⁰ shows, the Fifth (1991-1996) and Seventh (1996-2001) parliaments had thirty-five Ministerial Standing Committees, whereas the Eighth (2001-2006) and Ninth (2009-2013) parliaments had thirty-seven and forty respectively. The Tenth (2014-2018) and Eleventh (2019-present) parliaments, on the other hand, constituted thirty-nine ministerial Standing Committees each.

Select committees are designated as Select Committees on Bills, which means that they are constituted at the discretion of Parliament as bills come to the chamber, and a motion is carried in the floor for referring it to a select committee.⁴¹ Bills may also be referred to a standing committee by a motion in the House.⁴² In such cases, government bills are likely to be referred to the standing committee on relevant Ministry and private member bills to the Standing Committee on Private Members' Bill. Special committees are constituted by a motion to deal with special issues or matter coming to the Parliament's attention at any given time.⁴³

Existing literature on the Bangladeshi committee system has broadly identified some structural, procedural, behavioural, and political issues contributing to its low impact performance.⁴⁴ Structural issues are related to the organisation of the committees and their relation with other parliamentary and extra-parliamentary actors. Procedural issues arise from within the RoP. Behavioural problems are likely to arise from the MPs' lack of interest and expertise in committee works. Political problems of the committees arise mostly from the approach the political parties take towards the committees' work and contribution. Successive governments in Bangladesh have shown a horrible non-appreciation of the committee system and the committee related rules of the RoP were "mostly honoured in the breach"⁴⁵.

³⁹ Constitution (n 37), art 76(2)(c); RoP (n 38), r 246-48.

⁴⁰ Nizam Ahmed, 'Parliamentary Committees and Parliamentary Government in Bangladesh' (2001) 10(1) *Contemporary South Asia* 11; Taiabur Rahman, *Parliamentary Control and Government Accountability in South Asia: A comparative analysis of Bangladesh, India and Sri Lanka* (Routledge 2008).

⁴¹ RoP (n 38), r 225.

⁴² Constitution (n 37), art 76(2)(a); RoP (n 38), r 77.

⁴³ RoP (n 38), r 266.

⁴⁴ Nizam Ahmed (n 40) 31-33.

⁴⁵ Nizam Ahmed, *Parliament of Bangladesh* (Ashgate 2003) 131.

In one case, parliamentary committees were not formed until half the tenure of a Parliament.⁴⁶ Due to the opposition party's refusal to put their list of nominees, the Seventh Parliament (1996-2001) took two years to form all the parliamentary committees.⁴⁷ However, the same Parliament amended the RoP to make sure that committees are constituted within the first session of each Parliament. Still, the next Parliament (2001-2006) took more than 20 months to set up all the committees.⁴⁸ It took the UNDP to threaten withdrawal of funds from its "Strengthening Parliamentary Democracy" project to convince the ruling party to form committees and allow them to operate.⁴⁹ However, the Ninth (2009-2013), Tenth (2014-2018) and Eleventh (2019-present) parliaments have constituted their committees within the first session of their tenure. The current Eleventh Parliament has created a record of the fastest formation of committees within the first ten sitting days of its first session. It appears that this record-breaking speed was facilitated by the absence of any meaningful opposition in those parliaments.⁵⁰

4. Committee Work for Constituency Benefits, Re-election and Career Prospects

As mentioned in Part 2, the first of the four theories – the distributive and gains from trade theory – argues that MPs try to play activist roles in the committees to enhance their re-election prospect by helping their constituency causes. The distributive and gains from trade theory primarily applies to the US congressional committees where congressmen try to enhance their visibility through legislative, budgetary and policy advocacies that appeal to their core constituents. Based on their priorities and constituency interests, the US congressmen are usually offered a choice of self-selection in their preferred committees. However, in parliamentary systems, the scope of pressing constituency issues through committee work is limited. MPs' constituency works here are primarily linked with government departments rather than parliamentary committees.⁵¹ Also, parliamentary elections have a strong partisan tendency. People tend to elect the Prime Minister and the governing party rather than their constituency MPs.⁵² Therefore, the parliamentary system does not offer

⁴⁶ Jalal Firoj, 'Forty years of Bangladesh Parliament: Trends, Achievements and Challenges' (2013) 58(1) *Journal of the Asiatic Society of Bangladesh (Humanities)* 83.

⁴⁷ Nizam Ahmed, 'From Monopoly to Competition: Party Politics in the Bangladesh Parliament (1973-2001)' (2003) 76(1) *Pacific Affairs* 55, 68-69.

⁴⁸ Quamrul Alam and Julian Teicher, 'The State of Governance in Bangladesh: The Capture of State Institutions' (2012) 35(4) *Journal of South Asian Studies* 858.

⁴⁹ Fahreen Alamgir, Tanvir Mahmud and Iftekharuzzaman, 'Corruption and Parliamentary Oversight: Primacy of The Political Will' (Transparency International Bangladesh 2006) <<https://www.ti-bangladesh.org/research/Corruption&ParliamentaryOversight.pdf>> accessed 30 July 2021.

⁵⁰ M Jashim Ali Chowdhury, '11th Parliament: Rays of hope for the Committee System' *The Daily Star* (Law and Our Rights, Dhaka, 05 March 2019) <<https://www.thedailystar.net/law-our-rights/news/11th-parliament-rays-hope-the-committee-system-1710775>> accessed 27 July 2021.

⁵¹ Philip Norton, 'The Growth of the Constituency Role of the MP' (1994) 4(1) *Parliamentary Affairs* 705.

⁵² A Eggers and A Fischer, 'Electoral Accountability and the UK Parliamentary Expenses Scandal: Did

substantial constituency benefit or re-election prospects for the committee members. Also, unlike the US congressional system, the scope of private member legislation is very limited in parliamentary systems.⁵³ The government admittedly controls legislative business in the Westminster parliamentary system.⁵⁴ MPs can rarely press constituency issues by sponsoring legislative proposals in Parliament. All these make the MPs' self-selection to their preferred committees difficult.

Despite the constraints, the distributive or gains from trade theory is growing in relevance in the party-centred parliamentary model. While the committee works may not guarantee direct constituency benefits and re-election prospects for the MPs, the committee works help them enhance their career prospect in particular areas of public policy. Growth of expertise begets reputation and profile for the MPs and makes their involuntary or party-directed removal from a committee harder. The post-1979 development of the select committee system in the UK has created avenues for non-partisan, if not fully autonomous, committee assignment.⁵⁵ Some of the recent studies by Lord Norton⁵⁶ show that party dominance has eroded significantly after the 1979 and post-2000 reforms.⁵⁷ Most of the senior British MPs' now acquire expertise and reputation in their respective policy areas that offer them a choice - call it a choice to self-appoint – on the type of committee they want.

The “*Shifting the Balance Report*”⁵⁸ of the Liaison Committee in 2000 called for greater transparency in the committee assignment process. *The Wright Committee Report of 2010*⁵⁹ was more specific about the allocation of committee chairs. In 2010, the House instructed the parties to follow an internal but transparent and democratic process for committee assignments. It was decided that chairs of most select committees should be elected by a secret ballot of all MPs rather than be chosen by

Voters Punish Corrupt MPs? *Political Science and Political Economy Working Paper* 8/2011 <http://www2.lse.ac.uk/government/research/resgroups/PSPE/pdf/PSPE_WP8_11.pdf> accessed 28 July 2021.

⁵³ Megg Russel and D Gover, *Legislation at Westminster* (Oxford University Press 2017) 272.

⁵⁴ Robert Balckburn, ‘The Politics of Parliamentary Procedure at Westminster’ (2017) 4(2) *Journal of International and Comparative Law* 279.

⁵⁵ Lucy Atkinson, *Select Committee and the UK Constitution* (The Constitution Society 2017) 40.

⁵⁶ Philip Norton, ‘Power behind the Scenes: The Importance of Informal Space in Legislatures’ (2019) 72(2) *Parliamentary Affairs* 245; Philip Cowley and Philip Norton, ‘Rebels and Rebellions: Conservative MPs in the 1992 Parliament’ (2002) 1(1) *British Journal of Politics and International Relations* 84.

⁵⁷ Michael A Jogerst, ‘Backbenchers and select committees in the British House of Commons: Can Parliament offer useful roles for the frustrated?’ (1991) 20(1) *European Journal of Political Research* 21, 35; Michael A Jogerst, *Reform in the House of Commons: The Select Committee System* (University Press of Kentucky 1993) 7-8, 31-35.

⁵⁸ Matthew Flinders, ‘Shifting the Balance? Parliament, the Executive and the British Constitution’ (2002) 50(1) *Political Studies* 23.

⁵⁹ The Reform of the House of Commons Committee was a Select Committee established by the UK Parliament. It is unofficially known after the name of its Chairman Tony Wright.

the committee members themselves.⁶⁰ The committee chairs are agreed and allocated to the political parties in proportion to their parliamentary seats through the “usual channel”.⁶¹ Once the number and names of committees whose chairs would be allocated to different parties are agreed upon, MPs from the concerned party would be elected as chair. The election takes place on the House floor, meaning that all the members of the House from all the parties would vote for the candidates. In the Backbench Business Committee, all the members are elected by secret ballot of all MPs.

The UK Select Committees’ shift towards the whole House voting and secret ballot methods has earned greater institutional prestige and legitimacy for the select committee chairs. Experience suggests that the expertise and relevancy of members to a committee, rather than the preference of the party high-ups, play a decisive role in the voting.⁶² Select Committee chairs and members thereby garnish an autonomous identity outside the traditional framework of partisanship.⁶³ Hence, while the British MPs may not pursue their committee assignments for their re-election prospects or constituency interest, they still choose their select committees for reasons beyond their party leaders’ control.

On the other hand, committee assignments in Bangladesh do not offer direct constituency benefits for the MPs. MPs would rather utilise parliamentary question time and do personal lobbying with the Ministers for constituency benefits.⁶⁴ Similarly, the nomination of the MP candidates is an exclusive privilege of the party high-ups rather than the grass-root party units. Hence, the committee work is rarely related to the MPs’ re-election prospects.⁶⁵ Committee work is also considered an

⁶⁰ Atkinson (n 55) 38.

⁶¹ The “usual channel” is an informal but integral part of British parliamentary life. It is a way of Whip level communication between the government and opposition party that pre-negotiates almost all aspect of parliamentary calendar between the parties. See Nizam Ahmed, ‘The Development of the Select Committee System in the British House of Commons’ (1997) 20(4) *Canadian Parliamentary Review* 28, 29-30.

⁶² In 2001, around 100 Labour MPs revolted against the Tony Blair government’s attempt to de-select Gwyneth Dunwoody and Donald Anderson as the chairs of transport and foreign affairs committees of the House of Commons. See Dr Hannah White, *Select Committees under Scrutiny The impact of parliamentary committee inquiries on government* (Institute for Government 2015) 7 <<https://www.instituteforgovernment.org.uk/sites/default/files/publications/Under%20scrutiny%20final.pdf> > accessed 24 July 2021.

⁶³ Alexandra Kelso, ‘Political Leadership in Parliament: The Role of Select Committee Chairs in the UK House of Commons’ (2016) 4(2) *Politics and Governance* 115, 123-24; Rogers and Walters, *How Parliament Works* (Routledge 2015) 333.

⁶⁴ Zahir Ahmed, ‘From Shape Shifting to Collusion in Violence: An Ethnography of Informal Relationships Between Bangladeshi Members of Parliament and Their Constituents’ (2019) 42(1) *Legal and Political Anthropology Review* 5, 11-13.

⁶⁵ Mohammad Mozahidul Islam, ‘The Toxic Politics of Bangladesh: A Bipolar Competitive Neo-

unattractive career or expertise development route for them. Instead of the MPs pursuing an extra-governmental route of a political career, committee chairs in Bangladesh are distributed by the party high-ups as compensation for those party men who could not be offered ministerial positions in the first place.⁶⁶ As a result, there are allegedly more than necessary parliamentary committees in Bangladesh. Those work as sources of patronage for the government rather than as sources of government accountability.⁶⁷ The unwillingness of Bangladeshi political parties to appreciate the recent development in parliamentary models like that of the UK has reduced the relevance of the distributive theory's premise in Bangladesh.

5. Committees as Suppliers of Information, Expertise and Scrutiny

As explained in Part 2 earlier, Keith Krehbiel, proponent of the second committee theory – the expertise and information supply theory - argue that MPs have an incentive to acquire expertise in any particular area of public policy and governance. For them, expertise is necessary for getting deference and recognition in related areas. It also enhances their possibility of getting a ministerial position when their party comes to power. Parliament's interest in patronising committee level expertise development also is understandable. The plenary of the House draws apolitical, objective, and technical information from the committees. The support enhances the Parliament's capability to make up at least some of its expertise, information and knowledge gaps *vis-à-vis* the bureaucrats and technocrats in the government.

5.1 Supply of Expertise and Information

In the UK, a decisive moment came in 1979 when the detailed and permanent system of select committees was established. The new select committee system of 1979 is aligned in the departmental line.⁶⁸ Departmental select committees examine three areas of their related departments - expenditure, administration and policies and associated public bodies. When the Prime Ministers shuffle their departments, the House responds by changing the select committees accordingly.⁶⁹ Some select committees, *e.g.*, Public Accounts, Environmental Audit and Public Administration, have a cross-departmental mandate. All the select committees are coordinated by a

patrimonial State?' (2013) 21(2) *Aisan Journal of Politcial Sceince* 148, 149-51.

⁶⁶ A.T.M. Obaidullah, 'Standing Committees on Ministries in the Bangladesh Parliament: The Need for Reorganisation' (2011) 18(2) *South Asian Survey* 317, 338.

⁶⁷ Philip Norton and Nizam Ahmed, 'Legislatures in Asia: Exploring Diversity' in Philip Norton and Nizam Ahmed (eds), *Parliaments in Asia* (Frank Cass 1999) 51-52.

⁶⁸ Atkinson (n 55) 27.

⁶⁹ Meg Russell, Bob Morris and Phil Larkin, 'Fitting the Bill: Bringing Commons legislation committees into line with best practice' (2013) The Constitution Unit, UCL, 10, 14-15 < https://www.ucl.ac.uk/constitution-unit/sites/constitution-unit/files/Fitting_the_Bill_complete_pdf.pdf > accessed 16 October 2021,

Liaison Committee comprising all the committee chairs. The most prominent Liaison Committee work is questioning the Prime Minister periodically. It also works as a vanguard of select committee powers and deals with government responsiveness to them. The UK committees are empowered to determine their agenda, gather written and oral evidence, sometimes by travelling through the country or beyond, and employ specialist advisers outside the Parliament.⁷⁰ Committee reports are printed and published on the parliament website. The government is expected to respond to committee reports, particularly recommendations, within sixty days of submission. Recent evaluations of select committees have been largely positive.⁷¹ Committees also maintained a very high media profile, perhaps comparable to the US congressional committees.⁷²

Compared to the expertise-driven work of the UK select committees, the ministerial standing committees in Bangladesh have not been able to build expertise and legal or public support base. They have paper powers to inquire into irregularities and serious complaints against the administration and recommend corrective measures. They also have the authority to review and recommend necessary measures for due enforcement of laws passed by Parliament.⁷³ They have plenary power of subpoena,⁷⁴ examination on oath, production of documents, papers and records.⁷⁵ The government, however, may refuse to supply documents on the grounds of the safety or interest of the state.⁷⁶ Understandably, the governments almost routinely label any attempt to call administrative records “prejudicial to the safety and interest of the State”.⁷⁷

Governments exercise their refusal power in manners devoid of objectivity and without clarity about what is prejudicial and on what basis. It determines which documents would be made available to the committees and which would not be at its convenience and caprice. Committees also lack the power to follow up with their reports and recommendations. Even in rare cases of the government responding to committee reports, the responses are generally evasive. The minority members in the committees are usually not allowed to prepare and submit their report except to record a very brief “note of dissent”, which is appended to the committee report.

⁷⁰ The House of Commons Standing Order No. 152 (4a) <<https://publications.parliament.uk/pa/cm/200102/cmstords/27519.htm>> accessed 25 July 2021.

⁷¹ Meg Russell and Meghan Benton, ‘Selective Influence: The Policy Impact of House of Commons Select Committees’ (2011) *The Constitution Unit*, UCL, 9-29 <<https://www.ucl.ac.uk/constitution-unit/sites/constitution-unit/files/153.pdf>> accessed 16 October 2021.

⁷² Marek Kubala, ‘Select Committees in the House of Commons and the Media’ (2011) 64(4) *Parliamentary Affairs* 694.

⁷³ Constitution (n 37) art 76(2)(b).

⁷⁴ *ibid* art 76(2)(c).

⁷⁵ *ibid* art 76(3); RoP (n 38) r 202-204.

⁷⁶ Ahmed (n 40) 28, 30.

⁷⁷ RoP (n 38) r 203.

When a report is tabled on the floor of the House, the Chairman, or in his absence any other member, confines himself to a brief statement of fact, but there are no debates held on that statement at that stage.⁷⁸ Though there is scope for the House to debate a committee report,⁷⁹ such incident is rather rare.⁸⁰

Once the committees are formed, the MPs show extreme inertia in discharging their duties and mandates. The lacklustre approach shown by the committee members to their committee assignments is reflected in statistics. The first Parliament (1973-1975) received only one report from a committee.⁸¹ The second Parliament (1979-1981) witnessed committee chairs as condolence gifts to people who could not be included in the cabinet otherwise.⁸² The third Parliament (1986-1988) constituted some general standing committees but did not form ministerial or departmental standing committees. Public Accounts Committee of that Parliament produced three reports only. The fourth Parliament (1988-1990), for the first time in the history of Bangladesh, established a detailed range of committees.

However, all the committees produced only five reports – two by the Public Accounts, one each by the Estimate, Public Undertaking and Governmental Assurance committees.⁸³ In the Fifth, Seventh and Eighth parliaments, thirty, twenty-nine, and ten committees respectively did not produce any report at all. There is a rule that every standing committee would meet at least once a month.¹² It is very rarely acted upon.⁸⁴ A very recent study on the works of the committees on the Ministry of finance and Agriculture confirms the dismal state of affairs in terms of meeting frequency, attendance and quality of the reports produced by the committees.⁸⁵

5.2 *Supply of Legislative Scrutiny*

When it comes to scrutiny of legislative proposals, the UK Public Bill Committees (from now on PBCs) have been circumscribed by partisan committee appointments and strict pre-programming of the committee work by the House.⁸⁶ Membership in

⁷⁸ *ibid*, r 211.

⁷⁹ *ibid*, r 81.

⁸⁰ Ahmed (n 47).

⁸¹ Dilara Choudhury, *Constitutional Development in Bangladesh: Stresses and Strains* (Oxford University Press 1994) 122.

⁸² Ahmed (n 45) 133.

⁸³ S Aminuzzaman, 'Institutional Processes and Practices of Administrative Accountability: Role of *Jatiya Sangsad* (National Parliament) in Bangladesh' (1993) 10(2) *South Asian Studies* 44.

⁸⁴ Ahmed (n 40) 15.

⁸⁵ Navid Saifullah, 'Effectiveness of the Parliamentary Standing Committees in Bangladesh' (Masters dissertation, BRAC University 2006) 41.

⁸⁶ Jessica Levy, 'Public Bill Committees: An Assessment Scrutiny Sought; Scrutiny Gained' (2010) 63(2) *Parliamentary Affairs* 534, 542; S A Walkland, 'Government Legislation in the House of Commons' in S A Walkland (ed), *The House of Commons in the Twentieth Century: Essays by*

public bill committees reflects the strength of political parties in the House. As Robert Blackburn and Andrew Kennon note, the Committee of Selection routinely accepts a partisan list of nominees from either side.⁸⁷ Partisan selection to the bill committees allegedly turns the members into “cannon fodder” attendees who almost always tend to vote in party lines.⁸⁸ When it comes to expertise,⁸⁹ the one valued in legislative committees is primarily procedural.⁹⁰ There are, however, changes in recent times. The Modernisation Committee of 2006 proposed, through its “*The Legislative Process Report*”, significant changes in the PBCs. The House approved changes to parliamentary Standing Orders (the UK Parliament’s rules of procedure), allowing the PBCs the power to “send for persons, papers and records” in the manner of a select committee. It permitted the PBCs to call for experts, citizen groups and outsiders to contribute to the legislative process. Evidence shows that the growth of expert participation in the PBCs has helped the consensual approach in their work.⁹¹ This device has helped the PBC members to gain more expertise and interest in committee work.⁹² Though there is still much powerlessness in witness selection and timetabling of scrutiny works, the British PBCs devote substantial time to questioning the Minister-in-charge of any bill. They are rolling out increasing number of government and non-government amendments to the bills.⁹³ Ministers in charge of bills are often persuaded and sometimes forced to undertake and assure the committee about bringing amendments at the report stage.⁹⁴ The impact of Bill Committees has also been demonstrated during the passage of bills through the House of Lords.⁹⁵

Members of the Study of Parliament Group (Clarendon Press 1979) 247, 251; Alexandra Kelso, *Parliamentary Reform at Westminster* (Manchester University Press 2009) 36; Louise Thompson, ‘More of the Same or a Period of Change? The Impact of Bill Committees in the Twenty-First Century House of Commons’ (2013) 66 *Parliamentary Affairs* 459, 472.

⁸⁷ Robert Blackburn, Andrew Kennon, M A J Wheeler-Booth MAJ and J A G Griffith, *Griffith and Ryle on Parliament: Functions, Practice and Procedures* (Sweet & Maxwell 2003) 387.

⁸⁸ Patrick Dunleavy, *How effective are the Commons’ two committee systems at scrutinising government policy-making?* (Democratic Audit UK 2018).

⁸⁹ Camilla Hagelund and Johnathan Goddard, *How to run a Country: A Parliament of Lawmakers* (Reform 2015) 17-18.

⁹⁰ Russell, Morris and Larkin (n 69) 43.

⁹¹ Levy (n 86) 539.

⁹² Louise Thompson, ‘Debunking the Myths of Bill Committees in the British House of Commons’ (2016) 36(1) *Politics* 36, 45.

⁹³ Louise Thompson, ‘More of the Same or a Period of Change? The Impact of Bill Committees in the Twenty-First Century House of Commons’ (2013) 66 *Parliamentary Affairs* 459,470.

⁹⁴ *ibid* 459-479.

⁹⁵ M Russell and J Johns, ‘Bicameral Parliamentary Scrutiny of Government Bills: A Case Study of the

The British Departmental Select Committees also play an important pre-legislative scrutiny role. A tradition and a parliamentary law support the pre-emptive legislative scrutiny by the select committees. By tradition, the government has to publish its annual legislative agenda in a White Paper and the Queen's Speech. It gives the select committees very clear signals to start their pre-legislative studies. By parliamentary law, the government must respond to all select committee reports, which force the government to anticipate "how the committees will react" to a particular legislative proposal.⁹⁶ Select committee engagement with legislative proposals can go as far as forcing the government to consider their pre-legislative reports. On many occasions, select committees have criticised the government position and secured substantial modification of the government's legislative agenda.⁹⁷ However, an exceptionally defiant government is likely to face stiff opposition during the passage of a bill. Select committee reports also generate a huge amount of opinion force behind its position. Select committees do this by gathering public testimonies and reflecting on those on a cross-party basis.

Unlike the UK's Public Bills Committees, the contribution of the bill committees in the legislative scrutiny process of Bangladesh is modest. The RoP stipulates sending bills to a select committee created for the specific bill or a related ministerial standing committee.⁹⁸ The use of select committees for specific bills started in the Seventh Parliament (1996-2001). Before 1996, bills were rarely sent to committees after the second reading. Since the seventh Parliament, however, most bills are being sent to the bill committees or ministerial standing committees. Absent any pre-legislative scrutiny by any ministerial standing committee; the bill committees are left on their own in dealing with the law. Unlike the UK, where the journey of a bill is programmed in the House,⁹⁹ Bangladeshi rules of procedure provide that committees should report back within a month if the House prescribes no time limit. If the committee requests further time, the House may extend it.¹⁰⁰ While this might appear a good opportunity for bill committees to do some detailed works, they usually waste the chance by dilly-dallying their works. Lapse of bills in the committee stage and never returning to the House is not rare in Bangladesh. Although the committee members may propose amendments to a bill, its acceptance or rejection depends on the attitude of the government party. Traditionally, no major changes are proposed, tolerated, or accepted by the House. Also, the finance committees do not have any

Identity Cards Bill' (Political Studies Association Conference, University of Bath, April 2007); S Kalitowski, 'Rubber Stamp or Cockpit? The Impact of Parliament on Government Legislation' (2008) 61 *Parliamentary Affairs* 694.

⁹⁶ Meg Russell and Daniel Gover, *Legislation at Westminster* (Oxford University Press 2017) 228-30.

⁹⁷ *ibid* 212.

⁹⁸ RoP (n 38) r 77, 80.

⁹⁹ Russell, Morris and Larkin (n 69).

¹⁰⁰ RoP (n 38) r 209(1).

scope of discussion or deliberation on budget, financial or appropriation bills. It means that the committees have no say, let alone control, over the government's budgetary and fiscal policies.¹⁰¹ It is in clear contrast with the practice of the House of Commons, where the Commons Treasury Select Committee and Lords' Economic Affairs sub-committee do significant scrutiny over the budget.

To sum up, the discussion above shows that while the UK Parliament has acquired a laudable level of specialisation, information generation capability, and scrutiny mandate over the years, Bangladesh is refusing to recognise the parliamentary committees as a reservoir of expertise, information, and scrutiny. Without this prospect, committeemen would show a very poor commitment to the committee works¹⁰² and remain loyal "lobby foddors" of their parties who would select or de-select them at their sweet will.¹⁰³

6. Coalition Logic for Committee Assertiveness

The third of the four committee theories - Martin and Vanberg's Coalition theory - tries to fathom the scale of committee assertiveness during multiparty coalition governments. As mentioned in Part 2 earlier, the strength of the committee system should ideally enhance during the coalition governments. Committees then are bolstered by an added layer of intra-partner political accountability. In institutionalised parliamentary systems, coalition governments are usually formed under a negotiated Coalition Pact between the partners. Coalition partners use the pact as a powerful political tool of mutual restraint. Parties in the coalition usually appoint Junior Ministers to shadow the Ministers appointed from another coalition partner. Partners also negotiate an agreement on the day-to-day government businesses and the role the coalition Ministers would play within the government.

Within the Parliament, coalition party members use parliamentary questions and committee works to scrutinise their partners.¹⁰⁴ Committees serve the best sort of accountability when the Minister and committee chairs belong to different coalition parties.¹⁰⁵ Kim and Loewenberg's study on several German coalition governments indicates that majority and minority partners distribute committee chairs in a way that

¹⁰¹ *ibid*, r 111(3).

¹⁰² Tabibur Rahman (n 40) 110-129.

¹⁰³ Nizam Ahmed, 'Reforming the parliament in Bangladesh: Structural constraints and political dilemmas' (1998) 36(1) *Commonwealth and Comparative Politics* 68, 88.

¹⁰⁴ Kaare Strøm, Wolfgang C. Müller and Daniel Markham Smith, 'Parliamentary Control of Coalition Governments' (2010) 13 *Annual Review of Political Science* 517, 527-528; see also, Lanny W. Martin and Georg Vanberg, 'Coalition Government, Legislative Institutions, and Public Policy in Parliamentary Democracies' (2020) 64(2) *American Journal of Political Science* 325.

¹⁰⁵ Mark Hallerberg, 'The Role of Parliamentary Committees in the Budgetary Process within Europe' in R R Strauch, J Von Hagen (eds.), *Institutions, Politics and Fiscal Policy* (Kluwer 2000) 87-106; M Hallerberg, 'Electoral Laws, Government, and Parliament' in H Doring and M Hallerberg (eds.) *Patterns of Parliamentary Behavior* (Aldershot Ashgate 2004) 11-33.

allows one partner to shadow the ministries controlled by another partner(s).¹⁰⁶ This factor has important ramifications for the organisation and the assertiveness of committees. A series of empirical studies show that multiparty governments significantly imbue committee autonomy.¹⁰⁷ It appears that a strong committee system better allows the coalition partners to police their coalition bargain. Government bills on divisive issues get very rigorous scrutiny by coalition partners sitting in committees.¹⁰⁸

A study on the dataset of parliamentary questions during the David Cameron and Nick Clegg's coalition government (2010–2015) has shown that the coalition party backbenchers have extensively used the parliamentary question times in the UK.¹⁰⁹ The Cameron-Clegg Cabinet was based on a Coalition Agreement that placed a "coalition committee" at the "top of the government's collective decision-making machinery".¹¹⁰ Governmental policies were outlined in the "Coalition Programme for Government". Working within the agreed structure, Prime Minister David Cameron had to work under an added "intra-party" layer of accountability.¹¹¹

In its parliamentary history, Bangladesh has seen at least four - two official and two unofficial - coalition governments so far.¹¹² In 1991, the majority party BNP fell eleven seats short of a majority (140 out of 300).¹¹³ They formed a government with the tacit support of Jamaat Islami (from now on JI), who had eighteen seats. Though they did not do any political pact or express coalition making, it is understood that the coalition was based on some tactical voting arrangement during the election.¹¹⁴ After the government's formation, however, BNP took 28 of the 30 reserved seats for women. JI got the rest of the seats. Once the reserved seat election was over, BNP no more needed JI's support to sustain its majority. Hence the electoral coalition ended

¹⁰⁶ D H Kim and G Loewenberg, 'The role of Parliamentary Committees in Coalition Governments: Keeping tabs on Coalition partners in the German Bundestag' (2005) 38 *Comparative Political Studies* 1104.

¹⁰⁷ Tim A. Mickler, 'Committee autonomy in parliamentary systems – coalition logic or congressional rationales?' (2017) 23(3) *The Journal of Legislative Studies* 367.

¹⁰⁸ Lanny W Martin and Georg Vanberg, 'Coalition Policymaking and Legislative Review' (2005) 99(1) *American Political Science Review* 93.

¹⁰⁹ Martin and Richard Whitaker, 'Beyond Committees: Parliamentary Oversight of Coalition Government in Britain' (2019) 42(7) *West European Politics* 1464.

¹¹⁰ A. Paun, *United We Stand: Coalition Government in the UK* (Institute for Government 2010) <https://www.instituteforgovernment.org.uk/publications/united-we-stand> accessed 31 July 2021.

¹¹¹ Mark Bennister and Richard Heffernan, 'Cameron as Prime Minister: The Intra-Executive Politics of Britain's Coalition Government' (2012) 65 *Parliamentary Affairs* 778.

¹¹² M. Moniruzzaman, 'Parliamentary Democracy in Bangladesh: An Evaluation of the Parliament during 1991–2006' (2009) 47(1) *Commonwealth and Comparative Politics* 100.

¹¹³ Craig Baxter, 'Bangladesh in 1991: A Parliamentary System', (1992) 32(2) *Asian Survey* 162.

¹¹⁴ Taj Hashmi, 'Islamic Resurgence in Bangladesh: Genesis, Dynamics and Implications', in Satu P. Limaye, Mohan Malik and Robert G. Wirsing (eds), *Religious Radicalism and Security in South Asia* (Honolulu, Hawaii: Asia Pacific Center for Security Studies 2004) 35-75, 54.

there. JI later joined the combined opposition parties pressing for the introduction of the caretaker government. The combined opposition ultimately resigned from Parliament in 1994 to press their demand home.¹¹⁵ A similar thing happened in the seventh Parliament when AL got 146 seats and formed a government with the support of the Jatiya Party (from now on JP).¹¹⁶ Unlike BNP, AL offered a Ministry to the JP in its “Government of National Consensus”.¹¹⁷ Absent any declared political pact between the AL-JP; the intra-partner accountability relations remained unclear. Like, the BNP government of 1991, the AL government secured its absolute majority through the reserved women seats. The JP Minister acted like a loyal associate of the AL Prime Minister.¹¹⁸ The JP leader, H. M. Ershad, later joined the opposition parties and went against the government. The JP Minister, however, refused to resign from the cabinet.¹¹⁹

Bangladesh’s first-ever official coalition government took power in 2001. This time BNP-JI formed an electoral alliance and won the election as a coalition.¹²⁰ The JI was given two ministries. But the election result itself was not conducive to any intra-coalition bargain. In the 2001 election, BNP got 193 seats, and JI got 17. Left without any need for JI’s continued support to sustain a parliamentary majority, BNP would not have to bother much about its coalition partner. The JI Ministers largely offered a blank check to the majority partner and co-operated it throughout the tenure.¹²¹ A similar thing happened in the ninth parliamentary election of 2008. AL got 230, and its Grand Alliance partner JP got 33 seats. Some Ministries were given to different coalition partners, but no intra-coalition pact of accountability was declared. Coalition Ministers behaved as though they all were from the majority partner AL.¹²² It, therefore, is not unsurprising that the parliamentary literature of Bangladesh has so

¹¹⁵ Golam Hossain, ‘Bangladesh in 1994: Democracy at Risk’ (1995) 35(2) *Asian Survey* 171.

¹¹⁶ Mohammad Mohabbat Khan and Syed Anwar Husain, ‘Process of democratization in Bangladesh’, (1996) 5(3) *Contemporary South Asia* 319.

¹¹⁷ Stanley A. Kochanek, ‘Bangladesh in 1996: The 25th Year of Independence’, (1997) 37(2) *Asian Survey* 136; M. Rashiduzzaman, ‘Political Unrest and Democracy in Bangladesh’, (1997) 37(3) *Asian Survey* 254.

¹¹⁸ Immigration and Refugee Board of Canada, ‘Bangladesh: The estrangement between Jatiya Party (JP) cabinet minister Anwar Hussain Manju and the leadership of the JP (since June 1996)’ (Canada: September 1998) <<https://www.refworld.org/docid/3ae6ab265e.html>> accessed 31 July 2021.

¹¹⁹ Elora Shehabuddin, ‘Bangladesh in 1999: Desperately Seeking a Responsible Opposition’, (2000) 40 (1) *Asian Survey* 181.

¹²⁰ Moazzem Hossain, ‘Home-Grown’ Democracy’, (2006) 40(9) *Economic and Political Weekly* 791.

¹²¹ Ishtiaq Hossain and Noore Alam Siddiquee, ‘Islam in Bangladesh politics: the role of Ghulam Azam of Jamaat-I-Islami’, (2004) 5(3) *Inter-Asia Cultural Studies* 384; Rounaq Jahan, ‘Bangladesh in 2002: Imperilled Democracy’, (2003) 43(1) *Asian Survey* 222.

¹²² Sandeep Bhardwaj, *Bangladesh in 2009: Challenges After Elections* (Institute of Peace and Conflict Studies IPCS: Issue Brief No 90 January 2009) <<http://www.jstor.com/stable/resrep09011>> accessed on 28 July 2021.

far overlooked this “intra-coalition” aspect of parliamentary accountability. The coalition logics of Martin and Vanberg, therefore, seem to be of little relevance for Bangladeshi Parliamentary Committee System.

7. Partisan Cartelisation of Parliamentary Committees

As briefly discussed in Part 2 earlier, the fourth committee theory - Cox and McCubbins’ partisan cartel theory – argues that proponents of self-selection and expertise-driven committee formation unjustifiably ignore the political parties’ role in the committee formation process. Political parties – government or opposition - have a strong interest in cartelising the committees. They do so because they feel that too assertive committee activists are harmful to internal party discipline. According to this theory, party control in committee assignment is unavoidable even in the US styled congressional system. Party’s control over the committee formation process is more obvious in the parliamentary system where the Heads of the governments and their Cabinet are drawn from the Parliament. Still, the modern UK Parliaments seem to defy Cox and McCubbins’ cartelisation logic. Despite the system’s inherent proneness to partisan cartelisation, the UK House of Commons has recently opted for a less partisan committee assignment process and injected a very strong policy influencing and scrutiny capability in the committees. As mentioned earlier, the 1979 select committees in the UK and their subsequent reforms in 2006 and 2010 have facilitated a shift from crude partisanship¹²³ to a consensual approach of non-party or cross-party dealings.¹²⁴

On the other hand, the political parties in Bangladesh are not culturally receptive to non-partisan and reconciliatory approaches. The absence of command decentralisation and decisional autonomy for the party members affects the committee system directly. The selection of members and committee chairs in Bangladesh is an absolute privilege of the party leadership. As per the RoP, the number of members in different committees is either fixed or subject to a ceiling.¹²⁵ The RoP does not deal with the methods of appointment as such. The Speaker chooses the members of committees concerning the administration of Parliament, e.g., House, Petition and Library Committees.¹²⁶ In other cases, it is the party high-ups who decide who is to be placed where. Membership is distributed among parties

¹²³ Michael Rush, ‘Parliamentary Scrutiny’ in Robert Pyper and Lynton Robins (eds), *Governing the UK in the 1990s* (St Martin’s Press 1995) 108-30; Gavin Drewry (ed), *The New Select Committees: a study of the 1979 reforms* (Clarendon Press 1985).

¹²⁴ Atkinson (n 55).

¹²⁵ RoP (n 38) r. 219, 225, 231, 239, 240, 245, 246, 264, 266.

¹²⁶ *ibid.*, r. 231, 249, 257.

in proportion to their seats in the House. Though the political parties usually gather their members' interests and preferences before they are pencilled for a committee, committee members are ultimately chosen from the partisan lists. The House moves a formal resolution confirming the appointment. In some cases, opposition parties allege that the Speaker, instructed by the government party, had ignored their list of members. For example, an opposition MP who appeared assertive in the seventh Parliament's defence committee was dropped from the same Committee in the Eighth Parliament by the new party in power. He was offered a relatively less significant committee instead.¹²⁷

Regarding the appointment of Committee chairs, RoP allocates the chair of some committees on an *ex officio* basis.¹²⁸ Other chairs may be appointed through the resolution of Parliament or elected, formally at least, by the committees concerned.¹²⁹ Ruling parties have traditionally claimed chairmanship of most committees, and the appointment of opposition members to the chair is rare.¹³⁰ Once in the fifth Parliament (1991-1995), the chair of a sub-committee established by a committee was assigned to an opposition party member as a good gesture - the first of its kind in Bangladesh's history. Since the Ninth Parliament, chairs have been distributed among the parties on a *pro-rata* basis. As mentioned earlier, allocation of the chairs, however, remains an absolute privilege of the party leaders, *i.e.*, the Prime Minister and the opposition leader.¹³¹

7.1 Partisan Cartelisation as a Barrier to Committee Performance

The absolute grip of the leadership over the "allocation" process has impaired the performance of the committees in general. Mustafizur Rahman's study¹³² of the Committee on Ministry of Communication, Energy, Power, and Mineral Resources in the Eighth Parliament (2001-2006) show that energy, power, and mineral resource committee was successful in publicising corruption within the Ministry. It ultimately

¹²⁷ Rahman (n 40).

¹²⁸ RoP (n 38) r. 219, 257, 264.

¹²⁹ *ibid.*, r. 191(1).

¹³⁰ K.M. Mahiuddin, 'The Parliamentary Committee System in Bangladesh An Analysis of its Functioning' (Ph.D. Thesis, Ruprecht-Karls-Universität Heidelberg 2009) 104-106.

¹³¹ Nizam Ahmed, 'Parliament-executive relations in Bangladesh, (1997) 3(4) *The Journal of Legislative Studies* 70, 85-88.

¹³² Muhammad Mustafizur Rahaman, 'Parliament and Good Governance: A Bangladeshi Perspective' (2008) 9(1) *Japanese Journal of Political Science* 39, 54-56.

caused the resignation of the State Minister for energy and mineral resources for his irregularities with a foreign mineral resource company. Similarly, Nizam Ahmed's study on the Domestic Violence Prevention Act 2010¹³³ shows that the Standing Committee on the Ministry of Women and Children Affairs in the Ninth Parliament (2009-2014) was decisive and swift in scrutinising and passing the law. However, both Rahman and Ahmed show that such assertiveness was possible only because the government high-ups were either supportive or not opposed to the committee agenda in hand.¹³⁴

On the other side of the story, the committee agenda, unsupported by the party high-ups, are unlikely to create any impact. The Chairman of the Committee on Ministry of Defense in the Seventh Parliament had to drop a discussion on defence purchase at the insistence of the government Chief Whip and the top rank military officials.¹³⁵ Similarly, the Committee on Ministry of Communication of the Eighth Parliament failed to dig deeper into a scandalous import deal of Concentrated Natural Gas (CNG) driven three-wheelers in Bangladesh. Rather the Chairman of the committee was reportedly schooled by the Prime Minister for "tarnishing the image of her government".¹³⁶ For the same reason, an All-Party Parliamentary Committee of the Ninth Parliament entrusted with discussing and finalising the Constitution Fifteenth Amendment 2011 failed to express its view on the reform of caretaker government. Despite a reported consensus among the committee members for the continuance of the caretaker government system,¹³⁷ its final report remained silent on the issue. It is largely assumed that the Committee took a clue from the Prime Minister's unilateral decision to abolish the caretaker government. Prime Minister's personal view was conveyed to the public at a time when the Committee was finalising its report.¹³⁸ Later, the Fifteenth Amendment to the Constitution controversially abolished the caretaker government.¹³⁹

¹³³ Nizam Ahmed, 'Parliament, Public Engagement and Legislation in Bangladesh: A case study of Domestic Violence Act of 2010' (2018) 24(4) *The Journal of Legislative Studies* 431.

¹³⁴ *ibid* 445; Rahman (n 132) 55.

¹³⁵ Ahmed (n 45) 155. Also see, Syed Imtiaz Ahmed, 'Civilian supremacy in democracies with 'fault lines': The role of the parliamentary standing committee on defence in Bangladesh' (2006) 13(2) *Democratization* 283.

¹³⁶ Rahaman (n 132) 55.

¹³⁷ Adeeba Aziz Khan, 'The politics of Constitutional Amendments in Bangladesh: The case of the non-political Caretaker Government' (2015) 3 *International Review of Law* 11-13.

¹³⁸ Nizam Ahmed, 'Abolition or Reform? Non-party Caretaker System and Government Succession in Bangladesh' (2011) 100 (414) *Round Table: The Commonwealth Journal of International Affairs* 303.

¹³⁹ Afsan Chowdhury, 'The 15th amendment: Restoration in, caretaker system out, and political jhogra imminent', *BDnews24.com* (Dhaka, 4 July 2011) <<https://opinion.bdnews24.com/2011/07/04/the-15th-amendment-restoration-in-caretaker-system-out-and-political-jhogra-imminent/>> accessed 28

7.2 Partisan Cartelisation as a Barrier to Meaningful Reform

The partisan cartelisation of the committee assignment process has also limited the benefits of some of the progressive developments in Bangladesh so far. The Chairmanship of the Public Accounts Committee (from now on PAC) is an example of this. Though there were repeated calls for appointing chairs of Public Accounts, Public Undertaking and Estimate Committees from the opposition parties,¹⁴⁰ it was not heeded until the current Parliament. In the current Parliament, a lawmaker from the main opposition party JP, Rustam Ali Farazi, has been appointed the Chair of the PAC. Since there is no declared commitment on the part of the ruling party to establish the appointment as a matter of convention, the appointment remains a matter of grace rather than a conviction for the ruling party. This good thing might have happened because the main opposition party of the present (2019-present) and previous (2014-2018) parliament is a ruling party ally pretending to be its official opposition.¹⁴¹

The second example could be the recent trend of appointing senior party members and ex-ministers as the chairs of different standing committees. Until the Seventh Parliament (1996-2001), there was a ludicrous rule of appointing the Ministers as Chair of the parliamentary committee on their Ministries.¹⁴² That rule was changed in 1997. Still, the Minister concerned is given an *ex officio* membership in the Committee. Ministers and cabinet members being the senior leaders of the parties, a committee chair chosen from the backbench would feel the hegemony of the Ministers sitting in their committees.¹⁴³ There has been a proposal to scrap the Minister's *ex officio* membership. Not heeding to that demand, parliaments since 2009 have instead appointed some ex-Ministers as standing committee chairs. While this practice could potentially help expertise development and reduce the ministerial influence in committee works,¹⁴⁴ the appointment depends on the Prime Minister's good grace - the ultimate party leader - who would select or deselect whatever ex-Ministers s/he likes. The above cases of the partisan suppression of parliamentary committees show that parliamentary committees can work in Bangladesh only if they are allowed to by the party leadership and it makes Cox and McCubbins' "partisan cartel theory" the most sensible explanation of Bangladeshi parliamentary committees.

July 2021.

¹⁴⁰ A.T.M. Obaidullah, *Institutionalization of Parliament in Bangladesh: A study of the donor intervention for reorganisation and development* (Palgrave Macmillan 2019) 107-138.

¹⁴¹ M Jashim Ali Chowdhury, 'In Search of Parliamentary Opposition in Bangladesh' (IACL-AIDC Blog, 21 January 2021) <<https://blog-iacl-aidc.org/2021-1/21/in-search-of-parliamentary-opposition-in-bangladesh>> accessed 01 August 2021.

¹⁴² RoP (n 38) r. 247(2).

¹⁴³ Ahmed (n 45) 156.

¹⁴⁴ Chowdhury (n 50).

8. Conclusion

The US Congressional committees are regarded as the most powerful and institutionalised version of all.¹⁴⁵ One of the reasons behind this is the decentralised structure of American political parties and the congressmen's relative autonomy from their party leaders.¹⁴⁶ Secondly, unlike the parliamentary system, the US version of separation of power segregates the executive government from the legislature. Absent strong partisan whipping and the Head of the Government and Cabinet from the legislature, Congressmen work as relatively independent constituency agents. The US separation of power also arms the Congress with necessary resources and tools to meet the executive bureaucracy with a counter legislative bureaucracy of congressional committees, subcommittees, and staff. The Separation of Power system brings an unspoken rule of comity whereby neither the executive nor the legislature interferes with each other's institutional autonomy in arranging staff and finances.¹⁴⁷ Its autonomy from parties, the government high-ups and the separation of its administration from the executive branch puts the US Congress in stark contrast with legislatures in parliamentary systems.¹⁴⁸

In contrast, a Westminster parliament institutionally lacks the competitive zeal against the executive and normally works to enable, rather than obstruct, the government.¹⁴⁹ Also, a strong party cohesion being a signature of this model, a strong committee system appears "antithetical"¹⁵⁰ to the system. A Westminster parliament is admittedly a "policy influencing"¹⁵¹ - rather than policymaking - legislature. Sometimes described as an "arena type parliament"¹⁵² where the theatrics of debate take priority over meaningful scrutiny, it usually reacts to a government policy rather than transforming it proactively.¹⁵³

Despite these institutional barriers, committee systems are rapidly consolidating across the parliamentary world. There seems to be a "consensus"¹⁵⁴ in the parliamentary world that a strong committee system is necessary for a policy

¹⁴⁵ Malcolm Shaw, 'Parliamentary Committees: A global perspective' (1998) 4(1), *Journal of Legislative Studies* 225, 227.

¹⁴⁶ *ibid* 228.

¹⁴⁷ John Hart, *The Presidential Branch* (New York: Pergamon 1987).

¹⁴⁸ Shaw (n 145) 228-229.

¹⁴⁹ K.C. Wheare, *Legislatures* (Oxford University Press 1967); G.P. Thomas, 'United Kingdom: The Prime Minister and Parliament' (2004) 10(2-3) *Journal of Legislative Studies* 4 - 37; Nicholas D. J. Baldwin, 'Concluding Observations: Legislative Weakness, Scrutinising Strength?' (2004) 10 (2-3) *Journal of Legislative Studies* 295-302.

¹⁵⁰ Lawrence D. Longley and Roger H. Davidson, 'Parliamentary committees: Changing perspectives on changing institutions' (1998) 4(1) *Journal of Legislative Studies* 1, 2.

¹⁵¹ Philip Norton, 'Parliaments: A framework for analysis', (1990) 13(3) *West European Politics* 1, 4-5.

¹⁵² Nelson W. Polsby, 'Legislatures' in Greenstein, Fred I. and Nelson W. Polsby, (eds.), *Handbook of Political Science, Vol. 5, Governmental Institutions and Processes* (Reading, Mass.: Addison-Wesley, 1975).

¹⁵³ Michael L. Mezey, *Comparative Legislatures* (Durham: Duke University Press 1979)

¹⁵⁴ S Whitmore, 'Challenges and Constraints for Post-Soviet Committees: Exploring the Impact of Parties on Committees in the Ukraine' (2006) 12(1) *Journal of Legislative Studies* 32, 36.

influencing Parliament, and the purpose of the parliamentary opposition is best served within a strong committee framework.¹⁵⁵ As the discussion throughout this paper has shown, even a traditional parliamentary system like the UK is tackling the challenges of partisanship by developing an elaborate and powerful committee system. The UK House of Commons committees' traditional *ad hoc*-ism has given way to a permanent structure that mirrors the executive departments. Members also see huge expertise and alternative career potentials in committees and regard them as their "actual place of work".¹⁵⁶ Lord Philip Norton has labelled this as the transformation of "a nascent legislative institutionalisation to a developed institutionalisation."¹⁵⁷ The UK's success in excelling its committee system is seen as the example of a "vigilant parliament, willing and able to use [whatever] powers [it has] at its disposal"¹⁵⁸ to achieve its greater goal of democratic accountability.

However, the trend is not limited to the UK only. It is visible across the Commonwealth traditions in the West and the East.¹⁵⁹ While the third world legislatures have faced authoritarian assaults, *e.g.*, abolishment or suspension, they have sustained at least as symbols of regime legitimacy.¹⁶⁰ The Parliament of Bangladesh also sustained military and partisan authoritarian attacks more than once. Still, the parliamentary system has remained operative for more or less forty years of Bangladesh's fifty years' life span.¹⁶¹ It, therefore, may have survived the test of time and is "far from being obsolete".¹⁶² However, despite the Parliament's existential perseverance, the global trend of parliamentary resurgence is not visible in Bangladesh. Parliamentary committees are still undernourished, mostly nominal in the policy process and play a marginal role in the democratic accountability process.¹⁶³ This comparative analysis of the UK and Bangladesh's parliamentary committee system vis-à-vis the leading committee theories has suggested that Bangladesh's dynastic, patriarchal, and clientelist party system is standing on the way to all possible avenues of consolidation of the committee system as a meaningful accountability institution.

¹⁵⁵ S Martin and S Depauw, 'The Impact of Multiparty Government on the Internal Organization of Legislatures' (69th Annual National Conference of the Midwest Political Science Association, Chicago, April 2011) 1.

¹⁵⁶ K Strøm, 'Parliamentary Committees in European Democracies' (1998) 4(1) *Journal of Legislative Studies* 21.

¹⁵⁷ Philip Norton, 'Nascent Institutionalisation: Committees in the British Parliament' (1998) 4(1) *Journal of Legislative Studies* 143.

¹⁵⁸ Hansard Society. *The Challenge for Parliament: Making Government Accountable* (Report of the Hansard Society Commission on Parliamentary Scrutiny, VacherDod Publishing 2001) 2.

¹⁵⁹ Shaw (n 145) 238-245.

¹⁶⁰ Hasan-Askari Rizvi, 'The Civilianization of Military Rule in Pakistan' (1986) 26(10) *Asian Survey* 1067.

¹⁶¹ Firoj (n 46).

¹⁶² M Jashim Ali Chowdhury, 'Is the 1972 scheme of parliamentary system dead?' *The Daily Star* (Law and Our Rights, Dhaka, 19 March 2019) <<https://www.thedailystar.net/law-our-rights/news/the-1972-scheme-parliamentary-system-dead-1716871>> accessed 28 July 2021.

¹⁶³ Alam and Teicher (n 48) 876-880.