

Act of 2001/XIV

An Act to provide for the establishment of the Bangladesh Institute of Parliamentary Studies

Whereas in the present socio-economic reality, Parliament has to perform increasingly complicated functions and that in view of the rapid development in the field of Information Technology the need for mutual co-operation and exchange of experiences amongst Parliaments and the Parliamentarians of the world has increased, and as a result rapid parliamentary reforms are taking place;

And whereas, it is expedient to promote parliamentary culture up to a certain important level through creation of better understanding and co-operation amongst the members of parliament to strengthen, enrich and stabilize parliamentary democracy;

And whereas, it is necessary to create a forum outside Parliament for elevation to the politics of understanding;

And whereas, it is necessary to enrich parliamentary system in the country and make the system more dynamic through conducting research on parliamentary system, procedure and management;

And whereas, full time assistance of a group of experts on law and parliamentary affairs is required for providing research based data to the members of parliament in performing their functions effectively;

And whereas, it is essential to arrange for training of the officers and members of staff of the government and of Parliament Secretariat for increasing their awareness, diligence and skill to create a skilled and efficient administration for development of parliamentary system;

And whereas, it is proper and expedient to establish an Institute under the name and title of Bangladesh Institute of Parliamentary Studies to conduct such research, and arrange and conduct training;

It is here by enacted as follows:

1. Short Title ?

This Act may be called The Bangladesh Institute of Parliamentary Studies Act, 2001.

2. Definitions ?

In this Act, unless there is anything repugnant in the subject or contents,

(a) ?Institute? means Institute of Parliamentary Studies established under section 3 of this Act;

- (b) ?Chairman? means the Chairman of the Governing Board;
- (c) ?Executive Board? means Executive Board of the Institute;
- (d) ?Governing Board? means the Governing Board of the Institute;
- (e) ?Rule? means Rule made under this Act;
- (f) ?Deputy Leader of the Opposition?? means a Member of Parliament nominated by the Leader of the Opposition as the Deputy Leader of the Opposition;
- (g) ?Rector? means Rector of the Institute;
- (h) ?Speaker?? means the Speaker of Parliament and includes the Deputy Speaker or any other person for time being performing the functions of the Speaker in pursuance of Article 74 of the Constitution;
- (i) ?Member? means a member of the Governing Board of the Institute;
- (j) ?Parliament?? means Parliament of the People's Republic of Bangladesh;
- (k) ?Deputy Leader of the House? means a Member of Parliament selected by the Prime Minister as Deputy Leader of the House;
- (l) ?Leader of the House? means the Prime Minister;
- (m) ?Parliament Secretariat?? means the Parliament Secretariat as defined by section 2(l) of the Parliament Secretariat Act, 1994 (Act no. 8 of 1994);
- (n) ?Parliament Secretariat Commission?? means the Parliament Secretariat Commission as defined by section 2(m) of the Parliament Secretariat Act, 1994 (Act no 8 of 1994);
- (o) ?Member of Parliament? means a Member of Parliament.

3. Establishment of the Institute ?

(1) After enforcement of this Act, the Parliament Secretariat shall, as soon as possible, establish an Institute to be called the Bangladesh Institute of Parliamentary Studies, by notification in the official Gazette, to fulfil the aims and objectives of the Act.

(2) The Institute shall be a body corporate, having perpetual succession and a common seal with power, subject to the provisions of this Act and Rule, it shall have the

power to acquire, hold and dispose of properties, both movable and immovable, and shall by the same name sue and be sued.

4. Office of the Institute ? The office of the Institute shall be in Dhaka.

5. Management of the Institute ? The Management and Administration of the Institute shall be vested in a Governing Board.

6. The Governing Board ?

(1) The Governing Board shall comprise of the following members;

- (a) the Speaker who shall also be its Chairman;
- (b) the Deputy Leader of the House;
- (c) the Deputy Leader of the Opposition;
- (d) the Minister-in-Charge of the Ministry or Division of Parliamentary Affairs;
- (e) the Chief Whip of Parliament;
- (f) a Member of Parliament nominated by the Leader of the Opposition as the Chief Whip of the Opposition;
- (g) the Chairman or a member nominated by the Chairman of the Law Commission established under the Law Commission Act, 1996 (Act no. 19 of 1996);
- (h) the Attorney General of Bangladesh;
- (i) two Members of Parliament to be nominated by the Parliament Secretariat Commission, two professors, researchers or experts experienced in constitutional and other laws and parliamentary affairs of whom one shall be a woman, and four prominent personalities of whom two shall be women;
- (j) the Secretary of the Parliament Secretariat;
- (k) the Secretary of the Ministry or Division of Parliamentary Affairs;
- (l) the Director General of the Judicial Administration Training Institute;
- (m) the Rector of the Public Administration Training Center established under the Bangladesh Public Administration Training Centre Ordinance, 1984 (xxvi of 1984);
- (n) the Vice Chancellor of Dhaka University;

- (o) the Vice Chancellor of Bangabandhu Sheikh Mujib Medical University;
- (p) the most elderly member of the senate of Dhaka University, Engineering University and Jahangirnagar University;
- (q) the Dean of the Faculty of Law, Dhaka University;
- (r) the President and the General Secretary of Bangladesh Supreme Court Bar Association;
- (s) the President and the General Secretary of the National Press Club;
- (t) the President and the General Secretary of the Teacher's Association of Dhaka University;
- (u) an elderly and internationally reputed economist;
- (v) an internationally reputed Banker;
- (w) a senior Advocate of Bangladesh Supreme Court; and
- (x) the Rector of the Institute who shall also be the Secretary of the Institute.

(2) Any nominated member of the Governing Board, other than a Member of Parliament, shall remain in office for a period of two years:

Provided that despite expiry of the tenure, he shall continue in office till the joining of his replacement.

7. The Functions of the Institute ? The following shall be the functions of the Institute:

- (a) provide expert opinion on law and parliamentary affairs to the Members of Parliament in playing effective role by them in parliament;
- (b) conduct research on any such subject having relevance with parliamentary systems, management of parliament and functions of Parliament;
- (c) conduct research and fact finding operations in respect of Parliamentary convention of making laws including constitutional laws in different countries of the world;
- (d) extend co-operation to any such persons or organizations, engaged in research work on parliamentary affairs, in performing their functions;
- (e) exchange experiences of research and training with any such organization engaged in research and training activities in the countries which are practicing parliamentary democracy including the member countries of the Commonwealth;

- (f) exchange data obtained through research and fact-finding operation with research and training organizations of any other country as mentioned under clause (e);
- (g) arrange for exchange of experiences amongst the specialists and researchers on parliamentary affairs with a view to providing co-operation in making law on a subject;
- (h) arrange and conduct seminars, conferences, workshops and symposiums, both at home and abroad, for improving the quality of parliamentary system;
- (i) arrange for publication and sale of newsletters, periodicals, reports on parliamentary affairs;
- (j) provide expert opinion and co-operation to the government, the opposition and the members of parliament on parliamentary systems, management of parliament, functions of parliament and parliamentary practice and convention, both at home and abroad;
- (k) arrange and conduct seminars, symposiums, workshops, meetings for exchange of opinion, and organize orientation courses on parliamentary norms, practice, manners and customs;
- (l) conduct research and publish data obtained thereby in respect of important subjects related with parliamentary affairs and bearing national and public importance;
- (m) provide assistance to members of parliament or any such persons included in parliamentary delegation, in getting primary idea about the parliamentary norms, practice, manners and customs of the concerned country;
- (n) impart training to the trainees from home and abroad about preparation of draft of laws and different legal documents;
- (o) arrange for training of officers and members of staff of the government and of Parliament Secretariat to increase their awareness, diligence and skill for improving the standard of their services;
- (p) establish and manage library and reading room with a view to serving as a reliable Information Centre for authentic documents;
- (q) determine syllabus for research; training and studies and for any such subject in respect of research and training under this Act;
- (r) award certificates and diplomas to the persons received training from the Institute;
- (s) perform such other responsibilities assigned by Parliament;
- (t) perform any other function as may be required to fulfil the objects of this Act.

8. Meeting of the Governing Board ?

- (1) Subject to other provisions of this section, the Governing Board shall determine the procedure for its meeting.

(2) The meeting of the Governing Board shall be held at such time and place as determined by the Chairman:

Provided that a period exceeding 60 (sixty) days shall not intervene between the end of one meeting and the beginning of the next one.

(3) The Chairman shall preside over the meeting of the Governing Board and, in the absence of the Chairman, the members may choose another member from amongst themselves to preside over the meeting.

(4) The quorum to constitute a meeting of the Governing Board shall be one third of the total number of members of the Board, but for adjourned meeting no such quorum would be required.

(5) Each member of the Governing Board shall have one vote only, in case of the equality of votes the presiding member shall have the right of a second or casting vote.

(6) No action or actions of the Governing Board shall be deemed invalid only because there is vacancy of a membership thereof or because of any fault in constituting the Board and that no question shall be raised thereof.

9. Executive Committee?

(1) The Institute shall have an Executive Committee comprising of the following members:

- (a) the Chairman of the Governing Board who shall also be its Chairman;
- (b) the Minister-in-Charge of the Ministry or Division of the Ministry of Parliamentary Affairs;
- (c) two members of Parliament, to be nominated by the Leader of the House, of whom one shall be of treasury bench and the other from the opposition;
- (d) the Secretary of the Parliament Secretariat;
- (e) the Secretary of the Ministry or Division of the Ministry of Parliamentary Affairs;
- (f) the Rector who shall also be its Secretary;

(2) The Executive Committee?

- (a) shall provide required assistance to the Governing Board for smooth performance of its functions;
- (b) shall remain accountable for implementation of all decisions of the Governing Board;
- (c) shall exercise all powers and discharge all duties entrusted on it by the Governing Board.

(3) The Executive Committee shall determine the procedure of its meeting.

10. The Fund of the Institute ?

(1) The Institute shall have a Fund of its own which shall be raised with the money from the following sources :

- (a) grants from the government;
- (b) grants from any local authority, some other organizations, companies or individuals;
- (c) money received by the Institute as commission for its advice or research oriented services;
- (d) sale proceeds of the property of the Institute;
- (e) money received from any other source.

(2) This fund shall have to be deposited in a scheduled bank in the name of the Institute and that money shall be withdrawn in accordance with the procedure as decided by the Governing Board.

(3) The required expenditure of the Institute shall be met with money from this fund.

(4) The Institute may invest the fund or part thereof in a sector approved by the government.

11. Rector ?

(1) There shall be a Rector of the Institute.

(2) The Rector shall be appointed by the Governing Board from amongst the members of Parliament, elderly teachers of university or senior Advocates of the Supreme Court having wide knowledge about law and parliamentary affairs.

(3) The Rector shall enjoy remunerations, allowances and special privileges as determined by Rules.

(4) Whenever the office of the Rector becomes vacant, or the Rector remains absent due to illness or some other reasons, a person nominated by the Governing Board shall perform the functions of the Rector till the Rector resumes duties or become able to perform his duties.

(5) The Rector shall become a fulltime Executive Officer of the Institute; and

- (a) remain accountable for implementation of decisions of the Governing Board and the Executive Committee;

(b) perform all the functions of the Institute as per directive of the Governing Board and the Executive Committee.

12. Director and Expert ?

The Institute shall have required number of Directors and Experts who shall be well experienced in law and parliamentary affairs and the terms of their service shall be determined by Rules.

13. Appointment of Officers and Staff ?

The Institute may appoint requisite number of officers and employees for discharging its responsibilities smoothly and the terms and conditions of their service shall be determined by Rules:

Provided that in determining the manpower and organizational structure, the Institute shall follow the existing practice and directives of the government.

14. Annual Financial Statement?

(1) The Institute shall submit an annual financial statement containing estimated expenditure for each year to the Speaker not less than four months before commencement of the financial year.

(2) The statement made under sub-section (1) shall contain the amount of monetary grants to be required from the government to meet the expenditure of the Institute.

(3) The Speaker may, in consultation with the Parliament Secretariat Commission, amend the financial statement containing estimated expenditure of the Institute made under sub-section (1) and such amended statement shall be deemed as the approved budget of the Institute.

15. Accounts and Audit ?

(1) The Institute shall maintain its account properly and prepare an annual statement of it.

(2) The Comptroller and Auditor General of Bangladesh, here in after referred to as Auditor General, shall audit the accounts of the Institute every year and submit the audit report, one copy each to the government and the Institute.

(3) For the purpose of audit, under sub-section (2), the Auditor General or any person authorized by him in that behalf shall have the access to all records of the Institute, documents, cash or bank account, securities, stores, or any other property, and may question any member, officer or employee of the Institute.

16. Report ?

(1) After closure of a financial year, the Institute shall submit an annual report to the President containing its records of performance during the year under consideration.

(2) On receipt of the Report under sub-section (1) the President shall cause the Report to be laid before Parliament.

17. Other Committees?

The Governing Board may constitute one or more than one committee to assist it in performing its functions.

18. Delegation of Power ?

The Governing Board may delegate any of its powers or functions in favour of the Chairman or any other member or Rector or any other officer of the Institute on a condition that it is not inconsistent with this Act or Rule.

19. Indemnity from Proceedings in Courts for Works Done in Good Faith ?

No suit, prosecution or other legal proceeding shall lie against the Governing Board or Executive Board, the Chairman or any member, the Rector or any officer or employee of the Institute, in case of damage caused or likely to be caused to any person for any act done in good faith under this Act or Rule.

20. Power to Make Rules ?

The Governing Board may, by notification in the official Gazette, make Rules with prior approval of the government for carrying out the purposes of this Act.

21. Publication of English Text ?

The Governing Board shall, by notification in the official Gazette, publish an authentic text of an authorized translation in English of this Act, which shall be called the Authentic English Text:

Provided that in the event of conflict between the Act and the Authentic English Text, the Act shall prevail.

Kazi Rakibuddin Ahmad

Secretary