

**LEGISLATIVE
SUPPORT
SERVICES
IN ASIA**

An Introductory Survey

**edited by Socorro L. Reyes
& Ma. Lourdes J. Brillantes**

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Legislative Support Services in Asia: An Introductory Survey
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Introduction

Socorro L. Reyes

THIS BOOK IS A COMPILATION of papers delivered at the Regional Consultation Meeting of Legislative Support Services in Asia held at the Manila Hotel, Philippines from August 17-21, 1992 when governmental and nongovernmental organizations from twelve countries in the Asia-Pacific region met to share experiences and insights about how they assist their respective legislatures in the performance of their constituent and representative functions. Among the countries represented were Malaysia, the Philippines and Thailand in Southeast Asia; Bangladesh, India, Pakistan, and Sri Lanka in South Asia; Mongolia in North Asia; Nepal in Central Asia; and Japan, Korea and Taiwan in the Far East.

The framework used for this book revolves around the complementation of governmental and nongovernmental efforts in working for legislative development which involves both institutional capability-building and broadening citizen

participation in the legislative process. The former refers to the enhancement of the skills of Members, their staff and that of committees to initiate responsive, relevant, meaningful legislation through a knowledge of legislative research, legislative agenda-setting, preparation of legislative proposals and policy papers, the tasks and functions of committees, participation in floor deliberations, etc.. Largely the function of the Secretariat, nongovernmental organizations can provide technical expertise in their specific fields of specialization.

The democratization of the legislative process necessarily involves expanding possibilities and offering fresh opportunities for the public to participate in the formulation of decisions that affect their lives. In most countries in Asia where democratic legislatures were recently installed by relatively fair, free, and honest elections, interest groups and sectoral associations are generally eager to mainstream in the legislative process. It is extremely important at this political conjuncture to equip them with the necessary information and tools to participate in decision-making. Nongovernmental organizations take the initiative and lead in this area through legislative monitoring, legislative education and advocacy, legislative consultation, etc.

This book, *Legislative Support Services in Asia: An Introductory Survey*, contains articles written by specialists from both the governmental and nongovernmental sectors involved in different aspects of legislative development. Part One provides a general discussion on the role and functions of parliament in a democracy. Part Two is a country-based discussion of the level of legislative support services available in particular legislatures including an assessment of their strengths and weaknesses.

In Part One, Faruqi is critical about the weak control of the Malaysian parliament over national legislation and lack of scrutiny over central administration. He notes the limited time for questions, unsatisfactory committee work, and the little chance for success of motions of no confidence. To address these problems, he suggests the need to strengthen the doctrine of

ministerial responsibility, reform the procedures for question time, and revise parliamentary committee proceedings.

Rao of India on the other hand discussed democratization as a framework for legislative support services and stressed that "democracy demands primacy of focus on people, empowering them as citizens and promoting their participation, minimizing if not eliminating a sense of alienation emerging from increasing distances between the citizen and administration, and growing distortions in their mutual images and relations."

The articles in Part Two provide basic information about the level and nature of support services provided to legislators by both governmental and nongovernmental organizations. In the Philippines, each of the two houses of Congress has its own Secretariat with a Legislative Operations Department that services the research, committee, and plenary needs of the Members through the Reference and Research Bureau, the Committee Affairs Bureau, and the Plenary Affairs Bureau, respectively. Nongovernmental legislative development organizations such as the Congressional Research and Training Service (CRTS) complement the Secretariat's efforts to enhance the legislature's institutional capability through seminar-workshops on legislative skills such as legislative research, bill drafting, legislative report writing, and constituency servicing. These are offered not only to committee secretaries but the legislative staff of the Members as well. In addition, the CRTS serves as an intermediary organization between Congress and the people by providing the latter with information about how Congress works and how to access it, the status of legislative initiatives on select policy areas and what can be done to influence the policy process. Its framework for legislative development thus covers both institutional capability-building and broadening citizen participation in the legislative process.

Chotiya and Nanakorn of the Institute of Public Policy Studies (IPPS) of Thailand identified three institutional obstacles to the development of strong legislative support services in the country. These are: 1) the leadership of the legislative branch

by the President of the Senate (until the constitution was amended in 1991), an appointive body composed of bureaucrats and military officers; 2) the limited power of the Members of Parliament to initiate legislation; and 3) the weak committee system. They however cited the changes being made at present through the Parliamentary Development Plan in the areas of information system, manpower, promotion of democracy and public relations. For its part, IPPS, a nongovernmental organization helps in the democratization of the legislative process through the publication of a parliamentary newspaper, a public policy bulletin, and conducting an MP (Member of Parliament) dialogue program through both radio and television. It also cooperates with the Secretary of the National Assembly and the parliamentary committees in organizing seminars and training for MPs, their assistants and the public. Recently, it also launched its Legislative Research and Budget Office Project.

Four papers on the nature and level of legislative support services in South Asia covered the countries of India, Pakistan, Bangladesh, and Sri Lanka respectively. Kashyap of India categorized these services into: 1) research and information needs of legislators; 2) training in legislative management for the officers and staff of legislative secretariats; 3) orientation needs of new Members of Parliament; 4) parliamentary exposure for executive officials; and 5) public education for democracy. In India, the first is done by the Parliament Library, Research, Reference, Documentation and Information Service (LARDIS). Kashyap described the Indian Federal Parliament's library as the "finest and richest repository in the country" with 1.5 million volumes of documents, over a thousand current journals and periodicals and nearly 300 Indian and foreign daily newspapers. The Bureau of Parliamentary Studies and Training on the other hand teaches not only "tools and techniques, rules and regulations, precedents and practices of parliament but also norms of the parliamentary culture and a spirit of inquiry and question." The same Bureau orients new MPs about their duties and functions inside and outside of the legislature. Senior

officers of government and probationers of the Indian administrative service and other central services are given short appreciation courses to see parliamentary institutions at work. Finally, public education for democracy is done through the publication and dissemination of a large number of parliamentary brochures as well as the production of film, radio, and TV programs regarding parliament.

Pakistan's present priority is the modernization of its library, an extensive, multi-year, three-phase project to expand and modernize the information resources available to the Members. This consists of: 1) expansion of the library; 2) the creation of a research unit; and 3) automation of the system by installing computers for various purposes. The National Assembly's library collection has been enlarged from 22,000 to 50,000 items. The first phase of the on-line legislative management system was completed and a computer system with the relevant software has been procured from the US.

In Bangladesh, the governmental provider of legislative support services, the Secretariat of Parliament and nongovernmental groups such as the Center for Analysis and Choice (CAC) seem to have found areas for possible collaboration. These include: 1) assisting Members of Parliament in drafting bills; 2) providing parliamentary committees with expert views on policy issues; and 3) upgrading library services to provide adequate research data. Haque of the Bangladesh Parliament Secretariat writes, "If services of experts in legal drafting, finance, accounting, educational administration, energy management and other fields where government operates would be available with the Parliament Secretariat on a permanent or contractual basis, parliamentary committees could work more independently than they do at present." On the other hand, the Center for Analysis and Choice according to Munaim and Anam "intends to participate in the process by providing Members and committees with legislative analyses of issues related to bills, resolutions and adjournment motions introduced in the House." There is thus complementarity in the work of the two

organizations in building and enhancing the capability of Parliament to enact relevant, responsive legislation.

The strengths of legislative support services in Sri Lanka according to C.W. Pannila are: "a well-organized and reasonably professionalized Parliamentary Secretariat; a high number of well-educated MPs with prior parliamentary experience; one of the best structured and active committee systems; a good library and qualified personnel." However, he notes the frustration of MPs over getting too little information, too late and getting it mostly from official sources. This is largely because the Parliament's Research Unit functions with only two research officers.

Perhaps one of the youngest democratizing legislatures in Asia is the Mongolian parliament elected in the summer of 1990, the first democratic election ever held in the country. The support services needed by the 430-member People's Great Hural and the 53-member State Baga Hural is provided by the Mongolian Parliament Secretariat with a staff of fifty (50) people. It is interesting to note that of 86% of the staff with higher education, 38% are lawyers, 34% are specialists in economics and political science while 20% are engineers and lecturers. To address the growing research needs of the Members of Parliament, the State and Social Study Academy of the State Baga Hural was founded in 1991. It has five research and training centers: State Administration and Political Studies; Legal Studies; Social Studies; Economics and Management; and Information Services.

Another very young parliamentary democracy is Nepal whose constitution was promulgated only on November 9, 1990. Assisting its bicameral legislature (the House of Representatives with 205 members and the House of Elders with 60) is a Secretariat whose services are presently limited to library and information on the one hand and research and documentation on the other hand. Its library collection consists of nearly 10,000 books plus magazines and journals. Research services are hardly available for MPs but a parliamentary service fellowship for five of

the brightest university students might be able to fill the gap. The fellows are to be assigned to the information division of the Parliament Secretariat to provide research services to the Speaker and other parliamentarians. Also helping out is a nongovernmental organization, the Society for Constitutional and Parliamentary Exercise (SCOPE) which extends research, training and information services to Members of Parliament and the committees.

The legislatures of Taiwan, Korea and Japan are far ahead of their counterparts in Asia in terms of the automation and computerization of legislative information. Taiwan has a LEGISIS Network which includes a Legislative Electronic Bulletin Board System; Legislators' Interpellation Information System; Chinese Code Information System; Chinese Code Amendments Information System; Legislative Literature Information System; and Legislative News Information System.

The Research and Legislative Reference Bureau of Japan's National Diet Library on the other hand completed a system for the automated compilation of the debates of the National Diet as early as the autumn of 1971. This is now available for retrieval through the National Diet Library On Line Information Retrieval Network System (NOREN). In addition, 1.3 million pages of the Diet's debates will be stored on optical discs during the next five years. By connecting this optical disk system with a facsimile, each Diet member will be able to receive the full text of records in his or her office.

Like Japan, Korea's National Assembly library started computerizing its materials in the 1970's. It was however only in the early 1980's when a more systematic effort was made to develop data bases such as the general index to debates (1948 to 1988); the bill status tracking system (1948 to the present); the interparliamentary affairs file (1950 to the present); index to theses for doctorate and master's degrees awarded in Korea; index to Korean language periodicals; and an index to recent periodical articles of major interest.

Much can be gained from a sharing of the diverse resources in legislative support available in the different countries of Asia. While their levels of legislative development differ with some already in the stage of automation and others just starting out to build their secretariats, all will profit from strengthened democratic legislatures in the region. Political stability stemming from people's participation in the formulation of decisions affecting their lives will result in economic productivity and vigorous growth for all.

It is for this reason that the International Legislative Support Services Association (ILSSA) was created by the participants of the Regional Consultation meeting. With the vision of helping develop functioning legislatures where just and effective laws with broad citizen participation are enacted and adequate mechanisms for accountability are ensured, ILSSA has identified the following areas for cooperation and collaboration among the democratic states of Asia, Latin America, Africa and other parts of the world:

- Development of information and information technology
- Formulation, research and analysis of policy
- Training and further education of all persons and organizations involved in the formulation of legislative policy
- Value transformation to advance the ends of participatory democracy and social justice
- Strengthening the Secretariats of legislatures; and
- Resource Generation

PART ONE

Role and Functions of Parliament in a Democracy

Shad Saleem Faruqi

Legal and Political Background

AS A SOVEREIGN AND INDEPENDENT NATION, Malaysia is nearly 35 years old. Since independence on August 31, 1957 it has successfully conducted eight (8) general elections. All electoral exercises, except the one in 1969, led to the formation of stable governments by a coalition of the major ethnic parties in the country called the Alliance (later renamed the Barisan Nasional) which has ruled the country since independence.

The Malaysian Parliament is bicameral, consisting of a House of Representatives (the *Dewan Rakyat*) and a Senate (the *Dewan Negara*). The 180-strong *Dewan Rakyat* is wholly elected on a system of universal adult suffrage. All electoral districts are single-member districts and victory at the election is decided on a 'first past the post' or 'winner take all' system. The system of proportional representation adopted in many European countries has never been seriously considered in Malaysia. In delineating electoral constituencies the Federal Constitution permits rural constituencies to be "less than one

half" of urban constituencies. This constitutional provision has significant implications to the composition and representative character of the *Dewan Rakyat*.

The *Dewan Negara* consists of 26 indirectly elected Senators (two from each of the 13 States of the federation) and 43 Senators appointed by the *Yang di Pertuan Agong* (King). The *Dewan Negara* is not an equal partner of the *Dewan Rakyat* in the legislative process as the Constitution permits the *Dewan Rakyat* to bypass the *Dewan Negara* subject to some procedural requirements.

The Malaysian Parliament is patterned after Britain's Westminster model and is meant to be more than just a legislative body. It is supposed to oversee national expenditures and to keep the government answerable and accountable to the representatives of the people.

However, parliamentary support structures tasked to assist in the performance of these constitutional tasks have not yet developed to any significant degree. This can be traceable to a number of political and cultural factors.

Firstly, the motive force of the Westminster style of government is a conjunction and not a separation between the executive and the legislature. This arrangement results in a high degree of cooperation between government and parliament and enables the executive to dominate the legislative process through its docile parliamentary majority. The check and balance system that exists in the U.S.A. between the Congress and the President is largely absent in Malaysia. The Malaysian Parliament is content to accept executive leadership in all areas including the legislative field. Its primary task seems to be to supply democratic legitimacy to the government's legislative and policy initiatives. It does not see itself as a separate, independent and countervailing source of constitutional authority.

Secondly, since independence the ruling political coalition has repeatedly secured overwhelming majorities in the lower House. At the present *Dewan Rakyat*, for instance, the *Barisan*

Nasional controls 129 out of 180 seats. Of the 129 Barisan MPs, 54 are Ministers or Deputy Ministers. At the State level, the Barisan controls the Assemblies too, having 11 out of 13 States of the Federation. In view of Barisan's monopoly or near-monopoly of power one can understand why suggestions to strengthen Parliament vis-a-vis the executive have not attracted much official support.

Thirdly, the racial situation in the country is sensitive. After the tragic racial riots of 1969 the Constitution was amended to provide full applicability of the Sedition Act to proceedings in Parliament. This, understandably, inhibits MPs from deliberating on any issue that could violate the law of sedition.

Fourthly, the continuing state of emergency since 1964 arms the executive with parallel law-making powers under Article 150 of the Constitution.

Fifthly, in Malay society, there is a cultural aversion to open debate and dissension. There is commitment to behind-the-scenes consultations and compromises. The attitude towards leadership is reverential. A large section of the population views stability, continuity and economic prosperity as overriding goals. It expects the three organs of the state to work in tandem rather than to develop an adversary relationship.

Given this social milieu, any talk of check and balance, accountability or limits on the powers of the executive is generally not taken seriously. The focus of people's attention is on the executive branch of government and the other organs of state are expected merely to play a supportive role. Parliamentary support services and structures which were developed at the time of independence have failed to evolve any further because of lack of pressure from within or without.

A Parliamentary Secretariat exists to prepare and distribute the large mass of Order Papers and to assist the officers and committees of Parliament. The total staff complement at the Secretariat is 170 plus the President of the Senate and the Speaker of the House of Representatives. There is as yet no provision

for a separate and independent Parliamentary Draftsman or for research and training officers to assist MPs in their duties. No seminars or pre-session meetings are organised to prepare the legislators for the forthcoming session though, of course, the Party Whips keep them informed on forthcoming business. No formal institution or programme exists to train MPs in the laws and customs of Parliament or to improve their parliamentary skills. The Backbenchers' Club, however, holds occasional meetings to brief its members and is reported to have hired two research assistants to advise and assist MPs.

There is inadequate machinery for involving social action groups, NGOs and public spirited citizens in the work of Parliament. Individual MPs, however, maintain contacts with sectoral groups of their choice and many NGOs, on their own initiative, approach government departments with proposals for reform of the law. Procedures for Private Bills and Private Members' Bills do exist but are rarely employed. At the sittings of the Committees of Parliament, outsiders can be invited to give evidence. This is done mostly when the Public Accounts Committee is in session. Both Houses maintain galleries for visitors and the print media and supply a simultaneous translation of the day's proceedings into English. Direct transmission of parliamentary proceedings through radio and TV is not allowed. A summary of the day's proceedings is published in the newspapers and aired over radio and TV.

The Library at Parliament House houses 24,000 volumes and is spacious. But the staff complains that it is under-utilized. As yet it has not acquired a centralised computer system for research or information retrieval.

The proceedings of Parliament are published and are made available to the public. There is also a periodical called *Jurnal Parlimen Malaysia*.

MPs, over and above their salaries, receive generous allowances, perks and privileges. However, they receive no financial support for hiring administrative or research staff of their own.

Many MPs use their monthly allowance to pay for the Service Centres they establish in their constituencies. At the Parliament House, office space is made available to MPs but it is two to a room. MPs do not get their own clerical staff and are expected to utilise the secretariat. The Leader of the Opposition, however, has an office and is provided two staff members.

The existence of Committees is provided for in the Standing Orders of each House. Both Houses have their own Committee of Selection, House Committee, Committee of Privileges and Standing Orders Committee. In addition Special Select Committees are appointed from time to time. The Lower House is also served by the Public Accounts Committee. Up to now specialised committees to oversee particular government departments and statutory bodies have not been appointed. There is no Committee to scrutinise delegated legislation. The proposal in some countries that Parliament must follow up on legislation it has enacted and scrutinise the implementation of its laws has not yet been considered in Malaysia. The Committees of Parliament have power to subpoena documents and witnesses and to punish for contempt. They have no separate research or support staff and rely on the parliamentary secretariat for administrative assistance. Members receive a special allowance for each day's sittings. The Committees do not meet all year round. They operate during off-season so as not to overburden the secretariat staff.

In Malaysia the drafting of legislation is not seen as the function of Parliament and is left entirely to the Attorney General's Chamber and to the Ministries concerned.

Parliament's Position in the Constitutional Structure of Malaysia

In political theory an elected and representative Parliament, endowed with legislative and fiscal powers, is the cornerstone of a democratic edifice. In the Westminster style of parliamentary democracy there is a further essential requirement that the executive must be responsible and answerable to the legislature.

According to S.A. de Smith, Parliament has three main constitutional functions namely: making laws; controlling national expenditure and taxation; and a third class of function comprising criticism of national policy and scrutiny of central administration. ¹ To these may be added a fourth function: procuring the redress of individual grievances.

This essay will attempt to examine and evaluate the performance of the Malaysian Parliament in relation to each of the four functions mentioned above and to make some recommendations for enhancing Parliament's preeminence in the constitutional structure of the land. It is hoped that what is started for Malaysia will have some relevance to the experiences of other democracies around the world.

Parliament's Control over National Legislation

During Emergencies

Based on constitutional theory, legislation is the function of Parliament: (Federal Constitution: Articles 66, 67, 74, 149, 150, 159, 161E). The executive has no inherent lawmaking powers of its own except during an emergency. ²

Taxes cannot be raised, the army cannot be maintained, and bills cannot become laws without parliamentary authority. Money for government programmes must come from Parliament.

However, during an emergency, the legal process changes significantly. During an emergency, the declaration of which is solely in the hands of the executive, the *Yang di Pertuan Agong* (King) may promulgate Ordinances if two conditions are met: first, if there is an emergency proclamation in operation; second, if the two Houses of Parliament are not in session concurrently. In the exercise of this, and most other functions, the Monarch acts on advice.

Given the fact that Malaysia has been under a continuous state of emergency since 1964 and the two Houses rarely sit concurrently, it is clear that Malaysia's Basic Law gives to the executive very wide and parallel legislative powers during an emergency.

The power of the *Yang di Pertuan Agong* (King), acting on advice, to make law extends to any matter with respect to which Parliament has the power to make laws (Article 150 (2C)). The Prorogation or dissolution of Parliament is also in the hands of the *Yang di Pertuan Agong* (Article 55). It is, therefore, entirely possible for the Cabinet, acting through the King, to declare an emergency, send one or both Houses of Parliament into prorogation and then replace Parliament as the law constitutive authority of the nation. In view of the fact that emergency laws take precedence over normal laws, there is no doubt that during an emergency, the Cabinet can rule the country by executive fiat by becoming the focal point of all executive and legislative powers. Parliamentary legislation can be suspended. Most provisions of the Constitution can be violated without much possibility of interference or check from Parliament or the courts while an emergency lasts.

Legislative Function During Normal Times

Except during emergency situations, one must note that even in normal times, Parliament's preeminence in the legislative sphere is open to questioning. In actual practice, the government has become more important than Parliament. Parliament merely legitimates; it does not legislate. It merely acts as a rubber stamp for the government's legislative proposals. The Cabinet, though a part of the Legislature and in office because of the confidence it enjoys in the Lower House, nevertheless controls the Legislature due to the following reasons:

- The Cabinet exercises a decisive voice in regard to the passage of legislation. Most major Acts originate from the approval or initiative of the government. In Malaysia, private members' Bills and Private Bills are extremely uncommon.

The parliamentary stages that a Bill passes through allow the opposition to have a say. But the government ultimately has its way.

- The Cabinet's control of Parliament is assured because of the Prime Minister's role as the leader

of the majority party in the lower House; his power of patronage; his power to advise premature dissolution of the Lower House, and the fact that in the *Dewan Negara* (Senate) appointed members outnumber elected members by a 43:26 ratio.

- The Cabinet controls the legislative process in the sense that the business of the House is controlled by the Executive branch. More than half of parliamentary time is devoted to government business. Standing Orders, which enable questions and debates, can be suspended. Alternatively, debates may be curtailed by allocating strict time limits to them.
- The Constitution permits the House of Representatives to bypass the Senate in the enactment of legislation. Subject to some procedural requirements, bills assented to only by the House of Representatives may be submitted to the Monarch for his assent (Article 68). This provision, to be noted in the light of the ascendancy of the Cabinet over the Lower House, makes it difficult to maintain that the Legislature, in enacting laws under Article 68 exercises a function separate from the executive's. Similarly, the recently created legal power to dispense with the assent of the Monarch under Article 66 (4B) increases the dominance of the cabinet over the legislative process.
- The rise of subsidiary legislation and the inability of Parliament to control it reaffirms the belief that in the legislative sphere the Executive has become more important than Parliament.

It is perhaps not well known that more laws today are framed by way of delegated (subsidiary) legislation than by way of parliamentary legislation. In fact, for every one Act of Parliament, federal ministers frame nearly 21.6 pieces of subsidiary legislation.

Table 1

**A Comparison of the Number of Acts of Parliament
and Pieces of Subsidiary Legislation from 1989 -1991**

<i>Year</i>	<i>Federal Subsidiary Legislation</i>	<i>Acts of Parliament</i>
1989	976	45
1990	1,066	43
1991	858	46
Total	<u>2,900</u>	<u>134</u>

No doubt that subsidiary legislation is under the authority of a specific Act of Parliament. But once authority is delegated, precious little effort is done by Parliament to scrutinise the exercise of this power. The "laying procedures" do not achieve much to enable Parliament to review subsidiary legislation. Scrutiny committees, which in the United Kingdom Parliament perform useful functions, do not exist in Malaysia.

Control Over National Expenditure

In theory, taxes cannot be raised, the army cannot be maintained and bills, especially money bills, cannot become laws without the authority of the elected representatives of the people. Money for government programmes must come from Parliament. In addition to this, Parliament remains informed on matters of national expenditure because of the existence of the Lower House's Public Accounts Committee (PAC). The Committee's function is to ensure that money coming from Parliament is spent in accordance with the allocations authorised by Parliament. The Auditor General is an ex-officio member of the Committee. The Committee holds eight or nine meetings during each session and submits a report to the Lower House. Its recommendations carry considerable weight and "are not usually ignored by Government Department." ³ In the exercise of its functions the Committee has the power to send for persons and

papers by summoning heads of departments and statutory bodies to appear before it as witnesses".⁴

How effective the Public Accounts Committee can be in checking wasteful expenditures depends, ultimately, on the willingness of the Lower House and of the Government to act on its recommendations. Critics point out several flaws in the functions of the Committee. Firstly, its jurisdiction is limited. It examines the accounts of federal ministries and departments and a few statutory bodies whose accounts the Government places before the Committee. Statutory bodies like Petronas (the national Petroleum Corporation) which are registered under the Companies Act are outside the jurisdiction of the Committee. So are all subsidiaries of statutory bodies. Secondly, the PAC is not able to report on the accounts in time to be of much use. A delay of four to six years is not unusual. Thirdly, the appointment of a Member of the opposition as the Chairman of the PAC as a result of the convention held in Britain, has not been accepted by the Malaysian Parliament.

It is also a fact that Parliament is unable to control the financial policy of the government. Given the political reality of Cabinet dominance over Parliament, Parliament fails to influence how much tax is to be raised and where it is to be spent.

Through the Auditor General and the PAC it exercises control only over the administration of finances.

The inability of Parliament to control financial policy rests on several reasons:

- Executive dominance of Parliament because of political control by the cabinet over its supporters in the House of Representatives
- Accounts are presented in a form that is so technical that the ordinary M.P. is unable to decipher the mass of information placed before him.
- The sheer bulk of the accounts, the secrecy that surrounds modern-day budgets and the time limits on money bills make it inevitable that large items of

public expenditure are approved on the last two days of supply without any discussion whatsoever.

- Each year the government submits its "Supply Estimates" to Parliament. Estimates are incorporated into the Supply Bill which are introduced at the Budget meeting in October/ November each year. The estimates are approved by Parliament. This approval reaffirms Parliament's control over government policies. But in times of inflation, instability of the *ringgit*⁵ and pay and price increases, this act is merely symbolic, because the prices on which the estimates have been based are already out of date and will be even more so by the end of the financial year. To improve the shortfall, supplementary estimates are presented later in the financial year and the political realities in the Lower House ensure that the approval of the Estimates and the Supplementary Estimates are virtually automatic. Thus there is little possibility for early prediction by government and ongoing control by Parliament of the amount of actual cash spent. The figures in the Estimates are generally far below the actual cash spent by the end of the financial year. This is specially so in relation to "demand - determined expenditure" which is linked to movements in prices and incomes.
- There is another factor that contributes to Parliament's inability to control the government's expenditure policy. Government departments have "cash limits" - that is they are entitled to spend a certain amount on policies within the coming year. But the rate of inflation and the value of the *ringgit* may change causing a hidden decrease in the actual amount of money available for the department's policies. So faced with insufficient funds, government departments juggle programmes so that they do not exceed their cash limits. Programme priorities are often readjusted and cuts are made in some programmes without the approval of

parliament or parliamentary committees. This fact has important constitutional significance. It emphasizes that the expenditure process has become subject to administrative, not parliamentary control. It enables members of the administration to make important policy decisions through administrative fiats and without any political debate in Parliament or accountability to anyone. So when Parliament imposes cash limits on government departments, it can only determine how much cash can be spent, but not what economic policies are carried out.

Scrutiny Of Central Administration

Based on constitutional theory the system of government in Malaysia is a system of "responsible government", not "independent government". This means that the government must be subject to scrutiny and control by the representatives of the people.

Using the parliamentary system of government which is adopted by Article 43 of the Constitution, the federal Parliament is able to exercise some control or influence over the federal executive and to redress the grievances of the citizens through the following ways:

- The doctrine of collective and individual ministerial responsibility
- Question time
- Debates and Motions
- Parliamentary Committees

The Doctrine of Collective and Individual Ministerial Responsibility

Collective responsibility means that the Cabinet must belong to Parliament and should be answerable and responsible to it. As a condition for its survival it must maintain a majority in the Lower House. In case it is defeated on the floor of the Lower House on a vote of no-confidence on such an important

matter as a budget resolution, the whole Cabinet must resign or advise the King to dissolve Parliament and call a new election.

Cabinet ministers must assume political responsibility for all decisions of the Cabinet. Even if a Minister disagrees with a Cabinet decision, he must defend it in public. If he feels unable to do so, he must resign from the Government. ⁶ This is called the 'convention of public unanimity'. It requires Ministers to speak with one voice.

The doctrine of individual responsibility implies that all Ministers are individually responsible in a political way to Parliament for the performance of their Ministries and for all acts of omission or commission by their civil servants. A minister must be prepared to answer questions in Parliament on matters for which he is administratively responsible. He must accept political responsibility for all formal acts of the King in which he (the Minister) has participated. He is legally responsible for all acts which he commits or authorises and the citizens can sue him (or the Government of Malaysia) for any tort of breach of contract. If a vote of censure is passed against a Minister on the floor of the House, he must resign from his office.

The doctrine of ministerial responsibility is a useful tool with which Parliament can keep the Government responsible and accountable. But the effectiveness of this doctrine should not be over-emphasized.

Motions of no-confidence have very little chance of succeeding if the Government has a workable majority in the Lower House. Even if the present steam-roller majority of the Government in the Lower House is reduced, there are other factors which prevent members of Parliament from voting a Government official out of office. Among them are party discipline and genuine fears for their own future at the next election. A Prime Minister voted out of office may not make way for the leader of the opposition. He may advise dissolution,⁷ thereby going into the next election with the advantage of incumbency. Since independence in 1957 no Government has been defeated on the floor

of the Lower House. However there are three examples of such defeats at the state level: Sarawak Chief Minister, Stephen Kalong Ningkan in 1966; Selangor Menteri Besar, Datuk Harun Idris in 1976; and Kelantan Menteri Besar Dato' Haji Mohammad Nasir in 1977.

Individual ministers sought to be censured in Parliament are usually protected by their colleagues. This means that the convention of collective responsibility "tends to prevent the full operation of the convention of individual responsibility".⁸

One must also bear in mind that despite the theoretical possibility of parliamentary scrutiny, Parliament is not able to exercise detailed supervision over the affairs of Government. Public administration aside from being highly complex is also detailed thus, departmental policy and administration can only be scrutinised by Parliament through a cursory and peripheral manner.

Question Time In Parliament

The *Peraturan Majlis Mesyuarat Dewan Rakyat* (the Standing Orders of the Lower House) provide for question time in each session of the House. Currently the practice is from 2.30 p.m. to 3.30 p.m. every Monday to Thursday (Standing Order Nos. 21 to 24). The *Dewan Negara* has similar rule (S.O. 20 to 23).

The use of question time to keep Ministers and civil servants on their guard is an important constitutional safeguard. "It is during Question Time that "... grievances (are) ventilated about alleged mismanagement, unfair treatment or administrative bungling."⁹ A sample survey conducted on Malaysian MPs by Musolf and Springer ascribed many uses to the regular question hour.¹⁰ It provides an opportunity for focusing attention to matters of public concern. Ministers are required to supply information and to justify their policies. An MP gets the opportunity to communicate the problems of his constituents to the government. Implementation of development programmes is scrutinized.

The survey by Musolf and Springer found that all but one of the MPs in their sample found the question hour useful. But "government and opposition MPs tend to view the hour differently. The former regarded it principally as a chance to monitor development; nearly half (46 percent) of the opposition MPs conceived of it as an opportunity to introduce issues and problems of their constituents through their questions" ¹¹

The Standing Orders of the Lower House prescribe rules on the maximum number of questions that can be tabled. Questions are classified as to written or oral. In either case, 14 days notice is required. All questions are vetted by the Clerk and the Speaker of the House and the latter has the power to reject any question if it contravenes the Standing Orders. Members of Parliament are allowed to submit 20 questions for oral reply and 5 for written reply per session. On any particular day, no MP may ask more than 3 questions. However, there is no limit to the number of "supplementary questions" that may be asked provided the Speaker allows it. A supplementary question is a query that follows the minister's reply to the main question. Its purpose is to "elicit further information on a matter of fact regarding which an oral answer has been given." (Standing Order No. 24(3), Dewn Rakyat).

No prior notice needs to be given for supplementary questions. For this reason, it is not unusual for MPs to table a harmless looking main question and, when that succeeds in putting the Minister on the firing line, to shoot off a carefully designed "supplementary" to cause maximum embarrassment to the Minister. Opposition members are more active in asking supplementary questions than government backbenchers. ¹²

Up to 1969 MPs were entitled to three oral questions a day and unlimited written questions. But in the 1971 Parliament, Opposition MPs made so much use of this power (three opposition members submitted a total of 370 questions) ¹³ that maximum limits were imposed.

The Speaker of the House is the ultimate judge of the propriety of a question. But a Minister is permitted to refuse a

reply on several grounds: the question is a purely legal question; it refers to a debate that has already taken place; it casts reflections on the Sovereign or on the Royal Family; it involves imputations on private character; it relates to the day-to-day administration of sub-judice; it would be contrary to public interest or security of the State to answer the question.¹⁴

As a parliamentary device for scrutinising the government's promises and performance, question time is quite popular with MPs. In the 1983 budget session, 823 questions were tabled.¹⁵ On any particular day, there are more questions slotted for reply than can possibly be "reached" because of the pressure of other business. Under the rules of the House, questions which cannot be "reached" will be given written replies in *Hansard* (the official publication of Parliament).

How effective is question time in scrutinising the central administration? Opinions vary. Information Malaysia refers to it as "one of the most powerful implements of democracy."¹⁶ However, Members of Parliament from both sides of the floor, and independent researchers offer varying degrees of dissatisfaction with the way this aspect of parliamentary business is handled. The following criticisms are made:

- Most questions are not answered due to shortage of time. The author's visits to the visitor's gallery and his interviews with several MPs confirm the fact that no more than one-fifth to one-third of the questions tabled can be answered daily before the one-hour question time ends. The average number of questions (and supplementaries) for oral reply that can be disposed of in one day is between 10 to 15 only. Since independence, the number of MPs has increased; the number of questions tabled has gone up. Yet there is no corresponding increase in the number of parliamentary days (for example 78 days in 1981 and 125 in 1991) during which parliamentary business can be transacted. In 1992 due to the reduction by one day of a parliamentary week, the Lower House is expected

to meet for 100 days.

The result is that, for each question hour, more questions are slotted than can possibly be answered. The position is similar in the UK where in one year out of 15,000 questions tabled for oral reply, only 5,000 were discussed.¹⁷

- Written replies in *Hansard* are printed after so much delay that they have no practical significance. At present, an oral question which is not (answered)... is in effect killed for all purposes. This is because the official *Hansard* is not printed until some years later.¹⁸
- A number of MPs charge that some of the questions not answered verbally were neither answered in writing as is supposed to happen.¹⁹ The Speaker's office often intervenes to rectify the situation.
- The quality of the answers is not always high. Ministers often evade issues by promising "to look into the matter" or "to hold a full inquiry".²⁰ An MP once complained that a particular Minister's lack of seriousness was evidenced by his reply that "with the help of God we will implement the project in the next or next- after-next Malaysia Plan."²¹

Supplementaries are often evaded using the excuse, "I need notice (14 days' notice) on that point."

- A more serious criticism comes from Mr. Lim Kit Siang, the Leader of the Opposition. He says that oral questions which the ministers find embarrassing are placed at the bottom of the list in the Parliament's daily order paper so that they have no chance of being asked during the one hour question time and are for all practical purposes, killed.²² The Speaker, Tan Sri Datuk Zahir Ismail, who was a former High Court judge, denies Mr. Lim's accusation that embarrassing questions are deliberately consigned to the bottom of the list. According to him the opposition deserves only two oral questions to every 20 from government

MPs but is, in reality, obtaining a much larger share of question time.²³

The above points indicate that Parliament is unable to perform in full the role of "grand inquest of the nation" that, in theory, it is supposed to perform. This is an unfortunate reality in most democratic countries of the world. A comment on the U.K. Parliament by Prof. de Smith confirms this sad state of affairs: "If Parliament is the grand inquest of the nation, the role of the coroner and corpse are apt to be confused." ²⁴ Nevertheless, it cannot be denied that questions from MPs do embarrass the government now and then and keep Ministers and civil servants on their guard. The Leader of the Opposition in Parliament concedes this point. Question time is "the last vestige of the manifestation of the need for Ministers to account for their action to people through Parliament." ²⁵

Debates and Motions

There are many occasions in Parliament when debates are allowed or are compulsory. These occasions are the debates in reply to the King's speech at the opening of a session; on a formal motion of censure against the Government; on legislative proposals presented to parliament for enactment; on the annual Supply Bill dealing with government expenditure; and during Committee meetings. In addition to the above, there are other opportunities for debate. Before Parliament adjourns for the day, there is a half-hour opportunity for "adjournment speeches." Unfortunately quorum (26 out of 180 in the Lower House) is a problem each evening. Opposition MPs complain that they are often thwarted in their desire to make adjournment speeches because Government/backbenchers leave the House deliberately to prevent a quorum from existing. ²⁶

Debates can also take place on a "motion for adjournment to discuss a definite matter of urgent public importance." A motion of this type can be moved by any MP. Four hours of prior notice is required. Fifteen members of the House must support the request. If allowed by the Speaker, all other

proceedings of the House are suspended so as to enable the motion to be debated. The motion may result in a resolution expressing the concern or desire of the House on any particular matter. A motion because it is passed by only one House of Parliament, does not amount to a law. But it has tremendous persuasive value and a Government cannot disregard it easily. Unfortunately such motions are rarely accepted for debate. Many MPs complain that the Speaker takes too restrictive a view of what amounts to a "definite matter of urgent public importance". It is also an unfortunate fact that during debates in Parliament the quality of speeches is not very high. There is only a rare attempt to press and probe and off-the-cuff remarks are the usual features specially when government backbenchers take the floor. ²⁷

In theory there is no time limit to Members' speeches in Parliament. But in practice time limits are often found necessary. ²⁸

Time slots are also allocated for debates on particular matters to be completed. This is specially so for Supply Bills because the Government must secure the approval of Parliament within particular time limits to meet the expenditure for the next year.

A general criticism of Parliament's role in the legislative sphere is that most Bills are rushed through Parliament without much scrutiny and Members do not act in accordance with the instructions of the party whips. The fact that MPs get copies of draft Bills only one or two days before they are tabled prevents adequate scrutiny on the floor of the House. ²⁹ The Government's view of the situation is that the delay in the submission of draft Bills to Parliament is merely administrative and there is no deliberate attempt to deprive MPs of a chance to study Bills.³⁰ In Malaysia there are no provisions or procedures to assist MPs in their research work.

Committees

There are four types of parliamentary committees: Committee of the Whole House, Sessional Select Committees, Special Select Committees and Joint Select Committees.³¹

Among the important Sessional Select Committees are the Committee of Selection, Standing Orders Committee, Committee of Privileges and the Public Accounts Committee. These committees are appointed at the beginning of each session and continue until the end of the session.

Special Select Committees are appointed on an *ad hoc* basis for specific purposes. Important pieces of proposed legislation may be committed to them for scrutiny or the committee may be required to investigate a particular matter. So far five such committees have been appointed to look into important pieces of legislation: Minor Offences (Am) Bill, 1960; Criminal Procedure Code (Am) Bill, 1966; Courts of Judicature (Am) Bill, 1968; Law Reform (Marriage and Divorce) Bill, 1973; and the Dangerous Drugs (Special Preventive Measures) Bill, 1984.

The committee system has tremendous potential as an investigatory device but its usefulness depends on the promptness with which committee reports are submitted and the seriousness with which Parliament and the Government treat the report and recommendations of the Committees. Parliamentary debates on committee reports are very rare.

Another unsatisfactory aspect is that Committees have no legal, administrative or research staff of their own and depend on the Parliamentary Secretariat for assistance.

Redress of Citizen's Grievances

Members of Parliament are not only legislators; they are problem solvers, social workers and spokesmen for their areas. In a survey conducted by the New Straits Times³² many MPs expressed unhappiness with the fact that a large amount of their time is spent on particularised demands of their constituents. Many of them feel that MPs should devote more time in

monitoring national, federal and legislative matters and less to self-help and cleanliness projects, feasts and social work.³³ But all of them recognise the need for communication with constituents and realize the danger of alienating their constituency.

In the study of the administrator, the politician and the public in the Eastern coast state of Kelantan, Beaglehole observes that "one of the marked characteristics of politics and administration in Kelantan is that the relations between politician and administrator on the one hand and the *rakyat* on the other are much closer than in a developed Western Society."³⁴ To him this is "a reflection of underdevelopment which creates a dependence of the people on political and administrative channels to an extent... not... found in... a developed social and administrative system."³⁵ Other factors which make the politician appear not only as a political spokesman but also as a personal advisor and welfare officer are inadequate communications in rural areas and the limited geographical extension of administrative agencies. The former MP for Tanjung, Dr. Koh Tsu Khoo believes that "in urban constituencies the MP is often the only authority figure that constituents trust because of lack of confidence in their own ability to communicate with bureaucrats or because of linguistic problems."³⁶ Musolf and Springer, in a study in 1979 found that interceding with civil servants on behalf of constituents takes nearly 21 percent of the Malaysian MP's time.³⁷

Communication with constituents takes one or all of the following forms: letters from constituents to MPs; visits by the constituents to Service Centres, homes or offices of MPs; and constituency visits by MPs to their electoral areas. Letters to MPs are not very common. One-third of the MPs receive no constituent mail in a typical week. Seventy per cent do not receive a single group competition in a typical week.³⁸ The contact between the politician and his constituents tends to take the form of face to face communication. In the Musolf and Springer study, 53 per cent of Malaysian MPs reported making five or more home visits per month as contrasted with 11 per

cent of Koreans in a similar study.³⁹ Clearly the Malaysian MP appears to play a vigorous role in maintaining close links with his electoral district.

Parliamentary Government Compared with American-style Presidential Government

The system of independent (presidential) government in the U.S.A. must be contrasted with the system of responsible or parliamentary government in the U.K. and Malaysia.

The hallmark of independent government is that the President and his cabinet are totally separate from and independent of the Legislature. In the USA, the President and his cabinet are not Members of the Legislature (the Congress). Consequently they do not participate in Congressional debates and are not answerable or accountable to the Congress. As a matter of constitutional convention, however, Members of the Cabinet regularly appear before congressional committees to answer questions, supply information and justify policies. In fact constitutional writers in the U.K. look with envy at the way the inquisitorial committees of the US Congress call the Executive to account.

The term of office of the President does not depend on majority support in Congress and he cannot be dismissed on a vote of no-confidence. Impeachment and conviction by extraordinary procedures is theoretically possible but in more than two centuries, no President has ever been removed from office through impeachment and conviction. Just as the Congress cannot dismiss a President by a vote of no-confidence, the President is, likewise, not allowed to dissolve Congress even in times of war. The President is both head of the state and head of government. He is popularly elected but is limited to no more than two terms of four years each. His cabinet appointments are from outside the Congress but they need Senate ratification. In the legislative and fiscal spheres the President can propose legislation but the Congress of the United States may reject it or insist on amendments. In turn, the President may veto

congressional legislation but the Congress can override his veto by a two-thirds majority.

In the budgetary process congressional control is very significant. Unlike the U.K. and Malaysia where all initiatives in money matters rest with the government, in the USA the President does not have exclusive initiative in fiscal matters. Furthermore, the President's priorities are not necessarily those of the Congress. The American budgetary process is an elaborate, slow and multi-tiered process of bargaining between congressional targets and presidential proposals; among various committees, and between the Senate and the House of Representatives.

The overall relationship between the Executive and the Legislature is one of check-and-balance and neither is able to dominate the other. More than any other system in operation today, the American Constitution provides safeguards against "constitutional despotism". This conclusion becomes stronger if one examines the President-Congress relationship in the background of an assertive and activist judiciary, a vigorous press, a strong public opinion, a large number of NGOs which constantly wage rear-guard actions against the government.

But the great weakness of the American system is that executive and legislative cooperation is not assured on legislative and fiscal matters. Nothing illustrates this better than the wrangling over the Budget in October 1990 resulting in a temporary closure of some government programmes and the laying-off of thousands of government employees because the congressional revolt against a compromise budget left the government without authority to spend money for the fiscal year beginning October 2.

For those few tumultuous days in October 1990 it did appear that the President had lost control of the country.

The congressional revolt against the budget was staged because mid-term elections were looming in less than a month and rank-and-file members of Congress were afraid of voter backlash over raised taxes.

It is obvious, therefore, that the American system fragments power. It divides and disperses it. The way it pits one branch of government against another and requires prolonged negotiations prior to legislative and fiscal decisions, makes it impossible for any one man or institution to ride rough-shod over the wishes of the other branches of government.

But in law, as in life, our greatest strengths are our greatest weaknesses. The fragmentation of power in the USA requires the coalition of a large number of different interests before a measure can be pushed through. This self-stultifying divisive system sometimes produces no movement or action at all and is unsuitable for societies and situations where bold, effective and immediate actions are necessary. No wonder that the American model has hardly won any following in Asia and Africa. Wherever it was adopted it either failed (as in Pakistan and Nigeria) or evolved into a caricature of it (as in Latin America and Philippines under Marcos). The American model avoids tyranny but does not produce effective government. It is, therefore, not useful as a paradigm for Asia and Africa.

Eyes must, therefore, turn towards hybrid forms of presidential governments which operate in France, Sri Lanka and Kenya.

Conclusion

The success of parliamentary techniques to scrutinize and control the Executive depends on a number of variable factors: the strength of the opposition in Parliament; the impartiality of the Speaker of each House; and the willingness and ability of the press to give a fair and balanced coverage of the day's proceedings in Parliament. Society's and the ruling party's attitudes towards the parliamentary opposition also affect the effectiveness of opposition parties in Parliament. The personalities of party leaders and the issues at stake also play a role in determining the success or failure of parliamentary techniques to keep the government responsible and answerable. Some conventions also help. For example the convention in the U.K.

wherein the Chairman of the PAC is always a Member of the opposition.

One must also remember that institutions and laws do not operate in a social vacuum but in a social context. Democratic institutions need proper socio-economic, cultural and educational prerequisites. Without these supportive conditions a wide gap is bound to exist between promise and performance, theory and reality.

Aside from the reality of government dominance of Parliament, the efficacy of parliamentary techniques to scrutinize the administration is further reduced because of our legal, social and political realities. The Sedition Act of 1948 bars discussion of "sensitive issues" even in Parliament. A vigorous and bold press is lacking, because of the government's licensing powers under the Printing Presses and Publications Act. The electoral system and the nature of Malaysian politics is such that women, social interest groups, workers, farmers, and socially disadvantaged groups do not have effective representation in Parliament. A large number of MPs are actively involved in business and have neither time to attend to legislative duties nor inclination to antagonize the political masters. The depoliticisation of society, the commitment to behind-the-scenes consultations and compromises and the cultural aversion against open debate and dissension have made Parliament an inappropriate forum for discussion of major issues. Press coverage of Question Time in Parliament is not always fair to those who raise troublesome issues.⁴⁰ The secrecy that surrounds many Government activities tends to impede free discussion of issues in and outside Parliament. The attitude of the Malaysian public and of the Government towards the need for accountability are not very conducive to a Westminster type of parliamentary democracy. According to Putschueary there is no general consensus in society that Ministers should be responsible to Parliament and that the public must know what is going on. The consensus instead is for a strong government capable of maintaining political stability. Attitudes towards opposition parties

are not favorable. "The opposition is regarded at best as unnecessary and at worst as evil." ⁴¹ "Democratic values appear to be less important than other values such as political stability." ⁴² As in most other Asian societies charges of mismanagement and corruption do not discredit a leader as long as his "capacity for mobilisation rests heavily on ascriptive and ideological criterion." ⁴³

From the above it may be generalized that if the constitutional scheme was to give Parliament preeminence in the constitutional structure of the land, then this scheme has not yet been realized. Parliament can hardly be seen as a legislative body. Even as a check upon the powers of the Executive, it is largely ineffective. The balance of advantage between Parliament and government in the day-to-day working of the constitution has shifted in favor of the government to a degree which should arouse widespread anxiety. There is no doubt that remedial measures are urgently necessary.

Suggestions/Recommendations

The doctrine of ministerial responsibility, the procedure of Question Time and the proceedings of parliamentary committees are powerful implements of democracy and need to be strengthened. The following suggestions may be worthy of consideration:

- When the Constitution was drafted it was contemplated that the Senate would be an effective revision/delaying chamber to Lower House Bills. Parliament could by law provide for direct elections to take place for the Upper House. This has not materialised. Appointed members could be decreased or abolished (Article 45 [3]). Unfortunately appointed members now outnumber elected Members by 43:26. The ratio at the inception of the Constitution was 16:22 in favor of elected members. The powers of the Senate as a revision chamber should be strengthened to improve the

over - all quality of the legislative output.

- To lighten the legislative load of the Lower House and to enable greater scrutiny of the legislative proposals, more bills should originate in the Senate where debates tend to be less political.
- If MPs are expected to scrutinize, criticize and revise legislative proposals, they must be supplied with draft copies at least two weeks before the beginning of the session. They must be supplied with a research staff. Non - partisan legislative support structures must be established. The Houses of Parliament must have their own legal counsels.
- To save on parliamentary time and yet ensure close scrutiny, important Bills should be committed to Second Reading Committees as in the UK.
- To ease the pressure on parliamentary time, the work of MPs should be a full time job. The arrangement of parliamentary sittings to enable Members to pursue outside business and vocations ⁴⁴ conflicts with the idea of a modern and effective Parliament. Alternatively the number of parliamentary sittings per year should be increased.
- The jurisdiction of the Public Accounts Committee (PAC) should be expanded to cover all statutory bodies and their subsidiaries. The findings of the PAC should be given some teeth.
- There is a good case for lengthening Question Time from the present one hour per parliamentary day to one-and-a- half hours a day.

Since independence the number of MPs has increased, governmental powers have expanded and public expenditure has soared. There should be more opportunities for questions and answers in the House of Parliament. However the need for longer Question Time must be balanced by the need for more parlia-

mentary time for other parliamentary business as well— for example, for the examination, revision and enactment of legislation. There is a strong case for a drastic increase in the number of parliamentary sittings per year. In Malaysia in 1981 Parliament sat for 78 days. In 1991 it sat for 125 days. In the U.K. from 1985-86 Parliament convened for 172 days. How can a Parliament sitting for less than half the year hope to control a full-time modern government?

- There is substance in the argument that some clear-cut criterion should be established for the placement of parliamentary questions on the daily agenda.
- The present practice of printing replies in *Hansard* to questions which are not “reached” on the floor of the House serves no purpose because *Hansard* is always a few years late in being published. Written replies should reach MPs before the end of each session so that replies could be questioned in the next session.
- To maximise the impact of Question Time, there should be better coverage of it in the media. In the U.K., question time is broadcast live by radio. Proceedings are also telecast by TV. The Malaysian practice is to have a 15 minute edited show on TV of the day’s proceedings in Parliament.
- During the Question Time a Minister may refuse to answer a question because it relates to the day to day administration of a statutory body. In view of the proliferation of such bodies and the large amount of taxpayers’ money that they spend, principles and methods should be devised so that mismanagement in statutory bodies can be questioned in Parliament.
- A system of well-integrated and well-serviced investigatory committees (as in the USA) holds the only key to enabling Parliament to become an effective countervailing force to the ever-increasing powers of

the Executive.

An increase in the number of parliamentary committees will also enable backbenchers to play a meaningful role in Parliament. Specifically, parliamentary committees to oversee different ministries and a special committee to scrutinize statutory bodies should be created. A scrutiny committee on subsidiary legislation is long overdue. The present rule that Ministers can refuse to appear before committees should be amended.

Failure to appear should constitute a breach of privilege.

- Important public bills should be committed to pre-legislation or Second Reading Committees at which time public hearings should be allowed.
- In view of the importance of constituency work, more aid and assistance should be given to MPs to facilitate the performance of this important parliamentary function. If each MP can be assisted to establish a Service Centre in his constituency, that would provide the citizens with a necessary channel for airing and redressing grievances and supplying feedback to the government. At present many MPs establish such centres out of their own pockets.
- The practice of appointing some MPs as Ambassadors or Chairmen of Statutory bodies is undesirable because such appointments stand in the way of the MP in devoting his time to Parliament as well as to his constituents.
- The length of the parliamentary session has important consequences on the ability of the MP to return to his constituency to play the role of problem solver, counselor and social worker. The *New Straits Times* survey⁴⁵ indicated that most MPs prefer shorter but more frequent sessions to enable them to return to their constituencies more often. The present practice is to have

three or four sessions in one year, each lasting 25 to 60 days.

- To assist MPs in their grievance-remedial function, a Parliamentary Commissioner of Administration on the lines of British PCA should be appointed to replace the present Complaints Bureau. The Bureau has no independence nor power to enforce its decisions/recommendations.
- The Executive's power to prorogue or prematurely dissolve Parliament has often been abused to avoid accountability to Parliament.

In Sri Lanka in August, 1991 President Ranasinghe faced an impeachment motion in Parliament. He, therefore, suspended Parliament from August 30 to September 24 and successfully maneuvered events during the suspension to avoid impeachment. Similar events in Peru in April 1992 cast doubt on the wisdom of arming the Executive with powers to suspend or dissolve an institution created to provide for constitutional check and balance.

It is, therefore, suggested that the life of Parliament be fixed by law and the Prime Minister's or President's power to suspend or dissolve Parliament be removed.

- Prime Ministerial appointments should be subject to ratification by a parliamentary committee as in the USA. Perhaps this way the best features of Washington and Westminster could be combined to produce a government that is both effective and accountable, responsible and responsive to the felt necessities of time.

Notes

1. De Smith, *Constitutional & Administrative Law*, 4th ed., 1983, p. 239.
2. Teh Cheng Poh v. PP [1979] 1 MLJ 50; [1979] 2 WLR 623.
3. *Information Malaysia*, 1982-1983, Berita Publishing, 1983, p. 53.

4. Ahmad bin Abdullah, *The Malaysian Parliament*, Dewan Bahasa dan Pustaka, 1969, p.143.
5. Ringgit is the official currency and is equal to about 42 US cents.
6. Tun Mohamed Suffian, *An Introduction To the Constitution of Malaysia*, 2nd ed. K.L., [1976], p.53.
7. However the *Yang di Pertuan Agong* is not bound by the advice of the Prime Minister on this matter: Article 40 (1) [b].
8. M.C. Putschueary, "Ministerial Responsibility In Malaysia" in Suffian, Lee, Trindale, *The Constitution Of Malaysia: Its Development 1957-1977*, K.L. [1978], p. 129.
9. Ibid, 124.
10. Lloyd D. Musolf & J. Frederick Springer, *Malaysia's Parliamentary System: Representative Politics and Policy Making In a Divided Society*, Colorado, 1979, pp. 108 -110.
11. Ibid, 109.
12. Ibid, 110.
13. J. Morgan, "Parliamentary Question", *Far Eastern Economic Review*, Feb. 20, 1971, pp. 21-23.
14. de Smith, *op.cit.*, f.n. 2, p. 296. *Dewan Rakyat*, S.O. 23.
15. "Malaysia: Is Question Time Abused?" *Asiaweek*, Sept. 16, 1983, p.74. The figure for 1991 was 4,400.
16. *Information Malaysia 1982 - 1983*, K.L. [1983], p.49.
17. *Survey of Current Affairs*, vol. 2, No. 8, 1972. Report of the Select Committee on Parliamentary Questions.
18. Lim Kit Siang, *Malaysia in the Dangerous 80s*, First Edition. K.L., April 1982, p. 346.
19. Statement by Y.B. En. Mohd. Razlan b. Haji Abdul Hamid (Matang)/ *New Straits Times*, March 22, 1983, p.7. See Also March 26, 1983, p. 8 of the same newspaper where a similar complaint is aired by several MPs.
20. Putschueary, *op. cit.*, f.n. 8, p. 128.
21. *New Straits Times*, 29 April, 1976.
22. Lim Kit Siang, *op. cit.*, f.n. 18, pp.345-46.
23. "Those Embarrassing Questions", *Asiaweek*, Aug. 26, 1983, p.10.
24. de Smith, *op. cit.*, f.n. 2, p.296.
25. *Asiaweek*, *op. cit.*, f.n. 15, p.74.
26. *New Straits Times*, Sept. 4, 1982; March 22, 1983, p.7.
27. *Aliran*, Volume V, No. 4, April/May 1985, p.1.
28. *The Star*, 7 April, 1984, p. 4.
29. *New Straits Times*, March 24, 1983, p.7.

30. Ibid, March 26, 1983, p.8
31. Ahmad, *op. cit.*, f.n. 5, pp. 141-150.
32. "Balancing the Role of Lawmaker and Problem Solver;" *New Straits Times*, March 22 to March 24 and March 26, 1983. (A four part series).
33. The Speaker of the Dewan Rakyat, Tan Sri Zahir Ismail, himself an ex-parliamentarian, also has called on the public not to treat MPs as "community welfare officers." (*The Star*, June 19, 1985, p.6).
34. J.H. Beaglehile, *The District: A Study In Decentralisation In West Malaysia*, Oxford Univ. Press, 1976, p.77.
35. Ibid.
36. *New Straits Times*, March 23, 1983, p.5.
37. Musolf & Springer, *Malaysia's Parliamentary System: Representative Politics and Policy Making In A Divided Society*, 1979, p.47.
38. Ibid. 52.
39. Ibid.
40. Putchucheary, *op. cit.*, f.n. 9., p.129.
41. Ibid, 127.
42. Ibid.
43. Ibid, 132.
44. Parliament used to sit from 2.30 p.m. to 6.30 p.m. Mondays to Thursdays and 3.00 p.m. on Fridays. Weekends were "Constituency days." In 1992 the parliamentary week was reduced by one day. Fridays are now "Constituency days".
45. *New Straits Times*, *op. cit.*, f.n. 32.

The Dynamics of Democratization

G.R.S. Rao

HUMANITY SHOULD THANK ITSELF for, at the threshold of the 21st century, its several streams, having different points of origins and attendant characteristics, are converging at the confluence of democracy. Let us hope that no segment of it stands off, imagining itself to have "become" a democracy, for the process of "democratization" of human society is eternal. Democracy is not a photo-static status, but a dynamic process. This dynamism has enabled it to maintain a "moving equilibrium" in the face of eternal change in the human society, in the process taking myriad forms - monarchic, guided, protected, controlled, centralized, liberal, partyless, representative, decentralized, people's participative democracy.

Perspectives of Democratic Development

As the good earth revolves around its own axis, there is a constant churning of human society, and a global movement towards the reinforcement of democratic ethic. Containment of

the human spirit is momentary and selective, its liberation and evolution are perennial. Even the occasional usurpers and emperors, benign or despotic, had to take cognizance of this evolutionary trait of democracy as the mainstream of human civilization.

Human societies may be characterized by color, caste, class, ethnic and a host of other mutating variables at any given point of time, but there is only one, constant and "universal" attribute—the democratic spirit that subsumed and survived all other variables. Every attempt to stifle the democratic spirit only leads to its resurgence, renewal and rejuvenation. Distortions, imposed or attempted, operated as the manna for the spirit of democracy.

Science and technology have aided not only the process of breaking barriers but also unleashed a revolution of conscientization. Democracy has reestablished itself not merely as a form of governance, but as a value, universal and eternal; as a way of life. The relative experiences of different segments of humanity have provided lessons in cross-cultural sharing, enrichment and reinforcement of the process.

Substance of Democracy

Democracy is rooted in the values that provide ideological foundations to social organizations; the dynamics of the process of "power" including the manner and methods of its acquisition, exercise, renewal and legitimization; the institutions, role and process of "governance" along with their image, credibility and performance; the "vision" (set by the leadership, and) shared by the society in terms of quality of life, and futuristic directions and goals. Such an analysis telescopes the political, the economic, the social, and the cultural facets and process in concentric and radial patterns, linkages and influences. Even form and process become a part of the substance of democracy, for the process envisions the pursuit of social transformation in consonance with the democratic ethic.

Democratization involves a two-dimensional power-shift: from the appointed executive to the elected representatives; and from the "federal" to the regional units (or States) and from such units to the local institutions of self-governance. Such a power-shift has also to be insulated from short-circuits; illustrated in the Indian context, from (a) Members of the national Parliament (MP) and state level Legislators (MLA) wanting involvement in the third-tier institutions; (b) Members of Parliament and Members of Legislative Assembly wanting constituency funds; (c) State-level Members of the Cabinet being appointed as the "guardian" ministers at the district level; and (d) appointed executive at the district and local levels insisting upon formation of State-wide cadres to be accountable not to the elected representatives at the local level, but to be controlled by the state-level bureaucracy.

The structure and the basic processes of power influence, in a significant manner, the quality of participation in democracy. If this "participation", in its formal sense is influenced by the system of elections (simple majority in a first past the post, proportional representation, rejection vote indicated in the method of "None of the Above," right of recall, etc.), and by the electoral mechanisms and processes, it is conditioned much more by the play of social forces illustrated in the Indian experience by two sets of factors viz., the structural features of the society in general, and of the political parties in particular. The fragmentation of the society as a result of the "electoral" competitive populism, reducing the citizens into numbers; and the centralized, highly personalized political parties sans inner party democracy, fragmentation of parties sans ideological variations but rooted in personality cult, pursuit of power as an end in itself, to be acquired and retained at any cost leading to "criminalization" of politics illustrate some of the aberrations of the process of power.

Democratization is essentially a process internal to a society, though threats to such process might emerge and operate from outside. It is also recognized that democratic methods are

inadequate to fight anti-democratic threats. Such threats can only be met by strengthening democracy internally. It is the inherent strength of democracy that wards off external threats. Democratization is the best defense against threats to democracy either from within or from without.

Dynamics of Democratization

Democracy is a great liberator, for it dissolves the barriers; it is a great equalizer. All inhabitants become members nay, citizens of democracy. Citizenization, *esprit de corps*, identification - is an essential ingredient and a prerequisite for the democratization of society, nourished and sustained by a network of partnerships and participative process. Participation is not ritualistic, in the form of casting a vote, occasionally, but substantial and constant in planning, managing and sharing the political, economic, social and cultural processes of change, development and transformation. Alienation arising from a sense of having been left out and behind, has indeed proven to be the backlog of citizens' trust with democratic destiny in all democratizing societies.

When the process gets distorted, the pace of change proves insignificant; it could be counter productive or malignant. Hence, democratization demands that it is better not to attain momentum, before the process is set right. The dynamics of democracy, and thus the gravity of democratization, lies, in the society, the citizens, "We the People." Its canvas cannot be contained or segmented into the political, the economic, the social or cultural.

Democratization of political parties and process has become a *sine qua non* for them to be able to initiate and sustain democratization of societies. "The lives of millions of peoples constitute my politics," proclaimed Mahatma Gandhi, during India's struggle for political freedom. The sights of politics have to shift from "power" to the "service" of a nation. Power is a "trust" to be held on behalf of and exercised for the good of the citizens in a democratic polity.

Democratization demands primacy of focus on people, empowering them as citizens, and promoting their participation, minimizing if not eliminating a sense of alienation emerging from increasing distances between the citizen and administration, and growing distortions in their mutual images and relations. Social development, the quintessence of democratization, thus has to be measured not in terms of Gross National Product (GNP) but standards and quality of life of the citizens and their participation.

If power represents the energy, political parties constitute the prime movers. Democratization depends upon the qualities of political leaders as the statesmen visionaries, who can ignite and channel whole communities into a process of social transformation. They are the integrators of diverse strands of knowledge and skills in the process of governance, harmonizers of diverse and conflicting values and interests. The process of politicization has to be manned by what in Sanskrit are called "VIDHAYAKS," equating legislators with the divine makers of the destiny of a people. This is the challenge before the leadership in their march towards democratization, and into the 21st century. Power is a means, not an end objective.

Politics as the Prime Mover

It seems inconceivable for any society, more so a democratizing one, to function and change without the process of politicization. At the base i.e., the grass-roots level, politicization would assume the form of growing awareness, conscientization, empowerment and participation in articulating divergent interests, in shaping public policy, and thus the course of social development. Politicization throws up leadership, churns up competing and conflicting values, and political parties that seek and secure endorsement through electoral process.

Where "political" activity moves in the direction of chasing and securing "power" per se, *sans* values that constitute the ideological foundations for democracy and development, distortions set into the process of politicization. Where such

pursuit of power gets accentuated as an end in itself, to be gained at any or all costs, such distortions snowball into malignancy, leading to what has been described as "criminalization of politics," and "politicization of crime." This is being witnessed in almost all communities around the globe, though in varying degrees. Malignancy is not inherent or inevitable in the process of politicization. Hence, the mere fact of malignancy cannot be an argument to wish away politicization. On the contrary, it makes a stronger case for imparting benevolence to the process, mapping out strategies and mechanisms for the "professionalization" of politics, so as to provide correctiveness, and facilitating a shift in its focus from power as means to service. The end objective of politics is "service" to the society, as a facilitator of social transformation.

In an age characterized by a distinct "decline of professions," even the "noble" professions, shifting the focus of politics, (which is described, perhaps mischievously, as the last resort of the unscrupulous) constitute a challenge as an essential prerequisite, in the democratization of societies.

Mahatma Gandhi, Father of the Indian Nation, the Democrat *par excellence* articulated a role-model of politics thus: "I shall work for an India, in which the poorest shall feel that it is their country, in whose making they have an effective voice, an India in which there shall be no high class or low class of people, an India in which all communities shall live in perfect harmony." He envisioned that political freedom (from alien rule) unless followed by economic freedom and social development could degenerate into internal exploitation, threatening the process of democratization.

Democratization as a dynamic process gets reduced to form without substance if competing and conflicting interests, obtaining at all points of time, are not harmonized. It is because of this imperative that both ends and means become equally critical in the process of democratization.

Rules as Critical as the Game

Legitimacy secured through proper and regular electoral process, lends credibility to the leadership. That is why, even the usurpers tend to wear democratic garb in the hope of acquiring a measure of credibility. Democracy demands that such legitimacy acquired through the representative character of leadership needs to acquire and sustain credibility by conforming not merely to the word but the spirit of constitution and constitutional culture, traditions and conventions and parliamentary procedures.

Institutional Complementarity

As democratization cannot take shape, much less operate in a vacuum excepting with reference to the transformation of society in a time-frame, a network of instrumentalities facilitate the process of democratic development.

In the first place the three main instrumentalities of state viz., the legislature, the executive and the judiciary, occupy a position of equal importance, on the horizontal plane. Each one is assigned a role, independent tasks and yet complementary in terms of common, constitutional objectives of democratization and development. A measure of balancing, or what may be more appropriately called "creative tension" is built into their roles. The federal, the state and the local units of administration on the vertical plane constitute the structure of the State, influencing the nature and degree of centralization or decentralization of the State. Decentralization is to democratization what circulation is to the human body. The Fourth Estate (the media, print as well as electronic) and the Fifth Estate (people's organizations that ignite participative process and self-reliance) constitute two vital ingredients of the structure of civil society.

The democratization of this network of complementary institutions is facilitated by two vital processes viz., (a) differentiation often construed as decentralization; and (b) integration of the values, skills, and processes of democracy, bureaucracy and technocracy.

Under ideal conditions these institutions and processes perform complementary roles but in reality political factors determine and distort their complementarity.

That is why great social thinkers like J.S. Mill and Max Weber projected different perspectives of this complementarity. If J.S. Mill observed that bureaucracy could be a threat to representative governance, Max Weber projected the view that bureaucracy constitutes an essential element in the rationalization of the modern world.

Political parties constitute the prime movers of a democratic polity and its social transformation. Hence the critical role of the political leadership, and the quality of their "professional ethos" of commitment in the service of the society. Broadly there are two distinct sets of attributes that characterize political leadership that determine the nature of democratic development and the attendant consequences.

An overview of dispositions of the appointed bureaucracy in the democratizing nations suggests that their positive contribution is a result of professionalism which lends credibility, and efficacy to the process of governance. On the other hand, where the appointed bureaucracy tends to get affected by the malignancies of politicization, it leads to not merely social rejection, but also in the course of time demoralization of the bureaucracy on the one hand, and social turbulence on the other. The alternative processes are influenced and conditioned by the diametrically opposite sets of attributes/characteristics.

The policy process, in order to be productive, demands not merely institutional complementarity, integration of a diverse range of (democratic, bureaucratic and technocratic) skills and harmonization of conflicting interests, but brings into sharp focus the role-relationship between the elective and appointed executive. For the span of the appointed executive's role is far wider than that of the "elected" executive. The span of the appointed executive encompasses problem identification and definition to the measurement of impact, providing feedback

and generation (as a think-tank) of alternatives; it calls for "commitment"; and ability to express and resist constitutional shortcuts that warrant or lead to judicial intervention. It is because of this critical role of "appointed" executives that they are described as "agents" of change.

Productivity Process in Governance

If the process of governance is in essence the maintenance of stability, then initiating, facilitating and promoting social change; public policy process (problem identification and definition; setting goals of change in consonance with the constitutional vision; cognizance, and harmonization of diverse and often conflicting interests through consensus; implementation, monitoring the desired results as well as the possible unintended consequences; measurement of impact within a time-frame; evaluation, feed-back to the legislative forum; and reformulation and attunement) constitute the core of governance.

Referring to the role complementarity and the dynamics of interrelationships between the elected and the appointed executive, a contemporary statesman observed: "The Civil Servant is like a well-trained and well-bred horse which by instinct measures its rider. If the rider knows and does his job of reigning (and, if I might add, spurring) the horse properly, it will obey him; if he falters and fumbles he is bound to fall and bruise himself".¹

The operation of various instrumentalities of the State all over the world, and especially in the democratizing societies, has expanded in scope as a part of the attempt to bring about directed change and rapid social transformation. Governments have expanded their objectives and roles and consequently their size, resulting in massive problems of productivity; several critics have analyzed how expanding a bureaucracy is proving counter-productive to both democratization and development. The issues are so complex that the concept, process and

¹ C. Subramaniam, President's letter, Bhavan's Journal, December 31, 1990

techniques of productivity have not been applied at the societal level. Indeed, new techniques and approaches have to be innovated.

Democratizing and developing countries, though endowed with vast natural and rich resources, are characterized by low productivity. Several problems of productivity can be summed up as: empty lands and hungry people; unemployment in the face of unlimited opportunities; increasing role of state; high cost of administration; faulty technologies and ever increasing distance and hostility between the citizen and administration leading to social strife and disruption, in place of harmony and development. In the face of scarce financial resources and heavy borrowing, economic activity is characterized by heavy overruns of time and cost escalation of development activities resulting in delayed benefits to the community and loss of revenue to the state. Low levels of productivity have been explained in a variety of ways such as debt trap, and depletion of resources. Its adverse consequences on democratization can not be overemphasized.

In the Indian context the document "Approach to the Seventh Five Year Plan" laid stress on raising "Productivity" as one of the major instruments of achieving growth, equity and social justice. The paper "Approach to the Eighth Five Year Plan" emphasized maintenance of the national assets without plan/non-plan differentiation, in order to maximize their productivity.

The concept of productivity is related not just to the creation of surplus and the growth in Gross National Product (GNP), but also to improvement in the quality of life. As the European Productivity Agency observes, "above all else, productivity is an attitude of mind. It is a mentality of progress, of the constant improvement of that which exists. It is the certainty of being able to do better today than yesterday and continuously. It is the continual effort to apply any new techniques and new methods; it is the faith in human progress." The sheer size and complexity of public administration offers at once a challenge

and an opportunity for the application of productivity norms to the democratizing world, and the process of their development.

The productivity process can be seen as starting from the demands made by society which the various instrumentalities have to process and deliver, culminating in social satisfaction, material and non material. The demands generated in the society provide inputs for the political process. The output generated by the political process constitutes the input for administrative process, leading to its own output. The productivity process in governance in sum and substance, can be seen as social demands determining inputs and direction of political process; the output of the political process providing inputs to the administrative process, leading to a meeting of the demands of society.

Legislative Process: Indian Scenario

The legislative process, in the context of the process of democratization of societies, provides or, ought to provide, a moving equilibrium by balancing and harmonizing (a) continuity and change, (b) competing groups and conflicting values, interests and structures, (c) complementary roles, processes and goals among the network of institutions, thus influencing, the (internal) efficiency and (external) effectiveness of legislatures.

The legislative process also gets influenced and conditioned by a range of intervening variables. The nature and quality of legislative process thus substantially shapes the futuristic vision of a society, and conditions its ability to move in that direction.

In terms of management of change, it can be stated that the Indian legislative process is bogged down in grappling with yesterday's problems (caste, reservations, and communalism) rather than managing today's issues (literacy, poverty, law and order and employment); much less preparing to be able to face tomorrow's (emerging) challenges (changing profile of population, depletion of non-renewable resources, globalization of environmental issues, social consequences of liberalization of

national economy, throwing it open to Transnational Corporations etc.). These problems of low performance can be traced to the deformities of electoral process, quality of inputs, and distortions in agenda setting and prioritization. If competitive populism and bidding are diluting the legislative process and its effectiveness, the malignancies of politicization are adversely affecting the complementary nature of relationships among the various instrumentalities - giving way to a culture of confrontation. When the legislative process so loses sight of social problems and suffers from an inadequate appreciation of the futuristic vision of society, popular discontent sets in, people tend to take law into their hands, leading to turbulence, tensions and violence, which is the very antithesis of democratic development.

The present day conflicts among the various instrumentalities - legislature-executive-judiciary on the horizontal planes, and the center-state-local on the vertical planes - seemingly jurisdictional - are damaging the process of democratization.

Span of Role

The span of the role of legislatures in contemporary times encompasses issues ranging from creating and pursuing a vision of the society, to managing the instrumentalities of State including the independent judiciary facilitating their autonomy and ensuring their (legal and social) accountability; facilitating the role and efficacy of autonomous forces such as the media, non-governmental organizations and professional groups; and sustaining and enhancing the democratic methods and processes. As the national boundaries are melting due to factors such as (a) the environment, (b) globalization of economies and the emergence of multi-lateral and global institutions and transnational corporations, and (c) ethnic and armed conflict, the role of legislatures is expanding and assuming criticality.

Given recognition of the intricate linkages among the political, economic, and social processes, and the institutional complementarity, the span of the role of legislature in modern

times encompasses all the facets of life of citizens from womb to tomb.

Disequilibrium is a universal characteristic of communities in rapid social change. But, the nature and degree of disequilibrium is a function of the legislative process.

Performance Parameters

The performance of any legislature can be seen from the stand-point of (a) internal efficiency, (b) external effectiveness in creating the desired impact on the society, and (c) factors that influence such efficiency and effectiveness.

In the Indian context, where there are two Houses of the National Parliament and more than a score of State Legislatures, some of them having Councils (Upper Houses), one can only take an overview of their performance and illustrate rather than analyze and substantiate.

Internal Efficiency. Numerically large, inadequate division of labor (Committee structures), and absence of specialization in interests and participation (excepting in the form of consultative meetings) and the party whip are some of the characteristics that adversely affect the participation as well as the morale of the Members. Because of these structural characteristics, the process of debate and discussion does not afford equal and adequate satisfaction in terms of (a) participation as a reward and incentive, (b) involvement in shaping the society, and (c) public recognition.

Debates and discussions are conducted, almost always, in terms of "Ruling versus Opposition" with no concern for the consensus. Issues of public concern are not discussed in a creative atmosphere but, in a reactive, post-facto, fault-finding disposition. Due to this adversarial disposition, traditions and conventions are not built up. Issues such as the election of the Speaker, and the umpiring of debates fail to transcend party-lines. Party-lines get reinforced by whip and fear of consequences. Since many important issues are to be discussed and

sought to be resolved outside, the legislatures tend to get devalued.

Internal legislative process is also vitiated not by absence of data as an input, but inadequate use and marshalling of available data. Use of financial rather than physical targets of achievement makes debates fractious. In the absence of codification of privileges of legislators and legislature, and mixing up the two, much time and energy are dissipated; there often is mix-up of the privileges required for performing the legislative functions and material benefits that have nothing to do with legislative responsibilities.

The functioning of legislatures in India is characterized by one distinct attribute viz., legislation proneness. For every and any type of problem, the legislators tend to demand and provide legislated norms; where there are stringent laws already in existence, the effort is not directed towards an examination of why it has failed or whether and how it is administered, but the proneness is to make them even more stringent with the result that with regard to the same problem there are situations where there are three different provisions of law. Legislation is substituted for problem-solving, with a naive satisfaction and assumption that the problem is resolved. If during the hundred years (1847-1947) before India secured political freedom there were about 400 pieces of legislation, in the first 40 years since Independence, Indian legislatures have enacted more than 4,000 pieces of legislation. India has become a legalistic and litigious but not a rule of law society, attended by more administrators, more judges, a docket explosion, etc., resulting in delayed if not denied justice. Even administrators and members of the judiciary were found unaware of laws they were supposed to be administering.

India, perhaps, can be cited as the best (or worst) case of a country that adopted legislation as almost the only conflict resolution mechanism.

External Effectiveness. As a result of party structures operating as enduring mechanisms without concern for and an effort

towards consensus as the hallmark of legislative process, society is getting more and more fragmented, contrary to the foundational values set out in the Preamble of the Constitution, and the Directive Principles of State Policy. Openness in debates characterized by creative and innovative interaction and problem solving is conspicuous by its absence.

Social transformation is not seen in terms of quality of life of the community, but in terms of budgetary allocations. The performance of the executive branch entrusted with the task of implementation - the role of change agents - and its accountability are hardly evaluated.

Wherever and whenever there is a public outcry for reform and change in the administrative system - judicial, executive, and other quasi-judicial institutions - commissions are appointed (in the area of labor, police, judiciary, administration), and reforms are reported, at a huge cost to the exchequer. There is hardly any review, much less action. Consequently, the democratic ethos of the legislative process and that of the society are vitiated.

"In spite of having a national government responsible to legislatures elected on the adult franchise, the situation, which was never terribly good, has actually become worse".² While this was seen as one of the great contradictions in the Indian scene by an eminent administrator in 1967, it has only further deteriorated by 1992, as the nation is poised to enter into the 21st century. The Fulton Commission in England (1966-1968) began their report saying: "The Home Civil Service today is still fundamentally the product of the 19th century of the Northcote-Traveleyan Report (1854). The tasks it faces are those of the second half of the 20th century. This is what we have found, it is what we seek to remedy." The Indian administrative structure, a product of the 19th century (Lord Macaulay's Report: 1854) is bogged down with yesterday's structure and systems. The legislatures have neither the conviction nor the inclination to make it work. In such a situation, the legislative effort goes to waste.

² H.V.R. Iengar, *Administration in India- a Historical Review* [1967]

All the three major instrumentalities reduce democracy to a fouled ball game. The several functionaries who were assigned the task of umpiring and have assumed the office have in fact chosen not to play the Constitutional Rule Book. The citizens tend to get restive and to take the law into their hands. The legislative process defects from the citizens, while the democratic process tends to shift its gravity away from the legislatures.

Measures of Productivity

Productivity of a legislature can be measured in terms of:

(a) utilization of available time (one of the most important functions of a legislature viz., budget discussion and approval is guillotined after available time is lost on inter-party relations);

(b) cost of legislative process both in absolute and comparative terms; (various large communities undertake extensive tours within and outside the country but do not find time to attend to work; even worse reports are not fed back into the legislatures but policy decisions are taken rather independently of such Committee reports, more often on extraneous considerations);

(c) adequacy of political will to innovate appropriate structures to ensure participation and facilitate nourishment (association of external experts).

Most important of all, the legislative process has to shift its focus from "power" to the citizen, his service and democratization through participative mechanisms.

In the face of declining productivity and escalating popular disenchantment about the performance of legislatures, the democratic system is heating up, affecting in the process not only its productivity but also the process of democratization.

Legislative Support Structures In India: Needs, Responses, Projections

In the Indian democracy, characterized *inter alia*, by universal adult franchise and by the absence of "educational"

qualifications as an eligibility criterion for contesting elections from the village councils to the national Parliament, legislative support services should be considered in the light of:

- (a) nature of recruitment and the profile of cadres of political parties;
- (b) profile of legislators;
- (c) adequacy of the educational system in meeting the demands of parliamentary democracy;
- (d) demands of nourishment for the political process compatible with democratic development; and
- (e) facilitating creative interaction between the political functionaries and the other professions, so as to promote professional ethos in politics, with service as its dominant objective. There is also a need for capability building (on a continuing basis), needed to perform the role: and for the promotion of a set of professional ethics, a code of conduct, and a culture of voluntary self regulation.

In the Indian context, a strong democratic tradition rooted in the society, secular character (even in the face of communal politics); increasing awareness among the citizens (in the face of illiteracy and poverty); political sensitivity reflected in the voting behavior; a strong (and independent) Fourth Estate and extensive network of non-governmental development organizations; and people's participation in the development constitute the base for democratization. In this background, two factors viz., (a) a strong "people's orientation" among the political functionaries, and (b) an awareness of their relative inadequacies and keenness to "acquire" knowledge and skills constitute strong points, affording a challenging opportunity to the system in responding to the felt needs.

The relative openness with which an Indian legislator approaches his tasks is in sharp contrast to the conservatism of the judiciary and the insulation of the bureaucracy. This relativity is best illustrated by the nature of interaction at the

legislative fora such as the Conference of Speakers, Chief Whips, and various committees of legislatures which are in contrast with those of the judiciary and administrators.

This relative openness as a strength of the legislators is also revealed when viewed in the context of the "know-all" attitude of administrators, and that of a judiciary that perceives its role as "supreme," and not so much as "complementary". However, another strength of the legislative process is that all the political parties swear by constitutionalism even if they differ on specific provisions.

Needs: Range and Levels of Services

The range of support services fall into four distinct sets viz., knowledge, skills, value attunement and cultural conditioning. These sets of inputs have to be related to the profile of legislators on the one hand, and their roles on the other.

Indeed, viewed from the long-term demands of democratization and development, such support services should encompass "building up" of the various political cadres as a preparatory to legislative career rather than waiting till citizens assume the role of the legislators.

Legislative process represents the confluence of several streams of democratization, and its criticality emerges from the fact that it is the prime process that promotes and helps sustain what has earlier been described as a moving equilibrium in the process of democratization and development.

A legislator has to be an articulator of diverse interests in society; an appreciator of cross currents of vested interests; a translator of political freedom into economic growth; and standard of living into quality of life; an integrator of the complex network of legislative, executive and judicial institutions; a harmonizer of diverse, overlapping, conflicting interests; a visualizer of the dreams of founding fathers and values of development; a reformer in bringing about social transformation; a managing trustee of the system of governance in ensuring its productivity; a democrat in the democratization of the

society; and a professional, in the professionalization of politics as a service, with an ethical base and self regulation. In short, legislators in India are called VIDHAYAKS - makers of the destiny of citizens. The legislator has to be facilitated in his role of shaping the society.

Management of the political system calls for an appreciation of the complementarity between social processes and public and private institutions, and the need for matching and ensuring their autonomy and accountability, as an essential ingredient of democratization.

The process of democratization and development thus calls for legislative support services not only for the benefit of legislators, (and the political cadres), but also for the benefit of other sectors such as technocracy, bureaucracy, judiciary, industrial managers and professional groups.

The legislative process includes problem identification and definition; exploration of policy alternatives, options and implications; choice of policy, including legislative and non-legislative strategies and programmes; overseeing implementation; monitoring and evaluation of impact, in terms of desired results and unintended consequences; review and fine-tuning of policy and legislative framework as an on-going process.

Reflecting upon the need for support services, Jaya Prakash Narayan observed that:

In a parliamentary democracy, a citizen's life is governed in large measures by the quality and content of the policy measures and laws adopted by the Parliament, State Legislatures, Municipal Council and Panchayats. These in turn depend upon the quality and caliber of the elected representatives of the people.

All the representatives who get elected cannot, in fairness, be expected to have had prior adequate understanding of the type of competence needed for effectively participating in debates on variety of complex issues which come up for legislation and policy formulation. But, if proper facilities appropriate to their status and requirements are

made available to them, it is reasonable that they would welcome them.

Such facilities would be a boon not only to those who avail of them, but also result in better informed, more rational and mature, purposeful and responsive democratic institutions, thereby strengthening the democratic fiber of the nation as a whole.

The efficacy of the legislative process, then, depends not merely on the knowledge, skills, and values of legislators but equally, on the appropriate interfacing between legislators and complementary functionaries. In the long run the enhancement of the quality of legislative process depends upon the preparatory efforts to promote politics as a profession. The process of professionalization of politics calls for meeting the needs at the entry (induction) point rather than through in-service programmes.

Two inputs in this direction demand cognizance as critical to the efficacy of the legislators and the legislative process. They are (a) policy analysis in relation to dynamics of democratic development, and (b) intricacies and norms of system management. *Policy analysis* involves appreciation of the social dynamics; for, social transformation from a given situation towards a constitutionally set vision is the result of an interaction between public policy and social dynamics.

The matrix of needs can be met by designing and developing a series of programmes that fall into four broad categories viz.,

- policy workshops interfacing legislators with the jurists, administrators, representatives of the Fourth and Fifth Estates and other professional groups;
- orientation programmes, inducting elected representatives to the constitutional processes, parliamentary procedures and policy analyses;
- preparatory programmes to create cadres of political functionaries upgrading politics to the level of a profession; and

- broader but institutionalized interaction among the spectrum of political functionaries on a non-partisan basis and other professional groups, and thus integration by bringing into existence a national-level policy association that generates and sustains a dialog on a continuing basis. It must be recognized that in India, as in many democracies, there is hardly any interaction between political parties on a non-partisan basis.

Institutions seeking to provide legislative support services, in order to be able to fulfill their roles, have to undertake relevant research, documentation, case studies and consulting capabilities. Such an institution (or institutions) has to operate as a think-tank; it can not operate as a teaching or a training academy. Its activities cannot be organized based on the pattern of a university where the focus is on "disciplines" operating with segmentation in water tight compartments.

Responses: Institutional Experiments

Responses in India can be seen in terms of:

- the nature and extent of support available from the network of academic, training and research, and consulting institutions available in the country;
- the availability and adequacy of institutions designed especially as legislative support services; and
- the relative importance and weightages accorded by the society to the needs of the different sectors of society viz., general education and training, industry, administration, and public affairs that include political action.

India has a network of more than 200 universities covering agriculture, medicine, engineering, arts, humanities, social and natural sciences. These are supported by a network of apex fountain-head institutions like the University Grants Commission (UGC), Councils for Medical, Agriculture, Technical, Scientific & Industrial Management, Education, Research and Training.

The annual budgets during 1990, for higher education in India has been to the tune of Rs.1600 crores.

Even more significant, there are specialized, institutions of advanced studies, research, training & consulting as well as of continuing education for practicing managers in public and private sector industry, administration, and academics. These specialized institutions are provided for those who are already "qualified" in their respective professions through foundational education and induction training, and richly experienced by moving through several tiers of the organizational ladder.

In spite of several Commissions and recommendations of expert bodies, the educational system has not kept pace with the demands of democratic development. They are grooved in the traditional "academic disciplinary" boundaries. Deeply rooted in their orientation towards "theory and discipline," they have not been of much help in providing inputs into legislative support services, where the demand is trans-disciplinary focus and problem-orientation.

In relation to this, three distinct experiments and institutional innovations have been initiated in India, in order to provide the much needed nourishment for the political system. They are: the Institute of Constitutional and Parliamentary Studies (ICPS), the Bureau of Parliamentary Studies (BPS), and the Rajaji International Institute of Public Affairs and Administration (RIIPAA).

It would be difficult to conduct an in depth analysis of their contribution, adequacy, and causal factors for the levels of their efficacy and effectiveness. However, some random but striking features of these institutions reveal critical variations. ICPS was set up as a registered society under the administrative control of the Ministry of Parliamentary Affairs. It picked up momentum, expanded its activities and attempted to develop infrastructure. But inadequate continuity in leadership, ministerial controls, and fluctuating at a shoe-string budget not only curtailed its growth and stability, but also reduced it to a

defunct organization. The ICPS started with a limited range of orientation programmes, but its potential was never reached.

BPS is essentially a department unit, an adjunct to the secretariat of the federal Parliament. It has been active in organizing orientation programmes for the legislators and functionaries of the legislature's secretariat and other units of administration. However it is not designed - by status and structure, to undertake the wide range of support services demanded by the political system.

RIIPAA articulated its mission, aims and objectives (Annex) and designed a range of programmes in order to fulfill its mission, aims and objectives. But, full of promise and potential it has remained a child, a neglected child for too long. It was more like a case of parents refusing to allow their child to grow and get married, for fear that it might go away to lead an independent life.

ASCI, the apex management academy in the country that catered to both industry and administration had the unique opportunity of organizing policy workshops interfacing the political executives and the senior administrators, apart from rendering a wide-range of consulting services in public policy and administration. But it did not sustain its interest in building up programmes in this direction. Thus, all the four institutional experiments in India have proven inadequate in rendering legislative support services.

It is in this context that the decision of the All India Speakers Conference (Ahmedabad: May 1992) is to set up national academy, and a chain of state-level institutions for legislators. This constitutes a landmark in the creation of legislative support service aimed at promoting and sustaining the process of democratization and development in India.

Projections: Institutional Complementarity

An Indian National academy to promote democratic development by rendering adequate and appropriate services to the legislature has to be based on a set of critical design parameters.

An autonomous and independent statutory status; a complement of professionals not confined by academic barriers; appropriate campus facilities befitting the makers of our national destiny; adequate financial resources; and committed leadership with a vision of future directions of democracy and development on a global scale are the minimal prerequisites.

The process of democratic development of India, with its continental size and socio-political complexities, would need not one institution to render support services, but a networking of the existing institutions playing a complementary role.

The intellectual nourishment has to be envisioned in the context of globalization of democracy and the development scenario of human society standing at the threshold of the 21st century.

Annex

Rajap International Institute of Public Affairs and Administration

Mission

Enhancement of the quality of governance and administration through enrichment of the substance and processes of Constitutional Parliamentary Democracy in India and the developing world.

Aims

- To cater to the needs of the legislators at all levels, non-government personnel, men in public life and future parliamentarians;
- To bridge the communication gap between elected representatives and specialists; and
- To open vistas of the Institute's programmes to other countries for strengthening democratic ideals.

Objectives

- To resuscitate and foster ethical and human values in public life;

- To upgrade knowledge and stimulate interaction in order to facilitate scientific analysis of key issues of public, national and international significance;
- To promote education and training among the youth intending to take up a career in public affairs and administration;
- To undertake analytical studies and research on issues of current importance and concern in policy formulation.
- To promote dissemination of information and communication in the field of public affairs; and
- To render consulting assistance to public institutions and government.

RANGE OF PROGRAMMES:

The Institute, in order to facilitate interaction and learning, organizes:

- Policy workshops for analysis of issues of contemporary interests involving parliamentarians, administrators and specialists;
- Orientation seminars for legislators on constitutional and democratic processes and procedures;
- Post-Graduate Diploma Programmes in Public Affairs for youth aspiring for career in politics;
- Research and case studies on matters of public interest and democratic functioning including evaluation studies;
- Consultancy services in the areas of policy, organisation and systems; and
- Dissemination of information on the workings of the polity.

All the three institutional experiments have proven inadequate in fulfilling their assigned roles in rendering legislative support services.

PART TWO
The Level
of Parliamentary
Support Services:
Country Studies

1 Southeast Asia

Philippines

Senate Secretariat

Anacleto D. Badoy

Role of Support Services in the Legislative Process

THE PROCESS OF LEGISLATION, to begin with, is merely confined to the enactment of laws or the passage of legislative proposals or resolutions. Though the latter is considered as its primary function, Congress likewise performs other equally important tasks, such as those flowing from its investigative and oversight powers.

Although theoretically associated with the operation of Congress, the legislative process involves an elaborate network of external relations, linkages and coordination with other institutions, agencies, organizations and interest groups in society. As one of the traditional branches of the government, Congress must continuously interact with both the executive and the judiciary. To gain strength and advantages, it must establish linkages with the various sectors in society including the academe, media, and other research-oriented groups. Likewise, to assert a more relevant role, the legislature must always be conscious of its role in checking the excesses of the administration, in educating the public about the issues of the day, as well as in overseeing the conduct, behavior and performance of

government agencies and officials in the discharge of their official functions.

It is therefore in the context of the above roles and functions of Congress that lawmakers find it extremely necessary to rely upon their staff and providers of support services who will help them not only in gathering the needed basic information and relevant technical data, but also in building a feedback mechanism, and linkages with the socio-economic and political environment.

The significant and essential role of legislative support services, moreover, can easily be seen through their active participation in the different stages of lawmaking. Legislation is prompted by the necessity to address the needs and problems in society. Thus, while legislators are charged with the task of making laws, a great deal of ideas, data and tools necessary in the initiation, formulation and preparation of legislative proposals are gathered and collected through the assistance and initiative of their staff and those of support services.

Thus, the nature and form of support services cannot always be routinary and constant but must be flexible in order to adopt, from time to time, to the ever-changing needs and requirements of legislation. Of course, there are specific services which ought to be religiously complied with in accordance with the mandate of our Constitution, such as the preparation of journals and transcripts. But, to a large extent, support services require a certain degree of procedural flexibility and adaptability, especially in the Philippine context.

Legislative Support Services: Philippine Experience

Present Support Services in the Philippine Senate

In the Philippines, legislative support services have played a significant role in lawmaking. But unlike other advanced democratic countries like the United States and Great Britain, it can be said that the Philippines has not yet reached the so-called stage of multi-field specialization and technological efficiency in its technical research and training services.

The present-day Philippine Congress, which is composed of the Senate and the House of Representatives, relies solely on the legislative services being offered by each House. Unlike the U.S. Congress, there is no bicameral, legislature-sponsored office such as the Congressional Research and Service (CRS) which is tasked with the function of providing research studies, public policy options and technical assistance to both Chambers of Congress. Members of the Congress, whether in the Senate or in the House of Representatives, still depend a great deal, in terms of information research and technical assistance, on their respective office staff as well as on support services provided by the Secretariat.

There were attempts though in the history of Philippine legislation to establish a research and information body which would cater to the legislative needs of both Chambers of Congress. For instance, in 1928, the need for the establishment of an office of Legal Experts was felt when the Philippine Senate passed the so-called Clarin Bill. The said bill, although rejected by the lower House, provided for the creation of the office of Legal Counsel. Similarly, in 1930, the Philippine Legislature passed Act No. 3690, which created the now defunct Legislative Service Office. The Office was charged with the duty to assist the Philippine Legislature in the consideration and preparation of bills, resolutions, memoranda, investigation work, codification and compilation of laws and such other matters as the members or committees of the legislature may require in the performance of their function.

Another comprehensive proposal for the setting up of a legislative council or office was again introduced in the early 60's through Senate Bill No. 22. The objectives of the bill included among others the preparation of research reports and investigation of administrative agencies.

Since then however, joint or bicameral committees or councils were created from time to time to undertake studies and recommendations for a specific project, issue or problem. Among them recently, were the Joint Executive-Legislative Bases

Conversion Council, and the Joint Legislative-Executive Debt Council, to cite a few. Unfortunately however, there is no body or office to date, which is tasked with the function of attending to the legislative, technical and research needs of the Members of both the Senate and the House of Representatives.

In the Senate, support services are being performed or undertaken by both the technical staff and office of the Senators on one hand, and the Senate Secretariat on the other hand.

The Senate Secretariat, which is headed by the Secretary, performs all kinds of support services needed by the Senators. The nature and form of such services range from legislative to administrative and financial and security services required not only by the Senators themselves but also by their office staff and employees.

The Senate Secretary, who is elected by the Members of the Senate, is the head of the Secretariat. He is assisted by three (3) Deputy Secretaries who are in charge of legislation, administration and finance and special support services, respectively. For the maintenance of security and order in the Senate, whether in session or not, the responsibility is lodged in the Senate Sergeant-at-Arms.

For purposes of this paper, it must be stated that the delivery of legislative support services is directly the responsibility not only of the Senate Secretary but also of the Deputy Secretary for Legislation.

The Deputy Secretary for Legislation is assisted by a Director of Legislative Services and three (3) Assistant Directors for Technical Services, Plenary Services and for Committee Support Services. Under these Offices are several divisions which are separately performing well-defined duties, functions and responsibilities. Specifically, the support services being taken cared of by the Office of the Deputy Secretary for Legislation can be described by the functions of the following offices or divisions under it:

- (a) Bills and Index Division
- (b) Debate Reporters Division
- (c) Journal Division
- (d) Legislative and Archives and Publications
- (e) Legislative Research Division
- (f) Bill Drafting
- (g) Parliamentary Counselling
- (h) Library; and
- (i) the three (3) Committee Divisions

Bills and Index. The Bills and Index Division performs functions which include: registration of bills, resolutions and committee reports introduced or submitted by Senators; photocopying of bills and resolutions; distribution of **Third Reading** copies of bills; engrossment and enrollment of bills/resolutions; presentation of approved bills to the President of the Philippines; archival of legislative documents; transmittal of bills/resolutions to committees; distribution of Order of Business/Calendar of Business; preparation of subject and author index of bills, resolutions and their committee referral; and recording and monitoring of **parliamentary status of all bills, resolutions and reports.**

The Debate Reporters Division. This division is **tasked** with the duty and functions of recording and transcribing the proceedings, speeches, and statements made on the floor during sessions of the Senate. Likewise, the division attends to all requests of Senators for copies of transcripts of plenary session and caucuses; covers and records the proceedings of some conferences and seminars; serves all researchers from all offices, public or private, including assistants of Senators who make researches from the corrected record of proceedings of plenary sessions and caucuses.

The Journal Division. The Journal Division by the nature of its functions is in-charge of the preparation and distribution of the Journal of the daily session. The Journal reflects the highlights of the daily session, together with the recording of attendance of Senators in daily session.

The Legislative Records and Archives Division. This division makes legislative records and documents available for reference and research. It is in-charge of the preservation and servicing of the vital legislative records and permanent documents of the Senate, i.e., Republic Acts; Senate Bills; Resolutions; Transcripts of Committee Meetings and Investigations and Session Proceedings; and other related documents/materials.

The Legislative Research Division. The Legislative Research Division provides general legislative research assistance to Members of the Senate, including the **gathering**, collection and evaluation of **factual data or information** which will serve as basis of proposed legislation; conducts legal research; identifies pertinent laws and jurisprudence; and renders legal opinion, comments, or reviews, when so requested, with respect to the validity or constitutionality of proposed legislative measures or inquiries of interest to Congress; prepares research briefs or memoranda on legislative or legal issues in answer to **particular queries**; **undertakes liaison** work with the different offices of the government as well as other non-governmental organizations; and conducts, in certain **cases**, **in-depth** policy studies and research on issues or topics of **special interest** to the Senate; among others.

The Bill Drafting Division. This Division has the following **functions**: drafts bills and resolutions upon request from **Senators**; **reviews**, corrects and improves draft bills and resolutions prepared by staff members; assists Senate Permanent Committees in the preparation of proposed amendments, substitute and consolidated bills; assists in the review of treaties and international agreements which need the concurrence of the members of the Senate; and performs such other functions when requested.

The Parliamentary Counselling Division. This Division provides counselling services to Members of the Senate and appropriate officials of the Senate Secretariat in the form of opinions, advice and/or reaction papers, as warranted, on legal matters related to legislation, including constitutional law questions and/or problems of parliamentary practice and procedure.

Moreover, it performs the following tasks: renders interpretations of the Rules of the Senate in the light of available precedents, local and foreign, and existing rulings of the Chair when so requested by the appropriate authorities; and gives technical assistance to any Senate permanent Committee, at the request of the Chairman thereof or his duly authorized representative, including studies on the constitutionality of proposed/pending bills and resolutions.

The Legislative Library Division. The Senate Library has a comprehensive collection of approximately 9,500 volumes of books, periodicals and other materials designed to provide current in-depth information on legislation. The Legislative Library provides excellent information service that meets the requirements of the Senate, its researchers and the Secretariat in the most efficient and cost-effective manner.

The Legislative Library moreover, performs the following functions: catalogs, classifies, indexes, packages and processes materials into a meaningful collection for full access and prompt retrieval; encodes leading daily newspapers for current information; provides resource sharing and interlibrary loans, i.e., to borrow needed materials available only in other libraries through interlibrary loans; establishes, develops, and systematizes services and procedures in order to provide researchers with the support and assistance they need in their in-depth research; circulates materials to users; prepares displays and disseminates new library materials through Monthly Bibliography Current Awareness and Selective Dissemination Information.

The Committee Support Services. The Committee Support Group, composed of a corps of permanent civil servants to ensure continuity of work from term to term, provides frontline technical and administrative services to the thirty-five (35) Standing Committees of the Senate. Likewise, the group assists *ad hoc* and special committees as well as joint and conference committees created by the chamber and joint and conference committees created by Congress. This group is headed by an Assistant Director.

Among the basic frontline services extended by the committees are as follows: preparatory work for meetings/hearings such as arrangements for the agenda, venue, time, working materials, media coverage, resource persons, notices/invitations/subpoenas, and refreshments, among others; actual assistance during meetings, including receiving and recording the attendance of Committee Members and guests; providing technical advice and research studies; swearing in witnesses; taking notes of proceedings; and coordination with governmental and non-governmental offices/entities as well as individuals affected by legislative proposals under committee consideration, in order to generate feedback and input in the refinement of bills.

Various operational constraints experienced during the previous Congress have led to several recommendations to improve the structure of, as well as the system and procedures in the Committee Support Group. Said recommendations call for the realignment of functions and personnel to increase work productivity and facilitate the delivery of improved support services by the committee. One of the recommendations involves the installation of an information monitoring system to track down the status of bills at the committee level.

Aside from the services being delivered by the abovementioned divisions, there are also other auxiliary offices in the Senate Secretariat which contribute to the overall performance of the support services. These offices are: the Legal Office, the Inter-parliamentary Relations and Special Services Office, Human Resources and Management Division (HRMD) or Personnel Division, the EDP/MIS Division, and the Legislative Publication Staff.

To institutionalize career development, promote employee effectiveness and efficiency, and harness the skills, talent, as well as values and work attitudes of the Secretariat personnel and Senate proper staff, the HRMD has continuously been conducting or arranging training and seminar courses. These workshop and training activities involve a variety of subjects which include, among others; training for employee

effectiveness, records management, computer literacy course, performance appraisal system, data communication, technical writing, value reorientation and attitudinal development, information systems planning and others. From 1988 to the present, there have been more than 150 Seminars and Training Courses attended by Senate personnel, through the initiative or arrangements made by the HRMD or Senate Personnel Division. These training services likewise include foreign scholarships and study grants availed of by Senate staff and personnel.

In the field of management information services and data programming, the EDP/MIS Division performs the task of maintaining an effective and efficient information network/systems. Said division is also responsible for the management and operation of Senate information and databank. The Legislative Publication Staff is tasked with the function of editing, printing and publishing legislative documents and materials in final form. Specifically, these legislative materials are the Records and Journals of the Senate, selected speeches and prayers of Senators, the Rules of the Senate, the Legislative Research Journal (LRJ) and other publications related to the legislative operations of the Senate.

Strengthening the Role of Support Services: An Assessment of Some Problems

The present structure of the Senate Secretariat has, by and large, been adopted to suit the service-demands and work operations of the Senate. Notably, the different functions of the offices and divisions mentioned were compartmentalized and distributed, with the end-goal of arriving at a level of efficiency and effectiveness needed or expected by the Members of the Senate.

As in every organization however, the Senate Secretariat is not without its own problems. In the regular discharge of their various functions and duties, the different offices and divisions of the Senate have encountered problems and shortcomings. But among the basic problems that the present Senate

legislative support services are faced with include, among others, the following: (1) lack of competent personnel or staff resources; and (2) lack of research facilities, office space and technical equipment. In the Technical and Committee Services Group, for instance, the need for more competent and professionally-oriented staff or personnel is always a recurring one. The Research group, for example, has only at present four (4) researchers attending to the research needs of the entire Senate, while the Parliamentary Counselling division, has about five (5) staffers. The difficulty of attracting or recruiting new staff maybe due to low pay or salaries being offered for these positions. This is also true for the Technical Services Group.

On the other hand, the limited office space for the legislative support services group also affects not only the recruitment of additional personnel, but also the efficient performance of functions of these support groups.

To respond to these actual problems or concerns facing the Senate support services, certain reforms, innovations and responses have to be undertaken by the Senate Secretariat. At present, the following steps are being taken: (1) recruitment of more staff members to meet the manpower problem; (2) review of the salary scale of Secretariat positions to attract new recruits and to assess the possibility of granting more incentives and benefits to Senate employees and; (3) maximization of available space for the use of the technical, research and training groups in the Senate; and (4) provision of the necessary tools, equipment, as well as opportunity conducive for research and training.

Philippines

Secretariat of the House of Representatives

Josefina D. Azarcon

THE LEGISLATIVE BODY OF THE PHILIPPINES is the Congress of the Philippines which is a bicameral body consisting of the Senate and the House of Representatives.

The House of Representatives

The Philippine Constitution provides that the House of Representatives shall be composed of not more the 250 Members, those elected from the different legislative districts throughout the country and those appointed by the President of the Philippines as sectoral representatives. After the third consecutive term following the ratification of the 1987 Constitution, there shall no longer be appointed nor elected sectoral representatives but rather elected party-list representatives comprising twenty percent (20%) of the total House Members.

Officers of the House of Representatives. There are four officers of the House who are elected by a majority vote of all the Members at the commencement of every Congress. These

are the Speaker, the Speaker Pro Tempore, the Secretary General, and the Sergeant-at-Arms. The Speaker is the administrative head of the House. He is the central figure and the authority around which revolves the performance of important legislative functions of the House. He presides over the sessions. In the absence of the Speaker, the Speaker Pro Tempore, assumes the duties and powers of the Speaker. He presides over the sessions when the Speaker, even if present, does not preside. The Secretary General is the immediate chief of the personnel of the House and is responsible for the faithful and proper performance of their official duties, subject to the supervision and control of the Speaker. The Sergeant-at-Arms is in charge of the security of the House and its Members. He executes the orders of the House and serves all processes issued by authority thereof or of the Speaker.

The Legislative Support Services of the House of Representatives

The Secretariat is the primary support arm of the House of Representatives. It provides both technical and administrative support services to the House's multifarious activities under the direct responsibility of the Secretary General.

The Secretariat has two main organizational departments - the Legislative Operations Department and the Administrative Department. Both have their respective bureaus, divisions and sections. Each of these departments is under a Deputy Secretary General who is responsible for the smooth and effective operation of the bureaus, divisions and sections under him.

The cooperation and close coordination of the Secretariat's departments sustain the workload of the House. The Legislative Operations Department is composed of the Reference and Research Bureau, the Plenary Affairs Bureau and the Committee Affairs Bureau, all of which are organizationally structured as to support the needs of the legislative process, while the Administrative Department renders complementary services like human resource development which institutes skills

development and provides the necessary training programs both for the Members of the House and the Secretariat staff.

The Legislative Operations Department

In the performance of its Constitutional mandate of enacting laws, the House relies primarily on the Legislative Operations Department for technical support. This technical support is performed by the three mentioned bureaus through interrelated systems designed to meet technical requirements in every step of the legislative process. These interrelated systems are the Reference and Research System, Plenary Affairs System and the Committee Affairs System.

- **The Reference and Research System.** This system covers Bill Drafting, Counseling and Research Systems *Bill Drafting System.* The first step in the legislative process is the preparation of the bill or resolution. This is the core of the bill drafting system which involves in-depth analysis of the legislative proposal, a check on its constitutionality and feasibility, a verification of existing laws or similar bills and evaluation of the available information on the subject. The scope of the system extends to the committee deliberations and plenary sessions where assistance in the formulation of consolidated or substitute bills, preparation of committee reports and formulation of amendments to measures under consideration are extended. The system includes special assistance to Members in the preparation of sponsorship speeches and speeches for local and international conferences.

Legislative Counseling. The Legislative Counseling system provides the House Members, the various standing Committees and House Officials with opinions on the constitutionality of bills and resolutions and opinions on parliamentary procedures and practices. The system includes review of bills and resolutions as to constitutionality, form, style, and substance.

Research System. This system provides factual and statistical information and in-depth policy research relevant to a legislative proposal. Like any other research system, it thrives on information exchange through established linkages with other research institutions.

- **Plenary Affairs System.** This system covers Legislative Calendaring, Indexing and Monitoring, Transcription, Journal and Publication Systems

Legislative Calendaring. After a bill has been prepared by the bill drafting division, it is filed with the Plenary Affairs Bureau. The Calendaring System takes charge of providing assistance to the Members in the filing of their bills and resolutions. A number is assigned to a bill and the bill is then included in the Order of Business for first reading.

The System includes calendaring of Committee Report on the bill for sponsorship speech, amendment and approval on Second Reading; the engrossment of approved amendment, and the printing of the bill in final form for Third Reading.

The Indexing and Monitoring System facilitates the recording and the tracking of the status of the bill or resolution from the time of filing until it is either enacted, vetoed or laid on the table and referred to the Archives.

The Transcription System takes charge of the recording and verbatim transcriptions of the stenographic notes of the proceedings and debates of the House during plenary sessions.

The Journal System is responsible for the preparation of the daily journal of the proceedings of the plenary sessions and monitoring of the daily attendance of the House Members during sessions.

The Publication System takes charge of the editing of raw transcripts of stenographic notes of plenary proceedings for final printing of the records of the House.

- **Committee System.** This system covers initial processing of the Bill or Resolution, Conduct of Committee Meetings/Inquiries, Committee Report Preparation, Recording, Transcription and Archival of Transcripts of Committee Proceedings, Processing of Committee Correspondence and Publication of Information and Communication.

Much of the legislative work is done at the committee level where bills and resolutions are deliberated on and shaped to conform to the needs of the existing political, economic and social conditions of the country.

The committee system functions with the Committee staff as secretariat of their respective standing committees whose responsibility is to provide technical and administrative support services to enable the committees to do their task smoothly and efficiently.

Initial Processing System. The system starts with the First Reading of the bill when it is referred and afterwards transmitted to the appropriate committee. The bill is reviewed to determine whether it indeed falls under the jurisdiction of the committee to which it was referred.

Conduct of Committee Meetings/ Inquiries System. The system takes charge of assisting the committee in evaluating the bill to determine the necessity of conducting public hearings or inquiries. Should the committee decide to conduct a public hearing, assistance is rendered in the preparation of the schedule, issuance of public notices, issuance of invitations to resource persons from public and private sectors and the academe. Should the committee decide that no public hearing is needed, the bill is scheduled for committee discussion. Based on the outcome of the public hearing conducted or committee discussion, amendments may be introduced or consolidated or a substitute bill may be prepared.

Committee Report Preparation System. After a committee is through with its deliberations on the bill, the proper committee report is prepared by the committee staff. The report is then filed with the plenary affairs bureau where the calendaring system as explained earlier takes over.

Other Support Services of the Legislative Operations Department

In assisting the House in the enactment of laws, the Legislative Operations Department also gets its initial support from other organic offices. The Congressional library serves as the primary source of vital information on historical and current issues. The Congressional Planning and Budget Office (CPBO) which provides technical support to the House particularly to the Committee on Economic Affairs in the formulation of economic policies affecting government expenditures, revenue and debt. It monitors and evaluates government operations and prepares oversight reports on the operations of the various executive departments. It also prepares technical policy decisions and advocacy papers on development issues.

The Needs of Legislative Support

Indeed, it can safely be said that with these systems in place and working smoothly, the Legislative Operations Department is complying with its mandate of providing efficient, timely and effective legislative support services to the House. Nevertheless, it is strongly felt that the Secretariat can enhance and improve its performance if certain areas of concern can be fully addressed, specifically:

Closer coordination among the organizational units, between the Legislative Operations and Administrative Departments in general, and in particular, among the technical working groups under the operations department;

A sound communication network to facilitate the exchange of information among the technical working groups;

Expanded linkages and strengthened existing ones both local and international; and

A highly improved technical manpower complement.

The Resources of Legislative Support

While the Secretariat feels that its legislative operations are somewhat hampered by these needs, it is fortunate to have resources, albeit limited, supporting the Operations Department. They include:

Career Development Program

A Career Development Program was institutionalized for the Secretariat staff. Every year, about .5% of the total house budget is allocated for the program. The program includes In-House Courses and Off-House Courses conducted by outside agencies where Secretariat personnel are sent to attend. There is also the Management Development Program for Secretariat officials where they are sent abroad to study and observe the legislative operations of other legislative bodies. There is also the Scholarship Program under which several Secretariat employees have been granted foreign and local scholarships for degree and non-degree courses

Development Programs for House Members. These include programs such as:

- Orientation for New Legislators
- Seminars on Dynamics of Legislation
- Seminars on Budget Process and
- Lecture Series on Policy Issues

Members also go on parliamentary observation visits to observe and study different legislation activities.

Information Materials and References

The Congressional Library is a rich source of vital information relevant to law-making. It has a computer-stored bibliographic information on available books and monographs. It also has a roster of Philippine Legislators from 1907 to the present

and a compendium of laws from 1900 to the present, which is composed of computer stored information on the legislative origin, title, approval and effectivity of any laws enacted.

Aside from the Congressional library, there is access to information from the various government agencies like NEDA, Central bank and NCSO to name only a few.

Aside from the government offices, the House gets information and relevant support from cause-oriented groups and organizations, foremost of which is the CRTS which has conducted various seminars and conferences relevant to legislative activities.

Philippines

Congressional Research and Training Service (CRTS)

Socorro L. Reyes

Introduction

THE CONGRESSIONAL RESEARCH AND TRAINING SERVICE, INC. (CRTS), a non-governmental, nonpartisan legislative support organization was conceived and born at the height of the excitement and euphoria over the installation of the first democratically-elected legislature in the Philippines after fourteen years of authoritarian rule. At that time (1988), the interest was in rebuilding the institutional capability of Congress to enact meaningful, responsive legislation, a capability almost destroyed by the dissolution of the elected deliberative body immediately after the declaration of martial law and the setting up of a puppet assembly to legitimize the dictator's policies. In response to this need, the CRTS organized a number of skills-building seminars for legislative staffers on legislative research, bill drafting, guiding and promoting a bill and information/orientation seminars on the committee system, floor deliberations, etc.. It expanded its clientele to include legislative liaison

officers from the executive branch since the latter are also deeply involved in the preparation of bills initiated by the President which constitute a significant portion of the bills enacted into law.

Two years later, after a critical assessment of its purposes and objectives and the nature of its programs and projects, the CRTS decided to shift from the supply to the demand side of legislative programming. In adding another dimension to its work, the CRTS was basically guided by the expressed need of nongovernmental organizations for information on legislative structures and processes to help them in advocating their sectoral agenda. Legislative education seminars for the NGOs focused on who, when, what, and where to access in Congress to be able to promote and protect their interests.

The Framework

In the process of evaluating its work as an organization providing support services for those engaged in the formulation of the nation's laws, the CRTS was able to define more clearly its framework for legislative development. Rather than the result of pure conceptualizing and theorizing, it evolved from a participative, experiential approach where the articulated needs and demands of the principal players in the legislative process determined the form and substance of the CRTS programs.

This framework has two basic components: institutional capability-building and broadening the base of popular participation in the legislative process. The former refers to the upgrading and enhancement of the institutional competence and efficiency of Congress and the executive branch to produce quality legislation while the latter means empowering people's organizations, NGOs, sectoral and cause-oriented groups to input substantively and meaningfully in the formulation of public policies. This is an integrated, holistic approach to legislative development which principally involves an efficient, responsive state and an involved, participative civil society. It is only when a healthy relationship between these two forces exist can

a truly democratized legislative process emerge. Congress can only respond effectively to the needs and problems of the various sectors of society if organized groups make their presence and strength known during the consideration of legislative proposals. To be able to do this however, the groups should know and understand the intricacies and complexities of the law-making process. The availability of information is thus the principal source of their empowerment. This is what the CRTS seeks to do—to serve as an alternative information source for NGOs and catalyze their participation in the newly-restored democracy. In a sense, the CRTS acts as an intermediary institution between government and the people by assisting the former in building its institutional capability to enact quality legislation and providing the public with the information they will need to get involved in the formulation of responsive, relevant laws. The CRTS framework for legislative development also puts life to the constitutional provisions on the rights of people's organizations to "pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means" (Section 15, Article XIII); and the "right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making" (Section 16, Article XIV).

Institutional Capability-Building

Legislative Skills. The CRTS addresses this component of legislative development through its series of skills-building and information/orientation seminars offered on a regular basis to Members of Congress, their staff and that of committees. Like most legislatures, these activities attract more staffers than Members since the latter usually have other priorities and commitments. Skills-building seminars focus on legislative research, drafting a free-standing and amendatory bill, legislative report writing, and constituency servicing. CRTS emphasizes the importance of conducting thorough research on any proposed subject of legislation using legal, social, or economic research techniques.

The CRTS wants to correct the prevailing notion among many staffers, especially the new ones, that all it takes to draft a bill is to follow the format of an old one. Its module on the subject teaches the scientific procedure in structuring legislative style, grammar, and usage. The learning methodology calls for a step by step process from writing the title to the statement of purpose, definition of terms, formulation of the administrative and operational provisions, appropriation, and enactment clause.

Journal writers, debate reporters and committee secretaries have shown great interest not only in improving the language but also the style of their reports. The Senate Secretariat in particular has requested the CRTS to sponsor seminars on legislative report writing which include the basics of editing, technical communication and workshops on clarity, conciseness, completeness, correctness and achieving maturity in style.

In the nontraditional sense, constituency servicing involves providing livelihood opportunities rather than patronage favors to the people. The CRTS believes that through its module on writing livelihood project proposals, the Members of Congress and their staff can minimize patron-client politics. The seminar-workshop includes exercises on environmental scanning and opportunity-seeking, market analysis, production, financial analysis, and organizational management. In offering alternative sources of gainful employment, the politicians not only reduce their constituents' cradle to grave dependence on them but also enhance their capacity for independent judgment in evaluating the effectiveness and efficacy of political institutions and the people who run them.

Information/Orientation Seminars. Professionalizing the legislative staff not only means cultivating their skills in legislative research, bill drafting, legislative report writing, and constituency servicing but also enhancing their knowledge of legislative structures and processes such as the committee system and floor deliberations. These are covered by another type of training activity, the information/orientation seminars which also include lectures and roundtables on comparative legislative

systems. The CRTS has so far covered the legislatures of the United States, Great Britain, France and Germany in the West, and Japan, India and Thailand in Asia. In the pipeline is a series of lectures on the Latin American political systems. The aim is to raise the level of policy debate on the parliamentary system of government as an alternative to the present presidential system by providing solid data on its structural and functional prerequisites.

Linking the Staffers and the Secretariat. On two separate occasions, the CRTS served as facilitator in a forum for the staffers of the Senate and the House of Representatives which aimed to identify a common performance standard using institutional efficiency and quality legislation as the two principal indicators. Specifically, the forum addressed the following objectives:

- To review and evaluate the chamber's programs, activities, management policies and systems with the end in view of establishing concrete parameters for their effectiveness
- To establish a work agenda responsive to the needs of democratic institution-building
- To promote teamwork among the participants through dialogue and consultation

Training Legislative Liaison Officers. While the making of laws is the constitutional prerogative and responsibility of the legislature, the executive branch nevertheless is an active participant in the process, initiating at least 25% of the major bills including the annual budget. The job of fostering harmonious relations with the legislature to ensure the passage of administration bills is given to legislative liaison officers of the executive departments under the coordination of the presidential legislative liaison office. As part of its intermediary role and its commitment to assist in institutional capability-building within the broader framework of legislative development, the CRTS has organized seminar-workshops for legislative liaison officers to orient them on the structures and dynamics of Congress.

Going a step further, the CRTS sponsored a seminar-workshop on "Improving Executive-Legislative Relations" where legislative liaison officers of the different executive departments dialogued with Members of the House and the Senate to address the problems and obstacles in their productive and constructive relationship. They agreed to consider alternative structures and processes that can be set up to harmonize the two branches of government.

Working on the Regional Level. The CRTS does not only address legislative needs at the national level but also looks at possible forms of assistance to enhance the capability of local legislatures such as the Regional Legislative Assembly (RLA) of the Autonomous Region in Muslim Mindanao created by the Organic Act of Mindanao or Republic Act No. 6734. This took effect after ratification by the four Muslim provinces of Lanao del Sur, Maguindanao, Tawi-Tawi and Sulu. The creation of the autonomous region was mandated by the Constitution of 1986 as an alternative to the secessionist moves of groups such as the Moro National Liberation Front which charged the national government with neglecting the Muslims in the South. More than one year after its election for a three-year term on February 17, 1990, the RLA did not have a single training program for institutional capability-building as indicated by the staffers of the Secretariat interviewed by the CRTS for its nation-wide legislative needs assessment.

Responding to the urgent need for assistance, the CRTS designed a training program that will enhance the efficiency and effectiveness of the Secretariat. These include skills-building seminar-workshops on bill drafting, legislative report writing and preparing livelihood project proposals. Initially planned for a year, the CRTS hopes to extend this program to include other forms of technical assistance after a thorough impact evaluation.

Broadening the Base of Popular Participation

A year after operating separately and independently as a nongovernmental legislative support structure and concentrating primarily on institution-building efforts, the CRTS enriched its programs by servicing the legislative needs of sectoral associations, nongovernmental organizations, cause-oriented groups and people's organizations. Their demand was basically for the demystification of the legislative process in order that they can work more effectively through Congress for the attainment of their goals and objectives. Another felt need was for assistance in the monitoring of legislation that affects their sector and if possible, analytical commentaries on significant legislative initiatives. And third, there were requests for consultation meetings with Members of Congress and their staff on crucial policy issues such as budgetary allocation and prioritization for the various sectors.

The CRTS welcomed this new development as an indicator of renewed interest in Congress, an institution dismissed by a significant number of organized groups particularly those actively involved in the parliament of the streets as "an assembly where everybody wants to investigate but nobody goes to jail, everybody receives huge allowances but very few do their work." Interpreting this interest as part of mainstreaming in the democratic process, CRTS responded with some innovative legislative programs in research, information development, legislative education, legislative agenda setting, and an internship program. To address specifically the issues and concerns of women, CRTS launched its Women's Legislative Program.

Research. The Research Unit of CRTS is divided into four policy issue areas: environment and natural resources; social justice and human rights; economic reform; and local government. Under each category, the CRTS follows the progress of legislation especially at the committee level and provides NGOs the information through a quarterly legislative update (*Legislative Alert*). This involves straightforward reporting of bills and resolutions in particular issue areas. Critical analysis of legisla-

tive proposals as well as commentaries on committee and floor deliberations is contained in another CRTS quarterly publication, the *Legislative Features*.

To popularize its publications, the CRTS has produced two comics entitled *Kuwentong Kongreso* (Congress Story) and *Lobbying Congress*. In another attempt to reach a bigger audience, the CRTS has published primers on major legislation such as the *Foreign Investment Code* and the *Local Government Code*. At present, the CRTS is also preparing a handbook on *How Citizens Can Work Through Congress*. To assist NGOs and POs in their legislative advocacy, the CRTS put together a directory of the Members, their chiefs of staff, and committee memberships.

Legislative Library and Documentation (LLD). Still in its infancy stage, the LLD backs up the research unit in its NGO/PO legislative servicing by building its library collection of Congress-related books, journals, monographs, and special documents. It is also developing a Legislative Newsdex which contains clippings of articles from major publications and an information catalogue and resource database. The latter will list the legislature-related materials that are found in different government agencies, academic institutions, nongovernmental organizations, and other specialized resource centers.

Legislative Education. Strong NGO interest to learn and understand how Congress works was shown in the big turn-out (34 associations) that attended the first ever legislative education seminar organized by the CRTS on July 31 and August 1 of last year. Among the topics covered were: 1) the structures and operations of Congress; 2) how a bill becomes a law; 3) floor deliberations; 4) the committee system; and 5) techniques of legislative advocacy in working through committee and legislative staffers.

Among the 500 laws enacted by the last Congress, it was the Local Government Code that was most significant in terms of people's empowerment by providing for the participation of duly accredited NGOs and POs in policy formulation through

the Local Development Councils in the municipal, city, and provincial governments. There was thus enormous interest in understanding the voluminous code which was divided into four books with a total of 536 sections. To facilitate understanding and appreciation of the important provisions of the code, the CRTS developed a primer that answers basic questions and issues. The CRTS conducted a number of briefings about the Code in collaboration with the Local Government Center of the University of the Philippines for the field officers of the Philippine Rural Reconstruction Movement (PRRM) and a coalition of indigenous groups called *Kalipunan ng mga Katutubong Mamamayan ng Pilipinas* (KAMP) or Association of Indigenous Peoples of the Philippines.

Legislative Agenda Setting. Another way of enhancing sectoral participation in legislative decision-making is assisting in the formulation of their legislative agenda and facilitating dialogues between them and their representatives in Congress. In the past year, the CRTS conducted two of each kind: agenda-setting for the fisherfolks and the women barangay or village leaders of Quezon City, the nation's capital; and a consultation forum for the youth sector of Metropolitan Manila and a multisectoral consultation forum on the budget.

The activity with the fisherfolks was held in the tiny village of Pasacao, Camarines Sur in the Bicol region and focused on the Unity Bill which provides for the setting up of Resource Management Councils at every municipality for the protection and preservation of marine resources and the promotion of the welfare of the small fisherfolks. Among those who attended were representatives from the National Coalition of Fisherfolks for Aquatic Reform (NACFAR), the fisherfolks of Pasacao, the town mayor, some councilors, officers of legal resource centers and a staffer from the office of the sectoral representative for fisherfolks in Congress.

The consultation/planning workshop for the women barangay officials of Quezon City discussed the problems confronted by women running for elective public office and how

best to address them. The participants expressed their need for leadership training, gender-sensitivity seminars, community organizing skills and a research infrastructure that will service their information requirements.

The dialogue between the sectoral representative of the youth in Congress and the Metro Manila-based community youth organizations identified the pressing issues facing the sector that must be incorporated in their Member's legislative agenda. Emphasis was also placed on the need to organize and the importance of an action plan.

In the multisectoral consultation forum on the budget, farmers, workers, urban poor, the youth, fisherfolks, human rights advocates, women, teachers, environmental activists, and businessmen dialogued with officials of the executive and legislative branches on the implications of the 1991 budgetary allocations on the quality of social service delivery. The forum was the first time that the sectors' views on the budget were heard since basically budget preparation is considered the technocrats' job and appropriation and authorization, the legislature's prerogative. In organizing and sponsoring this activity, the CRTS wants not only to generate public interest in the budget process but also to make government recognize the necessity of popular consultation on the allocation and appropriation of people's money.

Internship Program. Capping the efforts of CRTS to encourage more NGO and PO participation in legislative decision-making is its internship program (POINT for People's and Nongovernmental Organizations' Internship Program) where representatives from the peasants, workers, fisherfolks, urban poor, women, and cultural communities will spend six months in Congressional committees directly focused on their concerns. In the course of their internship, they are supposed to follow very closely committee deliberations and understand the positions of key access persons in Congress. At the conclusion of their program, they need to submit a paper written in English or the national language that analyzes carefully: 1) the

structures and internal dynamics of the committee; 2) the process of reaching a committee decision; and 3) how their group can profit from the intern's learning seminars among grassroots women and help them identify issues that should be included in the agenda of women and men running for public office.

Conclusions

As a young organization with very limited human, physical and financial resources, it was extremely important for the CRTS to continuously clarify its objectives and framework through a direct, experiential approach. Considering the many tasks that need to be done in the area of legislative development, there was the real and existing danger of diffusing the organization's efforts. The smallness of CRTS however brought some advantages. First, because we are few (13 technical and 3 support people) doing so much, the staff has to be carefully selected and matched with the job to achieve maximum efficiency. Second, since there is no bureaucracy in a tiny and compact organization, things get done expeditiously. What would take large agencies six months to conceptualize and deliver after going through the maze of signatures, the CRTS can do in two to four weeks. Third, because it is small and autonomous, CRTS has more room for flexibility and innovativeness in responding to the changing needs of its clientele. Immediately after the enactment of the Local Government Code for instance, the CRTS initiated briefing sessions for NGOs. The CRTS is now assessing the possibility of creating a Policy Development, Management, and Evaluation Unit that will address the needs of local governments for technical assistance. As soon as the NGOs complained about the lack of legislative information for their advocacy work, the CRTS reorganized its Research Unit into the four most crucial issue areas that require legislative monitoring. To remain useful, the CRTS has to ensure a continuous flow of communication with its clientele through a reliable feedback mechanism. Finally, its programs have to be constantly reviewed and evaluated on the basis of relevance, responsiveness, and effectiveness.

In managing its external environment, the CRTS realizes the importance of collaborating and networking with other groups sharing a similar interest in legislative development. Most important of this is the Secretariat of both houses which is mandated to serve as the governmental legislative support structure. The heads of both organizations, Secretary-General Camilo Sabio of the House of Representatives and Secretary Anacleto Badoy of the Senate are both very supportive of CRTS and very helpful in providing the necessary materials and resource persons for our programs and projects. The CRTS always emphasizes its complementary, not competitive role in assisting Members of Congress and their staff and in servicing the information needs of organized sectors participating in the legislative process.

The CRTS has also taken the initiative in organizing a Congressional Studies Association of the Philippines (CSAP) composed of thirteen groups engaged in different types of legislative work such as research, policy advocacy, information update and analysis, and training. Aside from avoiding duplication of efforts, the CSAP aims to contribute to strengthening the institutional capability of Congress and enhancing popular participation in the legislative process. Towards this end, the CSAP plans to undertake measures that will:

- Create a network of individuals and organizations engaged directly or indirectly in Congress-related work;
- Promote complementation of efforts and sharing of resources;
- Increase NGO and PO participation in the law-making process;
- Popularize the knowledge of the legislative process to assist in more effective public policy advocacy; and
- Initiate dialogues with the Members and staffers of Congress on matters of mutual interest and concern.

From the national level, the CRTS now moves towards catalyzing cooperation in the region among organizations in the governmental and nongovernmental sectors servicing the research, training and information requirements not only of legislative institutions but the public as well. The regional consultation meeting among twenty-eight participants from fourteen countries in Asia will:

- Assess the present level of support services available in our respective legislative systems;
- Share experiences, ideas and insights on how to provide adequate, appropriate, and effective support services to the legislature; and
- Explore possible areas of collaboration in selected projects and programs and possible sharing of available materials and resources.

Thailand

Institute of Public Policy Studies

Parichart Chotiya and Thienchai Na Nakorn

The Thai Legislative System

THE THAI LEGISLATIVE SYSTEM is a bicameral system with a House of Representatives and a Senate. In accordance with the 1991 Constitution, the House of Representatives, elected every four years, has 360 members and the Senate, appointed to a six-year term, has 270 members. After the constitutional amendments in the wake of the pro-democracy movement in May 1992, the role of the Senate was reduced to screening legislative drafts. There are two parliamentary sessions each year, covering a period of approximately six months. At present, there are 23 House committees and 14 Senate committees.

The Thai Legislative Support Service: The Secretariat of the National Assembly

Throughout the turbulent years of its existence, the Thai National Assembly has been supported mainly by the Secretariat of the National Assembly. The following brief discussion of the Thai legislative support services will show that there are

problems both on the demand and supply sides. The problem of demand deficiency is that there is little recognition of the significance of legislative support service and its contribution to democratic development. There is also little awareness of the inadequacy of legislative support services as they are generally not requested by Members of Parliament (MPs). The problem of supply deficiency is manifest whenever legislative support services are requested; they are usually not available or not up to the standard provided by the support offices of the executive branch.

Institutional Problems

The support office of the National Assembly is the Secretariat which is responsible for secretarial, administrative and technical work. The Secretariat of the National Assembly is under the direction of the Secretary-General who reports to the President of the National Assembly. In theory, this organizational structure seems appropriate but in practice, it is an obstacle to the development of legislative service in Thailand.

Most of the time, the position of head of the legislative branch belongs to the President of the Senate who is an appointed member of Parliament. It is a well-known fact that the Thai Senate has always been filled with bureaucrats and military officers and its *raison d'être* is to balance or dilute the power of elected politicians in the House of Representatives. It is therefore not surprising that the President of the National Assembly has not been keen on parliamentary development in general and the development of legislative support services in particular.

As a consequence, parliamentary affairs have become largely chamber activities. However, as a result of the recent constitutional amendments, the President of the House of Representatives has assumed the position of the President of the legislature. Hence, it is hoped that more attention will be given to parliamentary development. It is extremely important that the President of the National Assembly appreciate the

significance of legislative support services for he or she is the focus of power in the legislative branch and is in the position to initiate significant institutional changes to strengthen the legislative support service.

Another institutional problem is that Thai constitutions have always limited the power of MPs in the area of submitting legislative drafts. However, almost all legislative drafts are proposed by the executive branch. For example, fiscal-related draft bills, which are broadly defined to begin with, require the endorsement of the Prime Minister. This places constraints on the MPs in performing one of their most fundamental responsibilities. But when MPs file legislative drafts, they also have to rely on information and assistance from some bureaucrats in drafting the bills as there is very little quality support service in terms of research and bill-drafting in both the Secretariat and the political parties. In this light, there are problems both on the demand and supply sides that plague the development of a bill-drafting service in the legislative branch.

In addition, the committee system in Thailand remains very weak. During the past sixty years of democracy in Thailand, the committee system has not received much emphasis. An obvious problem is the lack of continuity due to frequent MP turnovers and occasional disruptions of the democratic process. Besides, there is no tradition of rank ascendance in the Thai committee system. MPs constantly change from one committee to another. So far, most committees have failed to establish themselves as the source of authoritative expertise in their respective fields. Moreover, the parliamentary committees have not been well established in terms of their relations with other state agencies and the public. Testifying in parliamentary committees has not been held in high esteem. There is no penalty for contempt of the parliament. Therefore, high-level bureaucrats rarely show up to testify in parliamentary committees. They usually send letters or their subordinates to appear on their behalf.

Also making matters more difficult is the fact that the public knows very little about committee activities, not to mention their contribution to the democratic process. However, the present Constitution itself limits the role of parliamentary committees by stipulating that the committees can only deliberate on matters assigned by the National Assembly.

As a consequence, MPs do not pay much attention to committee affairs and not many MPs regularly attend committee meetings. Some MPs explain that their constituents expect them to visit when the Parliament is not in session. Hence, most MPs choose to meet with their constituents rather than to attend committee meetings.

This problem is a critical impediment to the development of the committee system and represents another instance of demand deficiency for the legislative support services. When there is little interest in committee activities both by the MPs and the public, the parliamentary staff does not see the need to compile information and carry out research and does not have the opportunity to organize hearings for the parliamentary committees.

Organizational Problems

The Secretariat is organized into three fields: Administrative; Parliamentary Procedure; Technical; and two special sections. Under the three fields, there are 8 divisions and 2 centers that are further divided into 49 sections. Most of these sections handle work of a routine and administrative nature. Only the Committee Division, the Documentation and Reference Service Center and the Research and Legislative Service Center provide legislative support beyond chamber activities.

By and large, Thai legislative support services use in a problem-solving and response-oriented approach. They largely rely on initiatives by MPs. But because of the frequent turnover of MPs, progress in parliamentary development remains slow.

A promising development emerged towards the end of the 1980s. In 1988, the House Affairs Committee began to work on

a plan to overhaul the legislative support system. It represented the first major effort by the legislative institution to initiate long-term measures in parliamentary development. In 1989, the House of Representatives endorsed the Parliamentary Development Plan. The House of Representatives assigned the House Affairs Committee to oversee the implementation of the plan together with the Secretariat of the National Assembly.

In accordance with the Parliamentary Development Plan, the Secretariat of the National Assembly is now being restructured; it is being divided into two offices: one for the House of Representatives and the other for the Senate.

The Parliamentary Development Plan is divided into 6 sub-plans: research, information system, work system, manpower, promotion of democracy and public relations. Evidently, the plan represents an attempt to expand legislative support services beyond non-chamber activities and to enhance the role of the Parliament as the main engine of democratic change and the most ardent promoter of democracy.

Infrastructure Problems

The Thai National Assembly is also handicapped in the area of physical infrastructure. There are only two (2) main buildings. Most of the space is utilized for meeting rooms. Office space is small and discourages recruitment of additional staff.

The library is also very small; it has a collection of 20,000 volumes of books, research papers and theses. The library has few frequent users and is not known as a high-quality research facility.

The Parliamentary Development Plan envisions the establishment of the Parliamentary radio station to broadcast parliamentary activities and carry political education programs in support of democratic changes. Without its own radio station, the Parliament finds it difficult to provide political education and promote democracy on a nation-wide scale. Approval from the prime minister or the minister in charge of mass communi-

ation is needed before a parliamentary session can be broadcasted or televised. The House Affairs Committee has been trying to launch the Parliament's radio station since 1989 but has encountered a number of problems. A major obstacle has been land acquisition for the transmission station.

Financial Problems

The 1990 budget for the National Assembly was 806 million baht (US\$ 32.24 million), an amount which was higher compared to previous years. About 227 million baht was earmarked for the construction of an annex in preparation for the separation of the Secretariat of the National Assembly into two offices. About 400 million baht was classified as Operations budget, i.e. salary, compensation and office materials, and approximately 150 million baht was allocated for international meetings and overseas trips for MPs. Democracy promotion activities took up 90 million baht while about 21 million baht was reserved for Parliamentary Research and Development activities.

The case of the Research and Development budget epitomizes the financial dependence of the legislative branch on the executive offices. The allocation and the disbursement of the budget for the National Assembly is to be scrutinized by the Budget Bureau which is part of the executive branch. Although 21 million baht was allocated for the purpose of research and development in 1990, the entire sum remained unused at the end of the fiscal year. Apparently, the Budget Bureau and the Secretariat of the National Assembly failed to agree on disbursement rules and regulations. For as long as the legislative branch is still very much under the control of the executive branch in the management of its own finances, it will be difficult to upgrade the quality of legislative support services.

Personnel Problems

It was not until 1975 that the Secretariat of the National Assembly was "liberated" from the control of the Civil Service Commission which is part of the executive branch. In 1975, the status of the parliamentary staff was changed to parliamentary

officials under the supervision of the Board of Parliamentary Officials.¹ But the legislative staff is still tied to the government's pay scale and the government's civil service regulations.

At present, the Secretariat of the National Assembly has approximately 800 staff members, under the dictatorship of the Secretary-General. About 400 staff members will be recruited shortly. The staff recruitment will be guided by the Parliamentary Development Plan. It should help bring in young graduates with good analytical skills in various issue areas.

A major obstacle in the recruitment of high-calibre staff to work in the legislative branch is its low pay scale. The staff of the Secretariat Office is paid the same unattractive rates as permanent officials and employees in the executive branch. But while the executive branch can accord its officials with prestige and power, the legislative branch cannot. So, while the executive branch is having problems competing with the private sector in attracting high-quality manpower, the situation is much worse for the legislative branch.

At present, there are 68 staff members in the Committee Division, 73 staff members in the Documentation and Reference Service Center and 32 staff members in the Research and Legislative Service Center. Therefore, 173 out of approximately 800 staff members in the Parliamentary Secretariat are working in the divisions that provide legislative support to MPs. However, most of these staff members are secretarial, administrative and clerical staff. The service provided by the Committee Division is largely the production of minutes of the meeting. Even so, some committees cannot meet more than twice a month because the staff cannot produce the minutes of the previous meeting in time for the next meeting. Hence, the committee chairpersons take on a great deal of coordinating work, inquiries and added researches, most of which should be taken care of by a high-calibre legislative staff.

Other Legislative Support Agencies

Supporting political institutions is an idea which has not yet caught on in Thailand. The National Assembly receives very little support from the rest of Thai society. However, two important foreign agencies involved in providing direct support to Thai legislative support services are the Konrad Adenauer Foundation and the Asia Foundation. The Konrad Adenauer Foundation has provided support directly to the Secretariat of the National Assembly since 1984 to help in the following activities: public hearing, personnel training, library acquisition, political education for school children, research and development of law. The Foundation also supports the installation of a close circuit video system in the Assembly Hall. The Asia Foundation is another institution that has provided support directly to Secretariat of the National Assembly. By and large, the Foundation has maintained a project-by-project approach in providing support. Several staff members of the Secretariat office have participated in the Foundation's legislative internship program in the United States.

Academic Institutions

Several academic institutions have undertaken projects that contribute to progress in the area of parliamentary development. In this regard, Thailand is fortunate that although legislative support services are rather weak, academic institutions are strong and command respect from various sectors of the society. Therefore, Thai universities have served as a reserve of expertise which the National Assembly can always tap. Nonetheless, there is little institutional linkage between the National Assembly and the academic institutions. Some academics and academic institutions carry out their parliamentary development projects independently. Some have tried to cooperate with the Secretariat or certain parliamentary committees. For instance, Sukhothai Thammathirat has organized political education and training courses for MPs, their assistants, various target groups and concerned citizens. Since the political developments of early 1992, most academic institutions are seeing a noticeable surge

in the interest to get involved in parliamentary development activities.

Institute of Public Policy Studies

The Institute of Public Policy Studies (IPPS) was initially set up in 1985 as a program under the Social Science Association of Thailand (SSAT) which is the oldest (1956) and largest academic association (over 1,000 active members) in Thailand. In 1988, it was upgraded to be an institute affiliated with SSAT. When it was launched, IPPS was supported by the *Konrad Adenauer* Foundation. At present, IPPS's funding also comes from other sources such as the Asia Foundation, the International Development Research Center, and the Center for International Private Enterprise.

In the area of parliamentary development, IPPS relies on three different approaches.

First Approach. First, there are activities that the IPPS carries out either independently or in cooperation with academic institutions. They are not direct services to MPs. However, they perform the functions of public relations and democracy promotion, a service which has been severely lacking in the Thai legislative support system. These activities include: the *Parliamentary Newspaper*, the *Public Policy Bulletin*, the MP Dialogue program, the Public Policy Through Radio Program, a television program, research, and publications program, and the book of plates and political games program.

The *Parliamentary Newspaper* is a monthly publication with a circulation of over 20,000 copies per issue. It is distributed free of charge to members of the National Assembly, members of SSAT, provincial assemblies, teachers' colleges and district schools all over the country. The paper covers legislative activities, interviews with MPs, summaries of important bills and drafts, articles concerning parliamentary and democratic development.

The *Public Policy Bulletin* is a quarterly publication. It provides in-depth analyses of important policy issues, a chronol-

ogy of events and profiles of important public figures. The Public Policy Bulletin is distributed along with the Parliamentary Newspaper.

The *MP Dialogue Program* presents panel discussions by MPs, academics and Non-governmental offices (NGO) or grassroots representatives at various provincial colleges and secondary schools.

The radio program provides expert political commentaries through radio, which is the most popular and accessible source of information for people in the rural areas. MPs, senators and prominent public figures are invited to speak or give an interview for a period of 50 minutes. The program is broadcast twice a week. The first program began in 1987. At present, there are over 250 programs in tape cassettes and transcripts. These tape cassettes are requested mostly by school teachers.

The television program entitled "Toward a Democratic Society" is the IPPS's latest addition. In cooperation with Ramkhamhaeng University, the IPPS presents the half-hour variety program weekly consisting of documentaries, interviews, and panel discussions. The program will run at least until mid-1993.

The IPPS plans its research projects, seminars and publications programs as packages. All research projects are political and policy-oriented. Research findings are presented in seminars and published either in book form or as an IPPS White Paper. Besides current and contending issues, the IPPS considers itself a policy advocacy institute and has been in the forefront in initiating new ideas for public discussion. In the past, some research grants helped in the development of legislative drafts such as the Official Information Act. Legislative drafts and research papers are presented in IPPS seminars to solicit opinions and suggestions from various parties. Several concepts that IPPS were instrumental in presenting to the public include among others: the Ombudsman, model Constitution, Parliamentary Act, and Community Forest.

The project for the book of Plates and Political Games features illustrated books of political events, calendars of historical events, and a "Circle of Democracy" game ("Snake and Ladder" game). The program aims to provide a form of political education for the public, especially for school children. They are distributed in various circles including district schools throughout the country.

Second Approach. Secondly, the IPPS cooperates with the Secretariat of the National Assembly or the parliamentary committees in organizing seminars and training for MPs, their assistants and the public.

Prior to 1987, IPPS organized seminars on political and public issues outside of the National Assembly. In 1987, IPPS successfully created an inroad into the Thai parliamentary system. In collaboration with several House and Senate standing committees, and the Secretariat of the National Assembly, IPPS held several seminars at the National Assembly. In lieu of parliamentary hearings, the seminars provide an opportunity for MPs to seek opinions and information on important issues prior to and during the time these are debated on the floor. These seminars include participants such as MPs, senators, academics, businessmen, public interest groups and the media. Outstanding previous seminars in the past include those on the copyright bill, the social security bill and the forestry policy.

After IPPS created and maintained a network with parliamentary committees, it adopted a two-stage approach in terms of policy advocacy. Firstly, IPPS commissions a research project and presents the research findings in a small seminar held outside the National Assembly. MPs, especially committee members, bureaucrats and representatives from different societal groups are invited to the seminars. When MPs express an interest in the idea, IPPS organizes a series of seminars or workshops for the MPs and other parties concerned to brainstorm, fine-tune the concept, and finally to turn it into a legislative draft. In doing so, IPPS hopes to create an informal coalition that cuts across the institutional barriers for the legislative ini-

tiative. IPPS then moves on to present the idea to the House Committee concerned via the MPs who have been involved in the policy development process since the beginning. After the idea is adopted by the House committee, another seminar is held by IPPS in cooperation with the House Committee to present the idea to the public. This is the IPPS's backdoor approach to support the work of the House committees and achieve the policy-advocacy objective simultaneously. This approach, however, depends very much on the interest, and the efforts of the MPs to work together with IPPS throughout the process.

Another IPPS project is the Legislative Research and Budget Office Project (LRBO). The project was launched in January 1991, a month prior to the coup. The LRBO project was conceived as an initial step towards the establishment of an office similar to the Congressional Budget Office (CBO) in the United States. Such a development was viewed to greatly enhance the capability of MPs in countering and monitoring the performance of the executive branch. In this case, the envisioned office would also undertake research or other substantive issue areas, serve simultaneously as the CBO and the CRS (Congressional Research Service).

There are three components to this project.

- *Database development.* The IPPS cooperates with a research team at Thammasat University in compiling and developing a fiscal data system so that the legislative branch would be liberated from its dependence on the government's Budget Bureau for fiscal data and analysis.
- *Personnel development.* The IPPS plans to develop a group of high-calibre staff for the envisioned office. A legislative internship program in the United States is part of the project. The staff will serve as committee staff, write legislative research papers and organize hearings. The first group of 5 legislative interns participated in a specially designed program in the United

States during August 1991-May 1992. At this moment, as Thailand is awaiting a very important general election in September of this year, the LRBO interns are working on a budget campaign program aiming to alert politicians and the public on the importance of the national budget in a campaign.

- *Institutionalization.* Initially, the House Affairs Committee was to engineer the establishment of such an office as part of the National Assembly or as part of the Secretariat Office after three years. The coup in February 1991, however, changed the timetable and made the last component difficult to achieve.

Now, a new approach in institutionalizing the LRBO is being considered. A new line of thinking maintains that during the initial period, the LRBO should be established outside of the National Assembly and the Secretariat Office in order to guarantee its continuity and ensure its professionalism and non-partisan standing. After the office has been well established and gained the respect of the public, it could be duplicated or incorporated into the legislative support service. At any rate, an inevitable problem in placing such an office inside the legislature is the system's bureaucratic nature including the low pay scale. It may be difficult to build up a high-calibre staff for the office as economics graduates command salaries three to four times higher in the private sector. An independent institute will not face the same problem.

Other components of the LRBO project have continued. The *Fiscal Newsletter*, the project's quarterly publication, is highly praised as a valuable source of information. At the end of this year, the project will publish two sets of comprehensive fiscal database; one for the Chartchai administration, the other for the Anand administration. By the end of the year, the project will present three substantial studies on the subject of local finance in Thailand.

Third Approach. Thirdly, the IPPS also works inside the parliamentary system. Under this scheme, IPPS representatives are appointed to parliamentary positions and are able to work inside the system. Notable examples are the Parliamentary Development Plan and the Committee Staff Project.

In 1989, Dr. Chai-Anan Samudavanija, IPPS Director, was appointed advisor to the Committee on House Affairs. Dr. Pathan Suwannamongkol, IPPS researcher, was appointed the Committee's expert. With close cooperation from Mr. Suwit Khunkitti, Chairman at that time of the Committee on House Affairs of the House of Representatives, IPPS was instrumental in developing the Parliamentary Development Plan.

In late 1990, four other IPPS representatives were appointed committee staffers for the House Affairs committee. The program was planned as a model committee staff, based on the belief that the Thai committee system could be strengthened by way of upgrading the support services for the committees. According to the plan, the House Affairs Committee would provide much needed assistance to the committee system. The group would define the role and responsibilities for committee staffers that would be recruited for other committees after the Parliamentary Development Plan was fully implemented. The project unfortunately, was cut short by the coup in February 1991.

In conclusion, although the event of May 1992 has aroused political consciousness and activism in various sectors of the Thai society, the enthusiasm is largely focused on politicians, political parties and elections. There is still very little talk about the need to upgrade legislative support services. It is therefore very important to create public awareness about the significance of legislative support service and their contribution to the development of a sustainable democratic system.

Notes

- 1 The Board of Parliamentary Officials is composed of the President of the National Assembly, Vice President of the National Assembly, the Secretariat of the National Assembly, two chairmen of the parliamentary standing committees and six experts.

2 South Asia

India

Subhash Kashyap

PARLIAMENT IS THE SUPREME LEGISLATIVE INSTITUTION of the country. As a microcosm of the nation, it is the most representative. In a parliamentary system of government, legislature does not merely deliberate and legislate, it also controls the government. Its powers over the purse strings are full and the Government is responsible and answerable to it for all that it does or fails to do.

That legislatures and legislators need support structures and services cannot be overemphasized. In recent years, considerable attention has been paid to this area and not only in the more developed countries. In fact, it is in the developing and newly democratized countries that this need becomes more pronounced and crucial.

For facility of analysis and understanding, the support structures and services needed by legislatures particularly in the developing countries may be categorized under the following headings:

- **Research and Information Needs of Legislatures and their Members**
- **Training in Legislative Management for the Officers and Staff of Legislature Secretariats**
- **Orientation Needs of New Members of Parliament**
- **Parliamentary Exposure to Officers from the Executive**
- **Public Education for Democracy**

Research and Information

In this scientific age, with newer and newer technological inputs, developments take place and events move at an amazingly fast speed. The modern world is an 'information society' in which more people are employed in collecting, storing, retrieving and disseminating knowledge than in producing food, fibres and minerals and manufactured products. In the United States, 90 percent of the paid workplace is engaged in the 'information sector' of the economy.

A wide range of matters covering almost all spheres of national and international activities come up before Houses of Parliament from time to time. To keep abreast of these developments and events and to discuss and make decisions, legislators need timely, truthful, non-partisan, authentic and complete information. In the context of the widening scope and complexity of public administration, informational input becomes increasingly vital to a legislator's job. Also, in parliamentary polity, legislators have an inalienable right to be informed.

Academics and legislators are both agreed in identifying the information problem as a major factor impeding the proper discharge of their duties by modern legislators. But what is the nature of this information problem? It is not as if they lack information; there is perhaps too much data from a wide variety of sources. An average legislator has neither the time nor the patience to look into the staggering volume of paper with which he is flooded daily. Because Members are proverbially hard pressed for time, information has to be supplied to them in precooked, easily digestible, readily usable, capsule form, if

possible at their doorsteps - almost through the taps - at short notice. They must get what they need and when they need it.

Inasmuch as a modern government is the largest single monopolist of information, most legislatures and legislators - more particularly in the developing nations - have to rely very heavily on the executive departments for their information requirements. Even though efficiently collected and processed, this information may, consciously or unconsciously, get slanted or biased in favour of safeguarding the image and the ends of the government and may not always be considered entirely factual or objective. Information from sources like the mass media, interest groups or lobbyists etc. would be even less so. Hence it is imperative that the legislature and its Members have at their disposal an independent institutionalized source and reservoir of information with specialized collection, storage, retrieval and dissemination procedures. In other words, they should have access not only to a well-equipped library but also receive on a regular and continuous basis, factual, non-partisan, objective and reliable information and authoritative data on socio-economic problems, national and international political developments and scientific and technological advancements, in fact on a wide range of problems facing the nation and legislative and other measures coming before them.

In India, this service is provided by the Parliament Library, Research, Reference, Documentation and Information Service (LARRDIS). LARRDIS of Parliament was reorganized in 1974 with emphasis on development of specialization and expertise coupled with diversification of experience among the staff and on transforming the entire Library organization into an active information workshop. LARRDIS is divided into four functional divisions, namely: *Library, Reference and Documentation, Research and Information, and Press and Public Relations.*

Library

The Library with over a million and a half volumes of documents, over a thousand current journals and periodicals and

nearly 300 Indian and foreign daily newspapers, is one of the finest and richest repositories in the country. It has a valuable collection of rare works.

A very modern Microfilm Unit fully equipped with rotary and planetary cameras, processors, duplicators, microimage terminals, etc. provides computer assisted retrieval of information from microfilms. Besides its conventional functions, the library is involved in activities like arranging book exhibitions, pictorial exhibitions, discussion sessions, seminars, and lectures in order to generate and sustain the interest of Members in the treasures available in the Library.

Reference and Documentation

The interests and information requirements of Parliamentarians are varied and so are their demands on LARRDIS. The Reference Division has, therefore, been fully equipped to handle all references received from Members of Parliament. The Members' Reference Service is supplemented by Documentation Wing, Press Clipping Service and Reprography Section.

Reference Services provided by the LARRDIS are qualitatively as well as quantitatively different from similar services provided by other Libraries. Members' Reference Service broadly performs the following functions: provision of on-the-spot references to Members from published documents; collection of latest relevant materials, factual data, statistics, etc. in response to Members' references; and preparation of bibliographies and reference notes on important legislative measures. The desired information is culled from authentic sources, arranged and edited in the form of notes or tables, as the case may be, and passed on to the Members concerned by the stipulated date and time. References on which information is readily available in published documents and which do not involve preparation of any detailed analysis or compilation are shown to Members on the spot.

All books, reports and other documents relevant to a particular bill or subject under discussion in Parliament are listed and

placed in separate Study Boxes for reference and consultation in Library by interested members at their convenience.

The reference staff has to remain alert and ready particularly when Parliament is in session. Whatever be the nature or the quantum of a reference inquiry, the staff has to be ready with up-to-date and factual information before the deadline.

The popularity of Members' Reference Service can be gauged from the marked increase in the number of references received and handled by the Reference Wing during the past few years. Nearly 5,000 references are received from Members in a year. In a good number of cases, detailed notes have to be prepared.

Location, collection, classification and cataloguing of all documents and records such as books, reports, periodicals, press clippings and hundreds of other documents including papers laid on the tables of the two Houses of Parliament and maintained in the Parliament Library are the main functions performed by the Documentation Wing. These are suitably annotated or abstracted, depending upon the importance of the material. Annotated abstracts and other materials serve as invaluable aids for further research and reference activities. All documentation work is published in the form of an indexed periodical, the *Documentation Fortnightly*, and *ad hoc* documentation lists. In addition, documentation cards are prepared on all important subjects and filed in a card catalogue cabinet to facilitate future referencing work. Documentation series brings out from time to time special consolidated volumes on important themes like agriculture, population and family planning, etc.

A Press Clipping Service was started on a modest scale in the year 1956 with the limited objective of speedy disposal of references from Members on current subjects. Scope of the service has considerably widened over the years and it is now organized methodically to serve as an essential and basic aid for parliamentary research and reference work. All important news

and views are clipped and maintained in separate folders in accordance with a specially devised classification scheme. Press releases by the Press Information Bureau, Government of India, on matters of current interest are also examined regularly and relevant releases maintained along with other press clippings. Since 1986, Members can also avail of reprography service by having photocopies of their personal documents made for a nominal payment.

Research and Information

The Research and Information Division consists of five self-contained functional Wings dealing with Political Affairs, Economic and Financial Affairs, Educational, Scientific and Social Affairs, Legal and Constitutional Affairs, and Parliamentary Affairs.

The functions of the Research and Information Division are broadly to assess in advance the information requirements of Members by anticipating and identifying subjects of current parliamentary interest, including legislative measures, which Parliament is likely to discuss and which are likely to generate demands from Members for detailed information and data.

A constant endeavor is made to keep Members of Parliament informed of current developments, both national and international, in various fields by the timely issuance of objective information materials like brochures, information bulletins, background notes, fact sheets, etc. Handy pamphlets or information quickies are also prepared and circulated for the use of Members. All these publications are based on authentic published sources and continuous efforts are made to keep these up-to-date.

The Research and Information Division also prepares briefs, backgrounders, research notes, etc. for the use of Members attending various national and international parliamentary conferences held in India and abroad. Detailed country notes are prepared for parliamentary delegations going abroad on goodwill missions.

Background notes are also prepared for use by Members at seminars and symposia where apart from Members of Parliament, Members of various State Legislatures take part. Besides *ad hoc* publications, the Research and Information Division publishes some important periodicals for the use of Members. These include the *Journal of Parliamentary Information* (quarterly), the *Digest of Central Acts* (quarterly), the *Digest of Legislative and Constitutional Cases* (quarterly), the *Diary of Political Events* (monthly), *Public Undertakings: Digest of News and Views* (monthly). These are in addition to the periodicals brought out in Hindi.

With a view to provide Members with in-depth information on selected topics of parliamentary interest, a number of specialized monographs are regularly issued.

The Parliamentary Information System (PARLIS) at the Computer Centre, started in 1985, provides computerized information services to meet the instant information needs of legislators.

However, Members need more personalized research and general staff assistance. This cannot be provided by LARRDIS. Also, individual Members are not provided any staff. The Institute of Constitutional and Parliamentary Studies, which was started as a voluntary, independent, nongovernmental organization in the 1960s *inter alia* to provide more personalized research assistance to Members, unfortunately lost its elan after excellent work for nearly a decade.

Press and Public Relations

Press and public relations involve maintenance of continuous liaison with the Press, various governmental publicity organizations and media. Press releases on all matters connected with the sessions of *Lok Sabha*, meetings of the Parliamentary Committees and Conferences, visits of foreign parliamentary delegations to India and of Indian delegations to foreign countries, and preparation and issue of "Members' Who is Who" are some of the activities of the Press and Public Relations

Division. In order to keep Members posted with the latest developments in the country and abroad, particularly during sessions of Parliament, teleprinter machines, fed by national news agencies, have been installed in the Parliament House. Important news items received on these machines are collected, edited and displayed on a news display board located near the Ground Floor Library at regular intervals throughout the day. The Division also attends to all the inquiries from the public in regard to activities of Parliament.

A closed circuit television system with nearly 100 monitors all over the parliamentary buildings provides information in regard to the ongoing business in the Houses of Parliament. The system is also used for flashing any news regarding some outstanding events or developments likely to be of interest to Members.

Training in Legislative Management

Parliamentary institutions in India and abroad have evolved over a period of centuries. They have developed some highly sophisticated operational mechanics, rules of procedure, traditions, conventions and so on. All this cannot be taught or imbibed by anyone overnight; developing countries which have adopted the parliamentary system of government often realize that in order to be really successful, this system calls for a good deal of investment and effort in political and parliamentary education, training and orientation at various levels. Members of Parliament naturally look up to the permanent secretarial staff who have been in the service of Parliament for long years and who may therefore be considered to be the repositories or custodians of the collected wisdom of the past assembled together in the form of precedents, rulings, decisions, etc. But then the staff members themselves are new at some point in time. The old experienced hands keep retiring and new ones are taking their place. They all need intensive orientation and training in the tenets and tools of the profession. They all need to imbibe the value of our parliamentary culture before they can get to

the position of being useful staff members at the service of parliamentarians.

In fact, in recent years, legislative management has emerged in India as a distinct discipline. The management principles and models relevant elsewhere are not valid in the legislative situation. Management in a legislature is something quite different from management in government or in a business or industrial establishment. The training required to be imparted to legislative managers and other parliamentary staff, therefore, has to be very different and specialized.

The high standards of performance expected of legislative managers call for extensive and intensive training in the tenets and tools of parliamentary institutions. They have to have sound knowledge of their foundational principles and practical working. A good legislative manager has to be trained and in turn, has to train others. As the leader, he has an inescapable responsibility for developing his subordinates by the interest he takes in them and the example he sets. For this purpose, the manager himself must be in a continual state of education and training throughout his working life. He needs to be improving his technical, managerial and personal skills all the time. In a parliamentary situation, training programmes and refresher courses are a constant need; for parliamentary institutions are always growing and parliamentary procedures are in a state of constant development. Newer situations arise and fresh devices are evolved and become valuable precedents for the future. It is, therefore, most essential for parliamentary officials to sometimes recapitulate the fundamentals of the system, to know more about theoretical bases and assumptions of the institutions in which they work and to discuss the latest developments in allied disciplines which may help them to improve their own methodologies, sharpen their tools and techniques and streamline their procedures. Through refresher courses or updates, legislative managers can brush up on their knowledge, exchange experiences, get new ideas and learn new procedures which

may have been recently devised or successfully used. If a person does not inculcate and maintain a spirit of inquiry, does not study and understand the fundamentals or does not keep his knowledge up-to-date, he will not be able to discharge his onerous responsibilities as a legislative manager with the required efficiency.

The first organized effort to institutionalize parliamentary orientation and training was made on 1 January, 1976 when a unique institution devoted to the mission was set up. The institution was named the Bureau of Parliamentary Studies and Training or B.P.S.T. It immediately embarked upon several multi-dimensional, cross country programmes of training in parliamentary affairs and played a vital and pioneering role in providing the requisite professionalism, expertise and orientation to many of those who have been charged with the responsibility of running or servicing parliamentary institutions. Besides the various categories and groups of parliamentary staff at the Union and State levels in India, a large number of foreign parliamentary officials have passed through the portals of the Bureau. Including the courses for them and for others, the Bureau has already organized during the last fifteen years nearly 1,000 programmes. Besides parliamentary staff, the participants have included parliamentarians, senior Government officers, university teachers and senior administrative services (foreign service, police service, etc.) probationers.

To achieve its aim and objectives, the Bureau has developed various kinds of courses and programmes often tailored to the needs of specific groups. Thus there have been separate programmes for foreign parliamentary officials, middle level officers of state legislatures, Financial Committee officers of legislatures, Watch and Ward officers, Sergeants and Marshals, Legislature Librarians, etc.

For purposes of better career development and growth of efficiency and job satisfaction among the staff within the Secretariats of Parliament, some of the courses devised and operated

by the Bureau include: *Foundational Courses, Appreciation Courses, Intensive Courses, Orientation Courses, Training and Attachment Programmes, Refresher Courses* etc.

Apart from providing information, exchange of views and work experience through various courses, efforts at the Bureau aim to instill among the various course participants norms of the parliamentary culture and a spirit of inquiry and question so that they can understand and appreciate the institution and procedures better and can later meet any questions or criticisms from others. It is not enough to train the parliamentary staff in the use of tools and techniques, rules and regulations, and precedents and practices of Parliament; their attitudes have to be oriented to the needs and responsibilities as well as tenor and temper of parliamentary institutions. This is done through the courses for parliamentary officials which are of two to four weeks' duration. These are divided into two parts. The first part consists of sessions with senior Parliamentarians, academics, parliamentary and other senior officers, etc., while in the second part of the training officers are attached to specific desks and branches. The effort at the Bureau is also aimed at offering a series of studies imparting the required orientation and institutionalized opportunities for problem and practice-oriented on-the-job discussions; and systematic training in the various disciplines of parliamentary life, processes and procedures. The whole approach is to provide a thorough grounding for the participants so as to improve their functional skills, widen their horizon and enable them to sharpen their perspectives through exchange of views and experiences.

Further, to provide opportunities for the in-service personnel to better their career prospects and rise by dint of merit, the Bureau conducts special training courses for the officials of the Secretariats of the two Houses who are eligible to appear at various departmental examinations for promotion to higher grades.

The first foundational courses for the new entrants to parliamentary service are directed towards inculcating the

parliamentary perspective and developing the right attitudes and qualities essential among parliamentary officials. These are followed by intensive specialization and later, refresher courses. The specialization courses are for the distinct groups engaged in similar jobs like those engaged in committee, legislative or library work or jobs of an administrative/executive nature. These aim for in-depth familiarization with relevant rules, etc. required in the discharge of their special duties and responsibilities and thereby help them to improve upon their modes of working.

The refresher courses are repeated, and persons in the service can, from time to time, take these refresher courses. They can also take specialization courses. For example, if a person is selected to move from, say, the interpreter's line to the Table and deal with legislation he may, before he is promoted, be put through a specialization course.

Besides training the staff of the Legislature Secretariats and providing necessary exposure and orientation to various categories of government offices etc. from within the country, the Bureau extends its services to parliamentary staff of foreign Parliaments as well. The latest in the series of the Bureau's programmes are two prestructured orientation and practical attachment programmes: the Parliamentary Internship Programme, and the International Programme in Legislative Drafting.

The internship programmes for officials of Foreign Parliaments are organized under various inter-governmental technical assistance or cooperation programmes such as the Colombo Plan, the Special Commonwealth African Assistance Plan (SCAAP), and ITEC or the United Nations Development Programme. The internship programme is a seven to eight week course tailored specifically to the needs of foreign participants and held each year from September through November. Prospective participants can apply through a form which is available in all Indian missions abroad. The number of seats available each year is limited to ten. There are several fellowships available, which means the funding for the entire training programme, except travel, is provided by India.

The International Legislative Drafting Course primarily helps the legislature secretariat staff engaged in the task of helping Members of Parliament to draft private Members' Bills, because very often the private Members come up to the legislature secretariat officers for help in drafting Bills. There are, so far, no institutionalized arrangements - in any case not in India - for helping Members to draft their Bills. Of course the staff did try to help them, but they themselves did not have proper training in legislative drafting. This course includes participants from foreign countries and state legislature secretariats, and the Parliament Secretariats in India. The number of seats each year is limited to 15. Foreign participation is again to be funded under various funding schemes and as in the case of the Parliamentary Internship Programme, forms are available at Indian missions abroad.

Besides these courses, if a particular country wants to send some of its officers for training in any specified or special field, a separate course for the needs of these officers is prepared and they participate, either at their own expense or through one of the funding programmes. Usually, the Bureau tries to arrange general or special courses for foreign parliamentary officials in areas of their interest and at the time of their choosing to the extent that it is possible, depending upon the other programme schedules of the Bureau.

Orientation Needs of New Members

Representative institutions are the nerve-centers of parliamentary polity. It is imperative that the Members themselves also imbibe the culture and philosophy of the representative institution and fully understand its procedural set-up. The biggest barrier in the way of a new Member making an effective contribution to the legislature's proceedings is the initial lack of familiarity with the forms of the House. He may naturally feel bewildered at the plethora of printed materials made available to him in the form of rules, directions, handbooks and other literature on parliamentary procedures and practices. How and in what form to raise matters in the House is often seen to be a

problem for him. It is, therefore, important that those elected to the legislature for the first time receive a grounding in the ethos and modalities of the place, acquire some familiarity with the niceties and nuances of legislative procedure, get tuned to the atmosphere of the legislative Chamber and settle down quickly to their job.

The Bureau of Parliamentary Studies and Training seeks to provide legislators at both the Union and the State levels with institutionalized opportunities for problem-oriented discussions and systematic orientation in the various disciplines of parliamentary work. Soon after election the Bureau organizes orientation programmes for new entrants to Parliament and the State Legislatures. These orientation programmes are designed to inculcate in the new Members an insightful appreciation of their role and position as representatives and seek to familiarize them with the operational mechanics and realities of parliamentary institutions. Eminent Parliamentarians, senior Parliamentary officials and other experts in the field are invited to deliver talks and hold discussions on various facets of parliamentary life.

To cite an example, following the elections to the Eighth *Lok Sabha* and Legislative Assemblies of several States and Union Territories, the Bureau organized a series of orientation programmes for the new Members. In this series, the first programme for the newcomers to the Eighth *Lok Sabha* was organized from 1 to 14 January. As many as 120 Members of Parliament attended the programme. This introductory programme was to make the new Members aware of the problems likely to be faced by them and the amenities and facilities available as well as to introduce them to various aspects of the operational dynamics of the House. The programme consisted of several discussion sessions on subjects like: "First session for new Member - Role and Opportunities," "Do's and Don'ts for Members - Decorum and Parliamentary Etiquette, Customs and Conventions;" "Amenities, Facilities and Services for MP's;" and "Parliamentary Devices Available to Members to Raise Various Matters - How to be an Effective Member."

The participants were supplied with background papers. Some literature paper on the subjects scheduled for discussion were also supplied. Eminent Parliamentarians served on the panel of speakers, and senior parliamentary officials and others delivered talks and held discussion on various subjects. The *modus operandi* of the discussion session was that after the panelists had spoken, the Members could have their doubts and difficulties cleared. The panelists clarified the position, citing concrete incidents and precedents. Senior officers of the *Lok Sabha* Secretariat were readily at hand to assist the panelists clarify procedural points by referring to specific rules, rulings and precedents.

The introductory programme was followed by three intensive orientation programmes at hill resorts of Simla, Ooty and Gangtok for an in-depth study of the various aspects of the functioning of Parliament. The reason for holding these intensive programmes outside Delhi was that Members could devote their undivided attention to study, discussion and reflection on matters concerning their effective functioning in Parliament, undisturbed by their often busy schedules and many pressures on their time and attention. The Members' response was marvelous; they evinced keen interest in the discussions and remarkably, almost all the participants were present throughout the programmes.

Each of these intensive orientation programmes comprised fourteen discussion sessions with seasoned Parliamentarians and experienced Ministers initiating discussions on the following subjects:

- Role and Functions of Legislators Inside and Outside the Legislature;
- Relation of Parliament with the Executive
- Duties of Members *vis-a-vis* the Speaker
- Role of the Leader of the House, Leader of the Opposition and Whips
- Parliamentary Questions

- Legislative Business
- Nonlegislative Business
- Financial Business
- Financial Committees
- Parliamentary Committees other than the Financial Committees
- Privileges of the Houses of Parliament and Members
- Parliamentary Customs, Conventions and Etiquette
- Information Management for Legislators
- How to Be an Effective Legislator

The programmes enabled the Members to learn about the problems and difficulties faced by the people of the regions where they were held. Also, operating in an informal atmosphere became an invaluable aid to forging a sense of national integration among the participants. A unique sense of unity, solidarity and friendliness was clearly perceptible. Party differences, as well as regional and linguistic ones, were visibly left behind. The practical utility of the programmes was generally voiced by the participants in very appreciative terms at the conclusion of each programme.

Parliamentary Exposure to Executive Officers

There are many ways and situations in which the legislature and the legislators come into contact with the officers of the executive and need their support for the efficient discharge of legislative duties. For example, the officers come into direct contact with Members in connection with their constituency problems. The officers have to process legislative proposals, prepare replies to parliamentary questions, supply memoranda and appear before committees. It is, therefore, important that the bureaucracy understands their responsibilities *vis-a-vis* Parliament and its Members. The Bureau at New Delhi, therefore, organizes a number of short appreciation courses for senior officers of the Government and also for probationers of the Indian Administrative Service and other Central Services to see parliamentary institutions at work. These courses are intended to provide the participants direct exposure to the environment,

culture, traditions and dynamics of parliamentary life and to help them to better understand the procedures, the tenets, tools and operational mechanics of the system of parliamentary democracy and their own role in its processes. The courses try to instill among the officers the right attitudes and a sensitivity to the expectations of the common man as reflected through the legislative institutions. The officers get a feel of the working of the Houses of Parliament, their committees and also the organizational and working patterns of the secretariats that service the Houses and the Committees and the Members. The programme includes practice-oriented and specific problem resolution sessions where role conflicts and differences in Executive-Legislative perceptions can be sorted out. On the whole these courses at the Bureau have actually been found to help the Government officers better appreciate the nature of their obligations and better respond to their work in Parliament.

Public Education for Democracy

Successful working of parliamentary institutions depends upon the awareness, understanding and participation of the people themselves. It is often realized that any worthwhile democratic polity requires a good deal of investment in political education of the people. It has been well said that freedom and free institutions cannot long be maintained by any people who do not understand the nature of their own government. To develop a healthy respect for parliamentary institutions, it is imperative that the present and coming generations are attuned to the democratic way of life and made well aware of the processes of parliamentary functions. This is sought to be done through a large number of parliamentary brochures, folders, backgrounders, information bulletins and periodical publications that are made available to the public at large; the unique Indian institution of a Parliamentary Museum and Archives conceived as a place for communication, education and dissemination of knowledge about democratic institutions; several parliamentary souvenirs sold through Parliamentary counters; films, radio and TV programmes and media articles regarding Parliament and its

activities; model parliaments for students; a televised question hour and some important parliamentary debates.

While public education for democracy is a stupendous task and requires considerable investment in terms of time and resources and can be undertaken only under a national plan, it is felt that democratic values cannot be imbibed overnight and people should be made aware of them from an early stage. The programmes of model parliaments for students have, therefore, been particularly successful. Courses are held first to train University Professors and teachers who propose to organize model parliaments in their institutions. Later, inter-university competitions in model parliaments from all over the country are also organized.

On the negative side, let me say that the respect for politicians and legislators in India has never been as low as it is today. There is a great deal of awareness of the decline in the standards of parliamentary debates and behaviour of Members. Very few Members, if any, do their home work; attendance in the House is poor; instances of unruly behaviour and pandemonia are galore; and the quality of parliamentary staff has gone down considerably. Even after 45 years of independence, despite tremendous progress in many areas, dismal poverty is still widespread all over India and we have the world's largest number of illiterates. If this situation is not remedied, democracy and free institutions cannot long survive, for legislative support structures and services in the ultimate analysis have to be based on economic stability and education of the people.

Lastly, the developing countries who need the best legislative support services can least afford them. For them, it is very difficult, on their own, to really develop all the needed modern infrastructure of all the informational and other support services for legislative institutions. The only practical and wise course, therefore, is to recognize our interdependence and need for cooperation for mutual benefit and progress.

Pakistan

Abdul Rauf Khan Lughmani

IN THE OLD AND ESTABLISHED DEMOCRACIES, the need for enhancing and upgrading legislative support services was felt much earlier than we in the Asian region could even realise its importance. Though the need and necessity to strengthen such services is of a more fundamental nature in the developing and emerging democracies for several reasons, some of these have a comparatively low level of awareness of legislative and democratic practices. There is still a lot of need to improve the mode and nature of the organisational setup of political parties and groups which remain backward due to a number of reasons like political instability, occasional interruptions in the democratic process, and also the lack of experience and expertise in some of the new and emerging democracies in Asia.

In the following pages we will give a brief description of how the work to provide legislative support is being organised in the two Houses of the Parliament of Pakistan, and the four

Provincial Assemblies. We will also describe briefly the problems that we face in this respect and some solutions we have found in modernizing our work.

The Parliament of Pakistan (Senate & National Assembly), is organised and staffed to provide legislative, administrative, and informational support services to the Members. Each branch of the secretariat is there to support the working of the legislature and help the legislators carry on their work smoothly and systematically.

Legislative Support Services in the National Assembly

In the Parliament building, both the National Assembly and the Senate have separate secretariats which work independently of each other. Following are the different branches/sections of these secretariats which work as the Legislative Support Services in the National Assembly:

Legislation Branch:

- Prepares and maintains lists of Members of the National Assembly (MNAs) by province and by Party affiliation;
- Assists in summoning and proroguing the Assembly, allotting days for various categories of business, and preparing and issuing the Orders of the day;
- Oversees work related to legislation, including Government and Private Member's bills and maintenance of the Bills register; resolutions; out motions; amendments; and the budget (including demands for grants, supplementary and excess grants);
- Frames Rules of Procedure and responds to questions arising out of the Rules;
- Lays out Papers on the Table of the House;
- Intimates the arrest and detention of Members;
- Oversees matters relating to the election, by-election, disqualification, or resignation of MNAs;
- Prepares the Journal of the daily proceedings of the

House; and

- Prepares the summary of business transacted in each session of the National Assembly.

Notice Office

- Receives from MNAs and distributes notices of bills, motions, resolutions, and questions;
- Handles all work related to Division in the House;
- Arranges seating in the House;
- Circulates notices regarding the absence of Members during the sessions and grants of leave under the Rules of Procedure;
- Maintains attendance register of Members;
- Prepares summary of attendance on the prorogation of each session;
- Prints various forms of notices under the Rules of Procedure; and
- Prints name cards for MNAs.

Question Branch

- Allots days to Ministries/Divisions for answering questions during Question Hour in the National Assembly;
- Oversees all work related to the receipt, preparation, editing, submission, and printing of the questions (including preparing the index and summary of questions);
- Handles complaints from MNAs about alleged incorrect replies to questions;
- Processes motions under Rule 65 and supplies information to the concerned Ministries/Divisions about their admissibility; and
- Keeps track of promised replies.

Motion Branch

- Handles work relating to privilege and adjournment motions;
- Handles work relating to motions under Rules 205 and 220.

Committee Branch

- Handles work connected with the standing, special, and select committees with regard to any matter referred to them by the House;
- Provides support for the meetings held by the various committees, including correspondence with the Members and Ministers and arranging for the presentation and circulation of reports;
- Handles work concerning the nomination and election of Members to the Standing and other committees; and
- Summons witnesses if desired by a committee.

Service Branch

- Handles residential accommodations for Members;
- Installs telephones at the residences of MNAs;
- Provides approved car plates bearing the letters "MNA" to Members on payment;
- Oversees medical facilities for Members and reimbursement of their medical claims;
- Issues identity cards and airport entry cards to MNAs;
- Arranges for banking, postal, and telegraphic facilities for Members;
- Prints and supplies travel vouchers for Members;
- Caters arrangements for Members during sessions and committee meetings;
- Prepares lists showing local, permanent, and postal addresses of Members;
- Prints and issues passes for various galleries;
- Prints and sells stationery (pads/envelopes) to MNAs;

- Opens temporary PIA and Pakistan Railways reservation counters in Parliament House during sessions; and
- Corresponds with the concerned Ministry/Division regarding the issuance of arms licenses, passports, invitation cards to the Pakistan Day parade, and other miscellaneous matters relating to MNAs.

Administration Branch

- Provides administrative support to all branches of the Secretariat.

Establishment Branch

- Hires manpower for the Secretariat
- Deals with the postings, transfers, and all other related work of the employees like maintaining personal files etc.

Budget and Accounts Branch

- Prepares and issues salary cheques for the salary and regular allowances, as well as the TA/DA bills of MNAs and Senators as the case may be;
- Prepares budget estimates with respect to their respective legislators, Speaker, Deputy Speaker National Assembly, Chairman, Deputy Chairman Senate, their staff and the staff of the Secretariats; and
- Holds the meetings of the Finance Committee of the National Assembly/ Senate, and handles related matters.

Communication and Public Relations Branch

- Oversees protocol matters;
- Handles all arrangements related to incoming and outgoing delegations;
- Acts as liaison with the Inter-Parliamentary Union and the Association of Secretaries General of Parliaments;
- Handles press relations (both broadcast and print media); and

- Deals with public affairs generally.

Library and Research Service

- Handles acquisition and processing of materials for the Library's collections;
- Maintains bibliographies, systems to provide access to the Library's collections; and
- Provides reference and research services to the Members and committees of the National Assembly.

Library Modernization Project

The Secretariat of the National Assembly has undertaken an extensive, multi-year project to expand and modernize the information resources available to the Members. In 1985, with grants-in-aid from the Asia Foundation, and the U.S. Agency for International Development, the project to modernize and expand the library, and to establish a research service for the legislators in the National Assembly, was launched under the guidance of a library consultant from the Library of Congress in Washington.

The project was planned to be completed in three phases: the first phase was the expansion of the library; the second one was to create a research unit; and the third one was to automate the system by installing computers for various purposes.

The newly expanded information resources are now operating quite successfully. Quite a few improvements have been made in the Library and Research Service as well, the most significant one being the launching of a successful pilot computer project.

The National Assembly Library's collection has been enlarged from approximately 22,000, to more than 50,000 items. It has also been reorganised; its staff has been increased from 3 to 12, and upgraded in terms of professional qualifications and the concomitant government classification schedules.

The Research Service was introduced with the creation of six (6) positions for professional research staff to carry out

analytical policy studies and to produce legislative histories and briefing papers. These positions are filled by experts on different subjects, e.g. the Research Officer for Political Affairs deals with political issues; the Research Officer for law deals with Legal issues and informs the legislators about the legal validity of various issues, besides preparing legislative histories of various bills that are laid before the House.

The Members make use of the Research Service by going directly to researchers and asking them for the required information. Research work is not only initiated by individual requests made by the honourable Members, but is also initiated on a particular topic which gains the attention of the public and the politicians, and other burning issues. Such papers are circulated in the House among the Members. This is done in an effort to introduce and attract the Members to utilize the service. As few legislators are regular visitors to the Research set-up, no particular method for using the research service has been prescribed for them, so as to give them easy access to the Research Service and to avoid any cumbersome bureaucratic procedures.

In the process of modernization of the Library and Legislative Information and Support Services, the first phase of on-line legislative management system was completed. In the process, a mini computer system and relevant software have been procured from the U.S.

The in-house installed system is a Mini-Computer MicroVAX II, manufactured by DEC (Digital Equipment Corporation, USA), with PCSA (Personal Computer System Architecture), having four VAXmates (Personal Computer), and three DECstations (Personal Computer), Networking. The Programs developed in this environment use COBOL, FMS (Forms Management System) and RDB (Relational Database). The use of VAXmates/DECstations allows the word Processor for Mail Merging, documentation and computerization of Research Papers etc.

Twenty two (22) personal computers have been installed in different branches of the Secretariat. Following are the software applications designed and tested in the computer center on minicomputer and microcomputers:

- *Pakistan Library Information Management System (PLIMS)*: A software for the library's cataloguing system has been produced, and nearly 9,000 on-line records have been created on it.
- *List of invitees*: This provide quick access to a list of invitees for various special occasions of the National Assembly.
- *Bibliographical directory of the Members of the National Assembly of Pakistan*: Biographical information of all the Members can be obtained through the directory. Access to the list of the Members can be made by entering name, province, party, constituency-number. One can also see the lists of Members in different committees or Parliamentary friendship groups.
- *Rulings of the Chair*: Rulings of the chair is important and essential to all legislative work in the National Assembly Secretariat. It provides a Retrieval System for the users with different queries and options. Different types of work related to the accounts are also computerized.
- *WordPerfect software*: This is available on the minicomputer Microvax-II as well as on the microcomputers. A Bi-lingual Urdu-English Software is also available on the microcomputer for both Urdu and English word processing. For the accounting application *Quattro Pro software* is available.

The following services are also offered by the Computer Section:

- **Maintains close contact and liaison with users of computer system in the secretariat. Performs troubleshooting functions for all the problems related to the**

Operating System and Wordperfect on minicomputer and microcomputers;

- **Prepares Research Papers, assigned by the Entry Operators. Other supporting staff also look after the work of all the users;**
- **Provides training to the new Data Entry Operators. Other supporting staff also look after the work of all the users;**
- **Provides the facility of bilingual (Urdu and English) word processing;**
- **Coordinates with the Administration of the Secretariat, computer Vender and CDA for the installation of new Hardware and Software etc;**
- **Provides technical advices for the computerization of the Printing Branch, procurement of technical items like type writer etc..**

Available software for producing the bilingual debate proceedings has been attained and tested in both the National Assembly and the Senate. Micrographic equipment has also been installed. To date, 20 years' accumulation of debate proceedings have been transferred to microfiche storage. This would provide critically needed space for the ever expanding book collections. Moreover, the particular camera in use has an encoding capability that allows the microfiche system to be linked to the on-line computer system for rapid bibliographic access to the contents of the documents collection.

The initial task to improve the Library's resources and services has been completed. Actually, more than what was originally intended has been achieved. While modernization of the library has been the integral part of the project, it has ceased to be the focal point. Now, increasing emphasis is being laid on the need to develop Public Policy Research Capabilities, and to provide quick access to information in support of daily debates on critical national problems.

A similar program of modernization in the Senate and the four Provincial Assemblies has recently been started. Some modern equipment such as computers and microfiche units have been installed in the Senate where research staff will also be appointed in a few weeks time. The Senate and Provincial Assemblies libraries are being expanded and enlarged. The Senate Secretariat has also launched a program to procure for its library all Pakistani newspapers and magazines while the library of national assembly specializes in foreign newspapers and magazines. Additionally, Senate has plans to expedite the printing of debates by establishing a modern printing shop.

The need for modernization and planning of other aspects of the legislative infra-structural development is being deeply felt. There is a dire need for timely production, indexing and publication of the daily proceedings of the debates and other primary parliamentary documentation, keeping track of legislative procedures in the House, enhanced support for the committees as well as for the Members, and member education/ orientation programming.

The project shall continue assisting the legislators as its staff continues to develop its capabilities. Specialized training in simultaneous interpretation; transcribing and editing debates; legislative digesting and indexing, analytical research methodology, legislative drafting, and technical skills related to micrographies and computing are focal areas for the staff training program. The training is provided on-the-job whenever appropriate, and is complemented by a combination of in country courses, seminars, and workshops, regional study grants, and observation tours for key legislative, research, and technical staff engaged in primary aspects of the development project.

However, because of the need to familiarize the Members with the intricacies of various aspects of legislative procedures and with background presentations and informal substantive discussions of issues of current legislative concern, it is very important to hold Members orientation programs. Also, where

the Members are tired about using research and other such support facilities, their orientation becomes all the more important. Such member education programs are essentially a norm in most of the democratically elected parliaments in developed as well as developing nations, and now some Members have shown their keen interest and need for such programs. Consequently, it is intended that the Members would initially be briefed on the earlier mentioned issues and procedures, and then additional seminar programs would be launched during every legislative session throughout the year. One such 'Pre-Budget Seminar' was recently organised during which independent economic experts were invited to read papers, and have open discussions with the legislators on the economic policies of the Government and other related issues. The seminar was a success and the legislators showed keen interest in regularly holding seminars on various issues dealing with not only political or legal issues but also on various norms practised inside the legislature such as the code of ethics etc.

In the end, it is hoped that in developing countries like ours, where the democratic institutions have yet a long way to go before establishing themselves, there will be cooperation and a sharing of experiences among the regional countries, so as to train and modernize the legislative Support Services along with orienting the legislators.

Bangladesh

Parliament Secretariat

Khondoker Abdul Haque Miah

THE PEOPLE'S REPUBLIC OF BANGLADESH has a unicameral legislature, known in Bangla as *Jatiya Sangsad* and in English as "Parliament." It consists presently of 330 Members, out of whom 300 Members are elected from single territorial constituencies by direct election on the basis of adult franchise. The remaining 30 seats are exclusively reserved for women Members, who are elected by the aforesaid directly elected Members. By the turn of the century, there will be no reserved seats for women and Parliament will consist of 300 Members, unless otherwise provided for in the Constitution through an amendment.

Parliament has a tenure of five (5) years from the date of its first sitting but the President has powers under the Constitution to dissolve it earlier. The statement given below on the tenure of the first four (4) Parliaments of Bangladesh shows that

Views and opinion expressed by the author, who is an official of the Bangladesh Parliament Secretariat, are his own and do not necessarily reflect the official position of the institutions he is connected with.

none of the Parliaments so far enjoyed a tenure of more than three (3) years:

<i>Parliament</i>	<i>Date of First Meeting</i>	<i>Date of Dissolution</i>	<i>Actual Tenure</i>
1st	7/4/73	6/11/75	1 yr. 11 mos.
2nd	2/4/79	2/3/82	3 yrs.
3rd	7/7/86	6/12/87	11 mos.
4th	5/4/88	6/12/90	2yrs. 1 mo.

The Fifth Parliament (the existing one) of Bangladesh was elected early in 1991 under the care of an interim care-taking government headed by the Chief Justice as Acting President. The election, participated by all political parties, has been acclaimed nationally and internationally as a very free, fair and impartial one. The party-positions of the Fifth Parliament as of July, 1992 are given below:

<i>Party</i>	<i>General Seats</i>	<i>Reserved Seats for Women</i>	<i>Total</i>
Bangladesh Nationalist Party (BNP)	142	28	170
Bangladesh Awami League	92	-	92
Jatiyo Party (JP)	35	-	35
Jamaat-e-Islami Bangladesh	18	2	20
Communist Party of Bangladesh	5	-	5
Other Parties	6	-	6
Independents	2	-	2
	300	30	330

[The other parties represented in Parliament are the Bangladesh Worker's Party, *Ganatantric Dal*, *Jatiyo Samajtrantik Dal* (JSD), National Democratic Party (NDP), National Awami Party (NAP) and *Islami Oikya Front*.]

Soon after the election, a cabinet was formed with the leader of the majority party as the Prime Minister. At the same time, the leader of the largest party in opposition to the government

was officially recognised by the Speaker of Parliament as the "Leader of the Opposition."

Among the issues that received serious attention in the first two sessions of Parliament was the question as to whether the presidential form of government should continue or the parliamentary form should be adopted through an amendment of the Constitution. The Constitution of Bangladesh adopted in 1972 provides for a parliamentary form of government. The party in power with a predominant majority in the 1st Parliament had, however, decided in January 1975, to switch over to the presidential form and a one party rule. Subsequently, in 1978 the provision regarding the one party rule was annulled and a multi-party pluralistic form was reintroduced.

The debate on the form of government in the 5th Parliament ended with a unanimous decision in favour of the parliamentary form. A constitutional amendment bill to that effect passed through Parliament on 6 August, 1991 and received endorsement by the nation in a referendum held on 15 September, 1991. A new President, with nominal constitutional powers, was then elected by Parliament and the Acting President was allowed to return to his post of Chief Justice.

As in democracies practising the parliamentary form of government, the Constitution of Bangladesh provides that the legislative powers of the Republic shall be vested in Parliament, while the executive powers shall be exercised by the Prime Minister as the head of the Cabinet. The President appoints as Prime Minister the Member of Parliament who appears to him to command the support of the majority of the Members of Parliament. The President of the Republic, elected by Members of Parliament in accordance with law, performs all his or her functions, save only those of appointing the Prime Minister and the Chief Justice, in accordance with the advice of the Prime Minister. The Cabinet is collectively responsible to Parliament. Only a maximum of 10% of the Members of the Cabinet may be appointed from among persons who are not Members of Parliament. A Minister who is not a Member of Parliament can take

part in the proceedings of Parliament relating to matters within his jurisdiction but cannot vote.

The latest amendment of the Constitution (providing for a parliamentary form of government as already mentioned) also provides that a period not exceeding 60 days shall intervene between the end of one session and the first sitting of Parliament in the next session. This provision of the Constitution has the implication that sessions of Parliament would be held more frequently than it used to in the past. During the period of one year from April 5, 1991 to April, 1992, Parliament has met in 106 sittings spread over 4 sessions.

The Parliament of Bangladesh has an elaborate committee system. A total of 49 parliamentary committees, some of them with one or more subcommittees, are in existence at the moment. These committees may be classified into the following broad categories:

- Speaker's advisory committees;
- Finance and audit committees;
- Standing committees on each of the ministries;
- Select Committees;
- Special Committees.

Some important committees such as the Committee on Privileges, the Committee on Public Petitions, the Committee on Government Assurances and some other committees would not fit into any of the aforesaid groups of committees. This classification, however, indicates the wide range of activities which Members of Parliament have to engage themselves in. While meetings of all committees depend on the agenda they have, each of the standing committees on individual ministries (at present 34) are required under the rules to meet at least once a month.

With the exception of one or two Members opting out from being a Member of standing committees on Ministries, every Member of Parliament is a Member of one or the other committee. The Standing Committees on Ministries have a wide range of activities, such as:

- Examining draft Bills and other legislative proposals;
- Reviewing the enforcement of laws and proposing measures for such enforcement;
- Inquiring or investigating into the activities or administration of a ministry in relation to any matter referred to it by Parliament.

A parliamentary committee may require a ministry to furnish relevant information through an authorized representative and to answer questions orally or in writing. A committee can enforce the attendance of witnesses; examine them on oath; and compel production of documents.

The Parliamentary Process in Bangladesh

The Parliamentary process in Bangladesh provides ample opportunity both for the government as well as individual Members to take part in the debates. Ministers avail of this opportunity to explain the policies of the government and sometimes make announcements of a decision. Individual Members try to bring in issues of public importance to the floor of Parliament.

One such opportunity is afforded by debates that follow the President's address. The President is required under the Constitution to address Parliament at the commencement of the first session after a general election and at the commencement of the first session each year. The President's address generally outlines the policies of the government for the next year and reviews some of them from the immediate past. The address remains under discussion in Parliament for several days through a motion of thanks proposed usually by a Member of the ruling party. During the debates Members can raise issues, whether related or not to policy statements mentioned in the address; and can suggest alternative proposals in respect to those statements.

The presentation of the budget in Parliament each year by the Minister for Finance, usually in the month of June, provides another opportunity for the government to discuss at length the performance of the economy in the past year and its outlook for the next year. During the presentation, the Finance Minister

also deals at length with the tax proposals of the government for the coming year. The speech of the Finance Minister is followed by a long debate known as "General Discussions on the Budget" participated in by a majority of Members. It is said that anything under the sky can be raised by Members while participating in general discussions on the budget. The Minister of Finance speaks again winding up the discussions by way of reply to criticisms from Members. He may concede to one or two points and agree to change his proposals to some extent. Thereafter, the demands for grants are voted upon by Parliament. Members in the opposition get a second chance to raise discussions on specific matters relating to each of the demands by way of proposing a "cut motion." Although not written in the rules, a defeat suffered by government on a demand for a grant is widely believed to have the implication just short of a motion of no-confidence in the government. This probably explains why a Member from the ruling party does not propose a "cut motion."

The process of legislation in almost every Parliament, unicameral or bicameral, national or provincial, begins with a Minister or Member of Parliament giving notice of his intention to introduce a bill. If the notice is given by a Minister, the bill is referred to as a Government Bill. On the other hand, the bill is known as a Private Member's Bill, if the notice has been given by a Member other than a Minister of the government. It is well-known that a legislature does not engage itself in the drafting of a bill. It is a universal practice to require all legislative proposals to be brought before a legislature in the form of bills. In Bangladesh, it is a constitutional requirement. Article 80(1) of the Constitution provides that "Every proposal in Parliament for making a law shall be made in the form of a Bill."

A bill passes through three (3) stages on the floor. These stages are often referred to as First, Second and Third Readings, usually meaning introduction, consideration and passing respectively. A Private Member's Bill takes a little longer to reach the First Reading stage. But once introduced, a Private Member's Bill is processed exactly the way a government bill is processed,

with the limitation that out of 5 or 6 days in a week government business is transacted in all but one day. A Private Member's business thus gets preference over other business only on that day. There is some scope for all Members to participate in the discussions at all stages of the bill, but the Second Reading stage provides the maximum opportunity for such participation. It is at this stage that the general principles of a bill are discussed and amendments proposed and disposed of. It is again at this stage that Parliament may refer a bill to a select committee or standing committee.

In a parliamentary form of government, Ministers are directly accountable to Parliament through a number of parliamentary devices. These devices provide Members with opportunities to bring in matters of public importance to the notice of Ministers. An idea about some of these devices provided for in the Rules of Procedure and frequently resorted to by Members in the Parliament of Bangladesh may be relevant.

First of all, a few words about the "Question Hour." The first hour of a day's sitting is allotted to questions by Members and their replies by Ministers. A question is asked for the purpose of obtaining information on a matter of public importance within the special range of the Minister to whom it is addressed. An advanced notice is required for each question. If a Member giving notice of his other question marks it with an asterisk, the question is known as a "starred question," for which only a written reply is required. Starred questions provide an opportunity for Members to ask supplementary questions, if allowed by the Speaker. A question must satisfy certain criteria set forth in the Rules of Procedure for it to be approved by the Speaker.

Second, a Minister's reply to a question can be the subject of a half-hour discussion on the floor of Parliament if the answer needs elucidation.

Third, a Member can raise discussions by way of proposing an adjournment motion on a definite matter of recent and urgent public importance, if the Speaker agrees to it and the Member has the support of at least twenty-five (25) Members,

when he asks for leave to move his motion. If he has that support, the subject is entered into the "orders of the day" as the last item within three (3) days for discussion for a period not exceeding two (2) hours.

Fourth, a Member supported by five (5) other Members can raise discussions for one hour on a matter of urgent public importance, if the Speaker is satisfied that the matter is urgent and is of sufficient public importance for discussion in Parliament.

Fifth, a Member may call the attention of a Minister to any matter of public importance, if the Speaker is of the opinion that the matter is urgent and important.

Sixth, a Member may move a resolution in the form of a declaration of opinion or recommendation. But not more than five (5) resolutions can be entered into the "orders of the day" for a sitting in which Private Members' business gets preference. The five (5) resolutions are pre-selected through a ballot held each week for the purpose.

Seventh, the scope for Members to raise issues on the floor of Parliament has further been widened by a recent amendment to the Rules of Procedure. A period of thirty (30) minutes is now allotted every day for raising the subject matter of any notice by calling the attention of a Minister. One Member can speak for a maximum of two (2) minutes.

The Legislative Support Structure

The legislative support structure that exists in Bangladesh is formally known as the Parliament Secretariat. Article 79 of the Constitution provides that "Parliament shall have its own secretariat." The functions of the Parliament Secretariat have not yet been formally defined. However, it is a service-oriented organisation working under the direction of the Speaker to render support to Parliament, its Committees and individual Members as required under the rules. It is headed by a senior civil servant, of the rank and status of Secretary to the government. The Secretary has three distinct functions:

- He works as Secretary to Parliament;
- He is designated by the Rules to be the Secretary of the Parliamentary committees and sub-committees;
- He is also Secretary to the government and discharges functions in matters of personnel administration, purchases etc. in respect to the Parliament Secretariat.

Accordingly, the work of the Parliament Secretariat is organised into three (3) wings:

- ***The Legislative Wing***

This wing performs functions related directly to day to day proceedings in Parliament. Some of its important duties and responsibilities are enumerated below:

- Providing assistance in the preparation of "Orders of the Day" for each sitting of Parliament;
- Processing of Government and Private Members' Bills including their examination, printing and circulation and other similar work in respect to amendments to these bills;
- Publishing a "Bulletin" on major developments in each sitting of Parliament;
- Publishing of a summary of activities on the floor of Parliament at the end of each session;
- Holding of ballots weekly during sessions for determining relative precedence of private members' notices on bills and resolutions;
- Examining the acceptability of parliamentary questions on the basis of the criterion set out in the Rules of Procedure;
- Examining the acceptability of other notices from Members proposing adjournment motions, call attentions, short discussions or half-hour discussions;
- Maintaining a library for the use of Members of Parliament. (Incidentally, the Parliament Library is one of the biggest in the country).
- Reporting, editing and printing of all debates on the floor.

● *The Committee Wing*

As the name suggests, the work of the Committee Wing relates to parliamentary committees. The wing maintains a close liaison with chairpersons of the Committees in matters of arranging the time, venue and agenda of meetings. Besides issuing written notices of meetings, efforts are also made by this wing to inform Members of the Committee meetings over the telephone. Working papers for meetings of standing committees on Ministries are usually prepared by the concerned ministry, but circulation of these working papers to Members is done through this wing. Unlike proceedings in Parliament, records of which are kept in verbatim, a gist of Committee proceedings is prepared by this wing and circulated to Members of the concerned committee before the next meeting is held. The Committees do not have any experts in their staff to receive specialized or professional advice on matters discussed in the meetings. The Committees therefore depend on expert opinions received through the representative of the ministries. Incidentally, it has been the practice to require the highest ranking civil servant in a ministry to remain present during Committee deliberations on matters relating to that ministry.

Another important function of this wing is in the field of bilateral and multilateral inter-parliamentary relationships. Bangladesh is a member of the Inter-Parliamentary Union and the Commonwealth Parliamentary Association. Recently, an Association of Speakers and Parliamentarians of SAARC countries was formed. All matters pertaining to our membership in these organisations as well as matters connected with bilateral parliamentary visits etc.; are dealt with in this wing.

● *The Administration Wing*

This wing is responsible for a number of activities in the field of personnel administration, preparation of budget, security arrangements, public relations, residential accommodations for Members and a host of related service activities. It may be relevant to point out that the offices of the Deputy Leader of the House, the Leader and Deputy Leader of the Opposition, and

the Chief Whip and Whips of the government are included among the various offices of Parliament. Officers and staff in these units, although working under the respective parliamentary functionaries, receive their salaries and allowances from the Parliament Secretariat. In some respects, particularly in respect to any expenditure by them from the public exchequer, the Secretary of Parliament is their controlling officer.

Widening the Scope of Legislative Support Services

The support services provided by the Parliament Secretariat do not, and probably cannot, exceed the limits of the requirements of any existing law, rule, instruction or convention. Any new service would involve new expenditures for which money has to be made available in the budget. At the same time, the services extended by the Parliament Secretariat at its present level leaves room for strengthening the present service structure and extending its scope with a view to equip Members with information and make them more effective. Parliaments in developed countries as well as in some developing countries have recognised some areas where services within the framework of a legislative support system need to be provided by experts and professionals. Three such areas are mentioned below:

- Assisting Members of Parliament in drafting Bills;
- Assisting Parliamentary Committees with expert views on matters deliberated upon in those Committees;
- Extending the library services to the level of a research and reference service.

A Member of Parliament may detect the deficiencies in existing laws but as there is a great demand on his or her time from constituents, party parliamentary committees of which he or she is a Member, or Parliament itself, he may hardly find any time to go into the details of these laws with a view to make a formal legislative proposal. The Member is also not expected to be an expert in legal drafting. The need, therefore, for a drafting cell of moderate size with four (4) to five (5) experts in legal drafting deserves recognition. The cell should have an up-to-

date collection of all laws. The cell should also be responsible for not only the preparation of a legislative proposal in the form of a Private Member's bill but also for briefing the Member about the process through which the bill has to pass in Parliament under the Rules of Procedure.

The Parliamentary Committees in the Fifth Parliament of Bangladesh have become very active since their formation. The Standing Committees on the ministries are required to meet at least once a month. During deliberations technical points come up for consideration and decision. In the absence of any professionally qualified staff service, the Committees must depend on the views expressed by senior bureaucrats present in the meeting. At present, most of the working papers for a Committee meeting are prepared by the ministries. If services of experts in legal drafting, finance, accounting, educational administration, energy management and other fields where government operates would be available with the Parliament Secretariat on a permanent or contractual basis, Parliamentary Committees could work more independently than they do at present.

Parliamentary research and reference service performing duties in the areas of information retrieval from government to Members of Parliament and preparation of position papers in the areas of a Member's interest and choice have developed in many Parliaments as an arm of the Parliament Library. In some Parliaments, this arm has grown into a separate body of its own. A study of such services in Asian Parliaments may be conducted and thereafter a model of such a service may be built under the auspices of a regional consultation meeting like the present one so that the model so developed may be replicated in Parliaments of this region where there is no Parliamentary service at the moment.

There is yet another area where immediate attention of Parliament seems necessary. Article 65 of the Bangladesh Constitution has vested all legislative powers of the Republic in Parliament but there is an important provision to this article which is quoted below:

“Provided that nothing in this clause shall prevent Parliament from delegating to any person or authority, by Act of Parliament, power to make orders, rules, regulations, by-laws or other instruments having legislative effects.”

‘Delegated legislation’ or ‘subordinate legislation’ is a practice of empowering the Executive to make rules or orders within a prescribed sphere that has evolved out of practical needs. It has, however, to be borne in mind that empowering an executive authority to make rules related to a particular matter under the authority of an Act of Parliament is not an abdication of the legislative authority by Parliament in respect to that matter. It is probably for this reason that in some countries, legislatures assert themselves by adopting one or more of the following measures:

- **The scope and purpose of delegated legislation proposed in a bill are precisely defined;**
- **Orders proposed to be made by the executive under an Act of Parliament are required to be submitted to Parliament in draft form for approval;**
- **A copy of any order made under an Act is required to be furnished to Parliament.**

This has however not been the case in Bangladesh. Authority to legislate has been delegated to the Executive in a number of Acts of Parliament but in the absence of any feedback from the executive agencies, Parliament is not aware of what has been actually worked out by them in matters of details pertaining to those Acts. The Acts of Parliament under which authority to legislate in respect to any matter has been delegated require identification and all orders, rules etc. made thereunder need collection and codification against each of these Acts. This exercise would need a lot of activities which may be entrusted to the proposed research service in the library. This collection would provide Members of Parliament with a full picture of the rules, orders, by-laws etc.

Bangladesh

Center for Analysis and Choice

Syed Fahim Munaim & Parveen Anam

THE MODERN POLICY MAKER has always been keen on formulating and devising policies which are in the best of public interest. Administrators, academicians, and of course politicians have been enthusiastically involved in policy formulation, which ideally reflect the hopes, aspirations and decisions of the majority of the people of a nation. While rhetoric and metaphor can be misleading, a clearly defined code of behavior can help a nation set its goals.

It would be difficult and perhaps premature to demarcate a benchmark where such help would be most appropriate. In a developing democracy, Parliament has a very positive role to play, but this role can only be made contributory if the Members of the law-making body are encouraged and given support services in every aspect of their difficult job. It is in this area that the legislative support services come in.

Legislative services, as the very term denotes, is an unmapped territory both in the developing and some developed

countries where both the non-governmental and the governmental agencies need to get together to try and fathom the limitless potentials of such services. Fundamentally, Members of the Parliament need to be well informed; they must be made aware of the fact that Parliament is a complex, legal institution.

The biggest impediment at the moment to providing fruitful services seems to be a lack of knowledge of democratic practice, primarily because it is still very new in Bangladesh, and all efforts need to be concentrated on making it effective and functional. Some areas would certainly benefit from legislative services more than others and it would be a good idea to concentrate initial research on these areas. A group of professionals, collectively, can give advice, not only on the rules of procedure of Parliament, but also the technical snags involved in the running of Parliament. The professionals can come from such diverse fields as the Chamber of Commerce and Industry, the Bar Council, journalists etc. Media as well can play a very major role in the networking involved in the intricacies of Parliament. The more developed the media coverage, the better the accountability of Parliament. Media coverage would be more enlightening if journalists took part in seminars and workshops arranged especially to impart the technicalities of the Parliament to them. The media can then try and develop the culture of opinion polls, which always keep Parliament on the alert.

Another aspect to be always kept in mind is that though the Parliament secretariat would perhaps like to provide extensive support to the Members of Parliament, it is constrained in its ability to provide the same primarily because it has to account for the finances spent. This accountability to the public exchequer limits its powers of spending. Yet any supportive role calls for a considerable amount of financial aid, without which the process would be inhibited. Thus, a fund set aside for such research work would go a long way towards providing much needed services. It is here that non-governmental organizations, perhaps, could exercise independence. Accountability for any body involved in public services is a must, but the

non-governmental organization, being a non-profit making organization, can perhaps be more flexible in the disbursement of its funds.

Among the participating countries at this meeting, Bangladesh is perhaps the youngest in terms of age — the country being only about twenty-one (21) years old. The current system of government in Bangladesh is just over a year old.

The current Parliament in Bangladesh is in fact, the Fifth Parliament in our constitutional history. In the twenty one (21) years of our independent history, we have had a functional Parliament for less than twelve (12) years. It is popularly perceived in Bangladesh that the functions of Parliament during most of these years had been limited primarily to providing constitutional cover for executive actions, with the exception of some lively debates which had negligible influence on the course of legislation or the actions of the government. Thus, there has been an unfortunate erosion in the credibility of Parliament as an effective representative institution.

In the backdrop of the character of Parliament and its narrow functions, legislative support for Parliament and its constituents is confined to the Executive branch of the government. It would perhaps not be incorrect to say that our Executive Branch is at times not wholly aware of Parliamentary affairs or the technicalities involved in such procedures. Non-governmental organizations such as the Asia Foundation or Ford Foundation have made considerable contributions to bolster the institutional facilities in the Parliament Secretariat by improving the library facilities and in training officers of Parliament.

The *Jatiya Sangsad*, as the Parliament is known, needs to have modern institutional support so that Members can get the much needed legislative support and advice they require in their day to day dealings in Parliamentary affairs. It was with all this in mind that the Centre for Analysis and Choice (CAC) was set up as a 'think tank' to aid the policy formulators. A non-profit non-governmental organization, the CAC is composed of a collective group of men and women from various professions who

hold fast to the belief that while policy-making is without a doubt the prerogative of politicians, individuals and groups can and should contribute to the formulation and implementation of such policies. An immense amount of ideas and thoughts can be contributed from individuals and groups both towards the formulation as well as the implementation of these policies. While the Centre's activities in support of the legislative system in Bangladesh are understandably still in its nascent stage, the Centre for Analysis and Choice (CAC) is at this early stage set up to help plug the vacuum on the political and policy making fronts, with the ultimate aim of helping these ideas and policies to filter and percolate to the public level. The overall goal of the CAC is to create public awareness of the issues.

Since the CAC aims to enable the politicians and the academicians to exchange ideas and views on basic policy formulation, one of the best ways to get about this very complicated issue is to get together with the very people who make the laws of the land. The Members of Parliament therefore are the most likely target of CAC's interest.

The role of the Parliament Secretariat is significant in comprehending the current state of affairs in the functioning of Parliament. Historically, the administrative structure of Parliament has been the responsibility of the office of the Speaker, who is invariably a nominee of the government in power. Thus it follows that the Parliament bureaucracy has been traditionally concerned with the legislative needs of the government rather than the needs of the constituents of Parliament— meaning its membership. All legislation initiated by the government is drafted by the Ministry of Law. There is no formal legislative support provided by Parliament in the formulation of legislation, either by the government or by the individual Members of Parliament. The different ministries of the government must ask the legislative support of the Ministry of Law for their legislative needs. On the other hand, Members of Parliament are obliged to depend on their individual abilities, or indeed their lack of it, to move amendments to government legislation or for that matter

to initiate any legislation by themselves. The principal area of concentration for CAC would of course include providing a forum for the Members of Parliament, where they would be able to acquire an overview of problems which would enable them to be better equipped, in Parliament, with the intricacies and rules of parliamentary procedure.

The need for legislative support services for the Bangladesh Parliament can be illustrated through a study, conducted by the CAC. The study revealed the following statistics for the period starting from April 1991 to April 1992:

<i>Notices</i>	<i>Submitted</i>	<i>Admitted</i>	<i>Rejected</i>	<i>Lapsed</i>
● Questions	22,118	5143	4092	12,883
● Adjournment				
Motions	727	18	709	—
● Call				
Attention				
Motions	2100	100	2000	—
● Privilege				
Motions	481	56	425	—
● Private				
Members	23	4	19	—

Legislative Support Services Provided by the CAC

In 1991, Bangladesh returned to a Cabinet form of government under a parliamentary system where the head of government is a Member of Parliament. The current government in power has a plurality of only five (5) Members in the House. The government's dependence on the confidence of the House, the significance of Parliament and the importance of its membership have increased manifold. There is a higher awareness among the Members of Parliament, irrespective of party affiliation, for the need of a proper legislative support system.

A critical aspect of the work involving the participation of Non-Governmental Offices who provide the much needed legislative support to Parliament in Bangladesh is the imperative need to set up a research cell in the Parliament Library. At

present, the Parliament Secretariat has no capacity to provide the Members and the Committees with legal research and technical assistance relating to the drafting of amendments, resolutions, motions and private Members' bills.

The CAC intends to participate in the process by providing Members and Committees with legislative analyses of issues related to bills, resolutions, and adjournment motions introduced in the House. Specifically they would produce cogent briefing notes and fact sheets relevant to the Parliament's debates; prepare notes for upcoming debates; prepare legislative histories and analytical summaries of all bills introduced in Parliament; prepare reports and articles for inclusion in reference kits for Members; conduct general consultations with and give specialized reference and reader assistance to Members; and, provide Members with tailored briefings for conferences, meetings, and proceedings in sub-committees and delegations of visiting Parliamentarians.

The CAC finds it relevant to hold seminars for media people representing the different media sectors, to strengthen their concept and familiarize them with the proceedings of Parliament. Young journalists, doctors, lawyers, and researchers would be encouraged to lend their expertise to the research cell.

Members of the Parliament would receive feedback from different professional groups, all within the framework of the CAC as an organization. Members receiving positive and informative feedback would entail in the long run, a better informed electorate which in its turn, would ensure a smoother, fairer, election. The onus of keeping the electorate well informed falls on the Members, who can only do so if they themselves are up-to-date with how the Parliament can function smoothly. Legislative support services could contribute tremendously in this field.

Recently, the CAC hosted a two day seminar for Members of Parliament on fiscal planning and the budgetary process. The seminar, which was supported by the Asia Foundation, was an eye opener for all of us. The very high percentage of attendance and the enthusiasm with which honorable Members of

Parliament participated in the three workshops, indicated the eagerness of the Members to enhance their level of effectiveness in Parliament.

From our studies at CAC, the Honorable Members of Parliament have identified the following needs in the discharge of their responsibilities:

- **LEGISLATIVE DRAFTING**
 - Drafting legislation and amendments
 - Drafting of notices on motions
 - Drafting of questions
- **RESEARCH AND ANALYSIS OF LEGISLATIVE BUSINESS**
 - Fiscal Planning
 - Revenue Budget
 - Development Budget
 - Civil and Criminal Procedure Code
 - Constitutional Law
 - Administrative Law
 - Privileges of Parliament
- **COMMITTEE SYSTEM**
 - Collection of Data
 - Formulation enquiries
 - Drafting proposals
- **DATA BANK**
 - Collection of all governmental publications
 - Computer library of statutes, gazette notifications, clippings of articles and news-clippings from national and international publications, national and international statistics on socio-economic subjects
 - Conducting opinion polls on issues of national interest
- **SEMINARS AND WORKSHOPS**
 - Various functions and responsibilities of Parliament
 - Policy issues of public interest

- **POLICY PAPERS BY PROFESSIONALS**

- Economic issues

- Social issues

- Issues related to domestic politics

- Issues of foreign policy

- Administrative issues

- **FELLOWSHIP EXCHANGE PROGRAMME**

- Exchange programmes with other countries

- Programme to exchange methodology and parliamentary methods of working between scholars

- **EXCHANGE OF PARLIAMENTARY DELEGATIONS**

- Members of Parliament would be sent to other countries to observe Parliament

- Members of Parliament would attend parliamentary sessions of other countries to gain first-hand knowledge of how other Parliaments work.

Conclusion

In conclusion, we can summarize by saying that the ultimate aim of any parliamentary legislative support service would be to modernize and strengthen the infrastructure of the Parliament itself. Only then can the functional capacity of the Parliament increase to its maximum, and ensure high quality performance by the Members themselves. Global trends cannot be ignored. If so, it will be at the cost of our own inability. The government of popular choice and the Honorable Members as the representatives of the majority cannot undermine the national interest. Such undermining can have consequences best described as disastrous. Communication and exchange bring people closer and account for all around efficiency. Information methodology is critical in such interchange, and can be expanded by groups working towards that end.

The CAC would like to see regional cooperation in the field of legislative support services among the countries of South-East Asia.

A Member Liaison Office could be established to lend support to the Members in their liaison with other agencies in acquiring assistance in public service problems in which they are representing other groups or their constituencies; and in typing their floor statements and other correspondence.

International cooperation in this area would be of great benefit to such organizations. Cooperation with the International Parliamentary Union would of course bring untold benefits to countries struggling on the threshold of democracy.

Any venture in this direction would require of course the active and enthusiastic support of the Members themselves. The NGOs can only move forward, if the Honorable Members lend their whole-hearted and active cooperation and participation, and come up with suggestions and ideas. The entire idea of the CAC is to be of assistance to the Honorable Members of the Parliament. It is up to them, in the ultimate analysis, to keep the CAC informed about their needs and wants. The entire system is a system of give and take and none can be expected to work without the cooperation of the other.

We would like to take the opportunity to thank the CRTS for inviting us to Manila to exchange ideas and views on such an important topic. It will certainly go a long way, in the years to come, for us to draw on the valuable guidelines received from this meeting. As an upcoming and new organization we welcome this exchange and all the valuable and enlightening knowledge to be gained here. We hope that the CRTS will continue to contribute its invaluable help and advice to the member countries in the future, and, we, in turn continue to look forward to receiving assistance from the CRTS.

Last but not least, it would be pertinent to mention that the CAC would only be too happy to lend its support and encouragement to any project or services it is called upon to assist, with whatever facility it has available. In the committee of the organizations which lend legislative support to Parliaments, the CAC would be keen to make its mark and stand up to any occasion which demands its services in the future.

Sri Lanka

Chandrsena W. Pannila

ALONGSIDE A VIRILE OPPOSITION and a free, unfettered and independent press and media, an efficient and responsive legislative support structure is necessary for the proper functioning of a democratic system of government. The role of the legislative support structures becomes more important when there are deficiencies in the functioning of the Opposition and the Media. Parliamentary scrutiny becomes meaningless and sterile if Members are not provided with a broad spectrum of points of view and alternative options when they consider issues of public concern in the House or in the Committees. In the absence of such comparative data and relevant analysis and background information, debate and discussion will tend to descend to mere political invectives and parochial trivialities.

In his editorial comments of July 19, 1992, the editor of the *Sunday Island*, a leading newspaper of Sri Lanka, made reference to this situation under the title "Whither Opposition."

The editor criticized the intellectual shallowness and lack of political seriousness among Parliamentarians on key national issues. He deplored the drastic decline in the quality of the debate and the lack of intellectual seriousness on both sides of the House.

Referring to the two youth insurrections in Sri Lanka during the last two decades, the editor commented that there is a large constituency of educated youths who are thoroughly disenchanted with the ways of establishment politics and that the political parties owe it to them to evolve a new vocabulary of politics to which the youth can relate.

The *Sunday Island* editor in making the above comment was focusing on the observations made by the Presidential Commission on Youth which was appointed to examine the causes of youth discontent, disquiet and unrest that exploded in the youth uprising of 1989. Referring to the Legislature under the heading of Youth Alienation and the Erosion of Institutions, the report stated that recurring representations were made before the Commission about the erosion of Parliament as the component of the democratic system entrenched in society.

A belief that Parliamentarians lack adequately qualified staff to engage in research in preparation for debates preceding the enactment of vital legislation and that Parliamentarians do not consult their constituencies adequately on important legislation were among the facts enumerated as contributing significantly to the erosion of the respect the Legislature had consistently enjoyed in the eyes of the public.

To strengthen Parliament as the central institution of our democratic system and to re-establish public confidence in its process, the Presidential Youth Commission recommended the adoption of, among others, the following measure:

"Buttressing the technical aspects of the exercise of Legislative power by involving, as legislative interns, university graduates who have recently passed. The interns will be chosen on a merit basis from a list given to the Secretary-General of Parliament by the Universities and

Professional Colleges. Two interns will be assigned by the Secretary-General to each Member of Parliament in order to engage in research matters encompassed within the Legislative Programme of Parliament. This scheme will be beneficial for the important reason that it will strengthen research capacity and therefore enrich parliamentary debate on important issues. These graduates will also become acquainted with, and benefit from exposure to insights integral to the Parliamentary process."

Professor G. L. Peiris, Vice-Chancellor of the University of Colombo, in a recent key note address to the Sri Lanka Association for the Advancement of Education at its inaugural session, touched on this matter when he said "I am firmly convinced that one of the fundamental problems with which we are confronted in many spheres of the national life is the lack of a vigorous and articulate body of public opinion. This deficiency which is itself a complex phenomenon accounted for by a diversity of cultural and social factors, has greatly inhibited the emergence of viable solutions to the national problems." This is a deficiency which a strong and efficient legislative support service will be called upon at least to partially rectify.

Arising from the growing demand for an adequate and responsive system of information and research services for Members in their Parliamentary work, steps have been taken to expand library facilities, install a research service and introduce computer facilities into the Sri Lanka Legislature. The Committees are to be open to the public so that all shades of opinion on national issues could be available to the legislators and given the authority to obtain the services of outside experts to assist in their work. Proposals to amend the Standing Orders to enable the participation of the public and the recruitment of experts are now before Parliament.

As a part of this exercise the Secretary-General of Parliament obtained the services of Jane Ann Lindley, Consultant, Legislative Programmes and Information Management of the Asia Foundation to study the existing Legislative Support Structure in the Sri Lanka Parliament and to report her findings and

recommendations regarding the expansion of research and information support to Members and Committees. Her report was made on 15th June, 1991. Her observations and findings were generally valid even at this date despite the changes that have taken place in this sphere since the report were made under the Headings of Strengths and Weaknesses.

Under the category of STRENGTHS, Lindley drew attention to the well organized and reasonably professionalized Parliamentary Secretariat. Recruitment to the Parliament Staff is based on strict criteria and after a written examination. There is a system of in-service training in all the relevant fields of Parliamentary Administration before an officer is assigned to a particular branch. Every year a batch of officers is sent to India for training at the Bureau of Parliamentary Studies and Training at the Lok Sabha. Officers also serve attachments at Westminster.

Lindley also pointed out the rather high number of well educated Members of Parliament with prior Parliamentary experience adding that this is indicative of the strong potential for a relatively high use of legislative information services. This is manifest in the active interest the Members have shown in the information and research facilities with particular emphasis on the need for research support to Committees.

In the matter of Committees the observation was made that the Sri Lanka Parliament has one of the best structured and active Committee systems. There is widespread interest regarding the Consultative Committee System which has a pre-legislative emphasis. These Committees require into and report on proposals for legislation, bills, estimates, statements of expenditure, motions and annual reports or papers pertaining to each Ministry. They are Sessional Committees corresponding to the number of Ministers of the Cabinet. Committee reforms have been mainly directed at these Consultative Committees in recognition of their popularity and potential. They are the first

Committees expected to be opened for public participation and to be provided expert assistance.

It has been said that the Parliament of Sri Lanka is fortunate to have a rather good Library and a qualified staff of Library personnel which could be considered a definite 'plus.'

The Library offers lending, reference and research services to the Members. On a day when Parliament sits, the Librarian and his staff have to meet well over a hundred requests of a reference nature. The current awareness service of cuttings from local and foreign newspapers and periodicals has proven very useful. Arrangements are being made to make available to Members research reports and background papers on a regular basis. At present such material is provided only on request. This service will be improved as the computerization of the Library services progresses.

Lindley in her report noted that Sri Lanka is one of the very few Parliaments that is getting its Hansard out within 24-36 hours of its daily sittings. This is an important contribution to the debates and discussions in Parliament in view of the very frequent references that are made to the Hansard by Members in proceedings. It helps the Public to keep abreast of Parliament happenings and brings Parliament closer to the people.

It is also noteworthy that Sri Lanka is one of the few countries which has a separate Minister of the Cabinet in charge of Parliamentary Affairs. This portfolio has always been held by a senior member of the Cabinet. Matters pertaining to the provision of staff and office equipment and connected services to members is handled by this Ministry. Each Ministry also has a senior officer who functions as the Parliamentary Coordinating Officer. This officer works with the Parliament Departments to coordinate work questions, petitions, adjournment motions, committee affairs etc. pertaining to the Ministry. This arrangement has facilitated the Parliamentary work and has functioned satisfactorily.

Weaknesses

The weaknesses of the Legislative Support Structure have been enumerated under the following heads: Services in General, Library, the Hansard, Computerization Programme and Research Services.

Services in General

The central weakness as identified in this sphere is the expressed frustration among Members over getting too little information, receiving it too late, and getting most of it from official sources. In short, the Parliament lacks sufficient institutional resources to provide information services.

The bright side of this problem is that the complaint has emanated from the Members themselves. This is an outflow from increased Committee activity and the institutional arrangements to give every Member access to the Committee work of Parliament. Among the contemplated amendments to the Standing Orders is the provision for Members who do not belong to a particular Committee to be given the right to participate in the work of that Committee with the approval of the Chairman of the Committee thereby regularizing a practice that has evolved at the initiative of the Members.

The existing institutional arrangements and available resources are inadequate to match the rapid escalation of the Committee work. Within a few years the Committee Branch of Parliament increased to three, and a fourth Committee Branch is in the making. The Standing Orders Committee of Parliament now has on its Agenda the exploration of means to deal more rapidly and expeditiously with the burgeoning volume of Committee work. A whole range of amendments to Standing Orders to revamp the Committee Structure has been announced.

Library

The expansion of the library's resources has been identified as a critical priority to sustain research services. In view of the increased services that the library is being called upon to render it has been pointed out that it is under funded, under

staffed and under equipped. Attention has been drawn to the fact that its acquisition budget has remained static inspite of considerable inflation. It has been suggested that the library should aggressively build up its documents and specialized reports collection and expand its journal subscriptions.

In relation to the database development initiated in the library, there is also the need to enhance the computer software programme and training of staff in maintaining the database.

Throughout, the Library has been the pivot of the legislative support services. Although constraints have inhibited the planned programme for Library development from being implemented within the assigned time-frame within the allocated resources; a measure of improvement has taken place in the areas identified as deficient. A research branch was recently set up and attached to the Library. In response to the increased membership of the legislature and the growth of Committee work, there has been an appreciable increase in Library facilities such as spacious accommodations and more sophisticated physical facilities. With assistance provided by the Asia Foundation, the collection of books and periodicals has improved and the reorganization of the research Branch is under way. Considerable progress has also been made in the computerization programme. An officer has already been sent to study the computerization developments in the Pakistan Legislature.

A major problem faced by the Library is catering to the information and research requests in the national languages. Most of the material needed to provide this service is not readily available in the language requested. The services of competent translators with specialized knowledge have to be utilized for this purpose, but there is a dearth of such talent. The complete solution to this problem will be possible only when adequate material is available in the national languages.

Hansard

In view of the vital role the Hansard occupies in the information and research requirements of Members, it has been

pointed out that the Hansard must be brought 'on line' so that the Hansard index can be built-in and printed together with the text on a daily basis. This would make it accessible on an immediate basis to any 'on line' user and a common indexing scheme could be applied to all Parliamentary documents and library database for easy reference.

The Hansard is often quoted in Parliamentary debates and considerable attention is hence been given to the efficient and expeditious production of Hansard. Sri Lanka has consistently maintained the tradition of putting the Hansard in the hands of Members within 24 to 36 hours of the Sitting. However, as rightly pointed out, the application of modern technology in this sphere is slow. Faced with the increasing difficulty in recruiting competent Hansard reporters, the Parliament authorities are now looking into the viability of incorporating modern technology in reporting Parliamentary speeches. With the computerization of Parliamentary services, considerable progress has been made in the preparation of the Hansard index. The training of Hansard personnel in computer operations has been undertaken and when the newly recruited Information Systems Manager is installed, high priority will be given to speeding up the Hansard work by in-house printing and linking up the Hansard Index with other documentation by an interactive network. A scheme has already been launched to train Hansard reporters and the training will be oriented towards the targeted changes.

Computerization Programme

Lindley's report dealt at length with the computerization of the Parliamentary Services and with her extensive experience of having worked with a number of Parliaments in developed as well as developing countries for over two decades. She identified the following areas that require remedial action to harness the computer power already installed and to develop an integrated information storage and retrieval system capable of supporting legislative research and information services -

- (1) The need for properly qualified technical staff to be brought in on an urgent footing.
- (2) The need to have 'software' modified to suit Parliament's Information Management requirements.
- (3) The need for an Information Systems Manager to advise on the equipment and software and to network the existing computers for maximum efficiency and to properly evaluate the proposed second-phase of computerization.

The computerization of some of the activities of the Parliamentary Complex was carried out in early 1988 under the aegis of the Computer and Information Technological Council of Sri Lanka, the official body co-ordinating computerization programmes in the public sector. The main areas considered for computerization included Storage and Retrieval of Legislative Record; Library Information; Committee Reports and Minutes and day to day office procedures in Finance, Accounting and Engineering.

On completion of the training programme in 1990, sixteen (16) offices in Parliament were issued IBM compatible computers. Subsequently, on a recommendation made by the Government Printer, four (4) Applemac computers with the necessary software, a laser printer and a risograph printer were procured in early 1991 with the necessary supplementary equipment for in-house desk top publishing. This work has been functioning satisfactorily and further expansion of the printing facility is to be carried out in the near future. At present, comprehensive databases relating to Bills and Acts of the Legislature and up to date Biodata of the members of the Legislature can be retrieved on demand. All the Committee officers use their computers to prepare, store and retrieve their reports and minutes. The Library has a database on current awareness. The Bills Office and the Table Office use the computers for recording and retrieval of important data.

The Computerization programme needless to say can be further improved. An Information Systems Manager has been recruited and a Systems Analyst will be appointed to assist in this matter. While a computer programmer has been functioning since July 1991, a Computer Trainee is now attached to the Pakistan Legislature for further training. More staff training and development of packages directed towards specific Parliamentary needs is on the agenda. At the recent Conference of Speakers on South Asian Parliaments held in Sri Lanka, a decision was taken to explore the possibility of linking up via satellite the databases of the Libraries of South Asian Parliaments. This would be preceded by the necessary technological refinements that the Parliaments of the region would have to undertake in their computer networks.

Research Services

At present a Research unit of Parliament functions with only two (2) research officers. For a considerable time, there was only one (1) Research Officer working due to the difficulty in obtaining competent and qualified Research personnel at the modest remuneration that Parliament offers. The posts of Research Officers were advertised a number of times before suitable selections could be made.

As only one Research Officer is in office, a very limited amount of research work has been carried out. Most of the work has been confined to preparing notes, reports, brochures and furnishing information when the need arises. During this period, the Research Unit prepares comprehensive notes on specific aspects of Parliamentary Practice and Procedure and supplies materials and information for the Commonwealth Seminar on Parliamentary Practice and Procedure for Asian and South East Asian Regions and for the Conference of the Speakers of the Parliaments of SAARC Countries. It has also compiled a Manual on Election Law governing Presidential, Parliamentary, Provincial Council and other elections in Sri Lanka. This is in addition to the regular task of furnishing notes on various topics when requested by Members of Parliament. It is evident

that the Research Services at present falls far short of the needs of the Members. This situation will be further aggravated when the proposed reforms of the Committee System expands their activities. With a view to meeting this situation, there is a proposal to give every Committee the power, subject to the approval of the Speaker, to appoint persons with technical knowledge either to supply information which is not readily available or to elucidate matters of complexity and to remunerate such persons accordingly. This provision will permit Parliament to tap the pool of resource persons outside Parliament and the public sector. The Asia Foundation has now come in with funding proposals for three (3) permanent research staff, a provision for short term research consultants and a short term internship training for permanent research staff members. This programme has been accepted by Parliament and is in the process of being implemented.

The proposal by the Presidential Youth Commission for university graduates who have recently passed, to serve as legislative interns for a two year period is also under consideration. The proposal is for them to engage in research on matters encompassed within the Legislative Programme of Parliament. They will be chosen on a merit basis from a list given by the universities and professional colleges to be assigned to each Member of Parliament.

In her report, Lindley made recommendations for the improvement of Human Resources Requirements and Equipment Requirements.

Regarding equipment requirements she identified the immediate problem as one of underutilization. This appears to be a question of the modification of the software already in operation and the introduction of the appropriate software for parliamentary needs. This is one of the priority tasks assigned to the Information systems Manager who is due to be appointed soon.

It would be beneficial for Parliaments that are planning or are in the process of computerizing their services to draw on the experience of those already in the field to avoid mistakes

and eliminate delays in view of the specialized expertise needed for this work. An arrangement among Parliaments of this region for this purpose should be welcome.

As advised, action has been taken to set up an interactive local area network for the microcomputers at hand and the computerizing of the over all operations of Hansard production to enable the uncorrected version to be delivered to the Members overnight.

Under Human Resources Requirements it was suggested that an appropriate Senior Staff Member with the assistance of others as necessary, should be assigned to draw up a list of academicians and private sector research experts who would be willing to work with the committees on short term assignments in their areas of concern and that two permanent research posts should be created for each of the three committees. The existing arrangements permit any committee to draw from the public sector the specialist assistance that it requires. The disadvantage however, is that it restricts the advice or information to official sources giving it a heavy official bias and narrows the variety of options that would be available to the Members on any given issue. The projected changes in the committee would broaden the flow of information and the range of resource persons whose expertise could be harnessed. However, this could lead to each committee functioning independently in procuring these services, resulting in fruitless competition and waste of resources, unless there is a clear coordination in utilizing the resource pool that is immediately available. It is therefore desirable to have this handled by a central authority as envisaged in Lindley's proposal. An outstanding merit in the scheme is that this would provide the nucleus to build up a system by which the universities, the governmental and non-governmental research organizations and other academic and professional bodies would be brought together to share their knowledge and experience and assist the committees of Parliament with their valuable expertise.

Although in Sri Lanka there is a considerable body of such academic and professional organizations in the private sector there has been no attempt so far to tap this resource to enhance the information and research needs of Parliament.

There is an overwhelming need for an organization in Parliament or outside to undertake the task of training Parliament Staff; hold Seminars for new Members of Parliament; maintain a steady flow of information and research material to Parliament and its Committees; and to undertake research projects when so requested. The services of this organization would be of great assistance to the fledgling Provincial Councils which are in urgent need of this support.

3 North Asia

Mongolia

Luvsandorj Hangai and Chogsomyn Bavuu

Introduction

DRASTIC POLITICAL, SOCIAL AND ECONOMIC CHANGES of the late 1980s which involved former socialist countries put an end to the division of the world community into two social systems confronting each other. Thus on the eve of a new century, gates to common civilization swung open before mankind. Mongolia failed to join these events. A country of 1.5 million square kilometers and a population of 2 million, Mongolia declared in its new democratic Constitution new goals to build a democratic social establishment and a civil society worldwide, recognizing worldwide values and striving to implement these goals by seeking appropriate ways to achieve them.

Changes in the last few years have been intensive in Mongolia. Having eliminated one-party domination and having established a multi-party system, the nation formed a totally new state system with the first ever democratic election in the summer of 1990. New formations emerged as a result of this in every area of life: politically, in the legislative support system;

economically, in diversities of properties; intellectually through pluralism in the nation's way of thinking; and in the area of human rights - economic, legislative and political conditions upholding human rights and independence.

Our newly founded Parliament needed to justify all these changes legally. Hence the new Constitution underwent heavy discussion. As a result Parliament adopted necessary amendments in May of 1990 and a number of case laws to facilitate implementation of changes politically, economically and in the area of human rights.

To legally justify the transition period to the new democratic political system and to new market relations, in January of 1992 the Parliament adopted the new Constitution, declaring its principles of democracy, human rights and justice. The Constitution firmly upholds the legality of the achievements of the last two years and the will of the nation and sets forth development perspectives for the country.

However, we can not yet say that democracy and market relations have been fully implemented in Mongolia. Mongolia was under socialist regime and a centralized planned economy for 70 years. The consequences of these 70 years can not be eliminated in two or three years; neither can the new system be completely built up in so short a time. Rather, we can define Mongolia today as a country moving towards a democratic society and new economic market relations.

Present Changes in Mongolia and Their Consequences

Politically. Mongolia's former Constitution upheld a hard-line principle stating that the Mongolian People's Revolutionary Party (MPRP) is the core of the political establishment of the society. This, however, has been eliminated. The new Constitution now states that the core of the political establishment in Mongolia should be the State which will govern the society.

Under the new Constitution the country takes the form of a Parliamentary republic. The legislative authority in the country belongs to the State Great Hural- the Parliament- which plays

a central role in the state system. Under the Constitution the State Great Hural has the power to initiate and discuss any questions of internal as well as external policy. For example, the State Great Hural is the authority over legislative matters. It appoints and accepts the resignation of the Prime Minister; and has the power to form and dismiss a government. "Constitutional Tsets," provided for by the Constitution, are appointed to judge constitutional provisions and resolve Constitutional disputes.

Mongolia is developing a politically pluralist system through the normal process of development with political parties of differing ideologies which sometimes oppose each other. These parties now compose the new Parliament. In the last election two parties (from over fourteen parties officially registered in the country) along with a coalition of three other parties won seats in the new Parliament. From 1990 to mid 1992 there was an emergence of new parties. After the 1992 elections, however, these parties came together.

Mongolia considers the formation of the Parliament a major achievement. Its most important achievement was the establishment of Mongolia as a real democracy from a situation where a symbolic people's representative body was unable to fully practice its authority and the destiny of the country was in the hands of the Politburo of the Central Committee of the MPRP. In fact, the control of the nation previously in the hands of one person, is now determined by the people themselves who directly elect members of the Parliament. Constitutional principles distributing governmental authority are now based on international patterns and the specific situation of the country. We are proud to say that political and legal provisions of Mongolia's Constitution are completely supported.

Economically, Mongolia has rejected a centralized, planned national economy and looks forward to a market economy with a diversity of modes of production and ownership. Along with privatization, these relations are handled according to worldwide patterns. Our economy is open to the world community

and welcomes free enterprise. All these are upheld by the new Constitution.

The Mongolian government, through legislation, is now privatizing former state and co-operative properties: currently 60% of livestock, 40% of industrial factories and 100% of shops and services have already been privatized in the country. Prices for 90% of all goods have been set free; state industrial materials and machinery supply and purchasing systems have been eliminated and a number of stock and goods exchanges have begun trading. A new financial and banking system is forming.

The transition from a planned economy to a market economy is as expected, a critical period. In the case of Mongolia, the problem has been worsened by the economic crisis which its long-time economic partners, the former USSR and Eastern European countries are currently experiencing. On the bright side, however never before have we had such extensive relations and co-operation with countries of the Asian continent. The people of Mongolia are very grateful for the increased support and assistance from the international community. Mongolia is determined to continue to pursue principles of open economic policy in its relations with countries of the world; conduct equal and mutually beneficial relations with foreign nations; and prove itself to be a reliable and interesting partner.

We realize, however, that under the old regime the standard of living in the country was higher than it is now. Mongolia is therefore willing and ready to take urgent steps to improve the economy before it loses the people's confidence.

There have also been drastic and major changes in Mongolia's *former policy*. It was mentioned earlier that previously, we had active relations only with former socialist countries. In fact, it would have been accurate to say that we were closed to the rest of the world. In foreign relations we rejected the so-called principle of socialist internationalism guided by ideology. However, Mongolia now complies with world-wide accepted international codes, especially in terms of principles of peace and mutual benefit. Our recently adopted foreign policy

aims at establishing new partnerships in politics and markets; thus, extending the scope of our foreign relations. By firmly pursuing this multi-faceted policy we will contribute step by step to the development of economic independence in the country.

Socio-culturally. Certainly, current changes in political and economic relations sweeping the country have influenced Mongolian society. The once single-minded view of the world through a class position is dying out, giving way instead to pluralism and common human values. The provision of human rights and increased independence have encouraged the thinking that "one is a master of his own." Instead of expecting the state to provide for their living necessities, people would now rather earn their property and raise their living standards through their own efforts and endeavors. At the same time, national customs and traditions are being restored, as people view their history and culture with renewed appreciation. All in all, current and recent changes are widely affecting the thinking of Mongolian society.

Mongolia has joined the commitment of the world community to develop in all areas of political, economic, social and cultural spheres through its goodwill relations with other nations and peoples, governmental and non-governmental organizations. Our national interest now requires an extension of relations with our two neighboring countries on the basis of internationally accepted standards and existence in mutual trust and neighborly friendship. Mongolia is very much aware that the establishment of wide and friendly relations and cooperation with other countries serves as a positive factor for the prosperity of the country.

We consider it essential to participate in regional integration and to strengthen our position in it. Thus, Mongolia fully supports mutual understanding and cooperation between the countries of Asia and the Pacific region and strives to promote positive bilateral and multilateral relations between countries

of the region. Our participation in this Consultation Meeting is indicative of this. We believe that setting regular mechanisms of regional security and co-operation in the region will only benefit each country of the region, small or big.

Structure and Activities of the Mongolian Parliament Secretariat

As a result of the 1990 Summer elections, the first democratic election ever in the history of Mongolia, a new Parliament was formed. This Parliament consists of two Chambers: the People's Great Hural and the *State Baga (Small) Hural*. The People's Great Hural is composed of Members of Parliament (MP) from each constituency (by majority rule) while the *State Small Hural* is composed of membership based on proportional representation, that is representation of political parties based on their proportion of the popular vote cast. There are 430 seats in the People's Great Hural (PGH) and 53 seats in the *State Baga Hural*. While the PGH has only two sessions within a two year period, the *State Baga Hural* functions as a permanently working Parliament. The latter played a historical role during the period of transition from the old to the new system, while old relations were giving way to new ones and also while the new Constitution of Mongolia was being drafted.

I would like very briefly now to highlight a few aspects of the latest elections held according to the new Constitution of Mongolia. The new Constitution implemented the first legislative measure adopted by the *State Baga Hural*, the Electoral Law of the State Great Hural of Mongolia. Based on the Electoral Law, an average of three MPs were to be elected for each constituency.

The elections resulted in the Mongolian People's Revolutionary Party (MRRP) winning a total of seventy out of seventy six seats in the *State Great Hural*. If proportional representation had been chosen instead in the Electoral Law, the MRRP would have acquired 43 seats based on the 57% of all votes obtained by all its candidates.

The 76 members of the *State Great Hural* started their first session on July 20. They were sworn in, elected the Speaker and the Deputy Speaker of the State Great Hural; appointed ten Standing Committees; and assigned the General Secretary.

Legislative Support Services

The Mongolian Parliament Secretariat was established along with the *State Baga (small) Hural* two years ago. From 1990 up to July of this year (1992) the Secretariat has consisted of organizational, legislative research and reference, and foreign relations units with a total of about 50 personnel. The main functions of the Secretariat of the *State Baga Hural* are as follows:

To give professional and methodological assistance the *State Baga Hural*, its Members and Standing Committees;

To prepare the *Baga Hural* sessions and provide its normal day work;

To organize the publication and distribution of laws and other *Baga Hural* acts and documents;

To organize the publication and distribution of laws and other *Baga Hural* acts and documents;

To register letters and information sent by citizens and agencies and make sure that they are considered;

To supply the *Baga Hural* Members with relevant information;

To maintain the *Baga Hural* material files and documents in archives and storage;

To be in charge of the *Baga Hural* foreign policy and to prepare necessary documents, visits abroad and the welcoming of guests to the Great Hural as well as to serve foreign guests and delegations.

The responsibilities of the Secretariat unit in charge of research and reference include the preparation of references and manuals on domestic as well as foreign legal acts for the Parliament, its Members and Standing Committees; preparation

of research projects and recommendations in compliance with proposed legislation and bills/legal acts already in force in Mongolia and social development directions and approaches; and technical editing of legislation being adopted. This unit also maintains and uses legal statistical information databases and prepares information concerning foreign Parliament activities and their legislation.

It also assists MPs and Standing Committees in the preparation of the draft agenda for a session or meeting, discussing it beforehand and then collecting all the necessary information relevant to the accepted agenda.

The unit in charge of organizational issues is responsible for the copy and distribution of session and meeting agendas and bills; prepares the Chamber and necessary equipment; records and provides hard copies of sessions or meeting protocol for documents. Sittings of the last 8 sessions of the *Baga Hural* lasted 238 days or 1,548 hours. Sixty-four (64) bills were adopted and produced 183 volumes of 29,013 pages of protocol and other documents which have been filed in the archives and used as references in research.

The Secretariat is likewise in charge of receiving letters and information addressed to the Parliament, its Members and Standing Committees; make sure that they are responded to; maintains control over the response process, and reports on these procedures. From 1990 to July 1992 the *Great Hural*, its Members and Standing Committees and the Secretariat received over 4,200 proposals from individuals and agencies. More than 4,600 inquiries were also received, from which over 1,100 were presented to sessions and the rest of which were considered in the usual manner or forwarded to corresponding authorities. For a country of small population these are comparatively considerable figures.

Other important responsibilities of the Secretariat include the maintenance of regular and normal proceedings of sessions and meetings; informing and calling the attendants to sittings;

and the publication and dissemination of information regarding legislature and other *Great Hural* decisions or documents.

The Secretariat cooperates actively with the media to inform them of the proceedings of sessions of the *Baga Hural*, arrangements and events taking place in the chamber, and developments in the legislative process. The Secretariat regularly publishes this kind of information in newspapers and magazines. Texts of legal acts are regularly published in the Secretariat publication "The Legislative News" magazine. There are also frequent open conferences and discussion as well as direct broadcasts.

The Secretariat devotes a great deal of its efforts expanding its foreign relations and fostering international cooperation. An illustration of this is the fact that during this period of time we have had as our guest Parliament delegations of over ten countries while representatives of our Parliament have also visited the same number of countries. Recently, the Speaker of the *Baga Hural* also took part in the Congress of Heads of Asian Parliaments.

In July this year the *State Small Hural* Secretariat was integrated into the Secretariat of the *State Great Hural*. Although the Secretariat of the former has had two years experience as an independent Secretariat now it shall be guided by the new Secretariat. If the former Small (*Baga*) Hural had one finance and administration with the Government, now they are separated and the Parliament has all the basis to implement a principle of independence over all.

Formerly the *Baga Hural* Members did not have their own staff. Now according to the *Great Hural Law*; all Members and party groups in the *Great Hural* have their own staff. They are not attached directly to the Secretariat; however, corresponding expenditures are covered from the Secretariat budget. Taking into consideration all these, the personnel of the Secretariat will certainly increase.

If we take a look at the personnel of the Secretariat, the picture is as follows: 24% of the staff is under 30 years old, 56% under 40. 86% of the staff has had higher education. Out of this percentage 38% are lawyers, 34% specialists in economics, politics and foreign relations and 20% engineers and lecturers.

There is a real need for the staff to be trained. In connection with this, visits to the United States Congress by some officers of the Secretariat in order to acquaint themselves with its activities and seminars and discussions with the participation of highly qualified lecturers have proven to be of great help. Keeping in mind the importance of the English language in learning and gaining more experience in the parliamentary system, the personnel in the Secretariat are provided with the opportunity to study in a English speaking on-the-job training course at the Secretariat.

The State and Social Study Academy. With the assistance of the US Asia Foundation we have also founded the *State Great Hural Library*.

Because of the necessity to combine Mongolian statehood traditions and their application to the new conditions and social relations in Mongolia, and in order to improve the theoretical basis and effectiveness of the state policy and state activities, the State and Social Study Academy at the *State Baga Hural* was formally founded last year. The main objectives of the Academy are to carry out academic research on state, political, social and economic studies; and to assist in scientific information in support of the Parliament, the President and their officers.

At present the Academy consists of five research and training centers: State Administration and Political Studies; Legal Studies; Social Studies; Economics and Management; and Information Services. Altogether it employs forty people, including thirteen scientists.

As I mentioned before, the Parliament in Mongolia is still in its early stages and hence the Academy is the only research

service of the Parliament which focuses its efforts in the following areas:

First, there is a need to determine the right directions of research and training to design new programs, and elaborate ways to carry them out more efficiently and effectively. With fundamental research in political science, state administration and economic science, the Academy should look for ways to strengthen its relationships with the State legislature and administrative bodies. The way to do this as we see it is first of all to make this relationship more regular on the basis of day-to-day inquiry-and-response; that is, to carry out research upon request, and to prepare recommendations, surveys, and expert analyses of bills and draft laws and also social opinion poll studies. All these are being done by the Academy now. However, to meet its objectives fully the Academy should focus more on analysis of the state policy and ways to implement it; concepts and approaches to development, and on relevant and timely information services to the *Great Hural*, the President and their staff.

Second, there is a need to have our lecturers and researchers trained and re-trained, and to staff the Academy with capable human resources. With the co-operation of universities and research and training institutes within the country we seek to do this through good relations with those in foreign countries. International co-operation can take such forms as invitations to experts for professional as well as language training or by way of short-term projects abroad and foreign trips by our scientists and lecturers.

Third, there is a need to extend and change the existing training facilities. There is an urgent need for properly equipped research and training, data processing and information service facilities and even relevant student textbooks and manuals.

For the newly created Parliament of Mongolia there is a deep shortage of trained and skillful personnel. Along with training of our personnel in universities and institutes in the country

we need to send them abroad for study and training, to invite foreign specialist to teach, advise and consult. The actual economic situation in the country does not spare enough financial resources for this purpose.

Extension of relations with similar foreign institutions and their kind assistance will certainly enormously contribute to the accomplishment of the legislative support service in Mongolia. Any kind of assistance would be appreciated very much.

Finally, Mongolia now firmly stands on the road to real democracy. If we stand loyal to the new Constitution, the country guarantees democracy, human rights and an irrevocable transfer of its economy to market relations.

4 Central Asia

Nepal

Parliament Secretariat

Shashi Kant Mainali

Background

SANDWICHED BETWEEN TWO GIANT NEIGHBOURS, namely, China and India, Nepal is a landlocked country situated at the centre of Asia in the lap of the mighty Himalayas. It comprises a total land area as big as England and Wales combined and is inhabited by 18.4 million people. According to geo-political divisions, Nepal lies within the South Asian region and is one of the founding members of the SAARC, the South Asian Association for Regional Co-operation.

The first legal document in the Kingdom of Nepal embodying fundamental tenets and all associated elements of a parliamentary democratic system was the 1959 Constitution. This Constitution heralded the era of democracy in Nepal. On December 16, 1960 however, this Constitution was scrapped. As a result, democracy and the democratic culture suffered a serious setback. The Constitution which followed this episode envisaged a partyless uni-cameral assembly with limited legis-

lative power. Popular dissatisfaction though, had begun brewing at its inception and the process of this dissatisfaction gradually increased, finally culminating in a popular movement in 1990, which was instrumental in overthrowing the partyless *Panchyat* system. As a consequence of this successful popular movement a multi-party parliamentary democracy was revived with added vigour and vitality.

The Constitution of the Kingdom of Nepal was promulgated on November 9, 1990. Based on the principles of a multi-party democracy, the salient features of this Constitution include: Constitutional monarchy; a parliamentary system of government, universal adult franchise, independence of the judiciary, respect for human rights, sovereignty resting on the people; and guarantee of the existence of political parties.

According to the newly promulgated Constitution, Parliament is defined as a legislature consisting of His Majesty the King and two houses- the House of Representatives and the National Council. The House of Representatives, a purely elected body is the Lower House which consists of 205 members. The National Council, which may be described as the House of Elders, consists of 60 Members elected through a single transferable vote by an electoral college.

Support Services

The Parliament, under the new democratic Constitution, is just one year old. We have recently entered into our second parliamentary year. Every Parliament needs the support of staff, services, facilities and sources of information to operate effectively. Pursuant to this requirement, the Secretariat has been remodeled to cater to the needs of the new bi-cameral pluralistic and comparatively bigger Parliament. Full time staffs recruited under normal civil service rules are employed in the Secretariat.

However, the presiding officers and the chairpersons of the committees are allowed to employ some personal staff on a temporary basis. Although the employees form part of the

regular civil service of the country, there is a separate parliamentary service cadre generally not transferable outside the ambit of parliamentary service.

Limitations of prospects for the staff members, rigid bureaucratic regulations and excessive dependence on the government for financial sanctions have been some of the constraints for the proper growth and functioning of parliamentary support services. Plans however, are under way to address these problems.

Presently, we are managing with limited support services which may be summarised as follows:

Library and Information Service. In our Parliament we have a small library with nearly 10,000 books together with magazines and journals which are separately accounted for. We have a qualified librarian and some experienced assistants. Entry of books are made on a scientific basis. Besides books and magazines, the library's treasures include formal record-journals, hansards and bills passed by the houses of Parliament in various sessions. Recently the library added computers and photocopy machines.

There are cozy corners in the reading room where members can sit and read comfortably. In addition, study booths of a more private nature are provided for Members who may need more concentration to go through the materials. There is a separate room where newspapers and magazines are kept with comfortable seating facilities for Parliamentarians and staff members. Library services are becoming more efficient.

Research and Documentation. The main function for all Parliaments irrespective of their structure, powers and procedures, is to legislate. Legislation has direct impact on the political, economic and social situation of a country. In order to discharge their lawmaking duties efficiently and honestly, however, legislators need to have access to requisite information in time. For example, they should have a comparative knowledge about

existing laws and proposed bills along with their socio-economic ramifications.

At the moment, research services for this purpose are not available to Parliamentary members. Some positions for research workers have been created but there have been no suitable candidates to fill up the vacancies. Until now we have not been able to provide any substantial research-oriented information services to the Members except for some common informative papers and notes on specific subjects for very specific debates, mostly collected from government departments and regular newspaper clippings for the presiding officers.

Thanks to the Asia Foundation, the Secretariat will be receiving the support of six research fellows very soon. The Foundation is granting six parliamentary service fellowships to six of the brightest university students. The fellows are to be assigned to the information division of the Parliament Secretariat to provide mainly research services to the Speaker and other Parliamentarians. The output of the fellows will be guided and co-ordinated by a competent university professor. In addition, the Foundation will make available a small fund to provide study and analysis on subjects of topical interest for the sake of the presiding officers and other Members of Parliament. It is hoped that these small projects will provide the beginning of a firm basis for the research services in our Secretariat.

Legislative Calendar. Efforts are being made to prepare a legislative calendar before the commencement of each parliamentary session. The calendar shall be distributed to Members on the first day of the session. It shall give detailed information about the bills to be considered during the session. Thus the Members have enough time to make an in-depth study of the bill so as to make better contributions as lawmakers in the house.

Printing and Publications. During the last fourteen months there has been a tremendous increase in the printing of material in Parliament. The conventional printing method of letter press has proven to be obsolete, very slow and extremely inadequate.

In its place a more efficient offset type of printer is now being used. Several computers are being utilized to produce various kinds of documents needed for the daily business of the houses. Duplicating and photocopying machines help cope with the volume of daily documentation. However, the printing capacity in Parliament needs to at least be doubled. This need has been identified and plans are being made to expand the printing capacity.

Non-legislative Services. There are some non-legislative services which can be counted as necessities rather than extra facilities for the Parliamentarians. Popularly known as the "kitchen service," canteens are kept open during all busy hours within the precincts of the Parliament. There are three different canteens- operated under three different managements: a restaurant for the Members of the Parliament, staff canteen, and visitors' canteen. The kitchen service is not considered to be running satisfactorily. Therefore in a bid to modernize it we are planning to seek the professional skills of the Hotel Management Training Centre under the Ministry of Tourism.

After the canteens, the clinic stands as the next important non-legislative service. Presently the clinic is managed by three senior nurses and one part-time physician. It is equipped with all kinds of first aid medicines and some medical and surgical accessories. It has a small store of preventive and curative drugs. First aid minor illnesses and injuries are treated in the clinic, while more serious ailments and complicated injuries are referred to the government hospital. However, the Secretariat makes necessary arrangements to pay the bonafide bills of the hospital.

Other Services. There are some other services which may be categorized as extra parliamentary services such as postal service, telecommunication, airline ticketing and banking. These services are directly managed by the parent organizations, namely, the Postal Services Department, Nepal Telecommunication Corporation, the Royal Nepal Airlines Corporation and the National Commercial Bank. Nevertheless, the Parliament

Secretariat plays an important co-ordinative role and provides suitable space and allied facilities for their efficient operation.

Member Orientation Programme. The main function of the Parliament Secretariat is to facilitate the functioning of the Parliament. In recent years the work of the Parliament Secretariat has expanded to the extent that the role of the Parliament Secretariat even includes activities such as promoting the knowledge of democracy and parliamentary procedure in general and specific Member orientation programmes in particular. Members of Parliament must be properly oriented about parliamentary practice and procedures so that they perform their duties as lawmakers in a more efficient and dignified manner. Following the general elections before the commencement of the first session of Parliament in June last year, the Secretariat had organized an introduction and reception programme for the newly elected members. In fact, this was our first such orientation programme in the chronicle of parliamentary events in our country. In the programme senior officials of the Parliament Secretariat gave elaborate introductions of their respective duties and functions, organizational structure and services available to the Members. The Constitution and rules of procedure of both houses were also discussed on the occasion at that time.

Before presenting the budget in the House another orientation programme pertaining to budgetary rules and practices also was successfully conducted. During this programme, planners, economists and financial experts of reputation presented papers on budgetary principles and procedures. The programme had a positive impact on a subsequent presentation of the budget and related discussions.

Legal Advice. In Nepal government bills are drafted by the Ministry of Law, Justice and Parliamentary Affairs. The Legal Advice Division in the Parliament Secretariat which assists these ministries is very much understaffed and consequently is not able to render drafting services to the Members, although according to the rules private Members' bills can be introduced in either house of the Parliament. Members have to manage the

drafting of such bills themselves. However, the Legal Advice Division may provide occasional legal advice sought by the members.

Conclusion

The experience of parliamentary democracy is new for Nepal. We are still in the process of identifying our needs and right now we are trying to assess our strengths and weaknesses, our successes and failures and our gains and losses in the light of our practical experience during the first three sessions. It is hoped that an elaborate plan of expansion and consolidation of support services will be finalised very soon, so that it may be implemented within the life of the first elected parliament.

Nepal

Society for Constitutional and Parliamentary Exercise (SCOPE)

Purnaman Shakya

Introduction

PRIOR TO THE RESTORATION OF A MULTI-PARTY DEMOCRACY in 1990, Nepal was under a unique political system called the partyless *Panchayat* system. Its salient features included an absolute powerful monarchy, a ban on political parties, limited protection of human rights, an unaccountable government, a controlled economy, the Crown as the source of executive, legislative and judicial power, a non-sovereign and subservient Parliament, and lack of an independent judiciary.

Having managed to survive for thirty (30) years with the help of an oppressive police force and legal system, the partyless *Panchayat* system had become almost intolerable to the people of Nepal. The growth of an administrative culture based on nepotism, corruption, and favoritism and the growing stagnation of the economy by unnecessary controls and inefficient management had made the man on the street restless and impatient. The simmering discontent of the people against the *Panchayat* system finally exploded in the form of a popular movement in

early 1990. This was followed by a rapid sequence of political changes leading Nepal into an era of democracy. On April 8th 1990, King Birenda declared the lifting of the ban on political parties and introduced a multi-party democracy; the formation of an interim cabinet under the prime ministership of K.P. Bhattarai on April 19th 1990; and the promulgation of the new democratic Constitution on November 9th 1990.

The salient features of the new Constitution included sovereignty of the people, a multi-party democracy, a parliamentary system, universal adult suffrage, an independent judiciary, guaranteed human rights, and constitutional monarchy.

General elections for Members of the all powerful Parliament under the new Constitution were held in April 1990. The general elections led to the formation of a government where the Nepal Congress Party government has an absolute majority and the Nepal Communist Party (UML) was the strong opposition. The result of the elections therefore provided favorable conditions for the stabilization of democracy in Nepal. However, the task of stabilizing a democracy is not an easy one. The new Parliament with its enormous responsibilities and limited experience faces a great challenge.

Nepal is presently going through a phase of transition. It has suddenly reached a stage where the leaders of the country are under constant pressure to make vital policy decisions based on new values and standards. Open society, human rights, popular participation, decentralization, economic liberalization and privatization, sustainable development, and democratic pluralism have become guiding norms to the elected government, to NGOs, and to business as well as development agencies.

In fact, Nepal is in the process of establishing a new order by means of the democratic decision-making process. The challenges before the nation and the government are immense. On the one hand we have the first elected government (since the promulgation of a democratic Constitution) which is anxious and prepared to do all that needs to be done to bring a new order based on democratic values. On the other hand, there is a

problem of lack of experience and know-how among the political leaders as to the ways and means of establishing a new order. In the process of leading the nation to a new order, failures and mistakes may often disappoint the people and the credibility of the system itself may be put to question. Hence democracy in Nepal at present needs all kinds of support from NGOs, intellectuals, social workers and other local as well as foreign well wishers. The need to support this new democracy will be indispensable until it has achieved stability and has gained the acceptance of the general population as a most effective system for the delivery of services to the people. Democracy in Nepal has just started taking root; hence it needs to be nourished and supported.

Legislative Role of the Parliament in the New Constitution of Nepal

The Parliament of Nepal is a bicameral legislature and consists of the National Assembly (Upper House) and the House of Representatives (Lower House). The Upper House consists of 60 Members. Out of the sixty (60), ten (10) are appointed and the rest are indirectly elected. The House of Representatives consists of 205 Members who are directly elected by the people in nationwide general elections. The House of Representatives is the most powerful body with the power to over-ride the decisions of the National Assembly. Even the king does not have the power to veto the bills passed by Parliament. He can at most, send the nonfinancial bills for reconsideration by Parliament. If Parliament passes the bill again with or without amendments the king has no option but to sign the bill.

As a supreme legislative body the Parliament has the power to enact any legislation within the framework of the Constitution. It not only enacts legislation on financial and nonfinancial matters but also approves the budget, amends the Constitution, impeaches the Supreme Court judges, approves the declaration of an emergency and the signing of treaties by the executive. It also discusses and debates on the policies of the government and can pass a vote of no confidence against the cabinet. It has

been just a little over one year since the Parliament came into existence in Nepal under the new Constitution. It has already completed two sessions and the third session is going on right now. Its performance has been very encouraging, but much still needs to be done to improve its productivity.

The Parliament is presently faced with the immense task of changing the legal system left behind by the *Panchayat* System to make it conform to the democratic values of the new Constitution. Scores of bills on wide ranging subjects are being introduced by the government in every session of the Parliament. The Members of Parliament seem to lack time, information and technical knowledge to deal effectively with the new legislative measures being introduced in the Parliament.

Process of Legislative Drafting and Policy Decisions on Legislation

In Nepal a decision to introduce an amendment to an existing law or introduce a new one is basically a responsibility of the sectoral ministry concerned. A first draft of the bill incorporating basic policy issues is prepared by the sectoral ministry and sent to the National Planning Commission and other relevant ministries for comments and approval. After having incorporated suggestions from the Planning Commission and other ministries, the bill is sent to the Ministry of Law. The Ministry of Law generally looks at the technical aspects of the bill. However, it may also come up with major changes in the draft which have to be acceptable to the sectoral ministry. Once the draft is finalized it is presented to the Cabinet for final approval and presentation in Parliament.

Existing Legislative Support

Presently, legislative support to Parliament is provided by governmental organisations (GOs) as well as non-governmental organisations (NGOs). From the GO side the Parliament Secretariat is the principal institution for legislative support. There are many non-governmental organisations too working in

different fields which have been providing indirect support to Parliament in the effective discharge of its functions. There are NGOs like IUCN and LEADERS NEPAL to help Parliament on environmental matters; and the Nepal Law Society and Political Science Association to provide support on legislative and political matters. However, SCOPE remains the leading NGO in providing comprehensive support to Parliament in all dimensions.

Role of SCOPE in Supporting Democratization Process in Nepal

Soon after the success of the popular movement against the partyless *Panchayat* system, the question of institutionalizing the democratic changes through the enactment of a new Constitution arose. The Constitution Recommendation Commission was organized for this purpose and was asked to complete its task within ninety (90) days.

During this phase of democratic innovations, "LEADERS Nepal," took the initiative of facilitating the democratization process by organising various activities such as debates and discussions, both among enlightened urban people and the common masses at the grassroots level. The activities were conducted through a nation-wide Constitution Opinion Survey Project (COSP) with the financial support of USAID.

The COSP recommendations provided the Constitution Recommendation Commission a conceptual basis for discussion on the basic spirit and structure of the draft Constitution. Many of the COSP recommendations have been incorporated into the new Constitution since.

During these democratic exercises many enlightened people expressed the feeling that if democracy is to survive in Nepal, such awareness activities should be regularly organized at all levels of political and social strata. Many felt that what is equally essential is a support system from the NGO sector to strengthen parliamentary democracy by providing appropriate support services to the newly elected Parliamentarians and also by building a system to equip them with necessary training and

information so that they could play their role effectively and responsibly.

Hence, the leading members of LEADERS NEPAL suggested the idea of forming the Society for Constitutional and Parliamentary Exercise (SCOPE) among the leading intellectuals of Nepal. SCOPE was created with a view to strengthen and support Parliament in exercising its role and fulfill its responsibilities. Its activities are essentially directed to enable Parliament to play its role.

SCOPE is a society of intellectuals and professionals from various disciplines who came together basically to strengthen parliamentary democratic processes in Nepal. The specific objectives of the Society are as follows:

- To create a forum and resource base for the elected representatives of Parliament;
- To equip Parliamentarians with legislative, theoretical, procedural and research information;
- To conduct workshops, seminars, debates, discussions and research on issues related with policy, constitutional, legislative, and parliamentary matters. In this process, foreign Parliamentarians and experts will also be invited to share their experiences;
- To strengthen the functioning of the Committee system in the Parliament;
- To publish literature on current issues and critiques on bills and debates;
- To initiate a practice of lobbying in the Parliament on appropriate matters;
- To establish closer links between the press and Parliament; and
- To hold lectures by prominent personalities involved in related fields.

Responses of SCOPE

As mentioned earlier the main objective of SCOPE is to promote the democratization process in Nepal through established democratic values, ideals and institutions and by

improving the quality of legislative policy formulation, policy implementation, legislation, deliberations and interaction between the people and government/Parliament.

SCOPE understands that:

- Nascent democracy in developing nations has a tendency to go into crisis;
- Democracy will remain stable if we are able to strengthen the democratic process at all levels of decision making;
- Newly elected parliamentarians must have sound knowledge of democratic values and practices so that they can evolve and build upon new conventions and traditions;
- Parliamentarians alone may not and can not do anything if intellectuals of this country remain idle and apathetic;
- An ever vigilant people need to remind Parliamentarians of their duties, liabilities and responsibilities to ensure the responsibility of the Parliamentarians to the people;
- Informed decision-making process is an essential element of a democratic society. The flow of information and communication always helps the decision makers to make right judgment;
- Academic and research inputs improve the quality of parliamentary work. Expert services may not be always available at the decision-making level; and
- A link between grassroots people and the policy makers must be established by independent groups in order to eliminate bias, and also to acquaint the decision makers as well as the common people with reality.

SCOPE Support Programmes

Scope is therefore carrying out various programmes to promote knowledge and capability of involved actors (representatives and the represented) through:

- equipped research and resource centers;
- institutionalized information and knowledge sharing process;
- informed deliberations in the parliamentary committees;
- training opportunities;
- policy analysis and deliberations over policy alternatives; and
- workshops and deliberations on important issues pending before the Parliament.

Following are the program activities of SCOPE:

- Publication of *Parliamentary Affairs Bulletin* and an annual research journal;
- Workshops and deliberations;
- Research and legislative drafting services;
- Technical support for the committee system in Parliament;
- Women empowerment and policy support program;
- Policy analysis; and
- Information and resource center service.

Parliamentary Affairs Bulletin. SCOPE has been publishing a monthly bulletin on parliamentary affairs to keep the general public as well as Parliamentarians updated about academic analyses of bills, debates, issues, events, and approaches. The bulletin on parliamentary affairs has been a very useful tool to inform Parliament about the views of the public on major issues handled by the Parliamentarians and also to inform the public as to what the Parliamentarians are doing and how they view issues of public concern. A periodic publication of guidelines and conventions on parliamentary procedure has also helped the Members of Parliament. A few months back SCOPE conducted an opinion poll on the bulletin among MPs. The response was greatly encouraging.

Workshops/Deliberations. A series of workshops, debates, discussions and deliberations on current issues, policies, and

problems of national concern has been organized and will continue to be organized every month. About 40 selected committee members from Parliament, journalists, professional groups, and intellectuals are invited to participate in these programmes. Debates/discussions on major issues/bills are their major concerns. Such debates are also organized in regional centers.

Research and Legislative Drafting. There must be constant research to determine the types of laws that would make the legal system responsive to developmental needs and to make the legal order truly based on universally accepted norms of an open society such as human rights, social justice and democracy. There must also be a periodic review of the bills introduced in Parliament. Even technical inputs to bills that are going to be introduced in Parliament is necessary. SCOPE has been helping the Members of Parliament and government draft bills. SCOPE has also been of great assistance to the Ministry of Law and Justice and other sectoral ministries in improving the bills prepared by them on various issues. It has likewise organized workshops to discuss bills prepared by the government for presentation in the Parliament. SCOPE invites the experts and lawyers of nongovernmental and governmental sectors to these workshops to deliberate and discuss the policies underlying the bill. An organization like SCOPE could be of tremendous help to independent MPs and opposition parties as well, for drafting private bills to be presented before the Parliament, but requests have not been made so far.

The research wing of SCOPE also conducts surveys from time to time to make an assessment of the institutional and socio-economic problems related to the enforcement of important laws. Findings of the research are then communicated to the Members of Parliament for necessary action.

Technical Support for the Committee System in Parliament. Legislative bodies all over the world make use of committees to save time and to promote efficiency. The new democratic legislature of Nepal has already constituted seven (7) different committees. They have started functioning in a modest scale although

they have yet to become as effective and active as those in the USA, UK or India. SCOPE has been trying to draw the attention of Members of Parliament to the importance of committees. However, much needs to be done in this area as the newly elected Members of the House of Representatives and the National Assembly are neither trained nor informed about the committee system. SCOPE assists the committees in their functions through the following:

- Collects and disseminates information regarding the committee system as it functions in the United Kingdom, United States of America and India.
- Reviews the operational model adopted by the newly constituted committees and suggests areas where it can be improved.
- Provides orientation programs to new Members of Parliament regarding the importance and operation of the Committee System and raises their awareness of the powers and functions of the committees.
- Facilitates debates on bills at the committee level through academic and professional inputs.
- Helps the Parliament Secretariat improve upon the rules of procedure for various Committees in the new Parliament.
- Publishes a bulletin on issues before the various Committees and the exercises carried out by the Committees.
- Helps facilitate a system of public hearings.

Women Empowerment and Policy Support Wing. The Constitution of the Kingdom of Nepal has incorporated some specific provisions in favour of women. It has made it mandatory for registered political parties to allocate at least five percent of their seats to women. Similarly, the Constitution also requires that at least three (3) out of thirty-five (35) Members elected through single transferable votes are women. As a result of these provisions in the Constitution, there are ten (10) women

Members in the Parliament at this time. They are anxious to do something concrete for the upliftment of the women in Nepal. However they lack appropriate support from competent organizations to look into the numerous problems of Nepalese women. Thus SCOPE is trying to provide meaningful support for the women Members of Parliament by undertaking the following tasks in the coming years:

- Assess the needs of women and help women MPs to develop a comprehensive policy frame work on Nepalese women;
- Give training and orientation programmes to women MPs on various problems and their possible solutions;
- Provide a platform for the interaction of women MPs with intellectuals and women social workers to discuss women's issues;
- Lobby in appropriate institutions for the recognition of the role of women in the decision making process; and
- Organize workshops and seminars to analyze the problems of women in Nepal.

Policy Analysis and Support Wing. The newly elected government is presently in the process of preparing new policies for different sectors. These policies are of great concern to the Members of Parliament. Hence SCOPE has established a policy analysis and support wing to carry out the following responsibilities:

- To keep track of policy developments and stay informed about the trends of policy changes;
- To initiate discussion on policies for the benefit of the MPs and to circulate the record of proceedings among the Members of Parliament; and
- To analyze different policies that emerge from time to time and publish the findings through the Parliamentary Affairs Bulletin.

Information and Resource Centre Activities. The Information and Resource Centre was established with the help of the United States Agency for International Development (USAID) last year

and is being operated for the benefit of the MPs. An annual report on Parliamentary practices in Nepal is being published by the Information Centre. The centre makes information on parliamentary or legislative matters accessible to Parliamentarians. The centre also has a library containing literature on Parliamentary affairs.

Conclusion

The whole concept of NGO support to the legislature is based on the need and the right of the people to participate in the governance of the country. SCOPE has tried its best to tap the invaluable human resources from the university and development agencies and put them at the disposal of the parliamentarians. SCOPE has also been able to mobilize the necessary finances from the donor agencies (USAID, ASIA FOUNDATION, DANIDA), and the local organisations interested in promoting democracy in Nepal. SCOPE has received cooperation from the Members of Parliament and the Secretariat. We are of the view that the future of democracy lies to a great extent on the capability of the NGOs to provide sincere support to the elected government and the Parliament in discharging their duties towards the nation and the world community.

5 Far East

Taiwan

Karl Min Ku

Introduction

IN GENERAL, THE GOVERNMENT AGENCIES of the Republic of China began computerization of information at the beginning of the 1980s. The Institute of Information Industry, supported by the Ministry of Economics, was created to encourage the country to become an information society.

During the early 1980s progress was made in Chinese information processing as well as Chinese computer application, including the Chinese character codes for a binary system, a Chinese input system with a terminal keyboard, a Chinese decoding/display system on the CRT terminal screen, a Chinese version of MARC, and Chinese keyboard indexing.

This new information environment made possible new computerization projects in every branch of Taiwan government agencies; consequently, the development of computerization in our government has flourished.

The Experience of the Legislative Yuan

The mission of the Library and Information Service (LIS), as stipulated in Article 4 of the Executive Regulations of the Secretariat, known as the *Legislative Yuan*, (Parliament) (1953), is to acquire and manage legal and legislative documents, with the objective of providing the necessary resources for the Legislature through analysis, research and reference services, in support of the legislators' representative and legislative functions.

In 1981 at its 68th session the *Legislative Yuan* began a series of internal administrative meetings to improve legislative functions. The legislators expressed at those meetings their strong desire for a computer-based legislative information service. Former President Ni of the *Legislative Yuan* continuously supported this desire. In 1984 he directed the Library and Information Service (LIS) to formulate a concrete plan for the development of a computerized information service.

To ensure the success of this computerization project, which was to span four years, a Committee on Computerized Information Management was organized in January 1984, presided over by the Secretary General of the Legislative Yuan¹, with the Director of LIS as the Executive Secretary. Foreign computer information experts were invited to be the committee's advisors. A domestic *ad hoc* working group for "The Development of Information and Research Services" was also set up in September 1985, with Mr. Karl Ku as the appointed leader of the development project. The Asia Foundation has been partially sponsoring this project since then.

Because no one among the staff of the Chinese Parliament had experience in automation practice and there were few precedents for computer applications to Chinese legislation, not to mention the large differences between countries as well as languages, the systems to be developed in the *Legislative Yuan* had to be totally new.

Nevertheless, with the collaboration of committee Members, the participation and consultation offered by information

experts, and the efforts of the LIS staff, this computerized legislative information project of the *Legislative Yuan* progressed rather well, and successfully completed its primary development goal. In 1988 Dr. Sheldon R. Severinghaus pointed out in his article, *Legislative Reform in Taiwan*, that the *Legislative Yuan*, through the remarkable development of its library and information services, is now revolutionizing its legislative processes in the Republic of China.¹ Indeed, LIS may now have one of the most sophisticated parliamentary information services in Asia.

As of May 1992, the computer-based information system of the *Legislative Yuan*, named officially LEGISIS (short for LEGISlative Information System), had six (6) component systems in a large-scale Chinese data base and two dozen office automation PC application systems. Through the WAN (Wide Area Network), each office inside the *Legislative Yuan* can access LEGISIS. Also, LEGISIS has introduced remote terminals outside the *Yuan* to access data bases through the telephone system.

The remainder of this paper is a brief description and list of major developments and services already provided. The discussion ends with a summary of prospective developments.

Strategies for Project Development

To establish a nationwide accessible information system, the Committee on Computerized Information Management went through a cautious planning process in setting up the fundamental principles for system development as follows.

Confirmation of Information Requests. We communicated with potential users within the *Legislative Yuan*, including legislators, their assistants, and the staff of the *Yuan* in order to understand their information needs. The objectives and strategies of the computerization project were determined according to these needs.

Definition of the Project Scope — After a preliminary study of the demands and requirements of the users, a "Draft for

the Computerized Information Work Project" was produced in 1985 to clarify the scope of the project. Based on our continuous user study, a long-term development program of computer applications in the *Legislative Yuan* was finally launched in 1988.

Determination of Project Priorities. In accordance with the technical aspects of Chinese data processing, and with the preferences of legislators, the development of the Legislators' Interpellation Information System and the Chinese Code Full-Text Information System were chosen as two pilot projects of the computerized legislative information system. The former is a complex index/abstract information retrieval system with dozens of access points for each interpellation record; the latter is a full-text document information retrieval system.

Recommendations from the Legislators. During the development process, the computerization project invited suggestions and advice from legislators. In order to explain the purpose and progress of our project to legislators as well as to gather their opinions, LIS twice conducted special briefings for legislators in 1986 and 1988. Some valuable views were received for modifying the trend of development.

Increasing Budgetary Support. With a budget of NT\$2 million (approximately US\$ 50,000), the computerization project was started in fiscal year 1986, gradually increasing annually to expand the work. The budget is expected to be nearly NT\$ 45 million (equivalent to nearly US\$2 million) by fiscal year 1993.

Recruiting Professional Personnel. Since much intensive intelligence is needed to support system development, recruiting professional staff was considered a priority. Beginning in 1986, the Legislative Yuan has held several public examinations to select qualified personnel for each technical position. Meanwhile, LIS is seeking manpower within its institute for further development of the project.

Promotion of Information Consumption. To ensure effective utilization of the Chinese information systems, the Law Information Center of LIS was created in 1985 to incorporate an international information service, i.e., DIALOG, hoping that through the experience of a well-developed system, users might get accustomed to and learn to appreciate computerized information searching. At the same time, a series of user training programs was conducted by the Center to facilitate and encourage legislative use. At present, many terminal users can easily access LEGISIS.

Introduction of New Technologies. Computer techniques have made significant headway in keeping with the development of science and technology. Knowing the importance of keeping pace with new technologies, employees of LIS are encouraged to improve their professional expertise and knowledge by attending training courses held abroad or locally. This participation will bring in necessary technical inputs and help ensure a high standard for the developing systems.

Steps to Establish the System

After careful planning and preparation, the LEGISIS project began implementation in 1986. The work included the following stages.

Request for Proposals. In January 1986 the *Legislative Yuan* announced its computerized information project to more than 100 computer vendors to invite their proposals on the development of this project; 20 vendors submitted the required proposals.

Establishment of a Pilot Test Project. In March 1986 we invited experts and scholars to examine and evaluate those proposals submitted by vendors. Since there was no single vendor who had sufficient previous experience on a similar system, five vendors—rather than a single vendor—were chosen to prevent any undesirable flaw in the pilot project. These five most qualified and willing vendors then signed

a contract with us, respectively, to develop pilot systems, and the *Legislative Yuan* provided each vendor a grant of NT\$ 200,000 for their efforts. The purpose of this pilot project was to establish a prototype of LEGISIS. The contract lasted for six months and focused on developing the software modules of the Interpellation System and Chinese Code Full-Text Information System.

Evaluation and Demonstration. During the period of developing the LEGISIS pilot systems, the staff of LIS assisted by confirming the functional requirements of the systems, and these system were then set as the criteria for evaluation to be held later on. As the contract came to an end, LIS, on behalf of the *Legislative Yuan*, held an exhibition to demonstrate and evaluate the systems developed by those five vendors. LIS invited legislators, information specialists, and scholars from academic communities to attend the exhibitions and to express their opinions on how the systems could be further improved.

Installing the Systems. Finally, the Taiwan Digital Corp. was selected as the best of the five vendors and won the contract for developing the remaining systems. In October 1987 the host computer and its peripheral devices were installed; during the next two months the equipment was subjected to intensive testing. In January 1988 the technical transfer and staff training were completed. All equipment was accepted by the following March, and the LEGISIS hardware became operational. Meanwhile, the two above-mentioned applications systems were developed and introduced for public access in LIS.

Environment and Space Planning. While the pilot computerization project was in progress, new working spaces were arranged to house the electronic data processing and computer systems. This included special electrical equipment, an air conditioning system, etc. The equipment was set up by a group of engineers who were responsible for the construction of the Computer Center because a good

environment is essential for production of good quality information.

Organizing the Computer Center. The Computer Center of the *Legislative Yuan*, created in November 1987, was established to oversee all computerization projects of the Yuan. The center has five functional units: the computer room, the briefing and training area, the data processing area, the programming area, and the printer room.

Current Computer-Based Information Service

As of the end of March 1992, three computerized legislative information services had been provided: access to a large-scale Chinese data base system, foreign international information retrieval through an international network, and installation of microcomputers to facilitate office application.

The first service contains the following components within the *LEGISIS* network.

A Legislative Electronic Bulletin Board System provides the most up-to-date information on the Parliament such as status of *Legislative Yuan* meetings, important events in Taiwan, and decisions of the *Legislative Yuan*.

A Legislators' Interpellation Information System offers computerized information retrieval with multiple access points. The system contains in its data base, updated records and retrospective records from 1984. The data base, which has more than 14 access points, can be searched by date, subject, name, etc.

A Chinese Code Information System displays complete contents of the Republic of China laws, including titles, texts, associated articles, enacting dates, amending dates, subjects, and purposes, etc. The system has several kinds of searching methods.

A Chinese Code Amendments Information System enables access to all codes amended by the *Legislative Yuan* since 1970, the year the government promulgated the Central

Codes Standard. The information in this system is organized according to the main reason for the amendment, procedure of the amendment, and the text of the amended codes.

A Legislative Literature Information System establishes a bibliographic data base of periodical articles and research papers since 1985 in the fields of law, politics, economics, financial subjects, public administration, and technical education, etc. The system contains nine access points, including categories, subjects, keywords, authors, journal, titles, etc.

A Legislative News Information System displays collections of clippings from 16 local daily and evening newspapers. This system provides online retrieval of important political events, records of the legislature, developments in the *Legislative Yuan*, administrative policies of the *Executive Yuan*, and current news.

The second service in operation by March 1992 was the International Information Service. With computer and telecommunications networks, this service connects to DIALOG and LEXIS/NEXIS and provides access to more than 500 data bases. It is equipped with fast, up-to-date, and comprehensive information retrieval, much like an electronic encyclopedia. The system also provides DIAL ORDER downloading and CD-ROM information retrieval service.

The third service was an installation of microcomputers to improve office application. It has several components.

A Congressional Diplomatic Information System keeps records of visitors to the *Legislative Yuan* from all over the world. The names of visitors and nationalities of political parties can be used as access points to ascertain background information on visitors. Date of visit, number of visitors, or the name of the country can enable users to check the activities of their visitors during the time they are with the *Legislative Yuan*.

A *LEGISIS Thesaurus System* provides bilingual subject indexing terms used by legislative information systems for database retrieval. The system has three access methods: Chinese terms, English terms, and the codes of the terms. The system also produces a hard copy reference tool for users entitled "LEGISIS Thesaurus."

Prospective Development

Compared with the other computerization projects, LEGISIS is one of the most efficient plans accomplished within a four-year period. However, it is still far from being perfect; more work remains to be done.

Thus far, LIS has mapped out a long-term development plan for future computer-based information services to the *Legislative Yuan*. The following information systems are planned for completion before the year 2000:

A Legal Documents Full-Text Information Group System
An Interpellation and Legislative Documents Information Group System.

An International Legal Information Group System

An Office Automation Information Group System

A Bills Tracking and Administrative Management Information System

A Library Automation Information System

A nationwide network among the district offices of legislators is also being planned for installation within the next two years. We at LEGISIS wish to share our experience with other interested libraries through worldwide international networks in the years to come.

Notes

1. Severinghaus, Sheldon R., "Legislative Reform in Taiwan," *The Asia Foundation Quarterly* (fall 1988), pp.8-10.

Japan

Akira Komaki

Introduction

THE CONSTITUTION OF JAPAN came into force on May 3, 1947, bringing about great changes in the country's political system. The new Constitution is based on three fundamental principles: 1) sovereign power shall reside with the people; 2) fundamental human rights shall be guaranteed; and 3) the nation shall aspire for everlasting peace.

Based upon this first principle, article 41 of the Constitution provides that the Diet shall be the highest organ of state power and shall be the sole law-making organ of the State. The Diet has thus obtained a much more powerful position than its predecessor, the Imperial Diet. This also indicates that the Diet should be the center of Japan's politics in both norm and reality.

However, the use of the word "highest" does not mean that the Diet has absolute superiority over the executive and judicial branches of the government. With respect to the relationship between the Diet and the cabinet, the former designates the

Prime Minister as head of the cabinet, and the House of Representatives, the Lower House, can force the Cabinet to resign by passing a resolution of no-confidence. On the other hand, the Cabinet has the power to dissolve the Lower House. As for the relationship between the Diet and the judiciary, the Diet is empowered to dismiss judges tried by an impeachment court composed of Members of the Diet. On the other hand, the courts can, by exercising the right to determine the constitutionality of laws passed by the Diet, declare a law unconstitutional. Thus the three branches of the government function in a system of checks and balance.

Organization of the Diet

The National Diet is composed of two Houses; the House of Representatives and the House of Councillors. Under this Japanese bicameral system, as under the ordinary bicameral system, each House independently makes its own judgment. But the decision of the Diet itself is formed only when both Houses concur with each other.

At the present time, the House of Representatives has 512 Members from 130 electoral districts, each serving a four-year term. The total membership of the House of Councillors is 252, out of whom 100 are elected by proportional representation and 152 from the 47 prefectural constituencies. Their term of office is six (6) years, half of the Members being elected every 3 years. Although the number of Members in each House differs, all of them are elected by the people. Each Member of the Diet has two full-time secretaries paid by the government. In January 1994, one more secretary, to be known as a Legislative Assistant, will be added to the staff of each Member. In addition, an unknown number of private staff members are employed by each Member and paid from his own funds.

Functions of the Diet

The Diet is authorized not only to enact laws but also to decide the national budget; approve treaties concluded with foreign countries by the government; designate the Prime

Minister; and initiate amendments to the Constitution. Both the House of Representatives and the House of Councilors are independent organs performing their respective roles in the decision-making of the Diet, but the former constitutionally enjoys superiority over the latter.

Each House also may conduct investigations in relation to state affairs; consider petitions submitted by the public; select its own Presiding Officer and Deputy, Chairpersons of Standing Committees and other officials of the House, as well as establish, if necessary, Special Committees in each session; set up its own rules pertaining to meetings, proceedings and internal discipline; and punish Members for disorderly conduct. In order to achieve these functions, Members are entitled to submit legislative bills and resolutions, put any question to the Cabinet about national administration, and participate in debate and vote.

Convocation of the Diet and Terms of Sessions

A session of the Diet may be ordinary, extraordinary or special. *An ordinary session* of the Diet must be convoked once every year in January for a term of 150 days in order to consider the national budget and related or other bills for the next fiscal year. *An extraordinary session* of the Diet may be convoked whenever considered necessary by the Cabinet or upon request by more than one-fourth of the Members of either House. *A special session* of the Diet must be convoked after a general election which follows the dissolution of the House of Representatives. The term of an extraordinary or of a special session of the Diet is determined by concurrent votes of both Houses, and the session may be extended once for an ordinary session and twice for a special session or an extraordinary session. When the House of Representatives is dissolved, the House of Councilors is closed at the same time and functions of the Diet cease. The cabinet, however, in case of national emergency, may convoke *an emergency session* of the House of Councillors during the period between the dissolution of the House of Representatives and the convocation of the special session of the Diet

following the general election of Members of the House of Representatives.

The Parliamentary Cabinet System

The Constitution provides for a parliamentary Cabinet system, stipulating that (1) the Prime Minister shall be designated from among the Members of the Diet by a resolution of the Diet; (2) a majority of the Cabinet Members must be chosen from among the Members of the Diet; (3) the Cabinet shall be collectively responsible to the Diet. The designation of the Prime Minister is one of the major functions of the Diet that did not exist in the Imperial Diet. Under the Constitution, the designation of the House of Representatives takes precedence over that of the House of Councillors.

Legislative Support Organs of the National Diet

Outline of Legislative Support Structures

For the purpose of assisting Diet Members each House has its own (1) Secretariat; (2) Legislative Bureau; and (3) respective Research Offices of the Standing Committees, in addition to (4) the National Diet Library which was established in February 1948, in order to serve both Houses and Diet Members.

The functions and services of the Japanese legislative support structures are as follows:

- The Secretariat assists each House in running the daily business of the House.
- The Legislative Bureau is responsible for assisting Members in drafting bills. This Bureau adds a finishing touch to Diet-originated bills, and is also in charge of specialized research in legal opinions.
- Research Offices of the Standing Committees conduct research and prepare reference materials necessary for the activities of the respective Committees through qualified specialists and their assistants, under the direction of the Chairman of the Standing Committees.

The staff members of Standing Committees carry out research work much closer to Committee activities, including research in matters concerned with bills or proposals on the Diet agenda.

- The Research and Legislative Reference Bureau of the NDL provides the Diet and its Members with research and reference assistance in support of their legislative functions — without partisan bias — by making full use of library resources. It does basic research in many subjects related to bills, including frequent research in political institutions, especially of foreign countries. What distinguishes the Research and Legislative Reference Bureau's activities from those of the Legislative Bureau and the Research Offices of the Standing Committees is the Bureau's capability to perform a wide range of research work in various fields using the NDL's vast library resources.

Relationship between the National Diet Library (NDL) and the Legislative Bureau and Research Offices of the Standing Committees of both Houses

Members of the Diet can ask for assistance from any of these organs. The Research and Legislative Reference Bureau is an organ belonging to the National Diet Library (NDL), just as the U.S. Congressional Research Service (CRS) falls under the Library of Congress. Since the Bureau was established within the NDL, the history of the NDL should be explained along with that of the Bureau. The CRS has been the model of the Bureau since its establishment.

Although the Diet Law provides for the duties of the National Diet Library (NDL), the Legislative Bureaus and the Standing Committees' Research Offices, the area of services rendered by each of these three organs is not clear. In fact, what each of them does often overlaps.

The duties of the *Legislative Bureau* include helping Diet Members draft legislative proposals from a technical point of

view. But as a matter of fact, the Legislative Bureau is often asked to assist them only in developing a general plan of a bill, which is, strictly speaking, not a part of its responsibility.

Research Offices of the Standing Committees conduct research work and prepare necessary materials for considering legislative bills pending before the Diet or for initiating proposals by Diet Members. They also analyze merits and demerits of specific bills or proposals.

The *Research and Legislative Reference Bureau* of the NDL does all kinds of research work ranging from analyzing or evaluating legislative proposals and collecting information for bill-drafting to providing necessary materials for Diet deliberations.

Therefore, Diet Members can ask either the Legislative Bureau or the Research and Legislative Reference Bureau to prepare bills, while they can rely on either the Bureau's or Standing Committees' research staff when they need materials for legislation.

The Research and Legislative Reference Bureau of the NDL

Functions and Organization of the Research and Legislative Reference Bureau

Functions

As mentioned above, the main functions of the Research and Legislative Reference Bureau, as a legislative reference organ, is to assist Diet Members in their legislative activities. It also offers research services upon requests from Standing Committees, Legislative Bureaus and Secretariats of both Houses as well as from headquarters of political parties. The Bureau makes no legislative or other policy recommendations to the Diet unless they are done by its Senior Specialists upon request.

The Research activities of the Bureau are divided into two categories: (1) activities carried out upon request (*research upon request*); and (2) activities conducted on its own initiative in anticipation of such requests (*preparatory research*).

Requests can be concerned with various matters relating to bills or other subjects under discussion in the Diet. Those regarding institutions and legislative measures both domestic and foreign are most numerous. Although analyzing or drafting bills is a very important research activity, such requests are rather small in number. This is partly because in Japan the government plays a greater role in the legislative process, and Diet-originated bills are outnumbered by government-originated bills.

Research upon request varies in their difficulty and importance. Some can be answered by showing or lending materials on hand, in brief notes or through the phone. Others require advance knowledge and expertise; thus extensive reports have to be made, taking the staff a relatively longer time (sometimes a few months).

The subject analysts of the Bureau are often requested to give lectures on specific subjects in seminars organized by Diet Members or join policy workshops of political parties to draft their policy platform.

The Bureau's answers are, in principle, based on documents in and outside the NDL; if necessary, however, outside experts and scholars are invited to offer their opinions.

In *preparatory research*, the Bureau's analysts conduct research work on subjects which are expected to be on the Diet agenda. Such preparatory research helps the Bureau deal with requests from Diet Members in an efficient manner when actually asked.

Preparatory research is undertaken either by an individual or by a group as joint research, and field work is carried out in case of need. However, because of budgetary constraints in recent years, the scope and scale of this type of research work tends to be limited.

The products from preparatory research work are usually published in the Bureau's publications: *Reference* (monthly), *Foreign Legislation* (bimonthly), *Issue Brief* (irregular) or occasional monographs, all of which are edited by the Bureau. Even

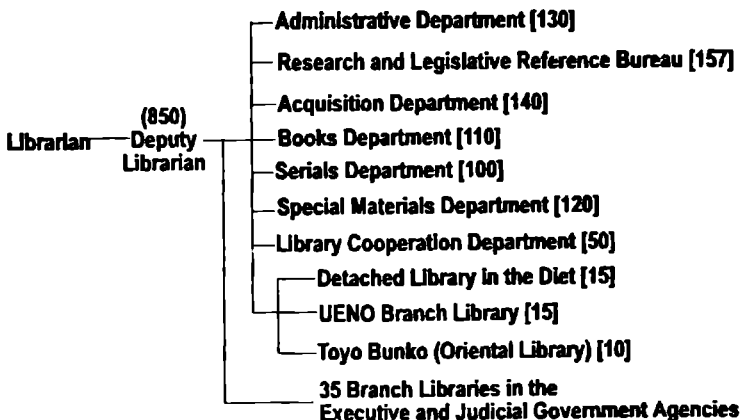
though preparatory research is conducted primarily in anticipation of requests from Diet Members, it is at the same time a good opportunity for an analyst to make public the fruit of his or her daily research work. Such research work is organized into the Bureau's *Basic Research Plan* and is generally done in a year but can be extended when it covers a large subject area.

Research work, whether it is done upon request or as preparatory research, covers all fields of the Diet's interest. Statistical data show an increase of research in the field of social science or technology. The Bureau's motto is always to do its best on such a wide range of research requests. Yet the number of staff is not enough to cover all areas. Thus, in order to supplement the Bureau's staff, some outside scholars are hired on a part-time basis for research in their fields of specialization. In addition, other outside experts are commissioned from time to time to do research work on a specific subject.

Organization

The NDL is an integrated organization comprising the Main Library, the Detached Library in the Diet, the Ueno Branch Library, the *Toyo Bunko* (Oriental Library) and thirty-five (35) branch libraries in the executive and judicial agencies of the government.

Fig. 1 Organization of the NDL



The Bureau's staff members are divided into three (3) groups: the first group engages in research and analysis; the second group in collecting and maintaining research materials; and the third group in administration.

The research and analysis group is made up of Research Services and Research Divisions. The Research Services group is organized roughly to correspond to the Standing Committees in both Houses. Each Research Division belongs to its relevant Research Service, and conducts research in its own field under the guidance of a Senior Specialist, who is usually a chief of the Research Service. Each Research Division is, however, directly under the control of the Bureau's director so far as administration such as personnel assignment or budgeting is concerned.

The Bureau experienced significant reorganization in June 1986. The main purpose of the reform was to improve and enhance its research capabilities to meet the increased demands of the Diet which are becoming more diversified and complicated with the changing circumstances surrounding national politics, the economy, and the international community. The Legislative Reference and Coordinating Division and Overseas Information Division were newly established to provide quick responses to information requests.

The organizational structure and responsibilities of each Research Service and Division are as follows:

- *The Research Planning and Coordinating Service*: responsible for comprehensive planning and coordination of research work, planning of training and seminars.
- *Legislative Reference & Coordinating Division*: staffed by professional reference librarians trained to respond to requests of a general nature from the Diet which provides in-person-reference assistance at the Diet Members' Reading Room and Study Room.
- *Research Materials Division*: the information support arm of the Bureau performing direct support to

research efforts; also responsible for commercial databases utilization, acquisitions and maintenance of research materials.

- *Statutes & Parliamentary Documents Research Service & Division*: arranges and maintains legal materials and parliamentary documents, both domestic and foreign.
- *Politics & Parliamentary Affairs Research Service & Division*: covers constitutional law, parliamentary affairs, political parties, elections.
- *Public Administration & Judicial Affairs Research Service & Division*: covers the administrative system, local autonomy, judicial affairs, police, the judiciary.
- *Foreign Affairs & National Defense Research Service & Division*: covers foreign affairs, foreign assistance, international politics, international law, international organization, defense, national security.
- *Finance Research Service & Division*: covers budget, tax, finance, securities, commodity prices, business conditions, international economy.
- *Trade, Industry & Technology Research Service & Division*: covers industrial policy, commerce and industry, resources, economic cooperation, science and technology.
- *Agriculture, Forestry & Environment Research Service & Division*: covers agriculture, forestry, fishery, food, environmental protection, pollution, natural conservation.
- *Land Development & Communication Research Service & Division*: covers land development, construction, transportation, postal service, communication.
- *Education & Culture Research Service & Division*: covers education, social education, art, religion, culture.
- *Social Welfare & Labor Research Service & Division*: covers social security, hygiene, medical treatment,

conditions of life, population, industrial relations, employment, labor standards.

- *Overseas Information Research Service & Division:* covers new resources from abroad in general, research, translation and compilation of the latest overseas information.

Staff and the Budget of the Research and Legislative Reference Bureau

The Bureau has 157 staff members with little change over the past twenty (20) years. Their assignments as of July 1, 1992 are shown in Table 1.

Table 1. Number of staff members of the RLR Bureau

Director	1
Assistant Director	1
...Senior Specialists	15
Research Services...Associate Senior Specialists	5
...Specialists	6
Research Divisions	65
General Affairs Division	17
Legislative Reference & Coordinating Division	19
Statutes and Parliamentary Documents Division	17
Research Materials Division	11
TOTAL	157

Requests handled by the Bureau have been increasing every year, inspite of the unchanging size of the staff. Although the Bureau would like to increase the research staff in order to cope with the expanding demands from the Diet, it is quite difficult to do so because of the huge state budget deficit.

At present the staff members are recruited through open competition administered by the NDL. The Bureau does not have its own screening system. New staff are recruited under a

graded recruitment policy in accordance with the standards set by the National Personnel Authority. Examinations for service are classified into three grades. Applicants for the 1st and 2nd grades must be university graduates or the equivalent, and those for the 3rd grade must be junior college or senior high school graduates. Some of the newly employed staff are directly assigned to the Bureau while others are assigned library or administration work in the other Departments of the Library and later transferred to the Bureau. Transfer of staff takes place periodically. In order to give equal opportunity for promotion to as many staff members of the Library as possible, there are more and more recent cases of transfers between the Bureau and other Divisions of the Library.

The budgets concerning research work over the past eleven (11) years are shown on Table 2.

*Table 2. Budget of the Bureau:
FY 1982-1993
(In thousands of yen)*

	TOTAL EXPENDITURES	RESEARCH MATERIALS		TOTAL EXPENDITURES	RESEARCH MATERIALS
1982	106,755	(33,438)	1988	115,414	(33,438)
1983	102,716	(32,268)	1989	121,975	(38,202)
1984	101,868	(32,268)	1990	128,660	(39,345)
1985	105,886	(33,438)	1991	131,930	(39,870)
1986	107,742	(33,438)	1992	140,218	(39,870)
1987	112,332	(33,923)	1993	144,148	(40,892)

Note: Personnel expenditures are excluded.

These figures show that there has been little increase since 1985. The greater part of the research work budget is spent for purchasing research materials, printing, traveling costs and information charges of commercial database. Traveling costs for fieldwork and printing expenditures necessary for publishing research products were severely restrained in recent years. Expenditures for research materials have likewise changed little.

Reference and Information Services

The number of requests from Diet Members handled by the Bureau in recent years are indicated on *Table 3*.

Table 3. Number of Requests Handled By the Bureau

SUBJECT AREA	FY 1980	1988	1989	1990	1991
Politics & Parliamentary Affairs		2,836	3,457	2,678	4,393
Public Administration & Judicial Affairs		1,655	1,092	1,188	1,013
Foreign Affairs & National Defense		1,368	969	2,496	1,959
Finance		1,947	1,571	1,711	1,656
Trade, Industry & Technology		1,363	915	1,421	1,057
Agriculture, Forestry & Environment		1,039	700	1,182	1,069
Land Development & Communications		1,116	823	1,392	1,108
Education & Culture		1,508	817	1,050	1,199
Social Welfare & Labor		1,392	1,536	1,989	1,876
Overseas Information		377	208	408	354
Others		2,744	2,573	2,946	3,598
TOTAL	8,156	17,345	14,661	18,461	19,282

Table three shows a steadily increasing trend each year. Requests handled in 1991 amounted to roughly 2.4 times as many as those in 1980. This indicates that there has been a growing need for the research activities of the Bureau among the Diet Members.

In other words, the figures reflect the Diet Members' increasing awareness of the services of the Bureau.

On the other hand, as already mentioned, the number of the staff members of the Bureau has not increased for a long time. This means the work load of the staff members has become relatively heavier. Thus, they sometimes have difficulty providing satisfactory research service, and are often forced to answer questions given them with quite inadequate information.

As a matter of fact, photocopying materials already available in place of carrying out an in-depth research has become a very familiar practice in the Bureau. Requests addressed to the Bureau have become more and more diverse and complicated in their content. About one-third of all the requests are related to foreign affairs. It is part of Japanese tradition for law-makers to turn their eyes to foreign countries whenever they face new legislative work. To meet their needs, analysts are expected to maintain a high standard of research work by carrying out quality analytical work as much as possible. However, the present situation of the Bureau does not make this an easy goal to achieve.

Subjects of research requests are mirrors of the current conditions of politics, economy and society. In recent years, most frequent requests from Diet Members pertain to the election system, tax reform, U.N. peace-keeping operations, educational reform, trade affairs (especially trade imbalances with foreign countries), consumer affairs, foreign workers, welfare for the elderly, medical and pension systems, global environment, etc.

Reader services are provided in the Diet Members' Reading Room and Study Room of the National Diet Library (NDL), as well as in the Detached Library located in the Diet building. The Diet Member's Study Room contains 20 cubicles, one Special Room with audio-visual apparatus, one Seminar Room and two Meeting Rooms. There is also a Diet Members' Browsing Room, where some of the leading newspapers and magazines are available for immediate pickup. The Detached Library provides library services for Diet Members and their staff. It functions both as an "advance base" of information services to the Diet and as a "public library" in the Diet.

Besides the Bureau there are subdivisions of the NDL. They also offer services to the executive and judicial branches of the government and even to the general public, as long as the services to Diet Members are not disturbed. The number of requests from government offices and individuals (including private

associations) is currently less than 7% of the total requests handled by the Bureau.

Research Materials

The first resource used by the Bureau for its research activities are library materials stored in the central stacks of the NDL. However, the library materials are frequently out on loan and in most cases requests from Diet Members demand very urgent replies. Therefore, it is necessary for the Bureau to keep its own materials covering various fields. These materials devoted for the Bureau's exclusive use are called "research materials" or "legislative materials" and are maintained separately from the general materials of the NDL. Expenditures for purchasing research materials are officially appropriated in the NDL budget as shown in parentheses on *Table 2*.

In addition to purchasing, the Bureau acquires research materials through exchanges with from national and local governments and other organizations. These materials are stored in the Materials Room and special corner of the book stack maintained by the Research Materials Division, and in each Division's office room. In the Research Materials Room, materials are kept for the research staffs' common use. The collection contains reference books, general bibliographies, Japanese and foreign magazines and statistical materials, etc. In each Division's office room, books and magazines on specialized fields are maintained.

The Research Materials Division also publishes the following materials as part of its bibliographic service for the research staff: *Quick Announcement of Accession of Research Materials (monthly)*, *Accession List of Research Materials (triennially)*, and *Contents Sheet Service*.

Statutes and Parliamentary Documents

The Statutes and Parliamentary Documents Division of the Bureau collects and keeps statutes and parliamentary materials both local and foreign. These materials are available in the

Statutes and Parliamentary Documents Room for activities of the research staff as well as for the general public's use.

The Statutes and Parliamentary Documents Room is a special materials room which maintains an exclusive collection of laws, regulations, and parliamentary publications. Those materials constitute a part of the collection of the NDL, but are maintained by the Bureau, since they are extremely valuable resources for the research activities of the Bureau.

Publications of the Bureau

At present the Bureau publishes the following for the use of Diet Members:

- *Reference* (monthly), since April, 1951, publishes a number of articles from preparatory research.
- *Statistical Handbook* (annually), since 1949, compiles important statistical data from a wide range of fields in Japan and foreign countries.
- *Overseas News Guide* (biweekly), since October, 1961, introduces major foreign newspaper articles.
- *Foreign Legislation* (bimonthly), since September, 1962, publishes the Japanese translation of selected legislation in various countries.
- *Index to Japanese Laws and Regulations in Force* (annually), since 1949, compiles treaties, laws, cabinet orders, ministerial ordinances and regulations in force in Japan.

General Index to the Diet debates (annually), since 1961, Publishes an Index of Diet debates by bill and proceedings, speaker, and subject. The automated databases dating back to the index of the 58th Diet session of 1967 are available. The computerized retrieval service is provided through the NDL Online Information Retrieval Network System (NOREN).

- *Legis-Mate* (irregular), since August, 1987, Publishes public relations-information of the Bureau.

- *Research and Information* (Issue Brief) launched in September 1986 publishes a series of new research material to meet the increasing information needs of the Diet Members. Each issue is in concise brochure form so designed as to provide Members with non-partisan information on particularly "hot" issues that are very likely to bring in a good number of research requests from Members. The Bureau intends to publish some 30 issues every year during the Diet session. Timeliness is of vital importance in this kind of publication and a Japanese-language word processor is used to facilitate editing, updating and revising the text. Some examples of major headings are Informed Consent, Peace-keeping Operations and Peace-keeping Forces, Relationships between Southeast Asia and Japan after the Cold War, Product Liability, and Earth Summit.
- *Research Material Series* (irregular), publishes various types of reports on a wide range of subjects. They are usually products of preparatory research, which relatively takes a longer time to complete.

Automated Information Service

The Bureau introduced automated information services before any other division of the Library. In the autumn of 1971, it completed a system for the automated compilation of one of the Bureau's most important publications, *General Index to the Debates of the National Diet*, which had previously been manually compiled. The database of the *Index* is now available for information retrieval through the National Diet Library Online Information Retrieval Network System (NOREN). In addition to that database, a new text delivery service will be introduced in FY 1992. Under the plan, 1.3 million pages of the Records of the Diet's debates will be stored on optical discs during the next five (5) years. By connecting this optical disc system with a facsimile, each Diet Member will be able to receive the full text of records in his or her office.

In addition to the databases produced by the NDL, the Bureau has introduced commercial databases, DIALOG, NEXIS, TEXTILE & LEGISLATE.

The application of such electronic devices as Japanese language, word processors, personal computers and an optical disc filing system is another aspect of the Bureau's efforts to upgrade its services through automation. As of April 1992, the Bureau had 22 word processors, 7 terminals for in-house information retrieval service, 3 personal computers which also can be used as terminals connected both to internal and external online network systems. Some office work such as the management of research materials is also run through these personal computers. In addition to these, one (1) optical disc filing system is available for filing voluminous reference materials produced or collected by the Bureau.

These automated tools are of course not sufficient to meet adequately the still increasing information needs from the Diet. Therefore, further development in this field, including an introduction of new types of devices such as high quality facsimile and automated translator, should be one of the main targets of the Bureau's efforts in the near future.

Korea

Jong-Heup Park

THE NATIONAL ASSEMBLY first started as a unicameral legislature in 1948. Bicameralism was introduced during the Second Republic (Fifth Assembly, 1960-1961), but it soon returned to being a single-chamber.

The present 14th National Assembly convened on May 30, 1992 and is composed of 299 members, 237 of whom are elected in single-member electoral districts and the remaining 62 through a proportional-representation system. Members of the National Assembly have a four-year term of office.

The current distribution of seats in the National Assembly is as follows: Democratic Liberal Party, 159; Democratic Party, 96; Reunification National Party, 32; New Political Party, 1; Independents, 11.

Under the Constitution, the National Assembly meets either in regular or special sessions. The regular session convenes once a year on September 10. A special session is

convoked either by the President or by at least one-fourth of the Members.

The National Assembly has one Speaker and two Vice-Speakers (one representing the opposition party), all three of whom are elected.

In addition to the Speaker, there are two important organs as the Assembly's governing bodies: the House Steering Committee; and the Parliamentary Groups (the Political Negotiation Groups) represented by the floor leaders of the Political Parties. Any political group which has more than 20 seats may form a parliamentary group. The National Assembly Act provides that the floor leaders automatically become members of the House Steering Committee and that the Speaker is to consult with the Committee on major house business matters and negotiate on matters relating to legislative work.

Specialized legislative committees are also the basic working bodies of the National Assembly. They are entrusted with the elaboration of all bills for debate in the plenary session and they function as efficient units to follow and watch the work of administrative departments. They are entirely free to accept or refuse amendments, introduce all kinds of modification and even to refuse bills completely.

The National Assembly Act provides for standing committees and special committees. The standing committees are established in accordance with the jurisdiction of each government ministry and agency. There are presently 17 standing committees: House Steering; Legislation and Justice; Foreign Affairs and National Unification; Administration; Home Affairs; Finance; Economy and Science; National Defense; Education, Youth and Sports; Culture and Public Information; Agriculture, Forestry and Fisheries; Trade and Industry; Energy and Resources; Health and Social Affairs; Labor; Transportation and Communications; and Construction.

Special committees may be set up with the resolution of the Assembly for the deliberation of special bills or matters which

may fall under the jurisdiction of more than one committee, or which the National Assembly deems necessary for special consideration. In addition, the National Assembly Act provides that the Special Committee on Budget and Accounts be established for the purpose of conducting the overall study of the budget bill and statement of accounts. The special committees remain in existence until the bills or matters referred thereto have been resolved by the Assembly.

A plenary sitting of the National Assembly is called to order at two o'clock in the afternoon. The Speaker sets the agenda and the dates of the plenary sittings in consultation with the House Steering Committee. The rules governing the contents of speeches and the time and manner of speaking are covered by the National Assembly Act. When a Member wishes to speak, he or she must give prior notice to the Speaker and obtain his permission. No Member may speak more than twice on the same subject. All speeches should be germane and confined to the agenda items then pending before the Assembly. To save time and also enable the Speaker to preside efficiently, the Act stipulates certain criteria to speaking-time according to the classification of speakers and their topics. These time limits are, however, applied very flexibly in the committee meetings. Stenographic records are kept on proceedings, and they are also taped.

Unless otherwise stipulated in the Constitution or other laws, a decision in the National Assembly is reached by a simple majority of the members present. When a debate is closed, votes are usually taken by asking members to stand. In accordance with the National Assembly Act, a vote on a proposal to amend the Constitution must be taken by open ballot, while votes on the election of officers are taken by a secret ballot.

The Constitution bestows the National Assembly with the following four important powers: law-making; power to deliberate and approve the national budget; supervision of the government; and house autonomy.

The Constitution states that legislative power is vested in the National Assembly. Legislative bills may be introduced

either by Members or by the Government. When a bill is introduced, the Speaker refers it to a committee before it is placed on the agenda of a plenary session. In the course of examining major bills, the pertinent committees may hold hearings and request the attendance of ministers and other government representatives. A legislative bill approved by the National Assembly is transmitted to the Government for Presidential action—approval or veto. When there is a request from the President for reconsideration of the bill, the bill becomes law if the National Assembly again passes it in its original form with the concurrence of two-thirds or more of the members present and constituting a quorum.

The National Assembly may propose a constitutional amendment by an absolute majority of its membership. Such a proposal should be referred to a referendum for final approval.

The National Assembly has the power to consider and determine the national budget and other financial matters. In the course of its deliberations, it listens to the budget statement made by the government. The Special Committee on Budget and Accounts then conducts an examination of the proposed budget bill and transmits it to a plenary session of the National Assembly. It exercises control over the revenue of the Government by regulating items and rates of taxation.

The National Assembly may conduct inquiries into a specific question by summoning witnesses, experts and reference persons and may request the Government to submit reports or documents directly related to the subject concerned.

When requested by the National Assembly or committees, the Prime Minister, Members of the Cabinet and other representatives of the Government must appear before the National Assembly and reply to questions. It is a well-established practice for the National Assembly to request the attendance of Cabinet Members to answer questions on national policies at the beginning of each session. The National Assembly has the power to adopt a resolution to recommend to the President the dismissal of the Prime Minister or a Member of the Cabinet as

well as to impeach public officials including the President. The National Assembly has the power to consent to the presidential appointments of the Chief Justice, the Prime Minister and the Chairman of the Board of Audit and Inspection.

As a safeguard to effectively exercise the above-mentioned legislative powers, the Constitution provides Assembly Members with certain privileges and immunities to protect them from unnecessary obstruction in carrying out their parliamentary duties.

Legislative Support Services: Organization and Function

The Assembly Secretariat

The National Assembly has a Secretariat to manage its administrative affairs. The National Assembly Secretariat, under the supervision of the Speaker, manages house administrative affairs and provides research services and administrative support to the Members for their legislative activities.

The Secretariat is composed of the Secretary-General, two Deputy Secretaries General (for legislative and Administration affairs), the Chief Secretary to the Speaker, the Staff Directors to the Committees, and other career civil servants.

The Secretary General who under the supervision of the Speaker manages administrative affairs of the National Assembly and supervises the Secretariat staff, is appointed and dismissed by the Speaker in consultation with the floor leaders and with the consent of the Assembly. The Deputy Secretaries General are appointed by the Speaker upon the recommendation of the Secretary General.

The Deputy Secretary General for Legislative Affairs assists the Secretary General with legislative affairs such as legislative proceedings, legislative research, compilation and publication of the National Assembly Records as well as support for activities of the committees.

The Deputy Secretary General for Administrative Affairs assists the Secretary General with the administrative affairs such

as planning and budgeting, management and maintenance, public relations and interparliamentary activities and emergency planning.

The National Assembly Secretariat is composed of the Proceedings Bureau, the Legislative Research Bureau, the Records and Publications Bureau, the Planning and Budget Office, the Management and Maintenance Bureau, the Inter-parliamentary Affairs Bureau, and the General Affairs Division.

The Proceedings Affairs, Legislative Research, and Records and Publication Bureaus are under the supervision of the Deputy Secretary General of Legislative Affairs, while the rest of the Bureaus and Divisions are under the Deputy Secretary General for Administrative Affairs.

Additionally, there are the Inspector's Office, the Public Information Office and the Emergency Planning Office under the supervision of the Deputy Secretary General for Administrative Affairs. Three liaison officers are dispatched to the Korean Embassies in the United States, Japan and France in order to collect materials and documents necessary for legislation.

Bureaus and Divisions Under Legislative Affairs

- *Proceedings Bureau* is composed of the parliamentary Procedure Division, the Bills Division, the Security Division, and the Committee Division.

- The *Parliamentary Procedure Division* is in charge of the proceedings of the plenary meetings, political negotiation groups, seating arrangements, publication of the National Assembly bulletins and reports (including the National Assembly Precedents) and matters concerning the Korean Legislative Studies Institute.

- The *Bills Division* handles bills and petitions submitted to the National Assembly by receiving, printing, distributing and transmitting them. This division also handles the preservation of documents, monitors

the status of bills at the committee level, follows the legislative history of the bills and classifies passed bills.

■ The *Security Division* is in charge of security within the National Assembly, attendance and public tours, welfare service for the staff of the National Assembly, and provides other assistance to the Members when directed by the Secretary General.

■ The *Committee Division* is in charge of general administrative assistance to committee meetings, matters concerning the assignment of Members of the committees and the proceedings of special committee meetings.

● *Legislative Research Bureau*. The Legislative Research Bureau is composed of six (6) divisions.

■ The *Politics and Administration Division* is in charge of research on subjects concerning parliamentary administration, politics, legislation and justice, foreign and internal affairs, and defense. It also administers the receipt and distribution of research and reference services for the members of the National Assembly.

■ The *Finance and Economy Division* is in charge of legislative research concerning matters on finance, economy and science, budget and accounts, and construction.

■ The *Industry and Economy Division* handles research on trade and industry, resources, agriculture and fisheries, and transportation and communications.

■ The *Education, Information and Social Affairs Division* deals with research on subjects related to education, culture and information; health and social affairs; environment; and labor.

■ The *Overseas Information Division* handles research on foreign laws; the collection, analysis and translation of foreign intelligence or communist materials as well as the publication, and distribution of published

research products. This division also supports the liaison officers dispatched to the United States, Japan and France.

■ The *Legislative Drafting Division* (Officer) is in charge of assistance to the bill drafting activities of the members.

● *Records and Publications Bureau* The Records and Publications Bureau is composed of the Stenography Division and the Publications Division. The Stenography Division handles stenographic works including the editing and publication of all plenary and committee records as well as the training of stenographers. The Publications Division collects historical documents pertaining to the National Assembly, edits and publishes the *National Assembly Review*, the *History of the National Assembly*, the *National Assembly Directory* and other official publications.

Bureaus and Divisions Under Administrative Affairs

● *Planning and Budget Office* Under the Director of the Planning and Budget Office, there are three officers, namely: the Planning and Budget officer, the Administrative officer and the Training officer.

■ The Planning and Budget officer provides the Assembly's annual budget plans to be submitted to the Government's Budget Office and coordinates functions of all bureaus and offices in the Secretariat.

■ The Administrative Management officer deals with all rules and regulations regarding operation of the Secretariat.

■ The Training Officer is in charge of professional training of all legislative staff members including Members' staff.

● *Management and Maintenance Bureau* The Management and Maintenance Bureau is composed of the Management Division, Equipment Division, Accounting Division and Construction and Repairs Division.

- The Management Division manages office supplies within the National Assembly including the Members' offices, and operates official vehicles.
- The Equipment Division is in charge of electricity, communications and machinery.
- The Accounting Division implements the budget of the National Assembly, pays the remunerations of Members and staff, and handles the accounting and disbursement of funds and supplies.
- The Construction and Repairs Division is in charge of Assembly building-construction, cleaning, repairing and gardening.
- The General Affairs Division is responsible for door-keeping, the security of the National Assembly seals, and personnel administration such as the appointment of civil servants, reward and punishment, pension, health insurance, etc. Receipt and distribution of official letters, registration of the members, and other duties which do not belong to any other bureau, section or division are under this division.
- *Inter-Parliamentary Affairs Bureau* The Inter-Parliamentary Affairs Bureau is made up of the Protocol Division, Inter-Parliamentary Relations Division and the Inter-Parliamentary Organization Division.
 - The Protocol Division is in charge of protocol, invitations and receptions for foreign parliamentary guests as well as other foreign visitors.
 - The Inter-Parliamentary Relations Division supports the Inter-Parliamentary activities of the Speaker, Vice-Speakers, and other members of the National Assembly, such as visits to foreign countries or membership in inter-parliamentary friendship associations. The division also handles materials on foreign parliaments, public relations and other matters such as the activities of the Korea-Japan Parliamentarians' Union.

■ The Inter-Parliamentary Organization Division is in charge of inter-parliamentary references, international meetings (IPU, APPU, etc.) and cooperative exchanges with international organizations.

Committee Staff

Each committee of the National Assembly has a staff director who has professional knowledge and experience regarding the affairs of the committee concerned. The staff director is appointed and removed by the Speaker upon the recommendation of the Secretary General; and is supervised and overseen by the Secretary General. Functionally he/she is overseen by the chairperson of the committee concerned in studying bills and in processing committee meetings, and directs and supervises the committee staff. The staff director may speak before the committee and also speak at plenary sessions with the permission of the Speaker.

In each committee there are also senior legislative researchers who assist the staff director. These officers are in-charge of material-collecting, investigating and researching information related to the committee's activities. They are also responsible for committee proceedings, preliminary deliberations of proposed bills and general administrative affairs. Assisting the senior legislative researchers in each committee are legislative researchers.

The National Assembly Library

The National Assembly Library, which has been growing steadily through several amendments to the National Assembly Act, has a history of thirty eight (38) years since its founding on February 20, 1952.

The National Assembly Library was established to carry out library services as well as legislative research and analysis for the Members of the National Assembly.

The Library exercises such functions as collecting, processing, analysing and preserving books, periodicals, and other

parliamentary and library materials. In addition to serving the Members of the National Assembly and their staff, the Library also offers services to various administrative and judicial branches of the Government, public or academic institutions nationwide. The general public is also provided with services on the basis of availability.

The Chief Librarian is appointed by the Speaker with the advice and consent of the House Steering Committee.

The National Assembly Library comprises the Office of Planning, Budgeting and Auditing, General Affairs Division, Acquisition and Processing Bureau, Reference Service Bureau, and the Legislative Information Analysis (LIA) Department. The Acquisition and Processing Bureau includes the Acquisition and Exchange Division, Processing Division, Bibliography Division and Parliamentary Museum while the Reference Service Bureau is composed of the Circulation Division, Serials Division, Indexing Division and Parliamentary and Legal Documents Division.

The Legislative Information Analysis Department was newly added to the Library in the 1989 reorganization. The LIA is divided into four research groups—Political and Parliamentary Affairs, Finance and Economy, Industry and Economy, and Socio-Cultural Affairs—with fourteen (14) subject specialists. Finally, the Computer Department is composed of the Project Management Officer and Systems Analysis Officer.

Library Service. Since the National Assembly Library is not a public library, eligible users are restricted to (a) incumbent as well as former members of the National Assembly; (b) staff members of the National Secretariat; (c) officials of various government organizations, research institutions; (d) professors, teachers and lecturers of universities and schools of all levels as well as students at the graduate level; (e) members of the press and diplomatic corps; (f) persons who are given permission by the Chief Librarian.

The Library facilities include the following:

Members' Reading Rooms (2)

Members' Private Reading Rooms (24)

Reference Room

General Reading Room

Periodicals Reading Room

Newspapers Reading Room

Master's and Doctorate Dissertation Room

Parliamentary and Legal Documents Room

Government Publications Room

UN Documents Room

Publications. The National Assembly Library publishes the following publications: (approximately 1,500 copies of all publications are printed and distributed free of charge nationwide)

Index to Korean-Language Periodicals [bimonthly and yearly] The index covers some 1,300 titles of Korean language periodicals. Available since 1964.

Index to Recent Periodical Articles of Major Interests [monthly] (In Korean and Foreign Languages) This publication contains abstracts of current periodical articles of particular interests. Available since October 1988.

Acquisitions List [bimonthly and yearly] This is a list of newly arrived books in all languages.

List of Theses for Doctors' and Masters' Degrees Awarded in Korea [annual] This is an annual list of about 25,000 masters and 2,000 doctorate degree in 76 graduate schools and 12 specialized research institutions in Korea. The Library publishes it once every year. Available since 1969.

Index to National Assembly Debates [irregular] The Library publishes indexes to both plenary and

committee session proceedings of the National Assembly.

Index to Korean Laws and Statutes [biennial] Indexes to the laws and statutes of the Republic of Korea recently enacted are published once every two years.

Issue Brief [irregular] Issue Briefs are concise up-to-date summaries of major issues of current legislative interests.

Legislative Information Analysis [quarterly] This is a quarterly journal carrying information on recently enacted laws and statutes in foreign countries. First issue was published in December 1989.

National Assembly Library Review [bimonthly] The bimonthly magazine carries information on the activities, materials and services available in the Library. First issue was published in April 1964.

Legislative Research Service. The Legislative Information Analysis Department was newly added to the Library in the 1989 reorganization to provide Members and their staff with urgent legislative research service.

The responsibilities of subject specialists include (1) publication of *Issue Briefs and Legislative Analysis*, a quarterly journal devoted to recent trends in legislative activities abroad and newly enacted laws and statutes in foreign countries; (2) compilation of *Index to Recent Periodicals Articles of Major Interests* in cooperation with the Indexing Division; (3) selection of foreign language monographic publications and serials for purchase; (4) providing Members and their staff with advanced reference services in law and politics, economics, foreign affairs, health, education and welfare, government and public administration, etc.

Computer Service. The history of computerization in the National Assembly Library dates back to the late 1970s when it began to study the feasibility of computerizing library materials. It was, however, in the early 1980s when a more systematic effort was made to develop various data bases for

on-loan access to information. As a result of the 1989 reorganization of the Library, the Computer Division was upgraded to the Computer Department and the total number of staff involved in the computerization program was increased from 15 to 27. The areas of responsibility of this Department include computerization of not only the Library materials and its operations but also of the entire operations of the National Assembly. Thus, it is engaged in the maintenance and operations of such files as the Personnel Records File, Payroll File and Budget Files of the National Assembly Secretariat as well as those of the Library. Other important data bases currently being developed include:

General Index to Debates (Constituent Assembly-12th National Assembly; 1948-1988)

Bills Status Tracking System (1948-present)

Inter-Parliamentary Affairs File (1950-present)

Index to Theses for Doctorate and Master's Degrees Awarded in Korea

Index to Korean-language periodicals

Index to Recent Periodical Articles of Major Interest (to be ready for on-line retrieval by end of 1990)

As of January 1990, the data bases were made available for on-line access by some 50 terminals installed in the Secretariat and the Library. The number of terminals is rapidly increasing and we anticipate that within the next few years the number of terminals would have increased to several hundred.

Legislative Staff System

Categories	(3,056 persons)
Member's Assistants	(1,490)
Secretariat Staff	(1,029)
Library Staff	(270)
Committee Staff	(234)
Parliamentary Party Staff	(33)
(Negotiation Group)	

Status

All civil servants.

Politically neutral except for A1 and A5.

Appointments

A1—Appointed by the Speaker of the National Assembly upon Member's recommendation

A2—Upper management class by the Speaker. Others by the Secretary General.

A3—Upper management class by the Speaker. Others by the Chief Librarian.

A4—Staff Director by the Speaker upon Secretary General's recommendation.

Others same as A2.

A5—Appointed by the Speaker upon the recommendation of each Floor Leader.

Compensations

All paid from the national budget.

Salary scale is the same as Government officials.

Functions

A1—Role as Member's personal secretaries e.g. legislative and administrative activities; speech writing; management of constituents; typing and other secretarial work; receptions, public relation and others.

A2—Administrative and legislative support for the Assembly

- Proceedings of the plenary and committee-liaison
- Legislative research and reference services
- Records and publications
- Assembly budget
- Facilities maintenance and payment of Members

- Public relations
- Inter-Parliamentary activities
- A3—Library and material services
 - Collecting, processing, analysing of books, periodicals and others
 - Legislative materials services
 - Computerized information services
- A4—Legislative and administrative support for Committees
 - Proceedings of Committee meetings
 - Pre-deliberation of bills
 - Preparation of hearings
 - Assistance of Committee investigations
 - Research and legislative material services
 - Clerical work
- A5—Support for political group activities within the Assembly
 - Liaison and coordination under supervision of the Floor Leader
 - Study and material services for Party Members
 - Assistance for Floor Leader's Negotiation Meetings and other in-party meetings
 - Clerical work

Future Needs

The current staff of the Korean National Assembly numbers over 3000: The National Assembly Secretariat (NAS) staff numbers 1280; the National Assembly Library (NAL) staff numbers 270; and Members' staffs number 1490.

The organization and functions of the Secretariat and the Library are, on the whole, well-organized and well managed. However, the system of Korean Legislative services leaves much

to be desired. There is a need to enhance specialization and professionalization.

Specialized and professional staff play a much more important role than administrative staff in legislative support services. Emphasis on research and reference services as well as the enhanced role of the committee staff should be placed in order to improve professional expertise. Moreover, the promotion of professional and specialized expertise [specialists, analysts] through training and career development, especially in newly emerging essential fields of environment, health, welfare, education, communications and energy is greatly needed.

There is a need to upgrade legislative drafting functions as well. The Legislative Drafting Division in charge of assisting Members' bill drafting must be upgraded into the Legislative Drafting Bureau (department) for the purpose of meeting the increasing demand in this area.

The establishment of the Legislative Training and Studies Institute, in charge of training legislative staff and carrying out legislative research to promote specialization and professionalization, should likewise be considered.

Research service functions between the Secretariat and the Library need to be assessed. The Legislative Research Bureau of the Secretariat has been providing reference and research service to Members of the National Assembly. In 1989, the National Assembly Library separated from the National Assembly Secretariat and became an independent body; henceforth, the Legislative Information Analysis Department was added to the Library to provide Members with legislative research service. However, as a result, there is a redundancy of research service functions between the Secretariat and the Library.

Finally, there is a need to heighten the morale of the legislative officials. The prestige or status of legislative officials falls far below that of the executive officials. Thus, measures to heighten the morale of legislative officials - compensation, work environment, training program - need to be taken.

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The availability of adequate, professional legislative support services is a basic requirement for the efficient and effective functioning of parliaments in all democratic political systems. Law-making is a complex process that requires systems and procedures from the introduction of a bill/resolution to its enactment into law. In fact, assistance to legislators starts with providing them research-based information and objective, nonpartisan analysis on a wide range of local and international policy issues.

This book introduces the readers to the nature and level of support given to Members of legislatures in twelve countries in Asia in the exercise of their constituent and representative functions by their respective Secretariats. All members of the International Legislative Support Services Association (ILSSA), the authors share the vision of helping in the development of legislatures where just and effective laws are enacted with broad citizen participation and adequate mechanisms for accountability are ensured.

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