Union Government & Administration in India

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Knowledge is Our Business

CONTENTS

CHAPTER 1

FUNDAMENTAL CONCEPT IN
VARIOUS ASPECTS OF ACCOUNTABILITY

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ABSTRACT:

Accountability is a fundamental concept in various aspects of society, including governance, business, education, and personal relationships. It refers to the obligation and responsibility of individuals and organizations to answer for their actions, decisions, and outcomes. This abstract explores the multifaceted nature of accountability, examining its significance in promoting transparency, trust, and ethical behavior. The paper delves into the various mechanisms employed to establish accountability and highlights the consequences of its absence. Furthermore, it discusses the challenges faced in implementing accountability measures and suggests potential strategies to strengthen accountability across different domains. Understanding accountability is crucial in fostering a just and responsible society that upholds the values of integrity and fairness. As a result, government has unprecedented authority today. Control is the process of ensuring that choices are being followed and that activities are being carried out according to plan or in the intended manner. The control process looks for discrepancies between expected performance and actual performance, and where necessary, suggests remedial action.

KEYWORDS:

Authority, Accountability, Compliance, Ethics, Governance.

INTRODUCTION

In a financial sense, the term "account" seems to have first appeared in the English language around 1583. Even today, financial responsibility is a crucial component of the idea, which is all-encompassing and includes all of the government's actions. Account refers to the capacity to be held accountable. Accountability implies that the government must answer for how it has used the power it has. Accountability in public administration is essential given the nature of the work done and the level of authority held by public employees. Legal and hierarchical conceptions of responsibility are two examples of accountability [1], [2]. It refers to the particular techniques and guidelines that aid in upholding government workers' accountability. Administrative accountability, according to Sri Ram Maheshwari, "is an organizational necessity since it pretends to assess its performance in terms of its objectives in the first place. The objective is broken down into specific tasks and responsibilities, and it is up to each administrator to explain how they are carrying out their duties. Mechanisms for fostering and enforcing accountability include ideas like hierarchy, span of authority, unity of command, supervision, etc.

Therefore, accountability in the yearly budget only has significance when it directly and strongly connects to the fundamental duties and goals of an organization. Accountability, therefore, is the obligation to account for how the discretionary power granted to some authority was used; otherwise, some kind of punishment may result [3], [4]. The political executive and legal systems hold public workers accountable. It is difficult to hold government workers accountable for making policy judgments since they often have security.

Administrative accountability works to maximize the use of the resources at hand while also achieving organizational objectives. Every organization, whether it be a corporation or a government agency, has to have control over how its people and material resources are used. There is an unmistakable trend of increase in public administration over the globe. The government's functions have grown tremendously, and this trend is ongoing.

The fear that civil servants may abuse and misuse their powers, act in a despotic manner or may adopt an irresponsible attitude has been brought to the forefront by the expansion of the functions of the administration and the ensuing increase in power. Lord Acton's dictum that "Power corrupts and absolute power corrupts absolutely" is supported by many examples from all around the world. One such case is the 1977 Indian circumstance [5], [6]. All control systems were rendered useless during the internal crises, which led to a complete breakdown of governmental administration. Administrators were observed approving blank arrest warrant paperwork for lawful people. Such occurrences are common throughout the emergency's nineteen-month existence. Its recollections are still recent and will always serve as a reminder of the necessity to exert control over administration by coming up with efficient solutions.

Types of Control

There are two main categories of control over the administration: internal control and external control. Internal controls are a component of the administrative machinery that operate automatically and haphazardly when the equipment is used. Included in them are the following:

1. Budgetary management
2. Control over personnel management
3. Professional norms and administrative ethics
4. Leadership

Legislative, executive, and judicial controls are examples of external controls that operate within the framework of the broader constitutional machinery. Another kind of external control is public control. However, the internal and external modes of control are not mutually incompatible. Both of them complete and add to one another. The public administration's equipment is equipped with internal controls.

They function like brakes in a vehicle and are self-regulating mechanisms by nature. Every division, branch, and department of public administration has internal controls. In the hierarchical administrative system, there is constant anxiety of being reprimanded, losing the approval of superiors, losing promotions, and being demoted or fired. By establishing uniform systems of promotion, service careers, and other government service privileges, public administration, while on the one hand providing the means to control the lazy and inefficient employees, on the other hand provides incentives to induce greater efficiency and loyalty in the workforce [7], [8].

Budgetary Management

The budgetary system is a way of allocating resources among the several administrative departments. If correctly managed, it also aids in directing the officials and maintaining the administration's course. A good budget is a rough estimate of the expenses the government plans to pay for and the revenues it expects to bring in over the next fiscal year. It is a comprehensive policy statement outlining all the initiatives the government would conduct during the year, together with an estimate of spending and the sources of funding that would be needed to cover the expenses of the initiatives. Thus, the authorities are informed of their financial situation. They will be held accountable if they go over their allotted budget or break

any financial regulations. The Ministry of Finance and the Comptroller and Auditor-General are the two principal organizations that exert oversight in this regard. Without the prior approval of the Finance Ministry and the Comptroller and Auditor-General, no money may be taken from public funds. After the money has been withdrawn, the accounts must be kept up in the way that has been specified. The departments are required to employ a number of forms, proformas, and returns statements whenever they incur expenses. There are certain guidelines that act as a check on the administration and lessen the likelihood of lavish spending for the authorities [9], [10].

Through its account's officers, who are connected to all the spending Ministries, the Finance Ministry performs pre-audit and accounting controls. The auditors check the departmental finances and alert the departments to any irregularities or extravagant spending. The official abides by the financial norms and procedures because of dread of audit complaints. The Public Accounts Committee is tasked with reviewing and examining the audit report once it is presented to Parliament.

As a result, the administration is internally managed by the accounting and audit arrangements. All throughout the year, the budget is still being created. The Finance Ministry receives different schemes and projects throughout the year, some of which are submitted for early approval and funding distribution and others which are held hostage to future budgets. As the deadline for creating the budget draws near, all of these plans on file are reviewed, some are chosen, and these, together with customary operating costs, form the budget for the specific ministry. The plans that aren't in the budget are kept in the file and may be implemented later, either in a following year or at any point during the current one. Our budget system's key flaws are:

Our budget forecasts are merely broad concepts that are often created and accepted far in advance; they are not the real administration and spending plans. As a result, the Finance Ministry has switched from being a governing to an allocating authority. This causes a bottleneck in the progress of the software. Control over personnel management: The hierarchical administrative apparatus establishes distinct lines of accountability. A single chain of command unites everyone in the organization, making an officer at one level answerable to an officer at a higher level.

"Without authority, or the capacity to make decisions, responsibility and accountability are impossible. Without a clear chain of command from the top to the bottom and a return line of responsibility and accountability from the bottom to the top, exercising power is difficult. The benefit of this system is that it enables the sovereign people to exert influence over the administrative hierarchy via their representatives. The heads of departments are under the jurisdiction of the representatives, who also manage the Ministers. Since everyone is linked together in a single chain of command, department heads manage the person at the next lower position.

In addition to the system of accountability and responsibility, standardizing establishment rules also serves to govern staff management. A central agency establishes the number of employees needed in each department, their grades and pay, recruiting and promotion, retirement, firing, and other service requirements. The Home Department and the Treasury in Britain are the main institutions in India. The broad guidelines and guiding principles of people management are often established by the central agency, leaving the various divisions in charge of the more specific administration. As a result of the system, the staff patterns of several Ministries become more consistent, which facilitates the creation of budget projections for each Ministry. Additionally, it harmonizes the personnel management system.

DISCUSSION

O and M System

During the Second World War, large-scale enterprises developed the "Organisation and Methods" system. During the war, accelerating manufacturing was their first priority. Machines with labor-saving features were used to accomplish this. In order to reduce any superfluous motions during mechanical processes, it was also deemed important to conduct "time and motion" investigations. The goal of the motion research was to make sure that the materials flowed continuously and that the worker could get the material with the least amount of effort. The O and M system in public administration stands for the notion of a scientific approach to public management. This approach requires administrative entities to have specialized departments whose role it is to consider organization and operational techniques objectively and, using that information, to develop better structures and processes.

Great Britain adopted the O and M system for the first time in 1942 on the advice of the Select Committee on National Expenditure. To conduct a thorough analysis of departmental practices and operations, the British government established an O and M division inside the Treasury Department. The O and M units were soon after formed in other government departments and offices. The 'Organisation and Management' movement began in Great Britain and has since extended to other nations, particularly the United States, which has a strong 'Organisation and Management' movement. It includes all significant businesses and governmental entities. Indian O and M system: Following independence, the Indian government had several issues related to a huge workload and broken equipment. The Indian government agreed to use the O and M concept to address these issues.

The Home Ministry and Finance Ministry competed with one another to host the O and M Division, which caused a delay in the system's introduction. In 1954, the Division was finally housed in the Cabinet Secretariat. Currently, O and M units are present in all departments, major offices, and several larger local authorities of the Union and State Governments. In addition to the O and M system, there are other means to assess the productivity of administrative units' work, including: tours by senior officials; inspections by officers from the headquarters; and recurring survey reports by administrative inquiry committees. In a large organization, inspection is especially helpful for ensuring that field establishments are operating at suitable levels of efficiency. However, the inspecting officials must be skilled and courteous in order to perform inspections with the least amount of conflict with the local authorities. They must also have a thorough understanding of the authority's operations and rules. Efficiency ratings are a common component of people management in the United States. The efficiency data are utilized for budgeting control, personnel management, and promotion decisions.

Administration of Justice

There are both formal and informal internal controls that affect the official's conscience. In general, they are referred to as the Professional Code of Morality or, in public administration, as Administrative Ethics. However, the Prussian services' professional code was bureaucratic and unsuited to democracy. Prussia was the first nation in modern times to professionalize the government service. As a result, Great Britain became the first nation where government agencies established a democratic code of conduct characterized by loyalty, confidentiality, impartiality, and anonymity. America, like other nations, did not support the professionalization of government service, but this is quickly changing.

"Next and probably most significant of all, the permanent officials of Government are responsible to themselves," said American author James McCanny in outlining the role of morality in administrative accountability. They must answer to their own consciences, feeling of self-worth, and pride as well as to the views of others and their dreams of respect for the legacy they leave behind. Most importantly, they must answer to their commitment and sincere efforts to define the general welfare and to serve it. There is an inherent risk that the enormous bodies of the modern public services would exhibit inclinations officiousness and indifference. The best way to establish a pleasant relationship is to adhere to the public service's professional standards, ethics, philosophy, attitudes, and ideology. Despite the potential for exclusivity, group awareness and accountability are ironically the same elements that might improve bureaucracy's fundamental flaws.

A community's national morality is integrally linked to its administrative morality. Civil service is seldom chaste in any society where bribery, favoritism, and corruption are commonplace. However, as the civil servant is the society's moral leader and philosopher, it is his responsibility to uphold a higher moral standard in front of both his staff members and the general public. In a paternalistic culture where citizens see government officials as the essential essence of statehood, this is all the more important. 'Departmentalism' or the 'bureau' ideology, as it is frequently known, unintentionally restricts an official's discretion. According to contemporary psychologists, choices made by so-called "experts" are nothing more than institutional whims or beliefs that have been rationalized.

Leadership

The act of persuading individuals to work together in order to accomplish a desired objective is referred to as administrative leadership. In a hierarchical structure, the official's position determines their leadership function. Due to his greater responsibility than the person at the lower level, the higher-level individual has a bigger margin of discretion. Setting professional standards, guiding group activities toward achieving the objectives and programs of the organization as a whole, and promoting the morale and enthusiasm of the subordinates are all crucial leadership roles. The responsibility of a leader goes beyond just preventing people from acting in an unreasonable manner. It helps people harmonize their activities into sensible patterns in a pleasant way.

Outside Control

In a democratic setup, external controls take on a specific relevance. With just internal restrictions, democracy is not content. It expects the official to be accountable and sensitive to public sentiment. Therefore, the public official is accountable to and responsible to the people as well as the legislature, executive, and judicial branches.

Regulatory Authority

The Legislature's primary duty is to express explicitly and widely the goal and objective that it wants an administrative agency to apply to particular circumstances. It examines if that goal and aim are directing the administration via its budget review and other investigative tools. According to W.F. Willoughby, "far-reaching decisions regarding the character of work to be undertaken and the means to be employed in performing such work; giving the necessary direction for its performance; and then exercising such supervision and control over the persons to whom the work is entrusted as will ensure that it is bei The Legislature determines the kind and scope of administrative organization, the number of employees needed for the organization, the working techniques and procedures, as well as the financial resources to be made available to the administration for implementing the policy. The accountability of the executive to the

Legislature is the fundamental tenet of the parliamentary system of government. However, the Parliamentary system has a significant flaw. The official hides behind the concept of ministerial responsibility since they are not directly accountable to the Legislature. He is never allowed to be named in criticism or summoned to the House of Representatives' floor. He may be called before a committee of Parliament, but he cannot be forced to respond to insults personally. Therefore, administration is only indirectly responsible. It is implemented by the Executive. The Minister is in charge of his department's administrative operations. He is required to resign from office if he is unable to appease Parliament. Due to the Council of Ministers' joint accountability to Parliament, it may sometimes be necessary for the whole government to resign. As a result, the Legislature's influence on the executive branch is only indirect. The Executive is in charge of exercising it. In a parliamentary system of government, the legislature has the following tools at its disposal for imposing accountability:

Delegated legislation

The legislative branch of government, not the administrative branch, is responsible for passing laws. The duties of the state, however, have significantly increased due to the strain brought on by the challenging circumstances of the contemporary industrialized and urbanized society. The state is essentially forced to oversee the community's whole way of life. The Legislature has been forced to cede some of its authority to the administrative authorities due to workload demands, a lack of time and knowledge on its side, among other factors. The rule-making authority is also known as "delegated legislation," "executive legislation," or "subordinate legislation" because the rules made by the administrative authorities have the same force as the laws under which they are made and because the administrative authorities make them in accordance with the authority granted to them by the Legislature. Delegated legislation is rigorously bound by the provisions of the Act that authorizes it, and its legality is subject to judicial examination.

Reasons for Growth: Modern legislatures must deal with a lot of highly technical issues. Since legislators are mostly laypeople without specialized expertise, they merely establish broad concepts, allowing the technical specifics to be covered by regulations created by the relevant agencies. It is impossible for the Legislature to anticipate and incorporate in the legislation itself all potential eventualities or adjustments that could be required due to local circumstances in cases of significant and complicated issues. It allows for flexibility and prevents the rigidity of laws that can't be changed very readily. It enables comfort for those whose interests are impacted. The Executive must be granted complete legislative authority in order to respond to crises like war, natural disasters, or epidemics.

Delegated legislation risks include

The New Despotism, Lord Hewart made the case that the old-style despotism was characterized by the merger of the powers of administration, law, and justice in its hands.In the sake of preserving the liberty of the people, the Constitutional Government divided these powers among various agencies. A "New Despotism" threatened to emerge as a result of the expansion of delegated legislation and administrative adjudication, which once again combined the three powers in the hands of administration. Legislation is influenced by the public point of view thanks to the legislature, which is made up of elected representatives of the people. However, this is not the case for the employees and professionals of administrative organizations. Protections against the risks of delegated legislation

Parliament's delegation of legislative authority has to be clearly stated. It shouldn't be so nebulous, broad, or sweeping that its boundaries are hard to define, since this makes it impossible for anybody to examine it or manage it. The Committee on Ministers' Powers stated

that the delegation of the legislative power should not typically be done for things like imposing taxes, legislating on matters of principle, amending parliamentary legislation using the so-called "Henry VIII" clauses, or making new offenses and penalties, which it deemed to be "unusual" or "abnormal". When extraordinary powers of this kind are granted, they should be subject to additional protections, such as a one- or two-year time restriction on their use or a provision for special review by Parliament via mechanisms like affirmative resolution.

The rule-making process should include public and impacted special interest input. It is customary in England and India to publish versions of proposed regulations and ask the public for comments and ideas. Adversary hearings, which are unusual to the United States and are quite formal like court proceedings. After giving interested parties and organizations enough notice, meetings and conferences are convened to get their opinions on the draft regulations that have been presented to them.

In the UK, delegated legislation is subject to parliamentary review by being merely laid before Parliament without any further instructions or demands; subject to annulment of the rules in question by hostile resolution by either house within a given timeframe; and laid with the condition that the rules shall not be in effect until approved by resolution of both Houses of Parliament or the House of Commons alone. Due to Parliament's preoccupation with other matters, hundreds of regulations that were brought before it remained overlooked and, in most instances, became only formalities. As a result, the House of Commons Select Committee on Statutory Instruments was established in 1944.

The Rules Publication Act of 1893 governs the publication of rules, regulations, and other information in Britain, both beforehand and afterwards. In the United States, the Administrative Procedure Act of 1946 and the Federal Register Act both provide prior publicity. There doesn't seem to be a universal law on the subject in India, but the legislation that provide the authority to make rules itself mandate prior and subsequent publication in the Official Gazette. If the exercise of the given authority exceeds the parameters of the delegation, courts have the jurisdiction to declare the regulations ultra vires and null. However, in Britain, the Parliament may expressly or implicitly provide to that effect in a specific Act, so excluding judicial authority over the regulations imposed thereunder. The regulations must be in contravention of the parent Act and the Constitution in both India and the United States.

CONCLUSION

In conclusion, the foundation of a fair and moral society is accountability. Adopting accountability would improve societal well-being, efficiency, and trust at all levels, from people to businesses and governments. We can only work toward a better and more responsible future for future generations by being honest with ourselves and others. However, there are obstacles to accountability, including political meddling, a lack of openness, and opposition to reform. All parties involved, including individuals, authorities, and institutions, must work together to overcome these challenges. To reinforce accountability, it is essential to enforce rules more strictly, foster a culture of openness, and give whistleblowers more authority.

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CHAPTER 2

ANALYZING THE PRESIDENT'S SPEECH: AN OVERVIEW

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ABSTRACT:

This chapter explores about the analyzing the President's speech. The speech addressed key issues and outlined the government's agenda, providing insights into the administration's priorities and policy directions. Through a comprehensive analysis of the speech's content, rhetoric, and delivery, this study sheds light on the President's communication strategies and their effectiveness in conveying the intended message to the public. By examining the speech's impact on public opinion and its potential implications for policy implementation, this analysis offers valuable insights into the role of presidential speeches in shaping public discourse and driving political change. During this period, members of Parliament have the opportunity of criticizing the administration for its various acts of omission and commission. It must, however, be remembered that the President's speech is meant to sway public opinion outside the Parliament, and not to influence the Members of Parliament, who, normally, follow party lines in their utterances and in casting their votes.

KEYWORDS:

Leadership, Message, Nation, Policies, Public, Rhetoric.

INTRODUCTION

Every new session, as well as other times, the President addresses both Houses of Parliament. The president's address aims to generally outline the principal initiatives and initiatives of the executive in the next term.   The President's address is often discussed in public for four days. Members of Parliament have the chance to criticize the government for a variety of omissions and commissions at this time. However, it must be kept in mind that the President's address is intended to impact public opinion outside of Parliament, not to persuade the Members of Parliament, who often speak and vote along party lines [1], [2].

Financial Management

Finance is required for the administration's many tasks, including its welfare and other endeavors. The following legislative authorities are used by Parliament to prevent misuse of public funds: Discussion of the budget Every year, the "annual financial statement" is tabled in Parliament at the start of the fiscal year. Following the budget presentation, there is a general debate. At this point, the conversation is focused on the overall budget or any underlying ethical issues [3], [4].

The second chance comes through voting on grants. The lower house of Parliament receives the estimates of spending in the form of "demands for grants" in addition to those charged to the Consolidated Fund of India or Exchequer in Britain. At this point, discussion is limited to each head of the demand and, in the event, any cut motions are made, to the particular issues presented therein [5], [6]. The Finance Bill debate offers a plethora of opportunities to talk about the whole government. According to former Lok Sabha Speaker G.V. Mavalankar, "It is an accepted principle that any subject can be discussed on the Finance Bill and any grievance

ventilated, the principle being that the citizen should not be asked to pay, unless he is given, through Parliament, the fullest latitude of representing his views and conveying his grievances.

Review Report

The most potent assurance of ministerial accountability exists under the Cabinet system of government, as it does in Britain and India. The office of the Comptroller and Auditor-General, a knowledgeable and independent institution, takes particular relevance, nevertheless, since few Members of Parliament have the necessary expertise to exert effective oversight over the financial activities of the Government. Every year, he audits all of the government's finances and informs the legislature of its financial activities. Reports from the Public Accounts Committee and the Estimates Committee: The Legislature selects members for these two committees from within its own ranks. The report of the Comptroller and Auditor-General is carefully examined by the Public Accounts Committee, which may also examine the financial affairs of other government ministries. On the basis of the Committee's conclusions, the Legislature debates the audit report. The Estimates Committee offers suggestions for strengthening the organization, protecting the economy, and offering direction on how to deliver the estimates. Additional methods of legislative control Question Period: The first hour of each parliamentary day, from 11 a.m. to 12 p.m., is set out for questions. On average, thirty questions are asked and answered orally each day. In order to cross-examine the Minister, more questions usually come after a query [7], [8].

A question is a powerful tool for gathering information, seeking ministerial opinion on a topic, or just hammering the government on the perceived weak spot. It may be used to draw attention to various areas of administration policies and operations. According to Lowell, the use of questions is really helpful. "To prevent the growth of a bureaucratic arrogance as well as to keep the administration up to par." Short Discussions, Calling Attention Motion, and Half an Hour: When a participant is unhappy with the response to his question, the discussion period of 30 minutes follows the question period.

During this brief discussion, the House may press the Government for additional information on a matter of public policy, ask for clarification of the policy, air a public complaint, or increase pressure on the Government to change its policy in light of the opposition's demands. If the Speaker accepts the notice provided by a member to that effect, brief discussions on an issue of urgent public significance may be held. Members present their arguments to the House, and the government responds. Maximum time for the conversation is two and a half hours. The motion is not up for vote. The 'Calling Attention Motion' gadget is used to alert the government to a significant issue with the way it is implementing policies. The Government must respond promptly if the motion is accepted by the Speaker, or it may seek for more time to make a reply [9], [10].

DISCUSSION

Zero Hour

It is not an officially prescribed device; rather, it is extra-regular. The invention was made in India and revolutionized legislative procedures. Since its introduction in 1962, it has been a potent instrument for reining in the executive. Invoked in the House just after question period but before the day's agenda is taken up for debate and action. With the presiding officer's approval, members of Parliament may address subjects of public significance during the "Zero Hour" even if they are not on the day's order paper.

The "Zero Hour" debate has developed gradually over the years and gained popularity during Sanjeeva Reddy's first tenure as Lok Sabha Speaker. The "Zero Hour" has, however, experienced a slight alteration since 1977 in that, in accordance with Rule 377 of the Rules of Parliamentary Procedure, the Speaker may let up to five members to address issues of public significance shortly after the question period.

Debates on adjournment: An adjournment motion is a management tool. It may be used to start a debate in the House on a pressing issue of general interest. The regular business of the House is stopped, if permitted by the presiding officer, and an urgent discussion on the issue is held. In actuality, the Speaker consistently exhibits a predisposition to construe a matter's "urgent nature and public importance" narrowly. Difference between an adjournment debate and a two-hour debate. The former is distinguished by voting after the conclusion of the debate, whilst the latter consists of only a discussion and no vote. However, the focus of both the two-hour discussion and the adjournment debate is on a topic of critical public significance.

Motion for No Confidence

A member may also make a motion known as a censure motion to indicate their lack of confidence in the government for any cause. If the motion is approved, it is discussed. After such a discussion, the government asks for a vote of confidence; if it does not get the necessary number of votes, it must resign. A no-confidence motion was examined and rejected in the Lok Sabha during its monsoon session in 1963 for the first time in Indian legislative history. However, it was V.P. The first government to be overthrown at the center in independent India was Singh's. After losing the vote 36-142 in November 1990, the government resigned. The Morarji Desai government previously resigned in July 1979 before a resolution of "no confidence" could be adopted.

Legislative debates

The Legislature establishes important public policies by passing new laws, changing existing ones, or repealing them. But in reality, the Executive takes the lead in formulating policy. This is clear from the fact that the number of public legislations coming from the Executive is by much more than the number of private member bills. The Government is in charge of the legislative branch in India as well. All 63 of the measures that were listed in the statute of the Parliament in 1961 were official legislation. Legislative arguments take on a greater importance in this setting. Members of Parliament have the chance to criticize the overall policy behind a measure throughout its numerous readings. The government may remove the measure as a result of the criticism leveled, as happened in 1951 with the very contentious Hindu Code measure.

Congress's committees

The function of the Estimates Committee and the Public Accounts Committee in respect to legislative authority over the public purse has previously been covered in this chapter. Other significant committees that help the Parliament exercise oversight over the government include the Committee on guarantees, which examines statements made on occasion on the floor of the House by Ministers in terms of guarantees, undertakings, pledges, etc.

i. the degree to which these guarantees, commitments, etc., have been fulfilled;

ii. If implemented, if such implementation occurred in the shortest amount of time required for the goal. Because of that, Ministers are not only more cautious when making promises, but the administration is also quick to follow through on them.

Subordinate Legislation Committee

It regulates the actions of the government in relation to administrative sublegislation. Parliaments are often cumbersome entities that convene seldom. As a result, they choose committee members from among themselves. The committees are experts in their specific field of work, therefore they maintain a careful eye on the administration at all times. In addition to the aforementioned committees, special committees may be constituted at any time. The committees' suggestions, which take the form of authorized findings, aid in streamlining administration, reducing waste, and enhancing productivity and work quality.

Legislative Control's Limitations

The Legislature has the capacity to govern the whole administrative apparatus. This is so that every action might result in a question, every question in a discussion, and every debate in an adjournment in a full-dress debate. It cannot be denied, however, that the parliamentary oversight of administration is less successful than it might be. Legislative bodies are severely constrained by a lack of resources, including manpower, technical know-how, staff, and time, to exercise effective control over the most important matters.

No ongoing monitoring and control measures. The imperial history of the government, the wide gap between it and the populace, and the prevalence of widespread illiteracy in India and other Third World nations inevitably project themselves onto the legislative chambers and further restrict legislative control over public administration. Another restriction is the Legislature's propensity and willingness to cave in to the demands of tiny, powerful, and self-interested businesses. In addition to undermining the accountability of the Ministries and, by extension, the accountability of Parliament, support for the Public Service Commission's limited approach weakens the merit system. Under an authoritarian system, parliament may be held hostage, as was the case in June 1975 during the internal emergency. There is much more legislation from the government than from private members. Since legislators often lack the specialized understanding of the different agencies, they typically do not object to their requests for funding. Unless the Executive requests it, Parliament cannot levy taxes or generate money. It can only compromise a demand made by the Executive or reject it.

The separation of powers principle and a system of checks and balances are maintained under the presidential system of government, which is used in the United States and other countries. Therefore, under the Presidential system, the majority of the legislative control mechanisms available in the parliamentary system are not accessible. In a presidential system, the legislature is unable to condemn or vote down the government, nor can it ask questions of the ministers. Congress does not have a seat for the executive. It may not always enjoy the backing of the majority in the Houses of Congress. However, the Legislature also has the following options at its disposal for exercising control over the Executive:

It establishes legislative committees to investigate administrative errors, controls the national budget, approves expenditures through appropriation acts, establishes the goals and limits of expenditure, passes tax legislation, reviews financial records, and has the authority to impeach the president. Legislative confirmation of appointments to certain high-ranking positions is practiced. If the outcome is unfavorable, the program ends. All of this is not to imply that the legislative branch of government is unconstrained by the presidential system.

Admin Control

The political and the permanent executive are distinguished under the parliamentary system. When we talk about executive control, we're talking about the authority that the political

executive has over the permanent executive. The whole administration is under the collective control of the Cabinet or Council of Ministers. But each Minister also oversees one or more departments on their own. Either a secretary, a senior civil service official, or a body, such as the Railway body in India, assist in managing the Ministry or Department under the complete control of the Minister. He has the authority to command, manage, and watch over. Prof. Ogg is well aware of the value and function of bureaucracy in the operation of contemporary governments. Because they cannot be expected to collect taxes, audit finances, inspect factories, conduct censuses, maintain accounts, transport mail and convey messages, etc., he claims that if there were just Secretaries of State and other heads of agencies, etc., the job of the government would never be completed. True, but as has previously been said, there is always a risk that the bureaucracy would adopt a haughty attitude. This risk makes supervision over administration necessary.

Although significant, the Legislature's power over administration is only of a broad nature and is very sometimes employed. However, the executive control is more comprehensive and consistent in its application. According to Prof. Nigro, "Executive controls are most important for their positive development and enforcement of standards and safeguards in the actual operation of substantive departments." They provide positive, ongoing guidance to the administrative operations and thereby establish realistic standards of work. Additionally, they keep the government vigilant and "on its toes" since they are at the top. Their controls are corrective and stimulating rather than negative. The controls implemented by the Executive are listed below. They are intended to boost employee morale and maintain the operation of the administrative system. Which are:

Employment Procedures

An independent body, such as the Union Public Service Commission and the Public Service Commissions of the several Indian States, is often given the authority to nominate and dismiss officials. The current government has established the general guidelines for age, qualification, etc. for the purposes of hiring and promoting employees. The Executive has complete control over the senior civil service positions. Through their appointments, ministers have complete authority over the department's management. They choose their own secretaries and deputy secretaries.

Making Executive Laws

The Executive uses two methods to exercise the authority to make laws:

Powers of Sub legislation:

The Legislature generally approves laws in "skeleton form," giving the Executive the authority to add specifics as needed based on the needs of the moment. Administrative lawmaking authority has a broad and encompassing nature. They even go so far as to provide privileges, grant rights, impose taxes, or take away part of a citizen's rights.

Ordinances:

In India, the Executive also has the authority to enact Ordinances, which the Chief Executive may promulgate during a break in Parliament to address any unanticipated emergency requiring swift response. An Ordinance has the same authority as a Parliamentary Act. Its adoption requires no justification, which is fine. The President or the Governor, as the case may be, is the only one with the authority to decide if an urgent legislative need exists. The legitimacy of his activity and the existence of a justifiable need for it cannot be contested in court. However,

an ordinance may only be in effect for a certain amount of time. An ordinance may last up to six months and six weeks unless it is earlier canceled by Parliament.

Budget

As was previously said, the budgetary system comprises both internal and external components that function as a measure of control. These two facets are not mutually exclusive. While discussing internal control measures, it was explained how the system functions as a whole. It is sufficient to note here that the budgeting system establishes the overall financial and human resources that no department is permitted to exceed, provides an effective regulating authority that creates the budget, identifies the resources, and establishes the goals. Without the prior permission of the Finance Ministry, no money nor a person may be spent, and neither may be engaged without the consent of the Ministries of the Home and the Finance. As a result, an efficient budgeting system places the Executive under continual supervision of the administration.

Staffing Firms

There are two widespread presumptions concerning the personnel:

It is so near to the Chief Executive that it would be preferable to refer to it as just an extension of his personality. It only advises rather than commands and controls. These two presumptions are false, however. Examples of staff agencies in India may be used to illustrate this. Both the President and the Prime Minister of India have personal secretariats. In addition, the Indian Cabinet, in whom the highest executive authority is vested, is supported by two different types of staff agency, namely:

The Cabinet Committees are divided into two categories: standing and ad hoc. The Economic Committee, Committee on Heavy Industries, Defence Committee, Foreign Affairs Committee, Rehabilitation Committee, Manpower Committee, Scientific Committee, Parliamentary and Legal Affairs Committee, Information and Broadcasting Committee, and Appointments Committee are the ten standing committees of the Union Cabinet in India. These committees oversee a variety of governmental functions. They must advise, lead, and coordinate. There are three ad hoc committees. They deal with momentary issues of modest significance.

The Cabinet Secretariat is made up of four staff members from the defense services, a joint secretary, two deputy secretaries, two undersecretaries, and two assistant secretaries. The Cabinet Secretariat is divided into four divisions:

The Cabinet branch creates and distributes the Cabinet's agenda, records its proceedings, and provides the data and facts the Cabinet needs for its discussions. Organizational and personnel issues are handled by the administrative branch. The inter-departmental issues relating to the civil departments are handled by the General branch. Information and reports from Indian embassies overseas are compiled and sent by the Coordination department. Additionally, it organizes joint meetings of the federal and state governments. The Cabinet Secretariat is also home to the M Division, Military Wing, Economic Wing, and Central Statistical Organization.

Code of Conduct and Discipline for Civil Service

According to the ancient Sanskrit proverb Jatha Raja Tatha Praja, residents and subjects always follow their kings' lead. Therefore, it is important to guarantee that public employees maintain a high moral standard in order to serve as role models for the general populace. Conduct regulations are required to prevent officials from abusing their enormous influence over people' lives and activities. Officials are likewise endowed with great power over citizens' daily lives

and activities. Modern civil services are structured with political neutrality of public employees as a core prerequisite, and behavior guidelines are required to maintain that. These factors have led to the creation and enforcement of a code of conduct for workers by all governments in the modern era.

The following categories of issues are often covered by conduct regulations for government employees:

maintenance of state allegiance and proper conduct toward official superiors. Restriction of officials' ability to engage in private business, contract debts, buy and sell property, and other activities in order to protect their integrity. the adherence of a certain code of ethics in one's professional, personal, and family life, as well as the regulation of a public servant's political actions, such as public speaking, writing in the press, and publishing.

Punishment given to government personnel for neglecting their duties or breaking behavior regulations is referred to as disciplinary action. L.D. Under the following headings, White describes the reasons or circumstances for disciplining public employees: failure to perform duties as shown by tardiness, laziness, carelessness, property damage or loss, etc. Immorality, Lack of Integrity, such as Bribery, Corruption, etc., and Violation of the Recognized Code of Ethics, such as Failure to Pay Debts, Appearing in Public While Intoxicated, Failure to Show Appropriate Deference to Official Supervisors, Failure to Show Due Courtesy to Colleagues and Members of the Public, and Being Guilty of Conduct Unbecoming of an Officer in General.

Invoke public opinion

The civil service does not automatically adhere to the Chief Executive's new plans and programs and is often resistant to change. The phenomena is not at all unique to any one nation. It was discovered to be a barrier to the swift implementation of the New Deal programs in the United States. When the Labor Government took office in Britain in 1945, it also faced some pushback from the civil service over its socialist policies. By forming alliances with legislators and pressure organizations, as well as via deliberate support-building activities aimed at the general public, various organs of the administrative machinery strive to increase their status relative to other agencies and the executive. The executive in this case may use public opinion as leverage.

Judicial Control

Judicial control over administration refers to the courts' authority to review the legality of official actions and consequently protect people' rights. Additionally implicit in judicial control is the right of an aggrieved person to file a civil or criminal lawsuit in a court of law against a public employee for the harm done to him while doing his public job. L.D. explains the value of judicial oversight. According to White, there are basically two types of formal external control on officials and their actions: control that is enforced by the courts and control that is performed by legislative bodies. While judicial oversight of administrative actions seeks to guarantee their legality and protect individuals from the wrongful infringement of their constitutional or other rights, legislative oversight primarily aims to oversee the policy and spending of the executive branch.

CONCLUSION

In conclusion, The President's address is an effective means of letting the public know what the administration's objectives and agenda were. The speech had a remarkable mastery of rhetoric, using persuading language and powerful delivery strategies to hold the audience's interest. The President was able to effectively communicate important policy goals and instill

a sense of hope and optimism in his audience. The speech analysis produced a number of significant findings. First, the President skillfully used narrative and personal experiences to emotionally engage the audience and emphasize the impact of proposed policies on people. This strategy promoted empathy and increased support for the administration's policies.

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CHAPTER 3

EXAMINING THE CONCEPT AND
SCOPE OF JUDICIAL INTERVENTION

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ABSTRACT:

The scope of judicial intervention refers to the extent to which courts and judges can exercise their powers to review and intervene in the actions of other branches of government, private individuals, or institutions. This paper examines the concept of judicial intervention and its significance in modern legal systems. It explores the various factors that determine the scope of judicial intervention, including constitutional provisions, statutory law, judicial precedent, and the political and social context in which courts operate. The paper also analyzes the advantages and disadvantages of judicial intervention, highlighting its potential to safeguard individual rights, uphold the rule of law, and promote social justice, as well as its potential to encroach upon the domain of other branches of government and undermine democratic decision-making processes. By providing a comprehensive understanding of the scope of judicial intervention, this paper contributes to the ongoing debate surrounding the appropriate role of courts in democratic societies.

KEYWORDS:

Constitutionality, Court Decisions, Judicial, Jurisdiction, Legislation.

INTRODUCTION

Lack of Jurisdiction

Every official is required to operate within the confines of the power delegated to him, and that authority is only valid within a certain geographic region. His actions will be deemed ultra vires or without authorization by the courts if they are beyond the bounds of his power or in an area that is not within his control. No government employee may be fired by an authority that is lower in rank than the authority that appointed him, as is specifically stated in the Constitution [1], [2].

Legal Error

If a government employee reads or construes the law incorrectly and puts obligations on a person that are not required by law, there may be legal remedies available. Legal jargon refers to this as misfeasance. A person who has suffered as a result of this has the right to seek compensation from the court. Error in fact-finding in certain circumstances, the official may make mistakes in fact-finding or in fact-interpretation [3], [4]. The official may also have a propensity to overlook certain data. Due to the official acting on erroneous assumptions, all of this might have a negative impact on a citizen. Therefore, judicial intervention may be requested based on factual inaccuracy.

Procedural Mistake

The legitimacy of a public official's activity may be contested in court if he violates the laws' established process. If an officer takes action against an employee without giving the required notice, the court will rule such action invalid [5], [6].

Citizens and the government

The relationship between residents and public administration is quite close. Every citizen should be concerned with administration because it has a significant impact on the services they get, the taxes they pay, and the level of personal freedom they enjoy [7], [8].

Interrelationships' Importance

Humans work in administration, which has as its goal the welfare of the populace. In the end, dealing with an issue involves dealing with people, not some statistical information. Jawaharlal Nehru lamented, "There is the danger that pure administrators at the top may come to regard human beings as mere abstractions the administrator may think in abstract of the people he deals with, come to conclusions which are apparently justifiable, but which miss the human element." However, as the Administrative Reforms Commission correctly noted, "in the prosperity of the people lies the strength of a government" and "in their contentment lie security and stability of democracy [9], [10].

Bolsters Democratic Principles

Regarding the interactions between people and government, two perspectives are dominant. The instrumentalist perspective views the general people as the beneficiary of government favor. However, the participatory perspective puts the general people at the center of administration as a decision-maker and the main force. The democratic ideals are strengthened by the latter viewpoint. We all know that democracy holds that government is a matter of the governed and that all issues should be resolved in line with freely generated and freely voiced public opinion.

People's feeling of shared interests in communal activities and their obligation to the community to ensure that these concerns are conducted honestly and effectively grow as a result of participation. One general election votes every five years is insufficient. Giving the citizen chances for active engagement in the management of public issues helps maintain his interest in governmental operations.

Cooperation and involvement: Citizens' cooperation and involvement are crucial for the accomplishment of developmental goals. The Fifth Five Year Plan made it clear that "successful planning requires the participation of the people and their elected representatives. Since the majority of citizens who act as entrepreneurs and decision-makers in relation to consumption, savings, investment, etc. must endorse the envisaged policies and programs by their enthusiastic participation, a plan that does not take into account their aspirations and preferences cannot have operational validity. Every person has a right to engage in government at all levels, and they should use that privilege to ensure that government in a democracy runs smoothly.

For Social Justice Realization: What is the reality of the idea of "growth with justice"? is a question brought up by A.P. Barnabas in the essay The Bureaucracy and the Poor. "Administrative behavior both inside and outside the system has not encouraged greater contact with lower classes," he claims. Such interactions could at least increase the bureaucratic structure's awareness of the poverty culture. The officials' condescending demeanor just serves to emphasize the underprivileged person's low position. When he does make an effort to contact the administration, he is discouraged by the confusing labyrinth of protocol. Reaching the underprivileged requires careful attention. The administrative structure must demonstrate true care for the people in the lowest strata not only in words but also in deeds. No government can run smoothly and effectively to "give" or "confer" advantages unless the public actively and

meaningfully cooperate. To Prevent Social Unrest: The phenomena of rising social unrest that often manifests as violent actions has its roots in the populace's anger towards the government. Therefore, it is imperative that the administration, the Chief Executive agency, do all in its power to maintain and even increase the public' trust in the government. This is crucial for maintaining the social fabric and political stability. Nature of Unhappiness Numerous research have been carried out to gauge and comprehend how the public feels about government.

Residents voiced complaints

delay in the delivery of goods and services. When it comes to the supply of things that are necessary, the issue is severe. The officials often treat the peasants quite harshly, causing them inconvenience and discomfort. Lack of fair play – There is an increasing propensity for elected officials and government workers to favor those who are close to them. Unreasonable delay caused more by sloppy administration and monitoring, as well as a lack of concern for and sensitivity to the needs of the public, than by the difficulty of the regulations and processes. Corruption is widespread.

Without greasin' the authorities' hands, getting the job done is difficult. Who is more corrupt, however, government employees or regular citizens? There is a prevalent perception that several departments purposefully delay tasks, irritate employees, and act impolitely. Instead, they believe that the public wants things done quickly, inappropriately, or even without following all the proper procedures.

According to A.P. Barnabas' study on "The Experience of Citizens in Getting Water Connections in Delhi," most of the respondents were ignorant of the process and the requirements governing the provision of water connections, and there was a widespread belief that the files would not move unless "Speed" was paid. From one area of government to another, residents' feelings vary in kind and intensity. Many people hold the opinion that the police are mentally unfit, unhelpful, rude and overbearing to approach, dishonest and corrupt, in league with the underworld, addicted to third degree methods, framing false cases and fabricating evidence, and neglecting duty to the point of even ignoring the legitimate complaints of poor and unimportant citizens.

DISCUSSION

Methods to Establish Harmonious Relationships

This involves creating public information systems to keep the general public as well-informed as possible about plans and policies of the government. For the purposes of consultation, counsel, and direction in decision-making on government ideas and their 'implementation, voluntary citizen councils, consultative groups, civic organizations, and other types of public engagement may be employed.

Administrative Organizations with Effective Public Relations Units

Developing friendly, equal, and mutually beneficial relationships between the government and the people requires effective public relations units in administrative organizations. Public relations shouldn't turn into a tool for spreading misinformation. All of this requires thoughtful, scientific, and well-planned public relations effort.

Reorientation of Civil Servants' Attitudes

The modern public worker should be free of any emotions of superiority and exclusivity, in addition to the classic service values of efficiency, honesty, and commitment. There should be a desire to interact with the populace in order to comprehend their issues.

1. Administrative machinery reform

2. Procedures should be streamlined in respect of things like:

3. Respect for the ease and comfort of the people;

4. Application processing time; minimal interdepartmental office referrals;

5. Lowering the number of layers that must be examined while examining instances;

6. Reduction in the number of agencies a person must interact with; and

7. Providing the person with comprehensive information on how to get a certain benefit or administrative permission.

Institutional Hardware

Bureaucracy has spread across society as a result of the government's enhanced oversight of development initiatives. The majority of developing nations are now looking for ways to DE bureaucratize development in order to provide effective checks on the administrative agencies. This has been accomplished via decentralization of responsibilities to local self-governing authorities like municipalities and Panchayati Raj bodies, the transfer of certain development efforts to nonprofit organizations, and initiatives to encourage public engagement and political mobilization. Less bureaucracy may be achieved via decentralization and public engagement. In addition to these, several institutional tools for improved bureaucracy have been suggested and put in place. In this context, the ombudsman system, the procurator system, and the administrative court system all require particular notice.

Mediator

It was established to address the complaints of citizens. The Ombudsman institution is a typical Scandinavian institution. Sweden and Finland both have ombudsman offices, with the latter having one since 1919. Denmark, Norway, and New Zealand all followed it; in 1967, the United Kingdom named the Parliamentary Commissioner for Administration. According to Donald C. Rowat, who has done extensive research on the institution, several nations throughout the globe, including India, have established the ombudsman-like institution "as a bulwark of democratic government against the tyranny of officialdom." His works include Ombudsman Compared, The Ombudsman Plan: Essays on the Global Spread of an Idea, and The Ombudsman: Citizens' Defender. Ombudsman is a Swedish word that means "an officer appointed by the Legislature to handle complaints against administrative and judicial action." The office of the Ombudsman is a constitutional position, and the incumbent is politically independent of the Legislature even though they were both appointed. The selection is often founded on the idea of consensus, with support from all major parties.

Powers and capabilities

The Ombudsman has the authority to conduct inquiries on his own initiative, in response to news reports, and after receiving a formal written complaint from the party that felt wronged. He conducts the inquiries impartially, ascertains the facts honestly, and informs the legislature of his findings. He has the authority to examine the administrative and judicial systems. The Ombudsman does not have the authority to oversee the courts in Denmark, Norway, or New Zealand, and his or her inquiries are private by nature. His right to inquire does not give him the power to overturn or annul a judgment, nor does it give him direct authority over the judicial or administrative systems.

The British government or Parliamentary Commissioner. occupies a position comparable to that of the Comptroller and Auditor-General. His responsibility is to look into situations of suspected administrative misconduct that members of Parliament have reported to him. What constitutes "mal-administration" is to be determined by the Commissioner. The Commissioner has no authority over local governments, hospital boards, nationalized enterprises, the police, civil service personnel issues, or the armed forces. Additionally, outside of his purview are issues where the complainant has a right of appeal and significant policy issues that fall within legislative oversight.

He is not permitted to question the legality or proper administrative process of discretionary administrative decisions that have been made. Except in cases where a minister certifies that the requested information could not be provided in the public interest, he has unrestricted access to all information. The Commissioner conducts inquiries that are private in nature.

Proposals from M.C. The Administrative Reforms Commission agreed with Setalvad and Dr. L.M. Singhvi's proposal to establish an organization akin to an ombudsman in 1966. The A.R.C. gave the organization the name Lok Pal and suggested that, in addition to other complaints, the Lok Pal be given the authority to investigate charges of political and administrative corruption.

As a result, the Lok Pal Bill provided for two different kinds of complaints: one involving claims of corruption against Ministers and other officials, and the other including grievances resulting from poor management. The Lok Pal post was given a very high status and was made wholly independent of the government by the Bill's inclusion of specific provisions for the Lok Pal's appointment and removal. His authority included public officials' and ministers' activities, but not judges'.

He was granted the authority to call witnesses, require their presence, find documents, request public records, establish commissions of investigation, and more. However, the 1968 Bill was let to expire. Another bill was submitted in 1977, but it made no mention of resolving people' complaints. It was limited to looking into charges of misbehavior against public figures, such as ministers, members of parliament, and others, with the exception of government employees. This clause received harsh criticism. The Bill ultimately expired. In 1985, a new bill that once again ignored public complaints was introduced. Its investigation only focused on claims of corruption against Union Ministers. In the end, the Government itself told the Joint Committee that a more thorough Bill was now being written.

Thus, this Bill was also abandoned. In December 1989, the National Front Government proposed the Lok Pal Bill. It allows for investigations into allegations of corruption against prominent politicians, including the Prime Minister. It does not, however, cover inquiries against the President, Vice-President, Speaker of the Lok Sabha, Supreme Court Justices, Comptroller and Auditor General, Chief Election Commissioner or Chairman, or any UPSC member. The Prime Minister will be the appropriate decision-maker to select the course of action on the Lok Pal's report in the event that accusations against a Minister are proven to be true. The Lok Sabha must act if the Prime Minister is concerned. In accordance with the 1989 Lok Pal Bill, three members would function as Lok Pals jointly and will be entitled to the same benefits as Supreme Court judges, such as compensation and service requirements. This will guarantee their independence and objectivity.

Ayukta Lok:

Following the suggestions of the Administrative Regulatory Commission, certain Indian states have created Lok Ayuktas.

Deputy Procurator

The Procurator system, which was in place in the former Soviet Union, Hungary, Poland, and Romania, played a significant role in resolving people' complaints and enforcing compliance with the law at all administrative levels, much like the institution of the Ombudsman. In China, the system is still in place. A core apparatus and many subordinate offices made up the Procurator system in general. The Procurator-General is solely accountable to the Legislature, and the whole system was set up on the premise of lesser procurators reporting to higher procurators. An individual citizen might file a complaint with the procuracy under the Procurator system. Upon receiving a complaint, the procuracy would do one of the following: advise the complainant to use the regular administrative or judicial channels; initiate administrative or judicial proceedings; and, if permitted, act on the issue raised by the complaint and speak directly to the organ against which it was received.

Courts of Administrative Appeal

The administrative court system in France is a distinctive entity for resolving conflicts between the government and particular citizens. The hierarchy of regular courts is distinct from the administrative courts. There is a difference between actions that arise from administrative errors for which the service as a whole is accountable and for which a government employee is personally liable. The proper administrative courts are consulted on the latter category of offenses. Administrative tribunals serve as the first courts of appeal. The Council of State, which advises the Government on legislation, oversees administration generally, and has ultimate jurisdiction over civil servant punishment, sits above the system of administrative courts. Over 150 people make up the Council, who were mostly recruited via the School of Administration. There are numerous portions in it.

Civil society's function and public participation

Civil society does not include the military or any particular religion. Civil society is the result of man's innate need for affiliation, which manifests itself in the collection of individuals bound by what may be described as a "consciousness of the kind" and sharing shared interests. People that live together have similar thought patterns, socialize often, and work together toward a single goal or strategy. In order to fulfill life's overall goal, many associations work together to build society, which represents the larger plan of life. One of those purposes, which is carried out by the State, is political. There are many reasons why society exists, some big and others minor, but overall they are all both deep and vast. Society is innate and natural. It exists before the State and includes both organized and unorganized communities. Civil society does not recognize geographic boundaries. Its branches could be dispersed over the cosmos. It encompasses all aspect of a man's life, including all of his social connections, including those to his caste, family, church, and club. Although the principles of civil society govern social behavior, they are not laws. They are only standards of behavior that society's participants aim to uphold. It lacks the power to physically punish people who transgress its laws or to compel their compliance. By influencing its members and making appeals to their good nature, it assures that its regulations are followed. The goal of civil society is to promote the free development of human personality, which Barker correctly said that "the area of society is voluntary co-operation, its energy is goodwill, and its method is elasticity." The State comes after society, just as it comes before the family, the church, the business, and the political party. It connects all of them like a tree's branches. By enforcing moral standards, traditions, and practices, civil society affects its members. Social influences are used, but not physical force. Man cannot be imprisoned for disobeying its requirements.

However, public engagement in administration is mostly unofficial and indirect. Civil society is essential in shaping public opinion and establishing demands that are of a broad character. Election, recall, advisory and consultative committees, and pressure organizations are some official and legal ways for individuals to participate. The political executive picks the senior officials, and voters choose the political parties and their leaders. It means that the representatives who participate in the creation of public policy are subject to popular control. There are elected politicians in Switzerland and in several regions of the United States. If an official loses a recall election, the public may also recall him or her before the end of his term. From the highest to the lowest levels of administration, advisory and consultative committees made up of aware, knowledgeable individuals and representatives from the many ministries are chosen. There is a legitimate role for advisory panels in public administration, not only in cases of community initiatives but also in international affairs. A pressure group is an organized collection of people who actively pursue and promote certain specific interests. In India, caste and religious organizations also employ political and other strategies to influence the government and administration at all levels, in addition to industrialists and labor unions.

The following are the main advantages of persons taking part in administration:

1. It does this by ensuring that the development goals and the values and preferences of the community are in line with one another, providing crucial information throughout the implementation process.

2. It lowers project costs by optimizing the use of human resources.

3. Locals will accept the change brought about by the project if they are participating in the development process.

4. The individuals become co-learners as the community gains knowledge through its own engagement.

5. It restores communal togetherness and fosters a feeling of respect for one another.

It is impossible to overstate the significance of the State's role in promoting citizen involvement. It is obvious that government employees are hesitant to create an environment for popular governance and seek refuge beneath rules and regulations to stop decentralization. Only with makes popular governance at the grassroots level feasible. cooperation between the field and upper-level bureaucracy. Only until a strong, unified civil society or community forms in the interactive process of developmental work will people's involvement in administration be effective.

Freedom of Information

The concern for providing responsive, accountable, transparent, decentralized, and people-friendly governance at all levels is shared by the Central and State Governments. There is a great deal of concern concerning the rise in criminal activity and corruption in government and administration. As a result, there is a need to increase openness in how government agencies and other public entities operate. Additionally, it is important to make sure that the general public has simple access to all information on government actions and decisions as well as its performance, barring any cases where it is expressly prohibited by law. All government departments should be characterized by a willingness to provide information and be helpful rather than by secrecy and mystification. Most information regarding government matters is kept from the public under the Official Secrets Act of 1923's restrictions and the Code of Conduct Rules for government personnel. Since 1990, attempts have been made to pass legislation that would guarantee information freedom and alter the Official Secrets Act. In

numerous Indian states, the right to information and increased transparency in government operations have been introduced. A working group led by Mr. H.D. Shourie has been established by the Indian government to draft a bill for freedom of information and revisions to pertinent legislation.

With the use of computers, it is necessary to guarantee that individuals have extensive and simple access to information at all levels of government, as well as to revenue records and certifications, streamlined and quick procedures of obtaining approvals and licenses, redressing complaints, etc. The National Informatics Centre, which collaborates closely with the State Governments, already offers a computerized public interface. The Andhra Pradesh government keeps an eye on how plans are carried out and data are moved across these computer networks. In order to spread information to the public, the Central Government has chosen to provide all of its employee's access to a computerized public interface. An important department of the Indian government is the Press Information Bureau, which disseminates information through a variety of media, including press briefings, press notes, feature articles, interviews, press conferences, and others, as well as any member of the Union Public Service Commission. By enforcing moral standards, traditions, and practices, civil society affects its members. The term "people's participation" refers to the influence that the public has on the authorities who participate in the creation of public policy.

CONCLUSION

In conclusion, the extent of judicial action is a complicated, nuanced matter that needs constant consideration. A functioning democracy and the maintenance of the rule of law depend on striking the correct balance between judicial action and respect for other arms of government. We can encourage a legal system that promotes justice, equality, and the welfare of society as a whole by recognizing the variables that affect the breadth of judicial action and the possible advantages and problems it provides. But it's critical to be aware of any possible negative effects of court action. Excessive interference may erode the legitimacy of other governmental departments and upset the delicate power dynamics. It can also prompt questions about whether courts are legitimate and if they have the capacity to go beyond what is allowed by the Constitution. In order to avoid judicial excess, the range of judicial action should be well defined and subject to proper checks and balances.

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CHAPTER 4

DEMOCRATIC ACCOUNTABILITY
THROUGH PARLIAMENTARY INSTITUTIONS

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ABSTRACT:

Democratic accountability is a fundamental principle in democratic systems, ensuring that those in power are answerable to the people. This paper focuses on the role of parliamentary institutions in promoting democratic accountability. It examines the mechanisms and processes by which parliaments hold governments accountable, including legislative oversight, budgetary control, question time, and parliamentary inquiries. The paper also analyzes the challenges and limitations faced by parliamentary institutions in fulfilling their accountability functions, such as partisan politics, executive dominance, and limited resources. Additionally, it explores the role of citizens in holding parliamentarians accountable through elections, public scrutiny, and civil society engagement. By understanding the dynamics of democratic accountability through parliamentary institutions, this paper provides insights into strengthening democratic governance and fostering public trust in political systems.

KEYWORDS:

Committees, Debate, Elections, Government, Legislation.

INTRODUCTION

India has been a difficult experiment in institutionalizing democratic accountability via parliamentary institutions over the last fifty years. Despite overwhelming odds, the nation has managed to maintain a vibrant, multicultural, and functional democracy throughout this time, complete with regular and free elections, an independent judiciary, and an active civil society. India's democratic institutions have very long lifespans, despite the fact that Indian politics has been controversial and has even descended into bloodshed [1], [2]. The development of democracy in India has required a tremendous amount of confidence. There was no precedence for the enfranchisement of millions of uneducated and propertyless individuals when India implemented universal suffrage in 1951. Indians had high expectations that achieving universal suffrage would result in a slow but gradual social revolution that would weaken Indian society's rigid power structures, guarantee all Indians the extensive set of rights spelled out in the Constitution, and lead to increased prosperity.

Overall, India has a fairly uneven track record. India's performance on a variety of human development and governance indicators is still decidedly subpar, despite the fact that it has maintained free institutions, expanded the scope of democratic participation, and, compared to its own historical past, made significant gains in economic growth especially in recent years. the effectiveness of Parliament, India's most important representative body. However, attempting to evaluate Parliament instantly runs into a methodological issue [3], [4]. Can anything other than the performance of Indian democracy as a whole be used to evaluate its overall effectiveness? How much of India's democratic accomplishments and failings can be attributed to Parliament? How much can the functioning of parliamentary democracy be investigated independently of the institution of Parliament? It is preferable to steer clear of these inquiries for the sake of this essay. We'll proceed on the presumption that Parliament isn't

immune to the influence of larger society or the larger social and political environment in which it exists. It is impossible to comprehend the entire scope and influence of Parliament's accomplishment without taking into consideration those broader linkages. After all, the institution of Parliament has played a significant role in achieving these goals to the extent that India has been a functioning democracy where diverse interests have found expression and to the extent that these diverse interests have had to reconcile themselves to one another through political compromise. However, the internal operations of Parliament as an institution are the main subject of this essay. We evaluate Parliament's performance in particular in terms of its institutional mission rather than the overall outcomes it generates [5], [6].

For instance, it is conceivable, and in the case of India, quite likely, that periods in which Parliament has performed admirably as an institution and has fairly faithfully carried out the constitutional duties entrusted to it have also coincided with periods of subpar economic performance simply because India selected many of the incorrect economic policies. Of course, many of these decisions were made by the parliament, but they could not entirely represent the institution's shortcomings. On the other hand, having institutions that don't work well may actually be fairly consistent with obtaining success in economic performance. Therefore, while generally speaking it still holds true that a society's institutions—especially one as significant as Parliament—determine its overall success or failure, it is theoretically possible to examine an institution in terms of the mandate set forth in its founding documents rather than overall results [7], [8].

The second challenge in evaluating India's parliament is how closely its operations are tied to those of other important democratic institutions. It is a well-known truth that the influence of the political party to which a legislator belongs has a greater impact on their performance than anything else in a parliamentary system. A methodological issue is raised by the fact that lawmakers are enmeshed in other organizations, such as political parties, that have significant power and influence over them. How much of Parliament's accomplishments and shortcomings can be traced to the institution's own mission and procedures, and how much of this may be attributable to how other institutions operate? To provide an example, there is a common belief among lawmakers and public alike that, when assessed by their credentials and level of devotion, MPs' quality seems to be diminishing. It is debatable whether or not this is accurate in a purely objective sense. While Indian lawmakers now have far greater levels of formal education than in the past, estimates range from 10% to 20% of them also having criminal histories. The latter will undoubtedly have an effect on how Parliament operates. The type and character of political parties that choose and assemble candidates, as well as potentially even the electorates who cast their votes, are likely to be the root reasons rather than the institutional workings of Parliament itself. In other words, it might be difficult to separate out how other institutions affect the Parliament. It's possible that many discussions on parliamentary reform in India focus more on institutions that have an influence on parliament than on how the latter operates [9], [10].

After India became an independent country in 1952, the bicameral Indian Parliament was solemnly started. The Indian Councils Act of 1861 and the succeeding, limited British representative government experiments are credited with laying the foundation for it. The legislative councils that came after the Montagu-Chelmsford Reforms of 1919 attempted to progressively create representative institutions of the "natives," starting with the colonial councils of the nineteenth century. The authority these institutions held was quite constrained. The inclusion of elected Indian members in the legislative councils only gained significance following the 1935 Government of India Act. However, they were unable to really transfer any authority to elected officials. The start of the Second World War resulted in the majority of the

leaders of the Indian independence movement being imprisoned and the cessation of self-rule-oriented legislative change. National elections that resulted in the first Parliament of an independent India were not held until the constitution was written and the twin Representation of the People Acts were passed in 1950 and 1951, respectively.

When universal suffrage was instituted in 1951, few could have predicted the type of democratic politics that the Indian Parliament symbolizes today. Its makeup, particularly that of the Lok Sabha, the lower house or "House of the People," has served as a trustworthy barometer of Indian people' shifting political inclinations. Given the overall mobility of power that has come to define Indian politics, the social makeup of Parliament has shifted significantly over time. One of the most politically charged societies in the world is India, and many of these tensions can be seen in the heated discussions and sometimes the mayhem in Parliament. Its members currently come from a range of socioeconomic strata and professions, despite its beginnings as an exclusive clique of attorneys with British education. Lawyers were the third most common occupational category in the twelfth Lok Sabha, behind "political and social workers" and "agriculturists," with the former likely serving as a cover for numerous professional politicians.

A study of the Lok Sabha members chosen in the fourteenth general elections in 2004 revealed that they were both much wealthier and more likely to commit crimes than the general public. More than half of Parliament's members have assets worth more than Rs. 5 million, more than a quarter have assets worth more than Rs. 10 million, and almost a quarter have had criminal charges brought against them.2 The proportion of women in parliament, which has remained between 8% and 10%, is, nevertheless, still below par. A fixed number of seats have been set aside via quotas for historically underprivileged groups, particularly the Scheduled Castes and Tribes, ensuring their representation in Parliament. As a result, despite its flaws, Parliament fairly represents the range of socioeconomic interests.

It is more debatable whether Parliament has been effective in limiting the use of executive authority. The "state of emergency" announced by Prime Minister Indira Gandhi in 1975 was one of the most perilous periods for parliamentary democracy. The majority of political observers think that this was done to protect her political position and was not necessary for the sake of the country. There is a broad perception that the parliamentary practice's foundational procedural rules have been eroding, especially since the mid-1970s. The institution of the Indian Parliament has changed as a result of the weakening of political parties, the multiplicity of political parties represented in Parliament from five in the first Lok Sabha to nearly 40 in those elected a half-century later as well as the evolving nature of constituent services and re-election incentives. But despite numerous flaws, the institution of Parliament has survived.

1. The extent to which Parliament reflects shifting voter preferences;

2. The effectiveness of Parliament's legislation in maintaining government accountability; and

3. The nature of the connection between re-election chances and constituent services.

DISCUSSION

Basic structure of the Indian Parliament

The Lok Sabha, one of Parliament's two chambers, has by far the most legislative authority thanks to its 543 elected members. It is presided over by the speaker of the house, who is often chosen by the dominant party but only participates in voting in ties. On the basis of universal adult suffrage, MPs are chosen. India has the biggest electorate in the world-more than 620

million voters—and the voting age is 18 there. In first-past-the-post voting, where the candidate receiving the most votes wins, members of the Lok Sabha are chosen from single-member districts. The voting participation rate has historically ranged between 50% and 65%. As a result, even when they seem to have huge majorities in Parliament, parties often create governments with less than one-third of the electorate's support. The Rajya Sabha, the upper house or the Council of States as the second house of Parliament, is a continuous body with its members chosen by an electoral college, unlike the Lok Sabha, which is chosen directly by the people every five years. A third of the members retire every two years, and each member is elected to a six-year term. The vice-president of India, who serves as the ex officio head of the upper house, is in charge of the Rajya Sabha's 250 members. 238 members are chosen by state legislatures, while the president, acting on the recommendation of the Cabinet, nominates 12 others. The Hindi-speaking north is clearly predominant, as seen by the geographical allocation of parliamentary seats, but the region's divided polity has guaranteed that the other regions also have a major voice.

The Rajya Sabha's fundamental tenet has been that it protects state interests, although in reality, its ability to do so has been constrained. The Lok Sabha's numerical advantage is one of the causes of this. The Lok Sabha has a two to one advantage over the Rajya Sabha in any combined session. Overall, the Rajya Sabha's constitutional standing and legislative authority are far less than those of the Lok Sabha, while having a nominal position in the electoral college that is equivalent to that of the Lok Sabha. The Rajya Sabha lacks the authority to initiate or reject money legislation. Money bills may only be put off for a maximum of two weeks during this time since beyond that point, any legislation still pending before the Rajya Sabha are deemed to have been approved. The protracted dominance of a single party the Congress in national and state level elections is an additional factor contributing to the Rajya Sabha's diminished significance. The political affiliations of Rajya Sabha members were not notably different from those of the dominant party in the Lok Sabha until 1978, when Indira Gandhi lost the national elections and the Congress political was no longer the national government.

But the Rajya Sabha's significance has grown recently due to larger political tendencies, even if it is relatively small in comparison to the Lok Sabha. First, the party affiliations of Rajya Sabha and Lok Sabha members have diverged more as a consequence of the emergence of regional parties, which started to influence state governments more extensively. A party or coalition with a majority in the lower house is not guaranteed to hold the same position in the upper house due to the various election cycles of the two congressional chambers and the lack of a strong party. As a result, the governing coalition may sometimes be in the minority in the Rajya Sabha, giving the upper chamber a virtual veto on non-budgetary laws, but the government may occasionally call a joint session of Parliament. This has made it necessary for the current administration to work with the opposition to enact legislation and has made it harder for political parties to get the two-thirds majority required to modify the Constitution. Second, the proliferation and fragility of political parties, as well as India's recent trend toward weak coalition administrations, have contributed to increased political instability. In contrast to the past, it happens often for the Lok Sabha to be dissolved. Being a permanently seated legislature, the Rajya Sabha has a little advantage during these frequent occurrences, despite the fact that it is not legally permitted to exert the same level of parliamentary influence on the Cabinet as the Lok Sabha. The conduct of government business during the interregnum, when the Lok Sabha is inactive and the Rajya Sabha is the sole branch of Parliament that is still in operation, is not addressed in the Constitution. The Rajya Sabha should be more actively consulted and involved by the caretaker government in office before major decisions are made because it is the only representative wing of Parliament that is available for consultation in the interim between the dissolution of one Lok Sabha and the election of the next.

10% of the membership is required for a quorum in both chambers. Most measures are decided by a majority of the members present and voting, and we contend that the quorum is often respected even when it is not met. In theory, a relatively tiny percentage of members in either of the two houses may pass legislation. Although it also has constitutional, economical, and administrative authority, the main goal of Parliament is to pass laws. It is the only body with the authority to alter the Constitution, and as of mid-2004, it has done so 92 times since the constitution's first adoption in 1950. Additionally, it is the sole body with the ability to levy taxes, approve expenditures, and pass the yearly budget. Vote of no confidence is automatically cast if the government fails to assure budget passage. The Cabinet as a whole is accountable to Parliament. The establishment of standing committees to supervise each ministry in 1993 marked a fundamental change in the way the administration and Parliament interacted. Later on, we'll talk about how these committees affect how the government operates as watchdogs.

Changing voter preferences and Parliament

A crude but accurate predictor of shifting voter preferences has been the makeup and membership of the Indian Parliament. Although on the surface this can seem like a tautological statement, the argument is seldom so simple in emerging nations. Even though India's complex social heterogeneity now seems self-evident, it is all too easy to forget the widespread beliefs that persisted into the 1980s that elections in India were nothing more than a vehicle for legitimizing the dominance of a single party, the Congress, or even a single family, the Nehru's. The claim that Parliament is a reliable indication of shifting voter preferences is supported by significant changes in who represents a given parliamentary seat and in the makeup of the dominant party in Parliament, however both criteria are not required. The Lok Sabha, the only chamber that is dependent upon direct election by voters, has seen considerable changes, according to the history of parliamentary elections in the latter part of the 20th century. There were significant changes in the general composition of the Lok Sabha even during the time of Congress hegemony in the first three national elections and its slightly more challenged rule in the following two elections. But with Rajiv Gandhi's decisive victory for the Congress in the ninth Lok Sabha, the fortunes of various MPs have fluctuated in a far less predictable way.

The obvious argument against this evidence, as Agrawal contends, is that in parliamentary systems, where parties have significant control over who receives the party nomination and runs for office, changes in the makeup of the majority party rather than changes in individual constituency representation are crucial. The Indian voter has a persuasive capacity to express its opinion about the party in power on this issue as well. India hosted nine general elections between 1951 and 1989, or about four decades, with one every four and a half years on average. It had six prime ministers and four cabinets between 1989 and 1999, one every two and a half years on average. It was the sixth new administration in four years when it assumed office in October 1999. A current prime minister returned to power for the first time since 1971, and it was only the second time that the incumbent party did the same4. No single party has won an overall majority since 1984, when the sympathy factor following Indira Gandhi's assassination helped Congress win a sizable majority and return to power. Since that time, Congress has lost its once-dominant position in Parliament and is now merely a minority, with only two governments—a minority Congress government headed by P.V. Narasimha Rao served as president from 1991 to 1996, while Atal Behari Vajpayee headed the National Democratic Alliance from 1999 to 2004. Every previous regime was overthrown before its time. The low incumbency rate of elected members in general, where almost half of all incumbents lose in elections, parallels the high frequency of government transition at both the national and state levels.

Lok Sabha: A few broad patterns

The performance of the Lok Sabha, whose members are chosen directly by single-member districts under a first-past-the-post election system, has a significant impact on the authority and stature of Parliament. The manner in which the Lok Sabha's makeup is or is not an accurate indicator of shifting voter preferences have previously been covered. Here, we only want to draw attention to a few additional important aspects of Lok Sabha membership. As previously said, the makeup of Parliament changes very often, which has an impact on lawmakers' time horizons. Since the second Lok Sabha, there has been a fairly equal chance of getting re-elected. The percentage of first-time members who have never previously been elected to the Lok Sabha, or new entrants, is likewise relatively high, fluctuating between 25% and 30% during the last 20 years. This significantly affects the knowledge of lawmakers.

The fact that during the previous 50 years, more than 90% of lawmakers have served three terms or less and less than 5% have served more than four terms highlights the dearth of legislative experience in Parliament. Despite the fact that there does not seem to have been a noticeable change in the number of new members of Parliament over the last 20 years, increased political unrest in recent years has caused several lawmakers to not complete their terms. Thus, it is quite likely that the number of years a Lok Sabha member of Parliament has served has decreased dramatically. As the phrase "career politician" that is often used to describe MPs would indicate, becoming an MP is not nearly the lifetime privilege.

The formal academic credentials of lawmakers have been continuously increasing, which is the second noteworthy trend. The percentage of lawmakers having just a high school diploma or less has consistently decreased from 41% in the first Lok Sabha to 35% in the sixth to a mere 10% in the twelfth. The percentage of lawmakers with a postgraduate degree or above has increased from 20% in the first Lok Sabha to 27% in the sixth to over a third of all MPs in the twelfth Lok Sabha. Consequently, even if it is often believed that MPs are less competent now than they were a few decades ago, this is likely due more to the Indian educational system than to the formal education of MPs. Finally, despite a high rate of turnover and a large influx of newcomers, the average age of Lok Sabha MPs has only slightly risen in recent elections.

Another problem that will be covered later in this paper is highlighted by the fact that educational attainment among members has been rising continuously at the same time that the public's opinion of Parliament as being less competent is expanding. Simply stated, lawmakers lack significant motivation to do legislative business seriously. Since parties are often chosen over candidates in elections, diligent legislative activity has almost no direct electoral benefit. As far as we can tell, parties now do not seem to put a high value on legislative talents, unlike past years when they were a means of moving through the party ranks. This is due to two factors. One is that some of the most technically accomplished lawmakers are not always elect. Second, the Rajya Sabha, the upper chamber of Parliament, was formerly thought of as a way to elect prominent and competent individuals to Parliament who may not have otherwise been elected. However, the majority of political party members with whom we spoke believed that, with a few notable exceptions, the allocation of Rajya Sabha tickets does not take legislative expertise into account.

Systems for Accountability

In a democracy, the place of responsibility and supervision is the parliament, in at least two ways. First, Parliament is the body that holds the government accountable. Second, elections are the means by which lawmakers are held accountable.5 Both of these factors will determine how a Parliament will operate in practice. Parliament will likely conduct government business with an eye on how it will conduct business during elections. The collection of incentives and

factors that affect both types of accountabilities must thus be examined for a meaningful evaluation of Parliament as an agent of accountability.

We must look at the formal tools at Parliament's disposal to hold governments accountable if we are to comprehend how successful it is as a force for accountability. Here, we define accountability in its simplest form: for institution X to be answerable to agent Y, agent Y has to be given the authority to reward or penalize institution X for its actions via some formal or informal procedures. In theory, the Indian Parliament has access to a number of accountability measures. However, as we argue, these procedures have a limited impact, partly because the distribution of parties in Parliament and the influence those parties have over particular lawmakers matter more than the existence of formal sanctioning authorities. However, there is also disagreement over whether voters should use elections as a "screening" process to choose candidates who share their views and would stand up for their interests rather than using them as a punishment mechanism.

Motions for non-confidence

The existence of a motion of no confidence serves as the primary tool of accountability. A motion of no-confidence in the government may be made by lawmakers, and if it is successful, it will bring the government to an end. But the choices available to replace a sitting government determine the success of no-confidence resolutions as a corrective measure. In the most basic sense, the introduction of no-confidence resolutions is unlikely to have much of an impact on a government that has a sizable majority in Parliament. The most severe instance of Parliament's inability to stop executive authority abuse happened in 1975 when Indira Gandhi pushed through both houses of Parliament resolutions endorsing the president's declaration of an internal emergency, suspending people' basic rights. By a margin of 336 to 59, the Congress party, which was in power at the time, voted unanimously to support the emergency proclamations. It proved hard to split the ranks of a powerful majority party, even when presidential abuses of power were as egregious as those associated with the proclamation of an emergency.

No-confidence motions are only effective in extremely specific circumstances, such as when governments have a slim majority and a minuscule proportion of that component majority has a cause to defect to another coalition or call for the general election that would follow the collapse of the government. When a coalition government is in place and no one party has a majority in Parliament, some of the coalition members in question would have to choose an alternate set of arrangements basically, a new coalition instead of going to the polls. Only under these circumstances, in the instance of India, have no-confidence resolutions succeeded in toppling the government. This has happened four times since 1989. 1989 saw the establishment of the V.P. Singh was overthrown; the Chandrashekhar administration was overthrown in 1990; the I.K. Gujral administration was overthrown, and most recently, in 1999, the A.B. The Vajpayee administration was overthrown. Four to five no-confidence motions are typically introduced in a Parliament. However, rather than the efficiency of the system itself, their deterrent impact is dependent on the whims of party politics.

In reality, there is a somewhat mixed record of no-confidence resolutions being used as a punishing mechanism in coalition administrations. On the one hand, tiny parties have a lot of sanctioning power in parliaments that are closely split and have coalition administrations, as has been the case in India for the past ten years. By threatening to leave, they may pressure the administration into submission and guarantee the passage of a resolution of no confidence. However, this power may also be leveraged to bring in a lot more resources for certain parties. Therefore, in theory, a government might give in to the demands of certain parties within

Parliament even as it grew less responsive to Parliament as a whole due to the prospect of no-confidence moves. The copycat and competitive effects of extracting more resources as the price for remaining in the coalition may be fairly large, even though the final outcome relies on the specific goals for which these parties use their bargaining power. For instance, it has been stated that the Bharat Janata Party's Hindu nationalist agenda was moderated as a result of the need of maintaining coalition partners.

If the administration persisted on pursuing its hardline agenda, its coalition partners may overthrow the government. The threat, on the other hand, has also prompted minor parties to demand greater funding from the central government, worsening the nation's budgetary situation. This fact is reflected in the actions of two regional parties, the Telegu Desam and the Akali Dal.

They gave the BJP permission to further its Hindu nationalist agenda, most notably in the Gujarat riots and in educational policy. while collecting a very high financial penalty from farmers in the form of high support prices for rice and wheat, which are entirely paid for by the federal government. Therefore, the way a no-confidence vote brings about accountability relies in part on the incentives that each political party is acting under.

These factors are rather important when analyzing how a motion of no confidence functions. Some have suggested that parties should only be permitted to vote out governments if they commit themselves to an alternative and credible coalition before doing so, akin to the German model, as a result of recent discussions in India on the use of no-confidence votes in Parliament. Since no coalition member in an existing administration would be able to topple a government under this rule unless a viable alternative exists, the goal of this action is to stabilize coalition governments.

This would guarantee that the nation would not be exposed to the numerous elections that marked that decade, even if the party system remained as fractured as it did in the 1990s. This plan makes the crucial premise that when tiny parties in Parliament topple administrations, they primarily do it for their own gain. It is important to distinguish between this potential to overthrow governments via no-confidence votes and holding government accounts before Parliament. Therefore, despite the fact that no-confidence votes are an essential tool for holding the government accountable to Parliament, they may have unintended results. Rather than increasing responsibility to Parliament as a whole, in the case of the Indian Parliament, we believe that this system has strengthened the negotiating power of tiny parties relative to the administration of which they are a member.

CONCLUSION

In conclusion, the integrity and credibility of democratic regimes depend on legislative institutions providing democratic accountability. Parliaments can guarantee that governments behave in the best interests of the people and are accountable for their actions by successfully carrying out their oversight responsibilities. But improving the efficiency of legislative accountability requires tackling issues like partisan politics, executive domination, and resource shortages. Democratic accountability may be strengthened, resulting in more responsible and responsive government, through establishing a culture of openness, strengthening parliamentary capability, and encouraging public involvement. Additionally, individuals are essential in keeping lawmakers responsible. Citizens may choose to reward or punish elected officials via elections depending on how well they perform and keep their commitments. Active citizen engagement may put pressure on lawmakers and promote an accountability culture. This engagement includes public scrutiny, lobbying, and involvement in civil society groups.

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CHAPTER 5

AN OVERVIEW OF STATUTORY POWERS OF PARLIAMENT

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ABSTRACT:

The statutory powers of Parliament refer to the authority granted to the legislative body of a country to make laws and regulations. This paper explores the significance and scope of the statutory powers of Parliament in democratic systems. It examines the constitutional and legal frameworks that define and delimit the powers of Parliament, including the process of legislation, delegation of powers, and the relationship between Parliament and the executive branch. The paper also analyzes the advantages and limitations of the statutory powers of Parliament, highlighting their role in ensuring representative democracy, protecting individual rights, and promoting the rule of law. Additionally, it discusses the checks and balances on parliamentary powers to prevent potential abuses. By examining the statutory powers of Parliament, this paper provides insights into the functioning of democratic systems and the legislative processes that shape societies.

KEYWORDS:

Amendment, Appropriation, Bill, Budget, Enactment, Legislative.

INTRODUCTION

The component element of Parliament with the greatest motivation to exercise its statutory powers to hold the government accountable is the opposition. In general, policy results will follow the government's perspective if it has a significant portion of the seats and unfettered majority control of the legislature. If the opposition has strong negotiating power and the administration has a disproportionately small number of seats, then the opposition may determine policy. The possibility of becoming a viable alternative in the next general election is the opposition's greatest punishment tool [1], [2]. However, it may be claimed that in India's parliamentary opposition, the opposition utilizes Parliament more to cast doubt on the legitimacy of governments than to hold them accountable for poor administration. The majority of critics on Parliament agree that opposition parties there are not very effective at holding the government accountable. This is due to many structural factors. First, the makeup of the parties in Parliament has little bearing on how successful the opposition is. There isn't much the opposition can do to overthrow a government when it has a comfortable majority. Second, opposition parties are unable to provide fresh information regarding actions taken by the government that would enable them to criticize the executive. The significant organizational deficit of Indian political parties is reflected in the fact that almost all opposition groups are reactive rather than proactive. Third, and perhaps not unexpectedly, opposition parties prefer to concentrate on topics that are seen to have major immediate electoral payoffs rather than on how the administration really operates on a daily basis [3], [4].

Since it takes a lot of work and offers very modest rewards, there aren't really any incentives to keep an eye on the executive. Therefore, opposition parties are more inclined to concentrate their efforts on political scandals like financial fraud and corruption charges where they can target specific people rather than attempting to enact institutional and structural reforms. The Congress-led opposition used all of its resources to obstruct investigations into several

corruption scandals from 1999 to 2004, but did practically little to voice opposition to the country's structural governance flaws. After losing the 2004 elections, the BJP entered opposition and started acting just as the Congress had. The Parliament has produced relatively few outcomes, and almost all of the parliamentary investigations into these scandals have ended in failure even with an opposition focused on corruption issues [5], [6]. In some circumstances, this was due to the generally inconclusive nature of the data, but in other situations, it is more likely the result of political class collaboration to prevent institutional reforms that, although strengthening governance, may negatively impact their shared interests. However, the fact that political parties in India are weak institutions may be the main factor in why parliamentary opposition parties there do not seriously examine the daily operations of the administration. The opposition in India does not have a shadow cabinet or a group of designated spokespersons with specialized knowledge on the numerous areas they manage, unlike, instance, the United Kingdom. As a consequence, the majority of ministries and the legislation that comes from them are seldom scrutinized, though, as will be mentioned later, the newly established system of parliamentary committees has started to play a small role [7], [8].

In all parliamentary system, the opposition confronts a different conundrum. It cannot constantly support the government since it may be accused of impeding commerce, and it cannot escape responsibility for passing laws. When the opposition does not interfere with or conspire with the administration, it is most effective. This conundrum may significantly hinder opposition parties in India's Parliament. There are countless instances of parties that often abstain from voting for legislation because they do not want the government to get credit for passing it, not because they disagree with the bill's specific provisions. Even when there is significant consensus among political parties, legislation moves quite slowly in India because of the recent fragmentation of the legislative body.

For instance, it took six years for a law to liberalize insurance markets in India to succeed when it was initially proposed in 1993, despite the fact that the two major parties opposed the measure while they were in office! Where ideological differences between parties on the majority of subjects are minimal, this conundrum is especially pressing. First, in any situation, reality is far from the idealized portrayal of Parliament as a deliberative assembly where all pertinent issues are brought up and addressed, and decisions reflect at least in part the weight of stronger arguments. The issue is more serious and has become worse in India recently, however. The public's perception of parliament is that it serves more as a venue for antagonistic conflict than for deliberate clarity. This is why, as we will see, disruptive adjournments have replaced reasoned debate as the primary means of legislative resistance. Second, the formal procedures of Parliament have no bearing on the opposition's capacity to serve as a standalone vehicle of accountability. It is more a result of the opposing party's motivation, vigor, and political inventiveness [9], [10].

Our examination of parliamentary opposition practice and no-confidence motions reveals a consistent feature. The control that parties have over their members in India's parliamentary system significantly weakens the formal procedures of accountability that Parliament has. Individual lawmakers have seldom crossed party lines in the whole legislative history of contemporary India, despite the fact that parties with high rates of fission and pre-election cross-overs to get coveted party nominations are not unusual. Such partisanship permeates every aspect of legislative operations, including the management of committees. The causes of this are simple to comprehend. Political parties are the primary means of obtaining power in parliamentary democracies like India. Less than 1% of Parliament has, on average, been made up of independent lawmakers. Elections are fought on the basis of a party's performance in administration rather than a candidate's record on legislation, and parties' control everything

from cabinet positions to the distribution of tickets to run in elections. The party has a significant influence on a legislator's future. Therefore, in the end, the criteria of the party's interest rather than the standards of parliamentary privilege are more important. In other words, political party functioning, their abilities, and calculations, not Parliament itself, will determine the competency of Parliament, its efficacy, and its ability to discuss and create laws.

DISCUSSION

Parliamentary committees

Ideally, legislation submitted in Parliament would be discussed in parliamentary committees. It is challenging to give legislative activity the attention it deserves because of the amount and complexity of legislation, the demands on legislators' time, and Parliament's concern with the current political climate. Additionally, parliamentary committees may act as a more watchful center of accountability. In the Indian Parliament, there are two different types of committees: standing and ad hoc. Ad hoc committees may be either select or joint and are often created for a particular task. Joint committees have representatives from both houses, while select committees only have members from one house. Standing committees with distinct functions are also present in each house. The Committee on Public Accounts, the Committee on Estimates, and the Committee on Public Undertakings are the most influential and significant functional committees that deal with financial issues; these committees are covered in greater depth later. A second kind of standing committee, known as the departmentally connected standing committee, was established in 1993 to enhance parliamentary supervision of the executive; however, three of these committees were established on an experimental basis as early as 1989. There are 17 DRSCs overall, which serve all of the central government's ministries. Both chambers of Parliament elect these committees, which range in size and makeup.

The legal extension of DRSC responsibilities has been one of the most important recent developments, since they may provide a strong vehicle for continued executive monitoring. The majority of DRSCs are theoretically able to examine every facet of a certain ministry's operations because to the legislative authority granted to them. This entails, among other things, keeping track of the ministry's yearly performance. A review of data pertaining to how most DRSCs operate reveals two facts: most of them meet reasonably frequently, with the finance-related committees holding as many as 80 meetings annually; and most of them produce reports into the operations of their respective ministries on a regular basis. However, despite the modest expectations of the monitoring function of Parliament, these committees have only had a very little influence on the creation and quality of legislation as well as the performance of the government.

First, it is a well-known truth that Parliament itself often disregards the findings of its committees. The majority of committee reports are not even available for consideration and debate in Parliament. The problem is that the majority does not want committee reports that contradict the government, but if they generally support the administration's viewpoint, they are seen as redundant. The executive's aims should not stray too far from the legislative agenda, which is in the interests of both the government and the opposition, which views itself as a possible government. There appears to be a lot of concern that enabling standing committee reports to be discussed on a regular basis may lead to a different set of efforts inside Parliament. Although the committees' statutory authority has grown over time, it is difficult to say that they now serve a bigger purpose in legislative affairs.

Second, the institutional structure of parliamentary committees prevents them from acting as more effective checkpoints for the executive and contributors to legislative work.

Parliamentary committees that review legislation are often ad hoc, as opposed to committees like those in the US Congress. They are established for specific legislation and often disband when the bill's work is completed. As a consequence, these committees are unable to complete a significant portion of the work required for legislation and are forced to depend entirely on the executive for all information and knowledge. Due to the brief tenure of these committees, the government has very little incentive to cooperate with them.

The majority of committees choose not to closely scrutinize the estimates and intricate spending plans of their respective ministries even if they are technically allowed to do so. In reality, the fact that ministers are not only excluded from the committees but also seldom appear before them and are not required to do so weakens the ties between the executive and the committees significantly. Even though the minister in issue has the decision-making authority, the majority of the inquiries that committees make are aimed at civil service workers. A civil service member summoned before a committee is often required to defend the conduct of a former official or minister due to the high turnover rate of the civil service. Parliament looks to be preserving its own interests by guaranteeing that ministers are not required to defend their record in any significant scrutiny by the committee that is open to the public.

The DRSCs' negative effects are further lessened by the fact that its members are chosen yearly. Similar to Parliament, there is a high rate of turnover among committee members, which prevents them from gaining much expertise. Although there are opportunities for patronage in some of the committees, as will be addressed later, the incentive structure for legislators to serve properly on select committees is also constrained. Committee membership may seldom be utilized to get favors from the executive since they are often weak. In casual interactions with MPs, several acknowledged that membership on a committee sometimes gives them power over individual political or civil society players, but that this often occurs when committees are looking into particular issues. The majority of committees are huge, with anything from 15 to 40 members, making them cumbersome.

The three financial committees the Committee on Public Accounts, the Committee on Estimates, and the Committee on Public Undertakings that have the authority to examine government finances are the most effective and well-established standing bodies. The Committee on forecasts checks to see whether the government's proposed appropriations are in compliance with all applicable rules and regulations and have been produced using realistic economic forecasts. Over 900 reports have been produced by this committee, of which half discuss implementation of prior recommendations. The accounting for the funds that Parliament has provided to the government are examined by the Committee on Public accounting. The chairman of the Committee on Public Accounts has been a representative of the opposing party since 1967–1968.

Only one-third of the committee's members retire each year in order to maintain some continuity and experience among the membership and to aid in continuing continuous research and analysis of the matters left over from the previous year. When state-owned businesses occupied the "commanding heights of the economy," the Committee on Public Undertakings was crucial. It reviews the operations of the public enterprises listed in the Fourth Schedule, including the Comptroller and Auditor General's reports on such undertakings, the constitutionally mandated authority responsible for auditing state institutions and agencies. The permanent committees are quite powerful. There are two restrictions on this authority, nevertheless, including the ability to call witnesses and seize any records or documents that may be necessary for their inquiries. First, the speaker is the ultimate judge of disputes relating to the applicability of the summons in order to prevent politically driven fishing expeditions. Second, the administration may refuse to turn up a document on the grounds that doing so

would endanger state security or interests. Nevertheless, despite their shortcomings, these three committees may provide continuing disciplinary monitoring of the government. However, by ignoring the many CAG findings that expose a variety of issues, Parliament has severely weakened a vital instrument for upholding accountability. As a result, the CAG's guidelines are not very significant. The audited public institutions are not under any deadline to react to the CAG's findings, and the Committee on Public Accounts seldom even discusses many of them.

Theoretically, parliamentary committees may help Parliament perform its duties more successfully since they were a much-needed institutional reform. In reality, they have not escaped the deterioration of parliamentary standards. For instance, the committee members go on "study tours" where they often include excursions to locations that were not part of the authorized tour, are joined by wives and other guests, and always include stops at tourist attractions. Subcommittees that make up standing committees go on field trips. All committees, in particular, visit locations where unfortunate public sector businesses are compelled to lavishly welcome them.

Joint parliamentary committees have been established as special parliamentary committees to look into significant claims of mismanagement and corruption, such as the investigation into the Bofors scandal or the various stock market and banking frauds. In the last several years, India has had a number of significant financial scandals, two of which—in 1992 and 2001— were looked into by a joint parliamentary committee, a big and cumbersome body with 30 members from both houses. The so-called Harshad Mehta fraud investigation in 1992 took over two years to conclude. The money's whereabouts were not definitely proven, and there was minimal follow-up to put the report's recommendations into practice. Despite the massive quantity of material gathered, party-line talks in the shadows led to the final report. The committee-imposed restrictions on the many participants in the financial markets, including banks, institutions, brokers, and enterprises, but it did not assign any particular culpability. More importantly, and predictably, it utterly disregarded the fact that the banking sector's control by the government, which gave politicians access to the cash register, was the cause of the issue.

Unit Trust of India, the most popular mutual fund, was embroiled in the 2001 controversy. Similar to its predecessor, this committee operated on the three no principle. First, state-owned businesses and banks treated its members with "royal" treatment when they were on "investigative" business trips. The immediate financial expense was a concern, but the bigger difficulty was the moral hazard brought on by the committee members accepting gifts from the people they were looking into. They didn't appear as interested in finding solutions as they were in assuring reverence and obsequiousness, both of which were abundant. The probe suffered as a consequence of the quid pro quo. Another characteristic was the committee's size and lack of experience. In particular, the absence of a structure to classify and categorize the voluminous queries in order to avoid recurrence made clear the lack of secretariat and committee experience. Third, the depositions were held in secret, protecting the most powerful players—in this case, large businesses widely suspected of being involved in the shenanigans— from the glare of uncomfortable questions. As a result, the investigation amounted to an extended fishing expedition that slowed down the entire financial sector bureaucracy for extended periods of time. By all accounts, the various joint parliamentary committees have not produced any concrete findings that could be used to punish the executive, begun legal action against the executive for wrongdoing, or produced significant systemic change that could prevent any future recurrence.

There would seem to be numerous benefits to developing a more powerful and well-integrated committee structure, with committees affiliated to certain ministries playing a bigger advisory

role. First, if the committee system were improved, it would relieve strain on Parliament's floor time. Some of the tasks that floor debates traditionally carry out, such as gathering information and keeping watch, may be continuously carried out by committees. Parliament would work much better if the committees were institutionalized, with professional and specialized personnel and an independent research capability. Second, committees may develop into a location for public discussions on proposed legislation. There are currently few established methods for asking the public's or experts' opinions in Parliament. Select committees sometimes engage in this activity, however it is often up to the ministry in question to consult the public.

Guarantees and responsibility

Parliament is a very effective institution by one straightforward metric. A promise made on the floor of the house has significant power and significance, and it is difficult to go around it. The rate of guarantees being implemented is quite high, according to the Ministry of Parliamentary Affairs, which serves as a liaison between the administration and Parliament, even though both the number of assurances and the implementation rates have significantly decreased since 1994. The decrease in the percentage of guarantees that have been put into action may be the consequence of three things: a data anomaly where the most recent assurances are implemented later than others; a decrease in the number of parliamentary sessions; or a reflection of a broader institutional collapse. Of course, the idea of parliamentary responsibility goes beyond the "sanctity" of pledges made on the floor of the house, but it does imply that parliamentary discourse is not entirely pointless.

Accountability and the Law

Legislation in the Indian Parliament normally goes through three phases, or three readings of a bill. The measure is introduced at the first reading, and its objectives and contents are described. The measure may be considered after the second reading and put to a vote right away. It may also be sent to a joint committee of both houses or a select committee of the relevant parliament, or even disseminated for public comment. However, when a law is presented, this option is seldom ever used. The majority of measures, however, are instead sent to select committees that then report back to Parliament. The ministry in issue may now ask that the measure be resubmitted to a committee or brought before Parliament for review. After being introduced into Parliament, a bill is examined clause by clause, and members have the option to propose revisions. The measure is presented for its third and final reading after every provision has been addressed and every alteration taken into account. Major revisions cannot be considered at this time, however clarification-related adjustments sometimes may be accepted. The Cabinet is required to approve all revisions under the theory of collective responsibility, even if the consent is given after the fact. The speaker confirms the bill's passage after the vote, and it is then transmitted to the second chamber where the whole procedure is repeated. A bill is forwarded to the president for approval after it has been passed by both chambers and, if approved, becomes law.

It should be remembered that even after a bill has been approved by Parliament and signed by the president, it does not take effect as a law until a notice is gazette. Sometimes, whether on purpose or not, this step is "forgotten," which renders it ineffective. Therefore, by giving the administration the discretion to select when the legislation should take into effect, Parliament effectively grants the executive a de facto veto against its collective will. Even the Supreme Court cannot compel the government to carry out the duty entrusted to it by Parliament since Parliament has not established an objective criterion to direct the executive's discretion in putting the different parts of an act into effect.

More than 3,200 laws were approved during India's first 13 parliaments. While quite strong throughout the first four decades, the legislative output clearly decreased in the 1990s. The main reasons were political unrest and a split Parliament, with the governing coalition often in the minority in the upper chamber. Governments started to rely more and more on ordinances, bypassing Parliament, in part because of the slower legislative production. Additionally, this has hindered reform.

Private member's legislation

Although private members have the ability to propose legislation, most legislation is started by the government and is first presented in the Lok Sabha, which is chosen by the general public. In Parliament, private member's bills are now all but impossible to pass. For instance, just eight private member's bills were discussed during the ninth Lok Sabha out of the 156 that were presented; seven of them were withdrawn, and the eighth did not pass. There were 406 private member's bills introduced in the tenth Lok Sabha. Only 31 of them were debated, and neither one was sent to a committee of parliament or approved. The paradox is that more private members' bills are being presented even though they have little chance of passing. Some have said that the main challenge facing private member's legislation is procedural stumbling blocks. Each week while Parliament is in session, just two and a half hours are allocated for the discussion of private member's legislation. There isn't much support for taking independent of party approved moves in Parliament, as one would anticipate in parliamentary systems. It also seems improbable that the institution of private members' bills is being utilized by lawmakers for any reason other than to make symbolic remarks, considering that up to one-third of the private members' bills in any one session of Parliament attempt to modify the Constitution.

Diminished standing of Parliament

The majority of observers including lawmakers agree that during the last 20 years, Parliament's reputation has largely decreased. It is important to distinguish between the operations of Parliament as an institution and the procedures involved in creating Parliament when considering the signs and reasons of this decline. While the latter would include factors like the election process trusts under the word "industry," the former would include factors like the number of sittings, behavior on the floors of both houses, the caliber of discussions, etc. The term was appropriately modified by Parliament in 1982. However, the notice requiring a change to the term's meaning was not released by the Central government. Three separate high courts had a tough time deciding what to do in this situation during the course of the subsequent 20 years. Finally, the Supreme Court was unable to help the plaintiff in Union of India v. Shree Gajanan Maharaj Sansthan in April 2002 because it was unable to force the government to publish a notice requesting that it carry out the legislation that Parliament had approved. The 44th amendment to the Constitution relating to preventive detention, Section 30 of the Advocates Act of 1961, which was not put into effect for 27 years until it was taken into consideration by the Supreme Court in Aeltemesh Rein versus Union of India in 1988, and the Hire Purchase Act passed in 1972 are additional examples of acts passed by Parliament that were approved by the president but were not notified.

The process of electing Parliament is now confronting two serious obstacles. The tricky topic of campaign money is the first, and the "criminalization of politics" as it is called in India is the second. The design of the regulations governing campaign financing and the need of raising money have a significant influence on the makeup of Parliament. Many analysts think that many individuals refrain from actively engaging in politics due to the daunting task of gathering finances for elections. Additionally, the need of increasing election finance makes lawmakers susceptible to special interests, and in certain circumstances, corrupts them, skews

the legislative process, and significantly lowers the prestige of Parliament. Furthermore, politics is automatically associated with crime due to the unrealistic nature of Indian campaign finance regulations, which impose absurdly low restrictions on campaign donations. The criminalization of politics, which is the second main cause of worry about election processes, also demonstrates this illegality. This phenomenon includes not only criminals who have been charged with crimes joining legislative bodies but also the reality that many MPs have ties to criminal organizations. Criminal proceedings against over a quarter of the MPs elected in 2004 were already on file. More over half of them were situations where the punishment may have been five years or more in jail. There is evidence to suspect that criminals are becoming involved in politics so they may use their influence to thwart inquiries against them.

Designing a campaign financing system that is practical, open, and provides politicians with incentives to uphold the law is a challenging and frustrating matter in and of itself, worthy of a lengthy debate. However, creating such a system has more to do with fundamental change of the Indian polity's structure than with internal rules of Parliament itself. Instead of just tweaking parliamentary procedures, it will be necessary to change the Indian legal system, enact better legislation, and place a stronger focus on law enforcement. Political change, however, won't be simple since the incumbent legislators have a strong stake in the current system. The legitimacy of Parliament will continue to be undermined by the widespread perception that politics is corrupt. In addition, their overall attitude and demeanor within Parliament is rapidly distorting legislative procedures and eroding public trust, regardless of the cooperation of individual MPs in unlawful acts outside of Parliament. Several obvious signs of Parliament's institutional dysfunction may be seen.

CONCLUSION

In conclusion, the operation of legal systems and democratic government both depend on the statutory powers of Parliament. Parliament expresses popular opinion, protects individual rights, and advances the rule of law via legislation. To avoid possible abuses and guarantee the efficient use of statutory authorities, maintaining a balance of powers and ensuring openness and accountability are essential. Democratic societies may promote inclusive, fair, and responsive government through comprehending and defending the legislative powers of Parliament. Furthermore, a strong and open legislative process is necessary for the efficient execution of statutory authorities. The validity and quality of law are influenced by public input, stakeholder consultations, and parliamentary discussions. Additionally, legislative authority is used in a responsible and accountable manner thanks to parliamentary supervision and reporting systems including committee inquiries.

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CHAPTER 6

DURATION OF PARLIAMENTARY DELIBERATION: A REVIEW STUDY

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ABSTRACT:

The duration of parliamentary deliberation refers to the time taken by a legislative body to discuss, debate, and reach decisions on proposed legislation. This paper examines the significance and implications of the duration of parliamentary deliberation in democratic systems. It explores factors that influence the length of deliberation, such as the complexity of issues, political dynamics, and procedural rules. The paper also analyzes the advantages and challenges associated with longer or shorter durations of parliamentary deliberation, including the potential for thorough examination of legislation, public participation, efficiency in decision-making, and the risk of delays or inadequate scrutiny. By examining the duration of parliamentary deliberation, this paper provides insights into the dynamics of legislative processes and their impact on democratic governance.

KEYWORDS:

Accountability, Amendment, Debate, Discourse, Hearings, Legislation.

INTRODUCTION

The number of times Parliament meets, the length of each session, and the volume of transactions that take place during those sessions all point to a bleak future. The decreasing number of days that Parliament is in session makes it quite clear how lightly it considers itself. The number of Parliamentary sessions has decreased by nearly a third since the 1950s. The fifth Lok Sabha recorded an average of seven hours and 38 minutes per sitting, followed by the seventh Lok Sabha, which devoted an average of seven hours and nine minutes per sitting, according to an analysis of the time spent on various kinds of business during the first to the twelfth Lok Sabhas. The tendency has recently reversed itself, and the average length of the twelfth Lok Sabha's sessions was six hours, 32 minutes [1], [2]. Due to this, the deputy speaker of the Lok Sabha has called for legislation requiring a certain minimum number of sessions for the national and state legislatures to provide for more time for productive and efficient legislative work. However, even these figures grossly understate the extent to which Parliament really accomplishes business, even while it is formally assembled. This is due to a dramatic rise in the number of house adjournments brought on by unruly situations and disruptions that prevented anything from being recorded and prevented MPs from being heard. For instance, the Rajya Sabha's 186th session lasted 72 hours, but due to disruptions and adjournments brought on by disruptive situations, half of that time was wasted. Similar issues cost the fourth session of the twelfth Lok Sabha around one-fifth of its time [3], [4].

Quorums

The fact that Parliament currently often meets without the necessary quorum as required by Articles 100 and 100 of the Indian Constitution is one startling sign of the eroding repute of Parliament. According to these articles, in order to undertake business, at least one-tenth of the house's members must be present. It is the speaker of the house's responsibility to adjourn or

suspend the meeting until a quorum is obtained. For the simple fact that it has been standard parliamentary practice to ignore this rule, we were unable to compile systematic statistics on the breaches of the quorum requirement [5], [6]. When the Finance Bill was approved in 1982, just 26 of the house's 543 members were present. Other times, only 11 members have participated in proceedings. These occurrences might go on forever. This absence not only negatively affects Parliament in a substantive way, but it also dilutes the institution's standing as a legislative body. Parliament is implementing a "don't ask, don't tell policy "On quorums. An indicator of parliamentary inefficiency is rising absenteeism.

One o'clock

The fact that parliamentary session attendance is greatest during what is known as "zero hour" is a second important sign of a decrease in the legislative process. During this allowed period in parliamentary proceedings, members may bring up and discuss unlisted issues with the speaker's approval. Zero hour is not subject to any codified procedural requirements, despite being the most often used practice according to general consensus and attendance. This is due to two factors.

Members may first discuss a crisis or a problem with urgent ramifications. Second, the free-floating structure enables members to make statements about problems. Parliament generally conducts loud sessions around this time. According to one computation, issues addressed during zero hour took up as much as 13% of the tenth Lok Sabha's time, and this percentage is seen to be quite normal [7], [8].

Adjournments

Adjournments and adjournment motions typically take 10% or less of a regular parliamentary session's time to complete. Such adjournments are exceedingly expensive, and this move also denotes two things. First, it is often necessary to suspend legislative sessions because of interruptions. The interruption may come in many different forms, including many members speaking at once, the opposition blocking government ministers from making speeches, and increasingly, people rushing to the house's well and screaming down the speaker. Part of the seeming chaos in Parliament might be attributed to lawmakers' rational responses to the incentives provided by the media, which provides these behaviors considerably more publicity than the parliamentary discussions, which get little to no attention.

The advent of television probably made things worse, particularly because many MPs hold the opinion that any exposure, good or bad, is preferable to none, especially if it makes it to the evening news. The situation is so serious that, in 1992, Parliament held a Special Forum with the sole objective of discussing upholding decorum and discipline in the house, despite the fact that Parliament has not yet experienced the types of sporadic physical violence that state legislative assemblies have over the years. Passing a consensus resolution urging more discipline in Parliament was the main legislative task of the 1997 special session that was called. Second, the interruption of legislative business is a strong indication of what is obvious at zero hour: that Parliament is often a venue for grandstanding rather than focused discussion. According to one estimate, the Lok Sabha's interruptions cost the taxpayers Rs. 75 million in only one session [9], [10].

An all-India conference of presiding officers and parties agreed a 60-point code of conduct policy in November 2001 as part of a significant push to restore decorum and discipline to Parliament and legislatures. The policy's goal was to punish serious misbehavior by suspension. At the federal and subnational levels, more than 300 leaders from all parties endorsed the resolution without dissent. The leader of the opposition, Sonia Gandhi, disagreed right away

when the prime minister asked the opposition not to take any actions that would undermine democratic values, claiming that the reason for the "great deal of disruption" in Parliament was the government's unwillingness to face the houses on contentious issues. The resolution has been refuted by events since then.

Representatives and constituents

A startling contradiction serves as an example of how lawmakers and the people they represent interact. On the one hand, polls suggest that lawmakers spend the majority of their time taking care of the needs of their people. Parliamentarians, on the other hand, seem to be mostly inept or disinterested in using funds and policies to improve their constituents. The shocking failure of the Local Area Development program, which we go into great length about, serves as an example of this.

Constituency work consumes a significant percentage of a legislator's time, according to the Surya Prakash study and other anecdotal data. However, this constituency work has certain odd qualities. The majority of MPs are given a variety of discretionary advantages, including access to gas connections, priority home selection, and reservations on trains and planes. One of an MP's duties is to use discretion in procuring certain items for constituents in a nation where there is a high demand for these services and a limited supply. The use of discretionary powers and an MP's general influence also includes taking care of the specific needs of their constituency. In topics ranging from acquiring employment, moving government workers, and winning contracts, MPs will speak up on behalf of their people with the police, government officials, and other public authorities. Given that the government controls significant portions of the economy, a typical MP gets a staggering number of requests, especially considering that the average Indian parliamentary seat has just a few hundred thousand people. To some extent, MPs are required to mediate disputes involving specific constituents.

It speaks something about how the roles of representatives are seen in Indian politics because MPs often view this as their principal job. MPs are not often seen as legislators; the majority of their constituents are not aware of the legislation they are involved with, and they are seldom evaluated on their successes in terms of policy. Surya Prakash's poll revealed that almost half of the MPs believed they should remain in their constituency even while Parliament was in session. This is somewhat inescapable in a party-based legislative system where the function and stature of parties are key. However, it will negatively impact parliamentary legislation if MPs absorb the notion that they are not primarily legislators. Additionally, it seems that most MPs and their constituents view them more as patronage givers than as policymakers. This might explain the seemingly contradictory fact that MPs devote a lot of time to their district and people but comparatively little time on policy. The Members of Parliament Local Area Development Scheme, to which we now turn, serves as an illustration of this fact.

In December 1993, MPLADS was introduced in Parliament. According to the plan, each MP may suggest a project to the district collector. Since Rajya Sabha members represent a whole state rather than a particular constituency, they can choose projects to be implemented in one or more districts. Unless there are legitimate technical justifications or concerns with non-admissibility in accordance with the standards, the local government must follow the MP's recommendations. The monies are released to the collectors directly by the Ministry of Planning and Programmed Implementation, which oversees the initiative. Government agencies or Panchayati Raj institutions carry out the projects. The money will be used to build long-lasting assets that will belong to the government. Private contractors are not to be used, there is a clear list of prohibited tasks, and the district collector may only carry out projects that are expressly and in writing endorsed by an MP. The initial allocation for each MP was set at

Rs. 5 million per year. The sum was increased to Rs. 10 million in 1994–1995 and to Rs. 20 million in 1998–1999, at which time the combined resources represented roughly 2% of the Central government's overall capital expenditures. The MPLADS Committee of the Lok Sabha suggested raising the allowance to each MP's share of Rs. 40 million at the time this article was written.

To put it gently, the formal justification provided by Parliament for this plan is puzzling. Before MPLADS was established, MPs proposed initiatives for their constituents. They were not directly involved in any of the financial or administrative aspects of the execution of these projects. According to the Rajya Sabha committee that was involved, it appears that as a result, he was forced to do nothing more than watch from the sidelines, unable to do anything to stop any corruption that might have crept into the system's overall framework for project implementation and financing. In addition to this, the abominable nature of the mechanics of project mis-implementation, non-implementation, or delayed implementation, combined with improper channeling of funds for projects, and the absence of close monitoring of schemes, adversely affected the entire situation, which gradually took on a pernicious aberration from a normal state of affairs.

The MP must "involve himself in the entire system of implementation and completion of the project" in order to prevent this from happening. MPLADS is very challenging from conception to completion. The track record for implementation is not very encouraging. Although there has been some progress lately, significant portions of the allocated monies remain unused.

The CAG has published two reports, one in 1998 and the other in 2001. Numerous inconsistencies that were brought to light in the 1998 study were not only still there but had actually become worse, according to the second investigation. Diverted funds were used for projects for businesses and private groups as well as payments for houses of worship, both of which were against the law. District collectors were discovered to have approved and carried out projects without the MPs' recommendations, technical permission, or administrative approval, despite severe rules to the contrary. According to audits, there have been instances of "irregular contract award," "deficient work execution," "excess expenditure," "excess payment," "overpayments to contractors," "wasteful expenditure," "miscellaneous irregularities in purchases," "abandonment of works," "execution of petty works," "irregular payment of supervision charges," and "frauds and misappropriation." According to a 2001 audit, the Central Government needs to reevaluate the necessity, manner, and mode of resource transfer under the scheme as it is currently implemented in light of the numerous persistent instances of poor administration of the scheme, including wastages, idleness of funds, irregular and inadmissible expenditure, and frauds highlighted in this and the earlier 1998 Report of the CAG. rarely achieved its primary goals.

But the scheme's conceptual foundations are far more seriously faulty. The ramifications for Parliament as an institution of accountability are more significant than the specifics of the CAG's requirements for MPLADS. The CAG is an independent constitutional body created to examine the government's financial records and provide reports to aid Parliament and state legislatures in exercising executive branch oversight. In the instance of MPLADS, the CAG's report indicts the same organization tasked with fixing the issues raised in its reports—a situation in which the fox is being expected to watch over the henhouse. As a result, it is not unexpected that Parliament quadrupled the funding for the program while simultaneously failing to address the many issues noted by the CAG in its 1998 report. And once again, when the CAG issued a report in 2001 that included yet another harsh criticism of the plan, the relevant parliamentary committee, rather than recommending a solution, suggested yet another doubling of the funds allotted under the plan. And while all of this, India's budget problems

continued unabated. Furthermore, these activities further undermined the CAG's efficacy as a constraint institution—not because of fundamental problems in its conception, but rather because of the fragility of its most significant customer, Parliament.

Furthermore, it defies logic to suggest that using Parliament's power to push for significant institutional and policy change is a better way to address systemic corruption and poor project implementation than having MPs directly participate in individual projects, which together represent a very small portion of overall development expenditures. The potential cost is significant since politicians' focus is diverted to the details of modest initiatives. However, as the CAG investigations make apparent, the reasoning is evident if the scheme's true intention is to benefit the MPs' private interests rather than the general welfare. This reality is further highlighted by the fact that several of the MPLADS standards openly contravene constitutional clauses and general financial regulations. Members are not motivated to give public benefits but rather individual patronage.

The rules of the plan state that every penny issued is non-lapsable. To put it another way, money that are not used in one year may be carried over to the next. However, any funds approved by Parliament are only good for the current fiscal year, as per Article 112 of the Constitution. Confidence in the institution's ability to fulfill its broad constitutional obligations must erode if a bill created by Parliament for the benefit of its own members violates the Constitution and the program continues to grow despite warnings from its own watchdog body. The country's parliamentary system of democracy is cut to the very core by the involvement of MPs in the administrative system, as Era Sezhiyan, a former chairman of the Committee on Public Accounts of Parliament, has argued. This weakens their ability to ensure that the executive is accountable to Parliament.

DISCUSSION

Some Implications of Parliament's Weakness as an Institution of Accountability

The function of Parliament is especially crucial at this time, when India's institutions are under a lot of pressure. In a time when India has started making extensive institutional and policy reforms that call for new laws and international commitments, the importance of Parliament is even more important. Inaction on the part of Parliament has far-reaching and long-term effects, including a sluggish reaction to urgent national issues and a lackluster commitment to carefully analyzing legislation. We look at how the Parliament functions in a number of important areas.

Parliament's role in economic change

Even though India started to liberalize its economy in the 1980s, these efforts were relatively small-scale. The nation didn't begin a significant stabilization and structural adjustment program until 1991, in response to a severe balance-of-payments crisis. This included a fundamental reorientation toward a more open economy and a higher dependence on market forces. The policy change was in line with general worldwide trends, although less pronounced ones. Compared to other emerging nations, India's reforms were adopted gradually. This was caused in part by institutional restraints, such as the function of Parliament, and in part by the political elite in India's great risk aversion to quick change.

India's economy was made more accessible by the reform in three key areas. First, trade policy was greatly loosened, albeit as of this writing, India's tariffs are still far higher than those of most other developing countries. The currency became convertible on the current account and partly on the capital account when the exchange rate was permitted to decline and the discretionary basket-pegged system gave way to a market-based "managed float" system. With

these adjustments, India was able to avoid the severe currency crises that plagued many rising nations in the 1990s. Third, the reform allowed for foreign direct investment and portfolio investment, and over time, 100% foreign ownership as well as majority foreign ownership in almost all other sectors were permitted.

The internal liberalization progressively removed obstacles that had previously given state businesses a monopoly in numerous areas. This was particularly true for the infrastructure sector, which included services like electric power, roads and railroads, air transportation, water, ports, and telecommunications that were formerly supplied by the public sector but were now accessible to both local and international private investment. However, rather of privatization, this generally included deregulation. Reform in the financial sector got rid of the complicated system of interest rate regulations and made the banking and, more recently, the insurance industries more competitive. Institutional change is necessary for economic transformation, as opposed to simple adjustments in exchange rates, quotas, or tariff rates. This calls for a substantial corpus of new legislation and laws to support these developments. However, it seems that Parliament's primary function is to cause delay rather than to engage in discussion. The delays are partially a result of the altered procedures of Parliament, such as the more disruptive sessions held on matters that leave little time for deliberating new legislation. The executive branch's incompetence, which ranges from bad legislative writing skills to lacking floor management abilities, is a contributing factor in the delays. The several standing committees in each ministry, some of which are led by opposition MPs, also play a significant part in the delay.

Though just a tiny portion of the total amount of legislation still pending is before standing committees, these laws are the most crucial for economic transformation. These bills are examined by the relevant standing committee once they are submitted in Parliament because they have provisions that will unavoidably raise significant policy concerns for each ministry. Conventionally, the committees are supposed to provide recommendations that are unanimous, which may conflict with the party interests of many of its members. Delays or a watering down of the original measure are the outcomes of this. However, when it is expedient, the executive also exploits the standing committees to postpone decisions. Opposing measures almost always have little to do with principle and everything to do with politics, despite the fact that the stoutness of resistance has everything to do with electoral payoffs. Legislation is delayed by committees and the fact that neither chamber of parliament has a majority, with significant lost opportunities. It should be underlined, however, that the delays also imply that, even if Parliament doesn't pay much attention to the proposed law, they offer civil society additional time to respond. To put it another way, the system prevents the approval of both excellent and bad legislation. Two excellent instances are the rocky passage of the insurance and patents laws.

Given its crucial role in releasing long-term money to finance urgently needed infrastructure construction, the then-Congress-led government of India chose to open up its insurance business in 1994 to allow for international investment and private sector competition. But the measure was twice defeated by opposing parties, including the BJP and the Congress respectively. When the legislation was ultimately approved in 2000, the BJP-led administration was forced to accept four revisions to the bill that the main opposition party had proposed due to its majority in the upper chamber. Similar to the patents bill in 1999, which updated India's Patents Act to comply with its commitments under the World Trade Organization's Trade-Related Aspects of Intellectual Property Rights, it was only finally passed in May 2002 after the government agreed to major changes demanded by the main opposition party regarding compulsory licensing, which would have allowed a government to grant licenses for patented

drugs in the event of a health emergency. Although the delays in both instances were costly, the final laws were better than the government's first suggestions.

Fiscal issues are where Parliament has utterly failed. By closely examining the budget, Parliament may fulfill its constitutional obligation to hold the government accountable. Due to the Parliament's disregard for this crucial duty, India is now experiencing a severe fiscal crisis that puts the welfare of future generations in jeopardy. Despite the fiscal imbalance growing to catastrophic proportions, the federal government's budgets for 1999, 2001, 2002, and 2004 were all approved by Parliament with almost any review or discussion. In 1999, the Atal Bihari Vajpayee administration was overthrown after the budget was unveiled but before Parliament could adopt it.

The budget of a government that had previously been rejected on the Lok Sabha floor was enacted in a special session because the budget plans are only effective for 75 days until Parliament adopts the Finance Bill and there was no chance for a different government. The Rajya Sabha merely spent five minutes discussing the budget itself, which was voted on and passed in less than 30 minutes. In India's history, the 2001 budget session was the shortest ever. In a short period of time, the railway budget was approved with little debate and a lot of jeering. The speaker made it plain that he did not want to make history by allowing the approval of the Finance Bill without debate, and the general budget nearly suffered the same fate, but it took one day to pass. The core constitutional obligation that the government cannot spend without Parliament's approval was violated in 2002 when the Lok Sabha first passed the appropriations bill and then quickly approved the administration's revenue estimates. When positions were reversed in 2004, the former governing coalition—now in the opposition—did what the previous opposition had done. In state governments, the practice is considerably worse.

Since Parliament lacks both the incentives and the authority to act responsibly, the evidence is clear-cut on budgetary matters. Since the majority of MPs do not even have a basic understanding of economics, they tend to concentrate on policies that are easily apparent to their voters, such as subsidies, while disregarding the far more significant consequences of less visible policies on those same constituencies. Thus, the prior bias against agriculture was lessened by economic reform that resulted in the removal of industrial protection and depreciation of the currency rate. It supported the interests of a significant number of MPs whose constituents are farmers by enhancing the terms of trade of the sector of the economy in which the majority of people work. However, MPs are far more concerned with direct transfers like water, power, and fertilizer subsidies than they are with macroeconomic measures that have an impact on intersectoral terms of trade. In contrast, in 1997, Parliament approved the Fifth Pay Commission's recommendations for government employees' pay increases while rejecting those for other working-class groups, with little regard for the enormous fiscal burden of about 1% of GDP. The majority of voters had very unfavorable repercussions as a result of the cascading effects from the federal government to the state governments. Even though the government was required under the Fiscal Responsibility and Budget Management Act, approved by Parliament in 2004, to close the revenue shortfall, which had been running at around 3% of GDP, by 2009, there is no doubt that loopholes will make this impossible to happen.

The legislature and financial transparency

Additionally, there are institutional barriers that preclude committees from serving as reliable watchdogs. These are particularly clear in the two most glaring instances when Parliament failed to hold the government accountable. The most significant is the lack of legislative oversight and control over public borrowing, despite the fact that committees may analyze the

fiscal allocations of different ministries. There are no restrictions on the amount of public borrowing in India, either under the Constitution or the legislation. No amount of borrowing from the government or from the outside world needs the consent of the legislature, unless it is included in the budget. The amount of India's domestic debt, which increased to 53.3% of GDP by the end of March 2001, is perhaps the country's economy's single most serious issue. Due to the significant debt servicing commitments that have resulted, the Lok Sabha effectively only has control over around 30% of yearly government expenditures. Due to previous financial mismanagement, elected officials now have a decreasing amount of influence over yearly public expenditure. This is because appropriations, for which the government approves grant requests, or automatic charges to the Consolidated Fund of India are the two ways in which budgetary expenditure is distributed. Payments for interest and debt servicing are directly charged under Article 112 of the Constitution.19 A fiscal responsibility act, which would impose a statutory ceiling on the internal debt and call for parliamentary approval each time the government sought to exceed it, would enable Parliament to exercise greater financial accountability. Currently, standing committees are mostly arranged by ministry under the existing structure.

Would the creation of a special standing committee on cross-ministerial major national concerns, such as a national debt committee, affect Parliament's capacity to examine public borrowing, one of the most essential parts of public policy? If such were the case, it is debatable whether the same forces that have pushed previous administrations to incur more debt would not still be present. However, it's plausible that the presence of a committee on public debt or anything comparable would have increased awareness of the issue in the entity most responsible for the initial exacerbation of the problem: Parliament itself. The fact that caretaker administrations have been able to incur significant expenses without being subject to parliamentary, or even any, scrutiny, represents a second notable failing of Parliament's control of the executive. In India, the interim period between the collapse of a government due to a loss of legislative majority and the inauguration of the new government is controlled by a caretaker government, which is typically the current government.

According to the Indian Constitution, no tax may be imposed or collected unless it has received the approval of Parliament or the appropriate state legislature in the form of a legislation. All of these levies are put into a unified fund established by the Constitution, and only Parliament has the authority to remove the monies. The establishment of a contingency fund by Parliament is permitted but not mandated under articles 266 and 267. The link between these two funds is a subject of legal contention, but two facets of this contention are significant for gauging Parliament's control over the executive. The first is whether the Ministry of Finance may transfer money from a consolidated fund to a contingency fund for specific objectives without obtaining the agreement of Parliament as required by Articles 114, 115, and 116 of the Constitution. In accordance with the Constitution, Parliament must approve all transfers to and withdrawals from consolidated funds. However, in practice, the Ministry of Finance has appropriated money from consolidated funds without receiving express authorization from Parliament, and Parliament has complied rather than requiring that every transfer to a contingency fund receive its approval. By doing this, Parliament seems to have abdicated its obligation to ensure that nothing from the consolidated fund may be removed solely at the ministry's discretion.

The utilization of a contingency fund by caretaker administrations is the second obvious oddity. According to the Constitution, a contingency fund serves the same function as an impress. The president has access to a contingency fund that enables him to make payments for unanticipated expenses while waiting for Parliament to approve such payments under Articles 115 and 116.

Therefore, even the utilization of a contingency reserve requires Parliamentary approval. The issue is whether or not a caretaker administration can fulfill this need. A caretaker government cannot, by definition, seek permission from the house since the house is now disbanded. In the event that the house is dissolved, it is not necessary for the government to get authorisation from Parliament prior to spending or withdrawing funds from a consolidated fund in order to repay a contingency fund advance. By decree, a caretaker government may effectively raise the size of a contingency fund without restriction, use the money, and then hand the responsibility of "refilling" the contingency fund from the consolidated budget on to the next administration. For instance, under Ordinance 30 of December 26, 1997, Rs. 147 billion was transferred to a contingency fund, and Rs. 324 billion more was sent on January 24, 1998, bringing the total to Rs. 324 billion. The caretaker administration used all of these money after the dissolution of Parliament, for which it was accountable, and before the new Parliament was chosen. Two things are shown by this incident. A mechanism for regulating the financial accountability of caretaker governments, to which India is likely to be periodically subjected, is required because, first, massive financial spending can occur without Parliament's express consent and by a government that isn't even accountable to Parliament. Second, it exemplifies the stunning way in which the promulgation of ordinances may be used to avoid Parliament.

CONCLUSION

In conclusion, in democratic systems, the length of parliamentary debate is a crucial component of the legislative process. Maintaining democratic ideals, fostering openness, and preserving the validity of legislation all depend on striking the proper balance between comprehensive investigation and prompt decision-making. Democratic societies may promote a legislative process that is inclusive, effective, and responsive to the needs and aspirations of its residents by recognizing the variables that affect the length of discussion and the possible benefits and problems associated with alternative timelines. Finding the right balance is essential. It is crucial to design procedures that provide effective discussion while giving enough time for careful consideration and significant participation. Parliamentary debate may be made more effective and efficient by streamlining procedures, imposing acceptable time constraints, and encouraging constructive communication amongst lawmakers.

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CHAPTER 7

ORDINANCES AND CIRCUMVENTING PARLIAMENT: A REVIEW STUDY

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ABSTRACT:

Ordinances are executive orders issued by the government to address urgent matters when Parliament is not in session. This paper examines the practice of using ordinances as a means of circumventing the parliamentary process. It analyzes the constitutional provisions that allow governments to promulgate ordinances, the circumstances under which they are justified, and the potential implications for democratic governance. The paper also explores the advantages and criticisms of employing ordinances, including concerns related to democratic accountability, separation of powers, and potential misuse of executive authority. By shedding light on the use of ordinances and their impact on parliamentary functioning, this paper aims to contribute to the ongoing debate about the balance between executive discretion and legislative oversight in democratic systems.

KEYWORDS:

Lawmaking, Legislation, Ordinances, Parliamentary Approval, Plenary, Policy-Making.

INTRODUCTION

According to the Indian Constitution, the president may publish ordinances to address issues that may sometimes emerge, on the recommendation of the administration and even in the absence of legislative action. Giving the president this authority was done so the administration could act in an emergency or while Parliament wasn't in session. These ordinances typically need legislative approval and have a maximum six-month validity. Although there have been relatively stable numbers of laws and ordinances enacted throughout the years, the usage of ordinances spikes significantly during times of political unrest. In the 1970s and much more so in the 1990s, this was the situation. In the later time, there were more coalition administrations and more caretaker governments, making it more difficult to get quick parliamentary approval. Only 1975, when a severe political crisis that resulted in the declaration of an emergency, may be used as a point of comparison when presidential decrees were regularly employed [1], [2].

In 2000, half of the presidential ordinances that had been issued were issued again. This suggests that it would be at least a year before the measures they contained could be adopted by ordinary parliamentary legislation. It is impossible to interpret the frequent use of presidential decrees in any other manner than as a method of avoiding the need to get legislative approval for significant legislation. Even while many ordinances have good reasons behind them, Parliament must make sure that this practice doesn't develop into a way of handing the executive temporary authority that Parliament would not have authorized [3], [4].

International agreements and Parliament's declining influence

If the Parliament is the principal representative body responsible for actualizing the people's sovereignty, then nowhere has that sovereignty been more under jeopardy than when it comes to ratifying international agreements and taking on related duties. It is becoming increasingly obvious that Parliament played a very small role in assuming these international obligations as

India increasingly integrated into the world order by signing treaties, joining more multilateral institutions with sanction-binding authority, and concluding bilateral agreements. This is true despite the fact that the Indian Constitution specifically grants Parliament the authority to make treaties. Treaty-making authority was mainly left up to the executive's discretion in most conventional political theory that outlines the division of powers between the legislative and executive [5], [6]. In general, this attitude was supported by the legal culture that India acquired from the British. The Privy Council famously held in the 1937 case of Attorney General for Canada versus Attorney General for Ontario that while Parliament undoubtedly has constitutional authority over the executive, the creation of treaty obligations and the assent to their form and quality are solely executive functions. This judgment continued by stating that once such responsibilities are established, they bind the state against other parties to the contract, but Parliament may choose not to uphold them, leaving the state in default.

According to Article 246 of the Constitution, Parliament has the only authority to enact legislation pertaining to the subjects included in List I of the Constitution's Seventh Schedule [7], [8]. "Entering into Treaties and Agreements with Foreign Countries and Implementation of Treaties, Agreements and Conventions with Foreign Countries" is on this list of things. It follows that it is quite clear that Parliament has the authority to make treaties and that it is not only the government that may do so. However, the administration is the only party with authority over the topic due to the de facto experience of signing treaties since independence. The way in which the executive will sign or ratify international treaties and covenants is not governed by any legislation passed by Parliament. Furthermore, Parliament does not choose how these accords should be put into effect, unless doing so necessitates passing legislation from Parliament. In fact, Parliament has specifically rejected the demand that treaties be approved in addition to not adopting any formal ratification procedures. A lot of treaties have been signed so far, but they have not been brought up for ratification here, the Lok Sabha's speaker said in 1960. It does not preclude the government from requesting ratification of any specific treaty before signing it, but doing so is not required [9], [10].

Inconsistent efforts have been made to explicitly tie the executive to a ratification process. A measure to modify Article 253 of the Constitution, which mandates that treaties and conventions be approved by not less than half of the members of each house of Parliament and by the legislatures of not less than half of the states, was presented in 1993 by the then-minister of defense, George Fernandes. Two other private member's bills to similar effect were proposed in the 1990s. Unfortunately, they were not even mentioned for discussion, much like Fernandes' bill. As far as we can tell, Parliament has only once in the last twenty years discussed whether or not it should formally approve treaties. This Rajya Sabha discussion was held in response to a private member's bill that M.A. Baby had submitted in light of the government's signing of various WTO-related accords. The majority opinion of the chamber was that such ratification was unnecessary and may have unfavorable effects. Pranab Mukherjee claimed, in one of the debate's longer statements, that many accords that would have been of great value to India would not have been signed if Parliament were required to approve them. Therefore, historically, there has been a strong belief that putting foreign accords to a ratification process will damage rather than improve India's standing.

DISCUSSION

On the subject of foreign treaties, it may be argued that just because Parliament has not actively participated in oversight does not mean that the executive has been granted carte blanche by the legislature. In a parliamentary system with party-based governance, it stands to reason that no administration would accept agreements that do not have broad backing from the lawmakers and their own parties. This political dynamic ought to work in theory. In reality, it seems that

political parties even those of the ruling party are not often consulted. International discussions are very secretive, and most political party members say that they only become aware of international treaties after the fact.

Additionally, it has often been the case that several important treaties are brought to the notice of Parliament, but the government does not act until the position of Parliament is crystal apparent. Parliament has often discussed the Comprehensive Nuclear-Test-Ban deal, and succeeding administrations have decided not to sign the deal based on their analysis of legislative opinion. The 1994 WTO agreements, which had little previous consideration in the whole Parliament, represent the opposite side of the tale. The intriguing analytical conundrum is whether or not official ratification would give India a stronger negotiating position. Is it possible that India might use the need that treaties it signs be ratified as leverage in international discussions to compel its counterparts to alter the provisions of the agreement? Undoubtedly, the American administration utilizes the justification that a treaty must be approved by the US Congress as a negotiating chip. It is difficult to conceive the counterfactual in the Indian scenario, but there is little evidence that Parliament and the government have consciously teamed up to improve India's negotiating position.

The majority of international accords and treaties can only be put into force by being incorporated into domestic law, which is another reason why there shouldn't be too much concern about the absence of legislative supervision of treaties. For instance, changing the Constitution might be necessary if a treaty called for losing land. While many of the requirements that come with joining the WTO must be incorporated into national law via legislation passed by Parliament, some accords do not. It may be claimed that even if Parliament did not participate in the ratification of a treaty, it would still use its sovereign power to choose whether or not a duty resulting from a global accord would be incorporated into Indian law. Theoretically, Parliament may then decide not to enact a treaty's terms into domestic law, rendering the pact unenforceable. After all, India's domestic patent rules and the 1970 Patents Act have to be changed in order to comply with the TRIPS accords. Although it was successful subsequently, the 1995 effort to alter India's patent legislation was rejected. However, the argument makes the point that the power of Parliament cannot be circumvented since treaties call for appropriate domestic legislation.

This argument is sound in theory, but in reality, a signed pact is already a fait accompli. It is true that Parliament often declined to make WTO-related agreements' requirements part of domestic law; it is also true that this refusal came just before the terms of these treaties were about to take effect. In reality, up until 1997, the overall tone of Parliament's stance on issues like the TRIPS agreement was negative toward the treaty's provisions at least in the eyes of the general public. The tale of India's TRIPS-related legislation is depressing. India's official negotiation stance, as stated in a background document provided by a negotiating committee in 1989, was at odds with the proposed TRIPS agreement terms. The administration subsequently made the decision to send the issue to a standing committee of the parliament for the ministry of commerce, which is made up of 40 MPs from all political parties. The standing committee issued a report in 1993 that sharply disagreed with the majority of the clauses and requirements of the proposed Act. For example, it opposed the awarding of product patents, the issuance of patents for a term of twenty years, and numerous restrictions placed on the transitional period for developing nations. The administration still signed the TRIPS agreement without further consulting the committee or even Parliament, despite the overwhelming skepticism of the legislative standing committee.

The TRIPS agreement's fundamental virtues or shortcomings are unimportant for the topic at hand. The important thing to remember is that the government ignored the advice of a

legislative standing committee when it signed a significant deal. Two queries are raised by this. First off, what use do such standing committees serve if their recommendations do not influence the administration or force it to seek out broader parliamentary consultation? Second, the administration ratified the TRIPS agreement in defiance of then-dominant legislative opposition. This view was later reflected by Parliament by holding off on enacting the TRIPS clause into domestic law until the agreement's expiration date. In some ways, it is hard to determine whether Parliament accepted TRIPS by adopting it into domestic law because it had really changed its opinion or because the deal was seen as a fait accompli after it had been signed by the government. We must keep in mind that the majority of international treaties that nations sign in the modern world contain self-enforcing clauses, meaning that the violating country will be subject to penalties (such as sanctions) if the treaty's requirements are not incorporated into domestic law. In this respect, the effect of international treaties on domestic policy is greatly expanding in both size and breadth. As a result, Parliament treats more and more international treaties as fait accomplish when they are brought to it after the fact. It is undeniably true that a significant number of the international agreements India has ratified over the last ten years will have a significant impact on both its economic policies and the makeup of its politics. Take this as an example.

According to the Indian system of federalism, certain matters are within the control of the state governments, others are under the control of the federal government, and yet others are on a concurrent list. Despite this division of authority, Article 253 of the Constitution gives Parliament the authority to pass laws for the entire country of India or just a portion of it in order to carry out treaties, agreements, and conventions with other nations as well as decisions made by conferences, organizations, or other international bodies.

If this clause were to be applied to all areas, it would have the peculiar result of permitting foreign treaty provisions to virtually supersede the Constitution's fundamental design. For instance, agriculture is categorized as a state topic under the Constitution's allotment of subjects. One may argue that India's ratification of the WTO's agricultural clauses changes the country's federalism structure in addition to its economic policies. In fact, important aspects of agricultural policy, which the Constitution left to the states, are now being decided by international accords that have not even been brought up, much less approved, by state legislatures. The issue is that by not participating in the formulation, authorization, and ratification of foreign treaties, parliament may be less able to determine the parameters of Indian federalism. Treaties and treaty creation will become more and more important in multilateral agreements, global accords, and international covenants to bring about changes that will either directly or indirectly effect millions of people worldwide. Such agreements abolish the line between domestic and international policy.

The roots of legislative deference to the executive on treaties may be traced to a time when it was possible to preserve the separation between domestic and foreign affairs to some extent. In the new world where international accords govern a variety of policy options on topics ranging from tariffs and agriculture to the structure of property rights, Parliament can only continue to play a significant legislative role if it is a productive participant in the treaty-making process. All representative institutions are facing a sizable problem with the creation and signature of international treaties. Parliaments of Australia, New Zealand, and the United Kingdom are all considering methods to democratically and partially bypass Parliament during treaty talks. As the majority of Indian lawmakers admit, it is not simple to submit treaties to legislative oversight. Because Parliament must have the institutional and infrastructure capabilities to engage in such a process, and because sometimes its interests lie in not democratizing the treaty-making process, this makes international discussions more difficult

and possibly unending. After all, in the face of political impasse, treaties may offer parliaments the justification they need to pass laws. However, Parliament is unable to sidestep the complex issue of reining in the executive's ability to negotiate foreign treaties. It will need to take into consideration questions like: How can Parliament hold treaty-making accountable? How can Parliament establish unambiguous rules that call for previous consultation with Parliament before certain types of treaties? Should legislation be passed by Parliament in response to a formal ratification proposal? The success of Parliament as a significant decision-making body will rely on developing certain mechanisms to solve these issues.

Indian pundits lamented the seeming deterioration of what Jawaharlal Nehru had referred to as the "majesty" of Parliament in 2002, when the Indian Parliament celebrated its 50th anniversary. There are significant questions about whether Parliament has become "dysfunctional" given how much time is squandered on chaos, rowdiness, and theatrics instead of deliberation. While many MPs' "unparliamentary" behavior has clearly stripped Parliament of the mystique that often supports power, the institution's failure as a source of accountability is due to a variety of internal and external issues. Even if the Indian state and its public institutions need extensive change, Parliament confronts a more difficult task. First, Parliament is losing its ability to effectively monitor the executive arm of government. We are aware that the legislative branch's oversight role is always going to be heavily political. In the end, parliament is a partisan political entity that represents constituent interests and negotiates agreements. However, even in light of these modest expectations, one would anticipate that the supervision role would be greater in a time of general discontent with government and severe resource shortages than the opposite.

Second, there is a growing disconnect between MPs' capability and desire to keep up with the complicated requirements of contemporary law, on the one hand, and their ability to do so, on the other. Third, the number of political parties in Parliament, the majority of which have inadequate institutional foundations, has significantly raised the obstacles to group action. Despite the fact that parliamentary democracy is still strong, Parliament has serious structural difficulties. Globally, there have been significant shifts in the governance systems that give non-elected organizations more authority and credibility. organizations like courts, independent central banks, utilities commissioners, market regulators, independent human rights commissions, and international organizations have never had such reputation, authority, and power, or such trust in their effectiveness.

We are currently experiencing what might be referred to as a post-democratic delegation revolution if delegation is understood as an authoritative decision that transfers policy-making authority and powers away from established representative institutions such as legislatures and executives to non-elected institutions. Like many other nations, India has formed a number of new statutory organizations during the last ten or so years that are intended, at least in principle, to have more protection from legislative influence and control. Courts are exerting unprecedented oversight over Indian politics, subjecting legislative legislation to a higher standard of examination, going beyond the Court's primary area of jurisdiction—the protection of rights—and taking control of policy decisions. The number of international treaties and agreements that bind the Indian legislature is growing quickly, and there is a strong push to completely decouple even more institutions, including the Central Bureau of Investigation, from the government.

There are many reasons for constitutional democracies' increasingly common practice of removing certain sorts of policy decisions from the direct authority of elected officials. Delegation symbolizes a general dissatisfaction with electoral accountability processes, which are seen in this perspective as a blunt tool for securing the public welfare. Transparency,

representativeness, responsiveness, and the capacity to impose penalties for wrongdoing are some of the components of accountability itself. Election-based accountability may not always adequately ensure all aspects of accountability; for instance, just because an institution is representative doesn't mean that it is also responsive. Effectiveness and transparency are not the same thing. In certain cases, transferring authority outside of a ministry might help define responsibility boundaries more precisely and ensure more effective accountability. Second, making judgments about policy in contemporary economies often involves a high degree of technical complexity; wise choices rely on knowledge, and non-elected entities provide specialist's influence. Third, by protecting decision-making from lobbyists and short-term pressures, independent agencies and delegation by treaty also enable governments and legislatures to make meaningful pledges.

These organizations provide political cover for actions that are nevertheless in the public interest but that politicians have little motivation to make. Fourth, more autonomous organizations provide stronger checks and balances. If the administration fails, for example, the courts or the human rights commission may step in; if politicians act financially irresponsibly, a number of regulatory organizations may guarantee that the economy is not completely destroyed. We tie ourselves to shield ourselves from the worst of electoral politics in order to maintain the separation of powers that the development of non-elected institutions signifies. Delegation to non-elected institutions is often justified for compelling reasons, and in many cases, these reasons serve to guarantee that government by the people really is governance for the people. However, it would be illogical to imply that the expansion of delegation is a sign of democracy.

In fact, there are serious concerns about democracy itself raised by the constitutional revolution of delegation. Delegation often has significant democratic downsides. Democracy has the benefit of allowing us to punish those who act on our behalf. As shown by court decisions, it is harder to subject an agency to any type of punishment the more autonomous it is. To put it simply, democracy is the process of granting authority to those in charge of us. How do institutions that are not elected get their power? This question has two alternative responses, neither of which is entirely satisfying. The first reaction is that these organizations gain authority based on the quality of their judgments and the results they provide. They are lawful as long as regulators make sensible economic judgments and courts do a decent job of upholding rights. However, this reaction often raises the issue of whether there are objective standards for what constitutes wise choices.

Another reaction would be that there is no dispute about the legitimacy of these agencies and statutory organizations since they are products of either the Constitution or Parliament. But the problem is that these institutions are often made in a manner that does not directly make them accountable to Parliament. And because the relevant agency is an autonomous organization, the relevant ministry that has authority over it simply denies that it is responsible for anything. For instance, the Ministry of Finance cannot be held accountable for its choices, just as Parliament cannot readily hold the Reserve Bank of India or the Securities and Exchange Board of India directly accountable. We still need to agree on a coherent concept for ensuring these organizations' democratic accountability. The majority of the foreign treaties that India has been signing have not been approved by the parliament in advance and are thus virtually considered done deals by the legislature. Delegation has sometimes prevented legislators from making the necessary trade-offs.

Can legislators make the appropriate trade-offs that they have been granted the authority to make if everything from utility prices to the technology to be utilized in broadcasting, from interest rate management to telecommunications regulation, falls beyond the purview of

legislative power? Independent delegation's benefit an increase in veto points is equally its drawback. Curiously, there is now a chance that politicians may be held accountable for choices they neither made nor had any influence over. Politicians may be held accountable if the public tomorrow decides, for instance, that it is dissatisfied with utility prices since they are the only group exposed to popular ire.

None of these worries should be interpreted as indicating that all delegation to non-elected institutions is inappropriate, but they do test democracy's core principles more and more. The foundation of a contemporary democracy is representation. A chain of authorization must connect decisions to the people. In a democracy, we organize group power via our representatives, who are also held accountable for the punishments we inflict on them. The problem is that non-elected institutions are often not representative; the connection between their power and people is sometimes so tenuous as to be meaningless; and it is challenging to impose sanctions on them due to their independence from both the legislature and the administration. Governments may find themselves in a scenario where they lack motivation to mobilize consent because decision-making authority has been outsourced as a result of the growth of non-elected organizations.

There may not be a representative body tasked with integrating various realms of social and economic life and determining the necessary trade-offs as a result of the growth of such delegation. Each agency views its own authority as a brand-new premise. And there may be conflicting sources of law, as we are currently seeing in the struggle between legislators, courts, and international organizations, all of which are transforming into independent sources of law. Many nations that are going through a revolution in delegation have taken action to guarantee a higher degree of democracy in delegation. For instance, the parliaments of Australia, the United Kingdom, and New Zealand have democratically handled treaty discussions to make sure that Parliament is not bypassed. Or, in certain cases, they have given independent agencies direct access to Parliament. Many legislatures have put in place procedures that include the legislature as well as the executive branch in the selection of members for these organizations. But most significantly, non-elected institutions are held accountable to Parliament via a system of open hearings where they are required to defend themselves by providing justifications for their acts that are available to the general public. Overall, the Indian Parliament hasn't been particularly successful in creating these accountability systems.

If this article has any consequences for these problems, it is to underline that they are mostly the result of Parliament's incapacity to address them rather than any broader structural changes in Indian politics or the economy. For instance, although it is true that legislation is growing more complicated and requires a set of technical abilities that few MPs possess, a large portion of the lack of attention given to legislative issues is caused by the predilections and incentive structures of Parliament itself. Because of self-abdication, not because of uncontrollable external circumstances, Parliament is becoming a less effective voice on fiscal management, the economy, social policy, and the parameters by which India is integrating into the global economy. It is difficult to be too hopeful about the ability of Parliament to reinvent itself, however, inasmuch as structural changes in Indian politics have caused an unfavorable self-selection about who joins politics, and therefore, the quality of individuals likely to enter Parliament.

The fact that people in charge of drafting laws are sometimes lawbreakers themselves is more significant than changes in MPs' professional backgrounds. In a recent ruling, India's Supreme Court mandated that candidates running in parliamentary or assembly elections must notify voters of their criminal histories, as well as details about their personal wealth and educational background. By amending the Constitution, Parliament attempted to dodge the ruling. This

attempt was contested in court and eventually overturned in 2003. The ruling demonstrates the extent to which a weakened legislature has given ground to the judiciary rather than the executive or other outside forces. It is by no means certain that the electorate would utilize the new details on candidates' past to more thoroughly vet their representatives, but in the end, the Indian voter will have to deal with the job.

CONCLUSION

In conclusion, Ordinances may be useful tools for quick action, but they shouldn't be used to get around the legislative process. Maintaining the integrity of democratic government depends on finding a balance between executive authority and parliamentary control. Governments may successfully handle critical issues without weakening the fundamental tenets of democratic representation and limits on executive authority by using ordinances sparingly and in moderation, accompanied with rigorous legislative examination and accountability. The act of passing ordinances shouldn't take the place of Parliament's normal operations. Governments must respect the legislative process and, wherever feasible, seek parliamentary approval for major policy choices. By doing this, the government promotes openness and accountability in governance while upholding democratic principles.

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CHAPTER 8

EXPLORING THE PARLIAMENTARY CONTROL AND GOVERNMENT

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ABSTRACT:

Parliamentary control over the government is a crucial aspect of democratic governance, ensuring accountability, transparency, and effective checks on executive power. This paper examines the concept of parliamentary control and its significance in democratic systems. It explores the mechanisms through which parliaments exercise control over the government, including budgetary oversight, question time, no-confidence motions, and parliamentary committees. The paper also analyzes the challenges and limitations of parliamentary control, such as party discipline, executive dominance, and limited resources. Additionally, it discusses the role of parliamentary control in upholding the principles of separation of powers and the rule of law. By providing insights into the dynamics of parliamentary control, this paper contributes to the understanding of democratic governance and the interplay between the legislative and executive branches of government.

KEYWORDS:

Debate, Government, Legislation, Majority, Minority, Opposition.

INTRODUCTION

The main goal of this research project is to conduct a comparative investigation of the function of parliamentary committees in ensuring government accountability in Bangladesh, India, and Sri Lanka the three biggest and most significant functioning democracies in South Asia. Parliaments or legislatures are essential to ensuring government accountability and are the cornerstone of democratic government. On the one hand, legislatures are dynamic entities that represent the thoughts and feelings of the general public. On the other hand, they are the main authority on law used to rule a nation. These two characteristics work together to qualify their importance in democratic politics [1], [2].

Most nations in the globe have a legislature, which is a widespread institution. They are tough; once destroyed, they have a powerful ability to reappear. They are notable for their variety as well. They differ in terms of structure, org chart, and purpose. As a result, they vary in how their distinct political systems are affected. Legislative bodies deserve academic study because they are so ubiquitous, diversified, and robust. What is more significant is that legislatures are the genuine and active institutions charged with ensuring public sector accountability, regardless of the kind of government system in use [3], [4].

Contrary to the mythical "decline of parliaments" that gave rise to a large body of scholarly literature in the 1960s and 1970s, parliaments have grown significantly more influential over the past three decades, in large part because of their newly established or revived committee systems. In general, parliaments nowadays are more powerful than ever. Commentators lamented the collapse of legislatures during the twentieth century, yet the number of legislatures shows no evidence of shrinking; in fact, the opposite is true. In September 2002, there were 180 active national parliaments, according to the IPU-Praline database. Today,

parliamentary democracies are home to more than two thirds of the world's population. The global rise of young, newly democratic or democratizing governments with their new democratic legislatures was a phenomenon of the 1990s, bringing new problems and aspects to parliamentary study [5], [6]. They became more well-known in the 1990s as a result of events in Central and Eastern Europe. Elective assemblies have replaced military control and dictatorships in other regions of the globe, including Southern Europe. Scholarly interest in legislators' existence and operations has developed as a result of their growing significance. Norton's personal observations have led him to two key conclusions about legislatures. The first is that legislatures merit investigation. They merit considerable consideration due to their enormous quantity and historical persistence. The second is that such research must be conducted internationally [7], [8].

There hasn't been much international research done on parliaments in Asia, especially South Asia. That explains the purpose and foundation of this investigation. Furthermore, it is impossible to deny the need of strong institutions for the establishment of democratic government. Therefore, understanding and advancing the process of democratization requires result-oriented parliamentary research that focuses on parliaments and their connections to society and government on the one hand, and on the other. In light of this, it is vital to investigate South Asian parliaments by engaging in comparative institutional research of the region's three most significant and significant functional democracies: Bangladesh, India, and Sri Lanka.

These three South Asian nations have had varying levels of success with parliamentary rule throughout their post-colonial democratic revolutions. Contrary to the idea that economic growth is a need for democracy, these three countries saw some success with democracy while being among the world's most underdeveloped. In each instance, the capacity of the parliament to exist and carry out the essential legislative functions of action, legislation, oversight of the executive, dispute resolution, and regime preservation has been a critical component of democracy's ability to operate. Since the early 1990s, parliamentary politics in South Asia have undergone a new beginning. Not only did parliaments facilitate the peaceful transition from authoritarianism to democracy in Bangladesh, Pakistan, and Nepal, but they also look to have the capacity to hold the government accountable in a number of these nations [9], [10].

DISCUSSION

Bangladesh is a democracy in its infancy. In 1991, the country began its arduous road towards democracy after more than 15 years of military and authoritarian control. Three parliamentary elections have since taken place under caretaker governments, and they were mostly seen as free and fair. Since early 1991, several changes have been made to Bangladesh's institutional arrangements for parliament, namely the committee system, in an effort to increase the position of the legislature relative to the government. These include the establishment of an independent parliamentary secretariat, an Institute of Parliamentary Studies for research support, the introduction of Prime Minister's Question Hour, and the substitution of backbenchers for ministers as committee chairs. Standing committees are also given more authority to deal with legislation and oversight at the same time.

Since gaining its independence from the British in 1947, India has been a strong and thriving democracy. The parliament has made a vital contribution to India's development as a country and to the unbroken maintenance of democratic rule there. India has nearly entirely fulfilled the conditions for a developed and robust democracy, but it has fallen short of what the public expects in terms of providing efficient government. One of the main causes of India's poor governance is reportedly a lack of government accountability. Since the beginning of India's

parliamentary democracy, institutionalized finance committees have been in existence to maintain executive accountability. In 1993, 17 departmentally-related standing committees were established in order to enhance the existing committees and more effectively ensure administrative responsibility. The 1990s saw a lot of minority coalition administrations as well. A crucial backdrop for government accountability is provided by the effects of these institutional changes in a new political environment.

Since gaining independence from the British, Sri Lanka has maintained a continuous and established democracy in South Asia despite its ethnic tensions. The traditional committee structure that was part of the new parliamentary system in 1947 which was based on the Westminster model worked well and served its purpose in large part because the parliament held the reins of power up until the introduction of the executive presidency in the constitution in 1978. Since then, Sri Lanka has not carried out a significant legislative reform to improve or rationalize the committee structure. However, the Ranil Wickremesinghe Government in the fifth parliament proposed 17 monitoring committees. Due to the president's early dissolution of parliament, which ended the Wickremasinghe administration, this proposition was unable to become a reality. However, the discussion about improving committees is still ongoing, and the suggested change is still popular. Thus, a semi-presidential system's potential use of the parliamentary committee system to keep the administration accountable is also envisaged.

The study of legislatures in general has received little attention from social scientists studying South Asia. In the area of parliamentary politics and development, very little reliable research has been done. There are hardly any comparative legislative studies on South Asia. There is just one article by Ahmed about South Asian legislatures. The scope of this article makes it difficult to understand how legislative committees bring the executive to account. There are, nevertheless, several excellent books about parliament in many nations. For instance, Ahmed's book is a superb example of academic research on the composition and operation of Bangladesh's parliament in the 1990s. Similar to that, a book published by Malhotra offers a thorough overview of how the Indian parliament has operated over the last 50 years.

Ahmed has written extensively on the many facets of the Bangladeshi parliament. There are two research papers and one book accessible on Bangladesh's parliamentary committee system. These assessments on how committees influence how the government acts are quite good. Previous to the surveys/interviews conducted by Rahman and Ahmed to learn about their perceptions of the effectiveness of parliamentary committees in Bangladesh, there had not been any significant surveys/interviews of committee members or committee personnel.

The official setup of the committee system in Bangladesh is covered solely in a volume of essays that was largely submitted by members of the seventh parliament at a conference on the parliamentary committee system. There are several articles accessible on the function of parliamentary committees in India. To understand the function of parliamentary committees in ensuring government accountability, however, one must go beyond the generic and wide breadth of the accessible publications. The roles and responsibilities of committees are only briefly and hazily discussed in practically every article. There isn't a significant academic work accessible on Sri Lanka's parliamentary committee system. But there are two volumes on the Sri Lankan parliament and its function in ensuring government accountability, one by Warnapala and the other by Wijesekera. Although committees are discussed in both volumes, the main topics are limited to formal institutional arrangements. Both theoretical analysis and actual evidence are lacking in these texts. There isn't a single article accessible that compares the function of committees in holding government accounts throughout South Asia.

To fully understand the implications of these new institutional arrangements and political developments in ensuring government accountability in Bangladesh, India, and Sri Lanka, an in-depth analytical study on the role of parliaments and particularly parliamentary committees is necessary and merits our attention. The core idea of this research is accountability, which is intricate and always changing. Similarly, there are several perspectives from which to examine parliaments.

The function of a parliament in general and its parliamentary committees in particular in ensuring government accountability is the one that this book considers to be more fascinating. Accountability includes a number of typologies, dimensions, or components that are inescapably entangled and reliant on one another. Similar to responsibility, accountability includes many different components, including financial responsibility, openness, responsiveness, regularity, participation, empowerment, decentralization, fighting corruption, etc. However, since these features overlap the other listed dimensions in one way or another, the emphasis of this research will be on the financial responsibility, regularity, transparency, and responsiveness aspects. In the sections that follow, we have operationalized committee as a tool for ensuring executive accountability while taking into consideration accountability typology, elements, and its participation in different phases of achieving executive accountability.

In this study, accountability has been examined from the formal/institutional and informal/societal perspectives. While societal/informal accountability derives from the accountability values/norms of a society in which public organizations are embedded, institutional/formal accountability is concerned with the current institutional regulations of public organizations. This research uses a cultural-institutional approach as its analytical framework to address the problem, drawing on wide cultural and institutional philosophy.

It is now essential to demonstrate the value of parliamentary oversight of the executive branch and the function of parliamentary committees in calling the administration to account. The executive, legislative, and judicial departments of government are the three in a democracy. These three branches are interconnected and rely on one another. These branches' authority need to be subject to checks and balances.

The management system used by the executive branch is founded on administrative science concepts such hierarchy, norms, the division of work, and impersonality. The South Asian bureaucracy does not adhere to these official rules. The majority of South Asian society is patrimonial and hierarchical, and institutional standards are not always adhered to. Formalism, heterogeneity, and overlap are rife in this region's politics and government.

In a parliamentary form of government, the executive and legislative branches of the government share authority. Even a sizable percentage of the front-line legislators go on to serve in the cabinet and run the executive branch. For instance, in the 300-member House of the present Bangladeshi parliament, the governing coalition has 220 members. Treasury bench MPs are technically a member of the executive since the current ministry has a size of 60, or at least 60. More than 60 of the 220 government MPs are inclined toward the executive in the legislative/executive dichotomy, which is likely because many other government members hope to assume one of those cabinet seats. Therefore, additional institutional measures must be implemented to keep a close check on the executive and hold them accountable for any omissions or commissions. Additionally, under a parliamentary system of government, the bureaucracy often dominates the legislative inputs while the executive typically dominates the legislative outputs. This is because it plays a crucial role in the preparation of legislative legislation. According to this argument, the executive really does not have authority over all

important aspects of public administration, and as a result, parliament must step in where executives are afraid to go. A significant, if not the primary, reason for the growing usage of committees in parliamentary democracies is the desire of parliaments to increase their capacity to monitor or examine the government and ministers.

The prevailing power disparity between the executive and legislative branches is the major justification for giving parliamentary committees more authority. The executive branches have increased the number of their departments and employees to meet the demands of modernization and societal complexity. Thus, the executive's access to a larger workforce with highly skilled professionals has allowed the executive to take the lead role in the governance structure.

On the other hand, membership in legislatures seldom ever increases. As a consequence, the legislature's capacity to carry out its primary responsibilities of passing laws and supervising the executive has steadily decreased. Due to this fall and the emergence of organized political parties, the executive has gained a significant amount of authority in most parliaments. The legislative branch's sole option is to increase the effectiveness of how its members are used in order to successfully influence, examine, and control the executive. In addition to using employees and specialists, this also means to empower and rationalize committees. Several important questions are posed in order to assess the contribution of parliamentary committees to improving government accountability in Bangladesh, India, and Sri Lanka. These will be covered in the sentences that follow.

Accountability

The central idea of this book, accountability, is complicated and always evolving. Any research addressing accountability must take into consideration its meaning, typology, dimensions, methods, and viewpoints. Operationalizing accountability as a research goal requires a clear knowledge of the use of certain components and procedures of accountability and its relationship to the institutions and actors that will enforce accountability. Similar analysis may be done on parliaments from a variety of angles.

The function of a parliament in general and its parliamentary committees in particular in guaranteeing government accountability is the one that this book considers to be the most fascinating. Therefore, knowledge of the processes of accountability, as well as the pursuit of parliamentary committees to call and hold the government to account, will be the main emphasis of this part.

Accountability, which has to do with keeping governments accountable for their actions, is at the core of effective governance. Two separates but closely related elements are included in governance: a political dimension and a technological one. Both need attention. Even with effective public administration, nothing can be accomplished without political commitment. And no government, no matter how good-intentioned, can function effectively without a strong public administration. The term "accountability" is mutable. It is difficult to define neatly and comprehensively. Public accountability refers to the ways in which a public agency or a public person carries out their responsibilities and the procedure by which they are compelled to account for those activities. Accountability, however, encompasses more than just the need to respond; it also suggests the prospect of penalties being applied when inadequate or problematic responses are given.

Accountability is a complicated and diverse idea. The development of accountability relationships strives to achieve a number of objectives. most prominently

1. Control over misuse, abuse, and corruption of governmental authority.

2. Assurance that public institutions are operating efficiently, that public funds are being spent in line with publicly declared objectives, and that public service principles are being upheld.

3. Enhancing the efficacy and efficiency of governmental initiatives.

4. The improvement of government legitimacy.

Any rudimentary mapping of accountability must answer the following fundamental questions: accountability to whom? what reason? How? The answers to these questions are seldom straightforward, particularly when administrators must deal with conflicting performance expectations and several valid sources of authority. The appropriate public officers must be identified as the lawful authorities, according to the first question. Clear definition of performance objectives is necessary for the second. The third step comprises determining the different reporting structures that may be used to hold public officials accountable for their actions. In the public sector, laws and the legislative system have a significant role in determining the public accountability process. In a parliamentary democracy, the government is accountable to the parliament as well as to the people. The political executive and the administrative executive make up the government as a whole.

The political executive reports to the parliament, which in turn reports to the administrative executive. Subordinate public officials are assigned to their superior in the hierarchical structure of the administrative executive. According to thoughtful analysis, accountability is a two-way street, meaning that in addition to elected authorities holding bureaucracies accountable, those same elected leaders should also be accountable for the direction of the bureaucracy. Government accountability is comprised of these two accountability-related concepts.

In this study, accountability has been examined from two more comprehensive angles. Both formal/institutional and informal/societal dimensions of public accountability are connected. The head and tail of the same coin describe this connection. These two factors mutually impact one another. The institutional/formal part of accountability is focused on the current institutional regulations of public organizations, but the societal/informal aspect of accountability stems from how society as a whole view's responsibility. To function, democratic institutions need a supportive social environment.

CONCLUSION

In conclusion, for democratic ideals to be upheld and efficient administration to be in place, legislative oversight over the executive branch is essential. Parliaments may hold the government responsible, encourage openness, and protect the interests of the public they serve by making use of procedures including budgetary scrutiny, question time, no-confidence resolutions, and parliamentary committees. Increasing parliamentary control helps democratic regimes work well by highlighting the crucial function of the legislative branch in ensuring accountable and responsive government. Fostering an environment of openness and accountability is necessary to increase legislative oversight of the executive branch of government. Partisan influences may be countered by enhancing parliamentary committee independence and encouraging inter-party collaboration. Additionally, giving MPs the necessary tools and training will enable them to carry out their oversight responsibilities successfully.

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CHAPTER 9

A BRIEF DISCUSSION ON TYPES OF ACCOUNTABILITIES

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ABSTRACT:

Accountability is a fundamental aspect of governance, ensuring that those in power are responsible for their actions and decisions. This paper explores the different types of accountabilities that exist in various contexts, including political, administrative, corporate, and social accountabilities. It examines the characteristics and mechanisms through which each type of accountability is enforced, as well as the challenges and benefits associated with each. The paper also analyzes the importance of accountability in promoting transparency, integrity, and public trust in institutions. By providing an overview of the types of accountabilities, this paper contributes to the understanding of the diverse ways in which accountability is upheld in different spheres of society. Our actions, choices, and behaviors are uniquely shaped by each level of accountability. A culture of accountability that fosters transparency, responsibility, and trust may be developed by individuals and organizations with the aid of an understanding of the various types of accountabilities.

KEYWORDS:

Accountability, Corporate, Ethical, Financial, Individual, Legal, Political.

INTRODUCTION

Public administration accountability is seen as a method for controlling expectations. A typology presented by Romzek and Ingraham suggests the range of potential processes that are presently in use. According to whether the source of control is internal or external and whether there is a high or low degree of autonomy, they divide responsibility into four categories, as shown in the accompanying illustration [1], [2].

Hierarchy of responsibility

Two basic ingredients are required for the hierarchical accountability system to function:

1 A formal, legal connection between a superior and a subordinate in which the latter's obligation to obey commands is uncontested.

2 Thorough monitoring of established protocols or norms and regulations that are clearly specified. The real accountability procedure used by the executive branch may take many different forms. It includes everything from supervisory guidance and assessment to internal audit and external group evaluation.

Accountability in the workplace

Professional accountability connections place a strong emphasis on the administrator's personal accountability while they exercise discretion on the job. This method is based on the idea that administrators who are given such discretion would keep an eye on themselves and govern themselves by abiding by professional standards [3], [4].

Politicians are responsible

Political accountability structures provide public managers the freedom to respond as they see fit to the concerns of important constituencies including elected politicians, clientele organizations, and the general public. Under political accountability, the administrator's constituents serve as the responsive actor and relevant stakeholder. The main tool at the disposal of people to guarantee political accountability and provide the foundation for legitimate government is periodic elections. Ministerial accountability, parliamentary questions, votes of no confidence, budgetary allocations, and political parties are only a few of the other tools of political accountability [5], [6].

Legally Responsible

Legal accountability connections include thorough, external supervision of operations for adherence to predetermined requirements like statutory and constitutional limitations. Ordinarily, legislation and other policy directives that the public administrator is required to execute are created by an outside entity. As independent actors, these external reviewers are often unable to take any disciplinary action against an incompetent administrator since they are not part of the chain of command. However, the appropriate supervisor may impose punishments for poor performance in response to recommendations from these reviewers. two essential subcategories of legal responsibility are, etc.). The second kind of legal accountability holds the executive account via oversight measures like monitoring and auditing [7], [8].

Committees in Congress and accountability

The interactions between legislative committees and the executive may be categorized as legal and political since they are a separate entity. Regularity and financial responsibility are prerequisites for legal accountability: The term "regularity" refers to a bureaucrat's adherence to the official regulations and procedures of a bureaucratic institution. We'll see how much the institutional guidelines for committees are put to use in this situation. Building a competent cadre of accountants and auditors, enhancing the regulatory environment for contemporary accounting practice, and improving budgeting, accounting, and information systems are all components of financial accountability. To maintain financial responsibility, the parliament allots funding to all public sector entities and monitors how well and sparingly it is used. Since it provides the basis for all other types of accountabilities, financial responsibility is essential to comprehending the essence of accountability. Political accountability requires openness and responsiveness [9], [10].

In relation to our research, responsiveness is more political than administrative. The committees give recommendations on various subjects and demand adherence from the relevant governmental institutions and ministries. Ordinarily, civil officials are supposed to be loyal to the ministers who serve as their political masters. The willingness of a minister and the current administration have a significant role in whether the committee's recommendations are carried out. The bureaucrats may be ordered to act on committee recommendations by him or her, and then they can do so.

Information accessibility and transparency

The activities of the government organizations must be evident in order to be accountable. Citizens should have unrestricted access to information on everything except a small number of matters relating to the security of the state. Information about government policies is widely disseminated, allowing for informed public discussions, improving policy formulation, facilitating broader adoption, and ensuring effective execution. The current administration has

a significant influence in deciding whether material is critical to state security and secret. Investigations and evaluations will be unsuccessful unless those holding subordinates accountable have complete access to the relevant individuals and information. Institutions are necessary for a proper system of accountability because they will guarantee that public officials are subject to the proper restraints. In fact, if the goal of democracy is to regulate it so that it reflects the preferences of the people, then the whole intricate structure of the contemporary democratic political system effectively functions as a framework for guaranteeing government accountability. According to this viewpoint, institutions of accountability include all organizations with the purpose of limiting or regulating the use of governmental authority, such as legislatures, statutory bodies, and courts. The separation of powers, federalism, constitutionalism, judicial review, the rule of law, public service code of conduct, and other mechanisms of accountability are then some examples of mechanisms of accountability that have an impact on the control of public authority. The essential non-governmental institutions of a democratically functional civil society, such as competitive markets, interest groups, and the media, are also included.

Holding the administration accountable is only one of several critical tasks that legislatures do, including legislative, financial, investigative, and other duties. In the general operations of a contemporary legislature, accountability is connected to specific processes like committee investigations or minister grilling. However, it might happen at any time, at a committee hearing, a legislative debate, a financial authorization hearing, or any situation when government officials are obliged to defend their decisions and accept the consequences. Legislative bodies are thus essential entities for ensuring public accountability.

DISCUSSION

Accountability and tripartite stages of committee involvement

The three-step engagement of legislative committees as a tool for ensuring executive accountability includes: Initiation. It concerns starting the committee's work. What are the committees' official institutional arrangements? Do committee procedures allow for opposition? Are the committees in a position to hold the government accountable under the rules? The committees were established on time. Do they convene frequently? Do committee members typically attend meetings? What kinds of agendas are discussed in committees? Are the concerns ones of government accountability or regular affairs of public organizations? Are parliamentary committees assisted by a well-organized secretariat?

Institutional And Cultural Perspective

This research uses a cultural-institutional framework as an analytical lens to illuminate the problem. Although it makes use of general cultural and institutional theories, this is also particular in a number of ways. The cultural component of political activity is partly attended to by historical and sociological institutionalism. Grendstad and Selle see cultural theory as a dynamic typology of the new institutionalism, grounded on a fourfold categorization of cultures as institutions. No institution, however, can be fully understood until its larger social and cultural context is taken into account. Cultural theorists have underlined that institutions' behavior and actions are influenced by the social environments in which they function. It might be claimed that context matters for institutional effectiveness since, in Putnam's words, "the Westminster-style constitutions left behind by the British as they retreated from empire had very different fates in different parts of the world." In order to emphasize social culture that might have a significant impact on institutional performance, we analyze a few theories of culture.

Cultural analysis

Because space and viewpoint never appear to be steady and stable, entering cultural theory is something like navigating a labyrinth. According to cultural theory, culture is made up of values, conventions, and social relationships. Three unique phrases cultural bias, social interactions, and ways of life may be used to sum it up quickly.

Theory of grid-groups

The American political scientist Aaron Wildavsky, the British anthropologists Mary Douglas and Michael Thompson, and many others have contributed to the development of grid-group cultural theory during the last 30 years. The primary concept of grid-group cultural theory is that people's relationships with one another and with others are what matter most to them in life. The theory describes how members of a community arrive at a constrained set of responses to fundamental social queries like: How does the world function? What are people like in reality? Who are we responsible to? .Grid-group theorists contend that people's responses to these questions result in orientations towards two fundamental aspects of sociality. Group refers to how strongly members of a society think they are a part of certain social groupings. People's perceptions about the proper scope and diversity of laws in a community are referred to as the "grid." Or, to put it another way, do individuals think that social conduct should be mostly governed by rules or that they should have more freedom to choose whether behavior is appropriate? The answers to the two fundamental questions "who are we" and "what shall we do" have a significant impact on the choices individuals make. These two dimensions may range from low to high in every community, leading to four different styles of living.

Hierarchic. Strong group membership and powerful, methodical prescriptions define this. Stratification is an essential component of social structure, according to hierarchists. The ultimate purpose is to maintain order, which is done through applying rules and regulations widely.

Egalitarian. Strong group participation and a dearth of systematic recommendations are its defining characteristics. The lack of society norms that are both enforceable and effective seems to need community consensus.

Individualistic. Weak systematic constraints and the lack of binding group membership define this. Individualists believe that people are resourceful and self-centered. Therefore, individualists seem to fit the stereotype of economic man as utility maximizers who are comparatively unrestricted by social norms and conventions.

Fatalistic. Strong systematic prescriptions and a lack of group membership define this. The lives of the fatalists are mostly out of their hands. Fatalism is a passive philosophy and involuntary exclusion experience. All lifestyles may coexist in any community in a dynamic pattern of attraction and segregation, especially on an individual basis. No style of living completely dominates a person's daily existence or perception of that person and the rest of the world. However, the majority of people discover that they prefer one lifestyle over the others. With a society or a country, the situation is different. People's ways of life in a culture or nation are often stable and long-lasting. The fact that various modes of existence not only develop distinct worldviews but also produce and require diverse individual and social abilities is a fundamental barrier to transferring from one style of social life to another. People who are primarily used to a hierarchical way of life cannot suddenly abandon their social convictions and ideals and adopt an individualistic one. Therefore, a society's majority of citizens are used to living a specific lifestyle, which forms and influences the institutions and institutional performance in that particular society.

Four cultural aspects according to Hofstede

Hofstede performed one of the most recent studies to address the issue of how culture affects organizational structure and performance. Hofstede was able to compile an amazing study of the cultural differences across nationalities in his research into the work-related attitudes and values of managers working for IBM in more than 50 nations and three regions. Power distance and concentration of authority are theoretically connected, and he came up with four cultural dimensions. It refers to the degree to which a society accepts the uneven distribution of power within institutions and organizations. Large inequality, the concentration of power in the hands of a small, permanent elite, centralized organizations, and restricted upward communication are characteristics of several national and regional cultures. Some national and regional cultures are characterized by low levels of inequality, more social mobility, a lack of a tiny elite holding the majority of the power, decentralized organizations with flatter structures, and generally open communication at the top.

The organization of activities and a society's intolerance for ambiguity and uncertainty are both factors in uncertainty avoidance. More specialization, formalization, and standardization are often used in businesses with more dynamic cultures. They are less tolerant of and interested in unconventional ideas and place a larger priority on conformity and norms. Less active cultures value formal norms and specialization less, are less concerned with uniformity, and can accept a wide range of divergent viewpoints.

Individualism/collectivism

In a loosely woven social structure known as individualism, individuals are expected to take care of just themselves and their immediate families; in a collectivist society, people may rely on their family, clan, or place of employment to take care of them. More collective societies demand that people become more emotionally reliant on their organizations.

Equally potent but sometimes underrated is the masculine/feminine dimension. In practically all countries, males are socialized to be more forceful, while women are socialized to be more caring. Men consistently prioritize development and profits above quality of life and people, according to a variety of statistics on the significance of professional objectives; women place a greater value on these factors. Some civilizations are closer to the masculine end of the masculinity/femininity axis than others are in terms of job objectives.

We will discover some degree of congruence between various aspects of the works of Thompson and Hofstede if we attempt to compare and contrast these two-groundbreaking works on the impact of culture on organizational and individual behavior. The degree to which masculinity coincides with collectivity and power distance is high may approximate that of a hierarchical society. Where these social configuration elements are inverted, a society seems to be on the verge of becoming individualistic. Fatalism is consistent with the society, which has masculinity and collectivity as its primary aspects and is marked by a high level of uncertainty avoidance and a wide power gap. The prominent dimensions of femininity and collectivity in an egalitarian society are followed by low power distance and low uncertainty avoidance.

Cultural theory may be utilized as a technique in legislative studies and has previously been used to explain political parties. Grendstad conducted a study on Norwegian political parties using the grid-group theory of culture. The findings showed that fatalism and hierarchy were pro-leadership cultures because they were positively correlated with party leadership experience and tenure, while individualism and egalitarianism were anti-leadership cultures because they were negatively correlated with both. In order to explain why the British

Parliamentary Labor Party has historically been more fractious than its Conservative rival, Bale also employed the grid-group cultural theory.

A superior-inferior relationship, which is a crucial component of a hierarchical society, may significantly impact the current accountability framework. The fundamental idea of superior-inferior relationships is at the foundation of many relationships, including those between parents and children, teachers and students, senior officials and lower-ranking employees, husbands and wives, housewives and domestic servants, landlords and tenants, rich farmers and rural peasants, educated and uneducated people, and the ruling party and the opposition party. Cultures place a great priority on obedience to authority. Usually, creating workable systems to ensure the responsibility of the more powerful or senior group/patron is discouraged, so even when someone is proven guilty, no real punishment is applied. The society as a whole accepts and practices this prejudice.

In a hierarchical society, a minister has a very high position and prestige. He or she is a member of the social elite. In a hierarchical society, the position of a minister is very influential. It may be difficult and dangerous for the majority of government backbenchers on a parliamentary committee to hold a minister and his or her executive ministry accountable. In party politics, the minister is revered as a father figure, and efforts by backbenchers to question the minister forcefully during committee meetings may be seen by the minister as an open contempt for him or her.

The MPs are virtually always behind the political and administrative executives from the perspective of the prevailing cultural value of the superior-inferior position of the executive and the MPs. In a hierarchical society, MPs are traditionally seen to be in a superior position to hold the executive account. The societal expectation does not match the reality. Making the executive account becomes a difficult assignment for the committee members in these situations. According to this cultural ideal, the governing party is always superior than the other parties. Government and opposition have a strained relationship, and government officials have misgivings about the opposition. The governing regime's thinking harbors a hidden cultural value of dominance and lack of responsibility. Thus, cultural beliefs may have a significant impact on how the governing regime develops institutional regulations that might allow it to avoid accounting altogether.

A hierarchical network is unable to maintain societal trust and cooperation. As a result, mutual trust and symbiotic relationships loom in tiny coterie groups that have every incentive to engage in expensive and ineffective rent-seeking and the exclusive pursuit of group interests rather than working for the greater good of society. Politicians, businesspeople, lawmakers, and bureaucrats all belong to a tiny coterie group that looks out for one another's interests in a hierarchical society. There is no interested party in the nation that can work to stop the executive from engaging in corruption since they are mutually dependent on one another. As a result of being a member of the tiny coterie group, the committee members' efforts to stop corruption and ensure government accountability are herculean.

In an individualistic/egalitarian society where the responsibility connection is reciprocal, the situation is the opposite. Senior-junior relationships are uncommon. In a culture that is individualistic and egalitarian, a son may criticize his father for his shortcomings. Regarding socioeconomic level, there is very little discrimination between and among individuals. Laws and regulations are virtually always followed. The society has several institutions and control systems in place to limit and balance the influence of various power brokers.

Most nations in the Third World have hierarchical or communal cultures. Therefore, it is reasonable to believe that a hierarchical society and economic underdevelopment are related.

In this context, it's noteworthy to note that the majority of Third World nations rank well on Transparency International's Corruption Perception Index. Therefore, it is possible that hierarchical culture and corruption are related causally. And the lack of accountability is a major factor in the prevalence of corruption in hierarchical/Third World nations, among other things.

We might thus presume that a hierarchical society's accountability system is weaker than a society that values individualism and egalitarianism. We might also presume that in a culture that leans more toward individualism and egalitarianism than a society that favors hierarchy and fatalism, it will be simpler for a legislature and its legislative committees to hold the executive accountable.

Establishment theory

The study of institutions as a crucial factor in political and organizational science has significantly increased in importance in recent years. In this approach, institutions—more particularly, institutional rules, norms, and routines are seen as both historical products and drivers of politics and government.

Numerous alternative approaches to institutional phenomena are included in the new institutionalism. Three new institutionalisms rational choice, historical, and sociological were recognized by Hall and Taylor in a significant work. Two different research methodologies have been used in study on the US Congress and comparative legislative studies. Understanding the conduct of specific lawmakers has been the main focus of research on the US Congress. The legislator has emerged as a purposeful political actor in this study method, driven largely by electoral and constituency variables external to the institution as well as inside informational and bargaining processes. The performance of the institution and its structure are examined through the lens of member goal-seeking. Rational choice theory has been heavily incorporated into this paradigm to explain and analyze political behavior. The party and state theories of comparative politics have instead served as the foundation for works on comparative parliamentary systems. This work has a greater awareness of the whole political environment in which the legislature functions. It also evaluates the intra-institutional system. In this paradigm, institutional theory has been frequently used as a practical instrument to explain political behavior. We shall depart from the rational choice institutional theory in favor of sociological institutional theory, which tends to incorporate cultural foundations, since all of our instances fall within the comparative legislative studies paradigm and have shared hierarchical cultural traits.

Institutions vary from one another in numerous ways, yet they seem to agree on two fundamental points:

1 Institutions influence politics: Institutional norms and processes have an impact on political conduct and results. Institutions have an impact on the result because they mold the identities, power, and tactics of actors. The amount and degree to which norms and standard operating procedures are institutionalized in organizations is something that history reveals to us. The more deeply established things are, the more we may use them to explain institutional behavior and performance.

Institutions as rules and institutionalism based on rules

This viewpoint emphasizes the importance of rules in establishing institutions and regulating conduct within such organizations. Recent reviews of research on Congress and the European Parliaments clearly demonstrate the rediscovery of rules and processes as a crucial component

for comprehending legislative decision-making. The functioning of the legislature is controlled by a collection of written and unwritten norms that specify how the institution carries out its duties in its many decision-making venues.

The formality of legislative institutions is quite high. The constitutional framework offers a very precise foundation for organizational growth; obligations are poorly understood; processes and norms are extensively defined and to a significant part codified. The explicit rules governing actions, selection, processes, decision-making, and application clearly indicate the legislative institution. Governmental structure, relationships with other branches, legislative and oversight authority, and most importantly the internal workings of legislatures, committee structures, authority, and processes, are all ingrained in both formal and informal conduct. The constitution and the norms of procedure are two important sources of these fundamental laws. Government may be constrained by these laws. They may not restrict the administration as much as they restrict lawmakers under a presidential system, but they do so anyway.

The effectiveness of a legislature in holding the executive branch of government accountable depends heavily on the rules and how they are followed. Due to lax informal institutional norms, these formal regulations sometimes may not function as intended in transitional legislatures. In the Western culture, these rules are accepted as convention and change through time and become institutionalized. Similar to legally agreed-upon processes, informal institutional norms may be just as crucial in influencing players' conduct. Despite not being explicitly stated in writing, the manner and form of questioning in a UK parliamentary select committee, for instance, is easily recognized as a "standard procedure" that shapes political activity while reflecting certain values and power relations. In addition, informal customs may support formal laws. For instance, in British local government, new regulations regarding the separation of the executive and assembly functions are having a bigger impact on political conduct in places with a long history of civic leadership.

CONCLUSION

In conclusion, types of accountabilities form the pillars of a democratic and accountable society. Political, administrative, corporate, and social accountabilities work together to ensure that power is used responsibly and for the greater public good. By addressing the challenges and reinforcing the mechanisms of accountability, societies can foster a culture of transparency, integrity, and trust in their institutions, leading to more just and responsive governance. To strengthen accountabilities, there is a need for a holistic approach that includes a robust legal framework, independent oversight bodies, a vigilant civil society, and an informed and engaged citizenry. Transparency and access to information are crucial in enabling accountability mechanisms to function effectively. Despite not being explicitly stated in writing, the manner and form of questioning in a UK parliamentary select committee, for instance, is easily recognized as a "standard procedure" that shapes political activity while reflecting certain values and power relations. In addition, informal customs may support formal laws.

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CHAPTER 10

EXPLORING THE SIGNIFICANCE
OF INSTITUTIONS INSTITUTIONALISM

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ABSTRACT:

Institutions and institutionalism are central concepts in political science and sociology, shaping the way societies organize and function. This paper explores the significance of institutions and institutionalism in understanding the dynamics of governance and societal development. It examines the characteristics and roles of institutions, both formal and informal, in influencing behavior, decision-making processes, and the distribution of power. The paper also analyzes the concept of institutionalism as a theoretical framework for studying the origins, evolution, and impact of institutions on human interactions and societal outcomes. By delving into the complexities of institutions and institutionalism, this paper contributes to the understanding of the intricate interplay between structures, norms, and values that shape the functioning of societies.

KEYWORDS:

Authority, Bureaucracy, Decision-making, Governance, Institutions, Institutionalism.

INTRODUCTION

Finding the level of institutionalization in a certain organization requires knowledge about its historical evolution. An organization becomes institutionalized through time as a result of its own unique history, the individuals who have worked there, the organizations it has included and the vested interests they have developed, as well as how it has adapted to its surroundings. By definition, an institution is a long-standing, well-established organization with a long history. Over the course of almost 200 years, the US Congress evolved into what it is today. Compared to the US Congress, the British parliament evolved over a significantly longer period of time before taking its present form [1], [2]. Institutions rely on the persistence or path dependence logic, and once they start down that route, they don't stop unless a sufficiently enough social or political force pulls them away from it.

Riggs highlights the link between the circumstances of a country's initial emergence as a legislature and its present place in the political system. The choices made about the authority of US Congressional committees in the 1990s were similar to those made in the same legislative in decades before.

Change relies on a change in the members' interests, which are reflected in a specific institutional structure. We can't fully comprehend institutional change in legislatures without looking at a number of instances of this institution since the present is dependent on the previous agreements [3], [4].

Brand-New Institutionalism

Placement of parliamentary operations in their macro- and micro-institutional contexts is necessary in order to assess the formal authority and effects of parliament's ability to restrain the executive. Political scientists have taken a renewed interest in studying political institutions

since the 1980s, with the idea that "institutions matter"—a set of legal and structural frameworks within which politics occurs—are significant determinants of the nature of politics and policy outcomes. Others see institutions as laws or standards that individuals live by, either adhering to them or breaking them [5], [6].

The majority of political activity that has any real impact takes place in institutions, thus it is essential to comprehend how these groups function and how they affect the actions of the people who work there. Institutions have been influencing different political outcomes for a generation. Numerous academics have theorized, for instance, that election systems influence the behaviour of parties, candidates, and voters. Different constitutional arrangements, such as presidential or parliamentary systems, have been linked to changes in regime stability, accountability, responsiveness, and democratic endurance, according to other experts. Given its importance, Rhodes has referred to the institutional method as the "historic heart" of the political science field and as "part of the toolkit of every political scientist." In democratic politics, parliaments or legislatures are the fundamental institutions [7], [8].

Polsby utilized the notion of institutionalization to characterize the process by which the House of Representatives grew increasingly complex, independent, coherent, adaptable, and universal, drawing on the political development literature generally and on Huntington in particular. Since then, several authors have expanded on the theme of institutionalization, including Gerlich in a discussion of several European parliaments, Opello in a case study of Portugal's parliament, Hibbing in a study of the British House of Commons, Squire in a study of the California state legislature, Patterson and Copeland in an edited collection of essays, and Norton in a book on Western European governments and parliaments. According to Norton, more institutionalized parliaments may put a little bit more pressure on governments than less institutionalized ones. Committee-based specialization is at the core of institutionalization [9], [10].

A political system must be institutionalized if it is to be successful in carrying out functions such as authorized resource distribution, issue solving, conflict settlement, and so forth, on behalf of a population of any size. That is to say, groups that are focused on political action must be established and maintained. If not, the political system is probably going to be ineffective, frail, and unable to meet the needs or defend the interests of its constituent groups. Furthermore, it is widely acknowledged that in order for a political system to be in some way free and democratic, methods must be developed for institutionalizing representativeness, with all the variety it entails, but also keeping political opposition inside the framework. Parties, elections, and legislatures are the three primary institutions where they are most expressed. According to Polsby, a company institutionalizes itself when it:

1. Differentiates itself from its environment by creating and directing career opportunities;

2. Creates a division of labor in which roles are defined; and

3. Adopts universalistic rather than particularistic internal business practices.

The standing committees and subcommittees are inescapably linked to the first two requirements. As members become more senior, committees and subcommittees become more appealing to them. Additionally, the main method of labor allocation in Congress is the distribution of tasks among the many standing committees and their subcommittees. Here, universalism refers to the development of automated decision-making processes that enable disputes or conundrums to be decided "on the merits" rather than in accordance with particularistic standards. In contrast to individualism, the seniority rule in US Congress is universalistic. All parliaments follow the custom of electing a neutral speaker, holding

"Question Hour" in the House of Commons, and allocating the chair of the Public Accounts Committee. These customs originated in the British and Indian parliaments. It may be postulated that standard operating procedures, a history of institutional stability and continuity, as well as the debate of institutional theory's variations, are essential for institutional performance. In this book, the term "institutional performance" refers to the function of legislative committees in maintaining executive accountability. On the basis of the theoretical debate that came before, the following practical assumptions may be made:

No of the form of government, the more ruling authority is distributed and shared among competing veto actors, the more possibility there is for a robust parliament to hold the administration to account. A political system's constitutional design, together with other outside political influences, may be largely responsible for creating a system of power fusion or dispersal. No matter whether the political system is parliamentary or presidential, a strong parliament is a need for a strong committee system and vice versa. A strong committee system is also a requirement for holding the government accountable. The constitution's established norms and standing rules of procedure may strengthen a parliament's committee structure and its ability to hold the government accountable. The likelihood that the parliament and its committees are efficient mechanisms for guaranteeing executive accountability increases with the stability and continuity of politics in every nation.

DISCUSSION

Comparative method

The primary goal of this paper is to perform a comparative analysis of the function of parliamentary committees in Bangladesh, India, and Sri Lanka, the three most important South Asian democracies. Therefore, it is crucial to connect this study to a current discussion regarding comparative technique and analysis and determine its applicability to the research. Comparing means taking lessons from other people's experiences. Comparison offers a foundation for claiming empirical regularities as well as for assessing and interpreting examples in light of theoretical and substantive standards. By highlighting similarities and differences between situations, comparison plays a crucial part in the creation of concepts. Comparison is often used to test hypotheses and may aid in the provocative finding of new hypotheses as well as the development of theories.

According to some analysts, it is preferable to understand political events in general by carefully examining a select few examples. When evaluating a hypothesis or theory, one case study shouldn't be given significant weight. In addition, given the inevitability of time, energy, and resource shortages, an in-depth statistical examination of a unique single instance may not be as effective as an intense investigation of a few examples. Each case is handled as a separate case when employing a limited number of cases. The conclusion of each case may then be utilized as data that helps the whole research, but each instance is still treated as a separate case. We have limited our study to only three instances in order to focus on the merits of a select few cases.

This is a study of a few situations in comparison. Two categories of system design—most similar systems design and most different systems design—are used in the process of comparing a few nations. Comparing a few nations may provide conclusions that are more supported by the contextual uniqueness of the subjects of the comparison by using the methods of difference and agreement. built upon J.S. Most Similar Systems Design, a technique of difference proposed by Mill, compares political systems that have many things in common and then examines differences between essentially similar systems. On the other hand, Most Different Systems Design examines nations that have nothing in common but the political

result that has to be explained and one or two of the explanatory components thought to be crucial for that outcome. This methodology is based on Mill's technique of agreement, which looks for qualities that are common across nations in an attempt to explain a specific result.

I purposefully picked the Most Similar Systems Design to perform my research after analyzing the key components of the process of comparing a few nations. The MSSD focuses on macro-systemic commonalities and inter-systemic disparities. While inter-systemic disparities are thought of as explanatory/independent variables, common systemic traits are seen as "controlled for". A researcher is missing something crucial if they conduct cross-country systematic comparisons without keeping a "control purpose" in the forefront of their minds. In this research, institutional factors are used to explain inter-systematic variances, whereas culture is the common systematic component that is used as a control explanatory variable.

Choosing the instances for this research included using the most similar systems design. For those doing local studies, it is very suitable. My research focuses on South Asia, which has the appearance of being a rather homogeneous area. In fact, a geographical region may define a historically, culturally, and economically comparable environment suitable for establishing causal relationships while highlighting similarities and contrasts across nations. For the sake of our research, culture in general is assumed to be the element that matched the instances. In order to determine the similarities between instances, socioeconomic growth is also taken into consideration. We lack quantitative information on Sri Lanka since it was left out of Hofstede's cross-cultural research. The next paragraphs highlight the macro-systemic similarities and inter-systemic differences among the three examples in my analysis. However, during my fieldwork in Sri Lanka, I employed qualitative data to close the data gap. Every respondent described Sri Lanka as having a hierarchical society. Perera re- firmed this as well. Most of South Asia's nations are hierarchical. Furthermore, we might claim that Sri Lanka is a hierarchical society based on its geographical, sociocultural, and historical similarities to Bangladesh, India, and other South Asian nations. In summary, Bangladesh, India, and Sri Lanka seem to be collective, somewhat masculine cultures with high power distance and uncertainty avoidance, which match the hierarchical one proposed by Thompson et al., according to Hofstede's elements of national culture.

It is necessary to now clarify the rationale for choosing only three of the eight South Asian nations. One of the three largest thriving democracies in South Asia is Bangladesh. Bangladesh, a third-wave democracy, is more recent than Sri Lanka and India. Bangladesh is also one of the select few nations in the world that concurrently practices Islam and Western democratic systems. Since 1991, when parliamentary democracy was restored and resumed in Bangladesh, the government has changed via routinely held, free, and fair elections. Some parliamentary changes have been implemented in Bangladesh since 1991 in an effort to improve the parliament, and they have had an effect. It goes without saying that India was chosen as one of the situations. India is not just the largest democracy in the world and a democracy with strategic importance in South Asia. India also possesses South Asia's strongest parliament. Democracy has existed in this pluralistic, multiethnic country from its establishment and liberation from the British. Additionally, it is the largest Hindu-majority nation in the world.

The report provides a comprehensive analysis of the three South Asian countries' parliaments since those nations gained their independence from the British in 1947. However, a major portion of the analysis of the function of parliaments and parliamentary committees in ensuring government accountability in these three nations is based on how those bodies really operated in the 1990s. The author spent a significant amount of time in three South Asian parliaments from November 2003 to October 2004 doing intensive fieldwork for this research. A questionnaire poll of 72 MPs was undertaken, and then the bulk of them were interviewed face-

to-face to get their opinions on various parliamentary committees and proceedings in order to help the government account for its actions. The questionnaire was semi-structured and open-ended in nature, giving the respondents the freedom to either choose an answer from a prepared list of alternatives or to provide fresh ones. Additionally, while performing fieldwork, a wealth of information was gathered from the secretariats of all three parliaments in South Asia. A substantial number of questions were developed in relation to the MP questionnaire survey that provided statements on different aspects of parliament and the parliamentary committee system used to hold the executive account. A questionnaire and prepaid envelope with a return address were airmailed to several hundred MPs in three different nations.

It was a weak and disappointing answer. As a result, I carried the questionnaire into the field and filled out as many as I could. Thus, the choice of responders was rather random. Later, I interviewed most of the MPs who completed the surveys in three nations in-depth face-to-face. Through the interview, I was able to get really valuable qualitative information from MPs and committee staff members on how parliaments and parliamentary committees actually operate in three different countries. Statistics such as percentages and averages were used to determine which preferences were most common among Bangladeshi MPs. Each statement was followed by a four-point scale with the greatest value being 4 and the lowest value being 0: "agree completely," "agree partly," "neither agree nor disagree," "disagree partly," and "disagree completely." The desire of MPs for the institutional revamp of the committee system is greater the higher the mean score.

The research's approach of gathering data included some documentary elements as well. Documentary data made up the first three kinds of data referenced in the study that follows. Data from the documentation was both primary and secondary. While doing fieldwork in South Asia from November 2003 to October 2004, a wealth of information was gathered from the legislative secretariats of all three of these nations. Additionally, I spoke with a considerable deal of legislative staff members who were involved in committee work. They provided insightful qualitative information on how committees functioned. Since committee meetings were only open to committee members, concerned civil servants, and committee officials, and no one else was allowed to observe a committee session in person, it was simply impossible for me to use observation as the source of data for the research.

Three distinct categories may be used to further break up documentary data:

1 Data and information on the formal committee system in Bangladesh, India, and Sri Lanka were gathered from the relevant country's constitution, rules of procedure, and parliament secretariat.

2 Information on the fundamentals of parliament, as well as background information on MPs was gathered from the parliament secretariats, Rashid, Ullah, Ahmed, Maniruzzaman, and Sangsad Bulletins, as well as from various dailies in three different countries.

The parliamentary Bulletins, the summary of the proceedings of the three parliaments, various reports and proceedings of committees, annual reports of the office of the CAG, and official documents kept by the law section of all parliament secretariats were used to gather data on selected parliamentary committees to explore the real-world operations of committees in securing executive accountability in three countries. The main sources of information on the precise and succinct operation of legislative sessions were the summary and the bulletin. The many committee reports include insightful information on the intricate operation of the committee system, including the discussants, agenda of discussion, debates, and recommendations. I had to go through the minutes of meetings of several committees in two nations since the legislative committees did not consistently publish their findings. I asked the

appropriate authorities for permission to do the same and was granted it. Until and until they are released as reports, the minutes are not public documents. Since I was prohibited from reading the committee's minutes due to state security concerns, I gathered information on the committee's activities from a number of Bangladeshi and Sri Lankan newspapers. Information on plenary sessions and the operation of several committees was also available from the national daily newspapers of three different nations.

The legislative check on the executive is the subject of this research. Because of this, I decided to gather information on a few watchdog committees, including the Public Accounts Committee, the Committee on Public Undertakings, the Committee on Estimates, and three other ministerial committees. These committees appear to be crucial in exerting control over financial scrutiny and monitoring the functioning of government. Along with all other dealing ministries, the Committee on Ministry of Establishment plays a significant role in putting committee decisions into action, particularly when it comes to disciplinary action against delinquent civil servants. The Committee on Ministry of Establishment deals with the issues and problems of Bangladesh's public personnel system. Additionally, it covers the Bangladesh Civil Service, which is the country's preeminent civil service cadre. The majority of secretaries who serve as the chief financial officers of several ministries are from the BCS cadre. They show up to committee meetings to represent their ministries. Therefore, it is worthwhile to examine the Committee on Ministry of Establishment's activities to determine the committee's function in guaranteeing executive accountability.

The Committee on Ministry of Agriculture was specifically chosen to examine the differences in the committee's responsibilities for guaranteeing executive account-ability between a general and specialized ministry. Due to a lack of information, I did not investigate the operations of the Consultative Committee on Agriculture in Sri Lanka. However, I had the top Post Committee on board, whose job it was to assess the qualifications of top officials in Sri Lanka. To evaluate the committee's contribution to guaranteeing, among other things, the openness and information dissemination component of executive accountability in these nations, the Standing Committee on Ministry of Defense in all three countries was chosen. I have created numerous standards for committee functioning in three nations for the three data categories mentioned above and I assess the data gathered against those benchmarks. In order to evaluate the resource capacities of parliaments, I have also gathered information on the important background traits of MPs from the three nations.

Parliaments themselves are a crucial background for understanding parliamentary committees. It is thought that a robust parliament would function better to keep the administration accountable. The relevant literature in this area has accumulated over many years and has recently grown significantly. This article examines that literature as a preliminary requirement for analyzing parliamentary committees. It starts by looking at the many approaches used by academics to identify or quantify parliamentary strength and weakness. On this foundation, it offers a number of fundamental typologies of legislatures. It then focuses on other criteria that are important in assessing legislative strength in order to manage the government and hold it accountable for its activities since these typologies are very rudimentary. In this respect, it's important to keep in mind that parliament cannot be shielded from the impacts of larger social, economic, and political settings, and that in a democracy, the operation of other important institutions is inextricably interwoven with that of parliament. This allows the to provide a broad analytical framework with an emphasis on parliaments, which can then be utilized to frame the study of parliamentary committees that follows.

Studying the legislature with a policy emphasis

The most frequent comparisons between legislatures center on the merits or shortcomings of certain legislative institutions. When we talk of parliamentary strength or weakness, we typically mean the ability of the legislature to control political resources in order to influence public policy. Such remarks often discuss the relative significance of non-legislative institutions, frequently those working via the executive branch of government, to legislatures in the policy-making process.

The ability of the legislative to thwart or alter executive branch policy proposals is generally seen as a sign of how effective that position is. Legislative bodies with strong policy-making capacities may refuse requests from the administration and stand by their decisions, in contrast to those with limited policy-making capacities. Strong legislatures have the capacity and willingness to act independently of the administration. Regardless of the kind of regime, access to information and policy expertise from sources outside of the executive branch, often via a specialized structure of parliamentary committees, is commonly viewed as a fundamental condition for legislative strength. It is not as simple as it may appear to categorize legislatures according to the importance of their role in policymaking. However, practically all significant studies on categorizing legislatures to far have generally been undertaken with public policy as the study' main point of emphasis.

Legislative academics started to get a more nuanced understanding of what legislators did and how it influenced public policy in the late 1960s. While acknowledging that most legislatures didn't make many significant policy choices and often followed other institutions' lead, more subtle means of legislative impact on public policy were found. Legislative bodies as a whole and their members individually appeared to have a greater influence on the contours of public policy than had been thought by earlier generations of scholars through public debates, the private interactions of their members with the executive, the linkage activities that they perform on behalf of their constituents, and their activities in regard to oversight.

Although the study of Third World minimum legislatures was where this more nuanced conception of the legislative initially developed, those researching European legislatures quickly started to make use of this extended framework. Thus, studies started examining the lobbying activities that British MPs engaged in on behalf of their constituencies, the types of questions put to the floor, and the effect of public parliamentary deliberation on the plans of the executive instead of starting and ending discussion of the British House of Commons by noting the prevalence of straight party-line votes. Even in the US, where the Congress' constitutional right to play a key role in formulating policy was uncontested, emphasis started to turn to the liaison work that lawmaker did for their constituents and to their oversight responsibilities.

Depending on each country's constitution, certain issues of public policy are never brought before parliaments. For instance, in Britain, many capital expenditures, foreign policy decisions, and even many parts of economic policy do not need legislative approval. Although it might be overstating things to say that there has been a convergence of scholarly opinion on the function of the legislature in formulating policy, it is probably true to say that most political scientists today approach legislative policy-making with fewer and less rigid preoccupations about what the proper function of legislatures should be and are willing to take into account the impact of a range of legislative activities on public policy. Arguments that highlight discussion as a process for honeying policy options and reaching agreement, those that put a high emphasis on societal variety, and those that center on regime stability all indicate the relevance of legislatures as fora for making important policy choices.

The legislature is the most legitimate and authoritative body in a democratic system for making decisions on public policy. In a presidential system, the legislature is the only body that may approve proposed legislation, including the executive president. The historical authority of the English parliament's purse as the foundation for its active nature is the source of the legislature's duty to deliberate on government policy. Moreover, the legislative monitoring of the executive is a component of policy-making activity that may be found in practically any legislative context. Legislative committees hold executives accountable for their acts, investigate policies, and provide recommendations to the legislature or the government in both parliamentary and presidential systems.

The efficiency of a legislature's additional oversight of government operations truly relies on how dedicated it is to its primary task of legislation. The more responsible its legislating, the more successful will be its supplementary oversight of government activities. In other words, a legislature that is actively enacting laws and formulating policies often develops into a competent observer of executive activity.

A political system's primary output is its policies. People take engaged in politics in order to advance the results they want to see. Political actors put forward a variety of ideas and are chosen for office based on those policies. Politicians or political parties are ousted from government when the policies they advocate have unfavorable effects or when they fail to implement the promises they made before to an election. Typically, the executives gain control by winning an election and implementing a wide range of campaign promises and programs. They must develop legislative proposals and submit them to parliament for approval in order to carry out the promises and policies they made during the election. For the purpose of creating a new institution or providing funds for an existing one to carry out a public policy or legislation, the executive must have approval from the legislature. Governmental decisions are not made in a vacuum. One of the most important policy tools at the disposal of the administration is the capacity to have legislative proposals adopted by parliament in order to observe its impact on public life. In reality, public policy is a much larger concept, as legislators analyze legislative proposals while going through the many steps of policy proposal, policy discussion, policy approval, and policy supervision.

Legislative committees a distinct group of lawmakers with specialized knowledge and special interests in a certain policy area—often have the most impact on the substance of legislation. Legislative party groupings or factions often have a significant impact on how quickly policies are made. Additionally, opposition or minority parties often have legislative influence on the oversight and implementation of policies.

The fundamental duties of legislatures are included into policy-making, which is macroscopical. The formation of subject-matter committee systems, which may be crucial in formulating legislation as well as performing oversight duties and therefore ensuring executive accountability, tends to emphasise specialization, which is comparable to the tendency of policy-making to do so. Additionally, the public policy process may serve as a link between elected representatives, the government, special interests, and the general public. In a broader sense, legislators worry that policies should be accepted by the general public due to their structure and content. This seems to be the distinctive contribution of the legislature to the process of establishing policy because of their attention to the acceptability aspect of it.

Depending on the political system in which it is situated, a legislature's ability to limit the executive branch's activities determines how much policy it can make. Since the executive is chosen from it and answerable to it, the legislative under a parliamentary system is, in principle, in a powerful position to set policy. In reality, the legislature is responsible for legitimizing

policies, or turning executive orders into laws. Thus, under a parliamentary system, the legislature performs the most crucial responsibility of selecting executive officials, who then play a crucial role in formulating policies. The choice of the executive is, according to Copeland and Patterson, "the most crucial decision of many legislative bodies. The parliament affects the speed of policy-making and the efficacy and efficiency of policy execution rather than the substance of policy when there is significant overlap between the membership of the legislature and the executive, as in Britain. It submits to executive leadership while formulating policies. By definition, policy-making under presidential regimes is defined by a division of authority; it is often also characterized by a separation of purpose. Even when it does not result in diverging political control of the assembly and executive, the separation of powers that is intrinsic to presidentialism has implications for policymaking. Congress in the United States generally uses its authority to enact laws, provide appropriations, and conduct investigations in order to regulate CEOs once they are in place. Regardless of how the legislature feels about him, the US president is in office for a certain period of time. Congress cannot remove an executive from office unless there is a severe case of impeachment. However, he is subject to the daily restrictions put on him by the legislature's use of its policy-making and oversight authority while he is in office. Therefore, a taxonomy of legislatures based on public policy-making seems informative and crucial in assessing the capacity of parliament to restrain or influence government.

CONCLUSION

In conclusion, we can grasp the complexity of human societies only by using institutions and institutionalism as glasses. Institutions offer the foundation for interactions between people and groups, influencing behavior and results. Fostering efficient and fair governance and advancing good social change need an understanding of institutional dynamics and their effects on governance, power relations, and societal development. We can learn a lot about how societies operate by looking at institutions through an institutionalist lens, and we can endeavor to build more inclusive, long-lasting institutions that meet the needs and ambitions of all societal members. Institutionalism also emphasizes the value of group effort and collaboration in maintaining institutions. People and organizations may behave in their rational self-interest, but institutions often build on shared standards and ideals that encourage collaboration for the greater good.

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CHAPTER 11
EXAMINING THE DIFFERENT TYPES
TYPOLOGY OF LEGISLATURES

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ABSTRACT:

The typology of legislatures refers to the classification and categorization of legislative bodies based on their size, structure, powers, and functions. This paper examines the different types of legislatures found in various political systems, including unicameral and bicameral structures, parliamentary and presidential models, and the variations in electoral systems and representation. The paper explores the advantages and disadvantages of each typology, as well as their impact on the legislative process, governance, and democratic outcomes. By analyzing the typology of legislatures, this paper aims to provide insights into the diverse ways in which legislative bodies operate and contribute to the functioning of democratic systems.

KEYWORDS:

Bills, Chambers, Committees, Debates, Lawmaking, Legislation.

INTRODUCTION

According to Riggs' research on the history of legislatures, it is important to create categories of legislatures that take into account the many roles that the institution may play in a political system. Such categorization systems have historically placed a strong emphasis on the legislative branch's function in formulating policy, and more especially, on its official relationship with the executive. Thus, the presidential-parliamentary dichotomy as well as more complex gradations of legislative-executive interactions based on constitutional provisions have existed for some time [1], [2].

Some people have chosen to focus on what the legislature does rather than what the constitution says about it because of the frailty and formality of constitutional provisions. Based on the level of a legislature's independence from outside forces, Polsby therefore created a continuum of legislatures, ranging from arena to transformational legislatures. He pointed out that the difference between the British and US legislatures is best shown by the disparity between the two ends of the continuum, with others lying somewhere in the middle or at the arena end. It is more of a transformational legislature when the legislature is autonomous in its decision-making; it is more of an arena type legislature when the legislature defers to or is influenced by another body [3], [4].

The US Congress serves as the greatest example of transformative legislative. Legislation creation, amendment, and adoption are the duties of a transformational legislature. Legislative chambers on the opposite end are where societal disparities are discussed and explained. Different viewpoints are used to discuss public issues, and various metrics are used to evaluate government activities. The British House of Commons has served as a model for an arena or "legitimizing type" of legislature for many years. Although it legitimizes, it does not pass laws. Over the last three decades, the House of Commons' virtually constant readiness to ultimately submit to the wishes and authority of the administration has served as a pillar of the British democratic system [5], [6].

According to Polsby, there are fundamental differences between the two sorts of legislatures in terms of what motivates them and what regulates their behavior. Particularly, the national political party organizations often exercise external influence on arena legislatures. Transformative legislatures are governed from within by parliamentary party apparatus and committees. Polsby offers three factors to analyze to establish where a legislature falls on the arena-transformative axis:

1 The homogeneity of the controlling group in the legislature: The less transformative the legislature, the more homogenous and tinier the controlling group.

2 Hierarchy: The legislature is less likely to undergo change the more hierarchical its internal party structures are.

3 Consistency: The legislature is less transformational the more consistently voting coalitions or majorities approve subsequent bills [7], [8].

With "the degree of support accruing to the institution" as the second dimension and support being defined as "a set of attitudes that look to the legislature as a valued and popular political institution," Mezey created a classification scheme based on the policy-making function of the legislature. Mezey's definition of parliamentary power and influence was based on even earlier work, particularly that of Blondel, who had argued that "Viscosity" the extent to which the legislature could obstruct the "flow" of proposals put forth by the executive should be used to describe the influence of a chamber on policy. Based on the limitations that a legislative is able to impose on the executive's decision-making processes, Mezey offers a basic yet useful three-part classification of legislatures:

1. Legislative bodies with significant policymaking authority: these bodies have the capacity to amend and reject executive recommendations.
2. Legislatures with limited policy-making authority: These legislatures may alter executive recommendations but cannot outright reject them.
3. Legislatures with little or no ability to influence policy: These legislatures are unable to veto or amend presidential orders [9], [10].

A useful exercise is identifying the capacity of legislatures to make policy. However, if all attention is paid to policy effects, we would miss the larger implications of parliament for the democratic system. Legislative bodies are more than just the executive's partner in the policy cycle. As an example, consider how the legislature and the populace interact. The importance of Mezey's emphasis on the support component is thus warranted.

Mezey adds a second axis on which legislatures might be judged since he is not happy with the explicit political power of the legislature alone. This axis is support, which is primarily based on public legitimacy. Support is important because the level of support a legislature receives affects how predictable the policy-making process is. The Philippine Congress serves as a striking illustration of this concept. Up until President Marcos banned the institution in 1972, it was one of the most powerful legislatures in the world. There was virtually any local opposition to Marcos' decision.

Parliaments may play a very important role in the legitimacy of a political system, according to several comparative academics. Parliaments with greater levels of support are better able to withstand long-term threats to their standing in the political system as well as threats to the system as a whole. Mezey recommended considering the operationalization of the idea of support as including a mix of three primary indicators:

Both active and weak legislatures

Legislative bodies that are both active and weak participate at all stages of the process. These legislatures' highly developed committee structures are a requirement for such engagement because they allow them to divide the work of legislating in such a manner as to provide some level of legislative competence in the majority of policy topics. Compared to proposal or oversight activities, deliberative activities are more likely to be carried out in plenary settings. The contrast between susceptible and active legislatures comes from the latter's lower amount of elite backing. A functioning legislature has the power to accept, change, or disregard policy recommendations put forward by the government or its own members. Even better, it has the ability to propose and enact its own legislation. The US Congress is the greatest illustration of a functioning legislative.

A weak legislature may alter and reject policy ideas, but because of the fragility of its support base, it is open to extra-constitutional assault, such as military intervention. The institutional stability of the legislature could already be compromised. Legislators may have been chosen in a free and fair election, but the public has a cloudy perception of them. The Philippine Congress falls under this heading. The European Parliament increasingly resembles a weak legislature, a body with significant power but without a broad base of support to underpin its legitimacy. The committee is the main forum for legislative discussion in vulnerable and active legislatures. Legislative ideas are always submitted to committees as soon as they are introduced, where they might be changed, amended, categorized, or even rejected. Party influence on committee discussion is a more important factor for the majority of the vulnerable legislatures than it is for the two active legislatures, the US Congress and the Costa Rican Assembly. In fragile legislatures, significant deliberations occur in caucus, while the ultimate decision is made in plenary sessions. Additionally, in both active and weak legislatures, committees are the primary legislative venues for performing oversight functions. In the chambers of vulnerable legislatures, extra supervision efforts are conducted.

DISCUSSION

Reactive legislatures

A receptive legislature has the power to alter or veto executive decisions. As instances of reactive legislatures, the British parliament and significant European parliaments are given. Although a reactive legislature sometimes exercises its power to amend and even reject presidential initiatives, it often lacks the competence to develop new policies. In comparison to active or susceptible legislatures, reactive legislatures have less of an impact on policymaking, especially at the proposal stage. As a result, a significant portion of policy-making in these political systems takes place in extra-parliamentary or leadership settings. The formation of independent sources of legislative knowledge is resisted by the majority of reactive systems, which are governed by comparatively powerful governing parties. A reactive legislature is controlled by the prime minister and his or her cabinet, who frequently generate a majority vote in the parliament and approve its own sponsored laws and programs by working through a disciplined majority in parliament. As a consequence, party causes are often stronger while committee structures are weaker than in busy and vulnerable legislatures. The majority of oversight operations occur during the reactionary legislatures' plenary sessions.

Even if a receptive legislature like the House of Commons lacks the real authority to reject a government proposal, its backbenchers have a significant impact on how policies are developed. For instance, administrations may come under pressure to implement or abandon initiatives during private party meetings from their own supporters. Since the 1970s, MPs' propensity to vote against their own party has not increased. Between 1945 and 1990, the

incumbent government lost one election because its own supporters sided with the opposition or chose not to cast a ballot. However, the end effect in the UK is a parliament with a far smaller actual policy influence than what its statutory prerogatives would imply. The parliament continues to have a moderate impact on policymaking despite the existence of many other channels for influence, including free votes on con- science issues, private members' bills, and informal lobbying by parliamentarians. This is also true despite a rise in dissent from the party line since the 1970s. Marginal legislatures continue to be important players in their political systems even if they are not the major engines of policymaking. These chambers have a restricted function and get little support from or input from the rest of the polity, hence they are mostly excluded from politics and political discourse. The legislature must still approve measures for them to become laws according to the game's rules. China, Iran, the Maldives, North Korea, and other one-party republics are examples of countries with negligible legislatures. The majority of policy-making activities take occur outside of parliament or sporadically in leadership settings; committees and caucuses are often ineffective. Therefore, any statutory limitations that exist are used during plenary sessions.

Compared to reactive legislatures, committees in marginal legislatures are weaker. They are a little more effective when deliberating than when creating public policies, but this activity is also hampered by institutional instability, the lack of committee members with legislative experience and expertise, the fluidity of membership, and the lack of qualified professional staff. Effective parliamentary monitoring is hampered by the fact that ministers in most minor systems answer to executive leadership rather than the legislature and that the legislature has little tools at its disposal to punish ministers whose performance it deems subpar. More significantly, lawmakers could be hesitant to hold administrators accountable because they may be reliant on them for a variety of personal and political favors.

Bare-Bones Legislatures

The minimum legislatures just support decisions made by other groups in society. They are unable to reject or change proposed policies. The most commonly used instances are from totalitarian and authoritarian nations, when legislatures mostly serve as symbolic entities that sanction executive orders. East European nations and former USSR states fall under this heading. Executive-centered elites, whose influence spans the whole policy-making process, control minimal legislatures. A powerful political party that controls not only public policy but the whole society serves as the foundation of this influence. In the formation and discussion of public policy, minimal legislatures only have a very little role to play. In minimum legislatures, there is some monitoring of executive activity, mostly in committee settings.

Some little dissent is allowed during plenary meetings, but only within extremely narrow bounds. The majority of the time, criticisms are limited to technical difficulties as well as administrative and economic concerns. Legislative discussion does not result in a significant change in the law. The party lawmakers don't vote against the party because of discipline and severe penalties. In minimum legislatures, committees are the primary venues for deliberation since they meet more often and routinely than the House. Legislation may sometimes be changed during committee meetings. Because committees are secret, they may influence policy without putting the administration in a bad light. However, committees have no penalties authority whatsoever at their disposal to make sure that their demands or recommendations are followed. Typically, committees lack skilled personnel and must depend on the bureaucracy to provide them with the information they need to manage their operations.

Mezey's work is valuable in that it goes beyond a narrow emphasis on policy-making to provide a larger analytic framework for legislative actions. Mezey presents the most comprehensive

and helpful categorization of legislatures, but his definitions of strong and moderate policy-making authority have a glaring flaw. Legislative bodies that have the ability to alter and reject executive proposals are seen to have significant policy-making authority, while those that can alter but not reject are thought to have lessened authority. The British parliament used its authority to reject several government initiatives in the 1970s, and it did so again in the 1980s. This would put the British Parliament in the same category as an active legislative as the US Congress, which is false and unacceptable according to Mezey's definition. A legislature is not a body that makes policy just because it has the authority to refuse, particularly if that power is very infrequently used.

If one considers Polsby's description to be a continuum, the British parliament falls somewhere in the center, leaning more toward an arena than a transformational assembly. As a result, Norton proposed a brand-new, comprehensive trichotomy of legislatures.

In terms of how they affect public policy, there are three distinct sorts of legislature: those that influence policy, those that make policy, and those with little or no impact. The US Congress is a unique example of a legislative that makes policy. The majority of Western European nations and the British parliament both belong to the same broad category of legislatures that have the power to influence policy. The legislatures of the former USSR, China, and the nations of Central and Eastern Europe fall under the third category of legislatures having little to no impact on policy.

A policy-making legislature has the ability to participate in all four of the key stages of the law-making process, which are essentially four in number: initiation, formulation, deliberation, and assent and implementation. Other legislatures are primarily involved in the later stages. Legislative bodies having a significant effect on policy take center stage throughout the deliberation and assent stages, whereas legislative bodies with little to no influence on policy participate solely during the assent phase.

There are several categories. Additionally, the category of policy influencers is becoming more saturated. There were already numerous instances of reactive legislatures when Mezey released his comparative research; he included the majority of Western European legislatures as well as the Commonwealth's top nations. Following the fall of communism in Russia and Eastern Europe, the number has increased. As a result, we have a lot of legislatures with little influence on policy. However, there are still distinctions and variations among them in terms of their ability to influence the results of policymaking. They may have a similar fundamental connection to the government, but how much real control they have over it varies. between a research, Norton identified the differences between European legislatures. According to that analysis, the legislatures of Italy and Denmark fall into the category of legislatures that influence policy rather than those that make it. Ireland and France, on the other hand, almost fall into the category of legislatures with little to no policy impact. The British Parliament has been in this category throughout the most of the 20th century, albeit recently drifting away from it. An excellent example of a legislature that effectively influences policy is the German Bundestag.

This is a helpful adjustment and clarification even though, as Norton admitted, Mezey's framework has not undergone a fundamental change. However, categorization remains a difficult issue. Norton's amended classification of the legislative is too cluttered to draw fair distinctions between and among the legislatures. Norton's category for "policy-influencing" is more pertinent and helpful in classifying the legislatures of Western Europe. Western European legislatures mostly fall within this group. However, despite the fact that electoral democracy is the norm in these democracies, a significant portion of legislatures in the Third World often

oscillate between the minimum and marginal classifications. Each of the five groups included at least one Third World legislative, albeit the majority were minor or nonexistent. As a result, we may return to Mezey's classification using Norton's expanded definition of policy-making and policy-influencing. As a result, the typology of legislatures proposed by Michael Mezey and subsequently improved by Philip Norton continues to be relevant to contemporary legislative research while providing a solid foundation for broad comparisons of legislatures.

The aforementioned paradigm allows us to go beyond only policymaking, and it has been very helpful in providing a comprehensive perspective. However, as Gladdish points out, it does not enable us to understand the differences and similarities within a given group. The main idea is that legislatures within a category vary from one another, and we need to investigate some of the important factors that influence how different they are. Many of the disparities are a result of how the institutions are structured and the setting in which they operate. It is important to quickly understand how the three parliaments under examination have been addressed in the literature before moving on to the criteria affecting parliamentary power in controlling the government.

The three parliaments in South Asia are all from the Third World. Mezey and Norton classified India's legislature as either reactive or policy-influential. Mezey classified Bangladesh and Sri Lanka as peripheral countries. However, given Norton's description of parliament, it is difficult to classify the legislatures of Bangladesh and Sri Lanka. They can fall in the categories of parliament with little policy impacts and parliament with significant policy implications.

CONCLUSION

In conclusion, the several types of legislatures demonstrate how diverse and intricate democratic government is. There is no one-size-fits-all method; each typology has its advantages and disadvantages. In addition to the unique requirements and difficulties of each nation, historical, cultural, and political variables all have an impact on the choice of legislative type. Whatever the type, efficient democratic government depends on a functional legislature. It must promote free and educated discourse, offer checks and balances on executive authority, and reflect the interests and aspirations of the people. Policymakers and individuals may make educated judgments on the layout and operation of legislative bodies by researching and comprehending the types of legislatures, improving democratic institutions and procedures.

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CHAPTER 12

LEGISLATIVE STRENGTH:
EXPLORING THE DETERMINING FACTORS

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ABSTRACT:

Legislative strength refers to the ability and influence of a legislative body to shape and pass laws, hold the executive accountable, and represent the interests of the citizens effectively. This paper examines the determining factors that impact the legislative strength of a parliament or congress. It explores the institutional factors, such as the size and structure of the legislature, the powers and resources it possesses, and the rules and procedures governing its operations. Additionally, the paper analyzes the role of political and societal factors, including party dynamics, public support, and civil society engagement, in shaping legislative strength. By understanding the multifaceted factors that influence legislative strength, this paper provides insights into the functioning of democratic systems and the dynamics between the legislative and executive branches.

KEYWORDS:

Coalition, Committee Structure, Electoral System, Executive-Legislative, Institutional Rules, Leadership.

INTRODUCTION

The establishment, growth, and operation of legislatures as well as committees are significantly influenced by the political environment in which they operate as well as by the internal resource strength and organizational structure. According to Mezey, the fundamental interaction between the legislature and the executive, or whether the legislature is active, vulnerable, reactive, marginal, or minimal, is thought to be influenced by a variety of social, economic, political, and intra-institutional factors [1], [2].

While Mezey's classification of legislatures emphasizes the importance of politico-institutional components of a polity in determining a legislature's strength, the support dimension also highlights the importance of social forces in maintaining the legitimacy and continuity of a strong legislature. This method is more suited for examining parliaments in Western industrialized nations where there is less socioeconomic inequality among the populace. For the Third World countries, the situation is often quite the reverse. In describing the function of the legislature in Third World nations, socioeconomic and cultural reasons may take precedence over politico-constitutional ones. These socioeconomic considerations may play a significant role in determining how well a parliament can hold the administration accountable [3], [4].

Because the socio-cultural, political, and economic climate of the Third World is so drastically different from that of its Western equivalents, it is improbable that the starting point for classifying Third World legislatures will be the same as that of Western developed countries. Following the Western classification scheme for Third World legislatures has the danger of being methodologically erroneous. When comparing Third World legislatures to those in the West, the starting position is often reversed. In an attempt to understand the power of

legislatures in Third World nations, the nature of society, the economy, and the political regime should come before the intra-political institutional elements. The first three requirements for powerful parliaments are currently in existence in Western nations. As a result, when researching the power of legislatures throughout the globe, Western researchers begin by focusing on intra-institutional political issues rather than the three essential conditions that any country must have for successful parliaments. This is a narrow strategy that applies to the other 150 nations on the planet the framework of only 30 industrialized nations. The method advocated in this book contends that the beginning point for classifying parliament should be from intra-institutional political variables to society, economics, and political regime. This strategy has the potential to be a widely accepted method of classifying parliaments and identifying their capacity to hold the administration accountable [5], [6].

Social Influences

The vital checks and balances that a thriving civil society offers to political authority are crucial. Civil society may organize individuals into strong organizations to influence governmental policy through directing people's involvement in economic and social activities. Through electronic media and similar channels, an educated civil society may express their opinion and discontent over the poor management of public authorities. The history and political culture of any nation are undoubtedly the roots of the civil society. Civil society organizations must comprehend the legislative process in order to have an impact on it. Although civil society groups may be adept at executing programs to address their specific issues and/or being highly organized around a particular topic, in nations with a limited history of legislative democracy, they often lack expertise of legislative procedures [7], [8]. Nevertheless, civil society groups play a crucial part in legislative systems, whether it is by pushing lawmakers for policy changes or by expressing the desires of their citizens at public hearings. Both the constitution and how individuals act politically are shaped by political culture, which is an amalgam of views about society that have developed through time and how that society is managed. The founding fathers of the US were inspired to create a political structure that distributed political power by attitudes influenced by living under British control. An ideological consensus has prevented the emergence of parties with strong ideological underpinnings in the US, which is said to be due to the lack of a feudal past [9], [10].

Any investigation of the current state of the institution must take into account how different the history of parliament and the constitutional practice of a nation are. Due to its longevity—there is no memory of, and no identifiable history of, any other type of legitimization—and now due to the election of the House of Commons, parliament has been given more legitimacy. Each legislative has to be examined in light of the political environment it occupies. Elite and public attitudes toward political control are determined by, or rather defined by, this political culture. A s system will exist in places where there is a significant degree of elite and popular loyalty to parliamentary institutions. Elite and popular expectations of the institution will decide how much influence the legislature has on the government. The legislature will have little to no ability to restrain government and may even cease to exist when there is a submissive or indifferent popula- tion and elite imbued with a hunger for power and little to no devotion to parliamentary institutions and norms. For instance, South Korea has a uniform and conformist culture, with the populace being subservient to those in positions of authority. Although there have been some developments, the public's low level of support for parliamentary institutions has persisted as a barrier to the Korean Assembly's ability to exercise its constitutional authority. A political environment that values deference over mistrust is often seen as more favorable to the development of a powerful committee system and parliament. To what degree voters are willing and able to hold the executive accountable for their acts depends on a

country's political culture, which is made up of its inhabitants' collective history, opinions, and experience. Years of political repression and the ensuing lack of civic involvement by people in nations that were once military-ruled, as those in the former USSR and Eastern Europe, may leave the populace naïve and reluctant to hold their leaders accountable. On the other hand, freshly elected presidents who are used to such a passive culture could be ready to forego meeting with the citizens. Additionally, clientelism is common in a lot of Latin America and Asia. By giving patronage and benefits to certain groups throughout protracted periods of military rule, the governing elites were able to maintain their grasp on elected government. These persisting political cultures of repression and clientelism are difficult to dismantle in the near term. In essence, institutional and legal structures may be destroyed by a culture that discourages responsibility. On the other hand, a culture that values and encourages responsibility may transcend institutional and legal shortcomings.

DISCUSSION

Media

The media may act as a civic watchdog for the public as well as a voice in fostering a populace that is informed. By exposing corruption, misconduct, and non-feasance in government, a free press may play a significant role in holding the executive accountable. Investigative journalists have given the news media tremendous latitude in scrutinizing executive accounts. The degree of the media's independence determines how well it can serve as an effective watchdog on the executives' behavior.

One of the choices to be taken in nations where the media is publicly sponsored is how to control it. In a developing democracy, the ruling party could want to get media attention on its side. As a result, the media cannot fulfill its obligation to keep the government on its toes. Newspapers and journals in the print media have more opportunities than those in the electronic media to provide analysis and commentary, yet they often support just one side or at least one point of view. They may aid in forming public opinion and spreading knowledge about governmental processes. However, in a transitional polity, the challenges of poor literacy and low buying power among the populace may greatly erode this potential.

The utilization of public monies and the exercise of power may be covered by a free media. Its sources might be the work of others like MPs and its committees, reports to the parliament, or the investigations of its own reporters. Media reports are often the fastest and simplest way for people to get information, making them crucial to achieving the goals of good government. When the media didn't look into and publish material that was critical of how the government was abusing its authority and resources, it contributed to that happening. In other cases, the media helped the general public learn about corrupt behavior.

The media's portrayal of the legislature has a significant impact on how the public understands and views it. Legislative coverage is heavily influenced by the media's point of view, the way politics is reported, and the expertise and professionalism of the reporters. State-run media in many developing nations provides legislative coverage when it is available. And in the majority of young democracies when independent journalists do exist, they often lack the expertise to report on parliamentary or legislative matters in a competent manner.

Building confidence between the public and parliament requires open access for the media to cover parliamentary proceedings. The power of citizens to hold lawmakers and the government accountable is influenced by their participation in open parliamentary discussion, access to legislators, transparent coverage of deliberations and committee meetings, and decentralized information transmission.

Interested Parties

Interest groups are defined as private organizations of people, communities, or enterprises that make repeated attempts to influence governmental decisions. The various actions of interest groups might provide an empirical basis for the pluralistic theory of democracy, which, according to many academics, holds that pluralistic interest groups can operate as a check on any monopoly of power in a fully evolved democratic society.

The influence of interest group activity on the nature of the legislature's participation in policy-making depends in part on the traits of the group or groups involved, in part on the institutions with which these groups interact, and in part on the level of consensus and desensitization that characterizes the groups that are activated by the specific policy. We would anticipate more parliamentary activity and appropriate patterns of action when interest groups are numerous, functionally specialized, homogeneous, and at odds with administrative agencies. When interest group activity is almost nonexistent, we would anticipate that other factors would impact how MPs behave. The more likely organizations are to look for supporters in the legislature when there isn't consensus between groups or between groupings and the relevant agencies. A specialized and active committee structure is one of the internal features of the legislature that may further inspire organizations to strive to support and influence legislative operations.

Interest group activity is less likely to have an impact in political systems where the central political direction tends to be strong and parties are distinguished by high levels of cohesion, particularly parliamentary systems, than in systems like the US where the distribution of power strengthens the influences of interest groups. Interest groups that have been authorized and licensed by the state play a significant role in determining public policy in corporate-style government-interest interactions. Despite criticism of privileged access to policymaking, interest group activity has given committees of the House and MPs a different source of information than the government, strengthening the House of Commons' ability to challenge the government and creating a more transparent institution.

Economic Variables

Since the 1950s, there has been broad agreement about the positive linear link between economic growth and democracy in country examples compared quantitatively across geography and time. According to this link, nations with strong economies also tend to be democratic, while less developed nations either have never been democratic or have had at least one instance of democratic collapse. In conclusion, a country's prospects of maintaining democracy are higher the wealthier it is.

More recently, it has been said that democracies are impermeable and may be anticipated to endure forever until they reach an economic level of US$6000 per capita or more. On the other hand, impoverished democracies, especially those with yearly per capita incomes of less than US$1000, are exceedingly fragile, while the likelihood that a democracy will survive increases with the pace of economic development, especially if inflation is kept at a reasonable level. Democracy, however, persists after being established in a developed nation, regardless of how well it functions.

With very few exceptions, economic growth generally promotes and results in democratic government. Today, all Western industrialized countries are among the most developed and established democracies in the world. The Corruption Perception Index of Transparency International also shows that corruption is more prevalent in underdeveloped democracies than in developed ones with high incomes. Poor democracies' economic underdevelopment and

corruption are caused, among other things, by the governing class's incapacity or lack of accountability. Famous corruption expert Robert Klitgaard, who has provided a formula assessing the scale of corruption, supports this. Monopoly plus discretion plus accountability equals corruption.

In summary, impoverished democracies often have less government accountability than affluent democracies. The paragraphs that follow clarify and expound on this rationale. By metrics of accountability and participation, as well as civil rights and the rule of law, the established rich liberal democracies do better than the electoral democracies. The formal constitutional criteria of electoral democracy are more successfully implemented in weak electoral democracies than the rule of law and effective protection of individual and group liberty. Elections in weak electoral democracies are often free and fair, frequently conducted, and their results do determine the make-up of the government. However, it is thought that the success of election laws is an exception to a patchwork and sometimes inefficient rule of law. The degree of responsibility inherent in political party rivalry on the one hand, and international supervision and international conditionality of finance, investment, and commerce on the other, preserve the election process. The current political party in power as well as foreign contributors are thus preferred to ensure government accountability above the general populace. Although it may be the most effective party to keep the government accountable, the opposition in the parliament, which essentially opposes everything regardless of its merits or demerits, is hushed by the government majority. As a result, parliaments in developing democracies tend to function more as lawful methods of overthrowing the government than as authoritative forums for doing so. The motivation and capacity to take different actions to hold the government accountable is lost if the vast majority of the common people in a society continue to struggle for survival and cannot afford to educate themselves or their children. The ruling class benefits from the impoverished people's ignorance and destitution. The gradual development of a watchful civil society eager to keep a close check on governmental activities is hampered by poverty and ignorance.

Due to a lack of resources, in poor democracies, a small coterie or wealthy elite group made up of the ruling politicians, civil and military bureaucrats, the business community, union leaders, and other professional interest groups develops symbiotic relationships with one another to thwart and restrict the access of the general public to state resources for the pursuit of their own interests and reap the benefits of national development initiatives. The powerful elites do not desire to be at odds with the government, which effectively controls the mechanism for distributing state resources and profits from it. In contrast, the government is forced to rely on these elites for funding in order to pay for election costs and manage its political party. The interactions between and among these groups must be competitive and antagonistic in order to maintain government accountability, and this is mostly absent in underdeveloped democracies.

Political aspects

The aspect of the Constitution

The ability of a legislature to influence policy is first and foremost reliant on its relationships with other political institutions and actors, particularly elites in the executive branch of government, chief executives in presidential and parliamentary systems, and party leaders in those systems with powerful political parties. The ability of legislatures to make policy will be limited to the degree that they are subordinate to these institutions and that their members are prevented from acting independently by political players based in these external institutions. On the other hand, the interaction between the legislature and the larger public outside of

government may support the claim of the lawmaker to a substantial policy-making role. The ability of the legislature to play a significant role in policymaking may be directly correlated with the quality of its relationships with the communities and organizations that its members represent. The shape and tone of legislative-executive interactions are fundamentally influenced by the sort of governance system that a nation employs. Each system places some basic rights and obligations on the legislative and executive branches, respectively, while other elements foster cooperation or conflict between the two.

The link between various political system components at both the horizontal and vertical levels is often outlined in a nation's constitution. It will establish the structure of the legislature and hint at its authority. It will specify the kind of persons who are eligible to vote as well as the electoral method to be used. It will outline the judicial branch's function in legislative and constitutional interpretation. Thus, the legislature's position in the formal political organization of the country is established by the constitution. Such principles, such as the separation of powers, have some impact on how a political system operates. Consider the political systems specifically in terms of whether they are parliamentary or presidential. It should be noted that these categories are vague and that there are variances within each category that sometimes lead to qualified classifications.

Presidential and parliamentary systems of government

Government structures vary greatly within and across kinds, making it difficult to generalize about the scope and nature of structural impacts. The party balance and other variables account for some of the apparent disparities. Comparing the characteristics of the UK parliament with those of the US Congress might help to outline some of these distinctions. In comparison to the US, the UK has less disagreement between the administration and legislature. When compared to Congress, the UK Parliament's internal committee system is less established, and rank-and-file members have less authority and discretion. Congress performs such function in addition to bigger law-making and oversight functions, while the parliamentary role is one of the theaters for national discussion.

Apart from the US, parliamentary systems are more prevalent in Western Europe and the former British colonies, whereas presidential systems are more prevalent in Latin America. A third form, known as French hybrid and often associated with the Fifth French Republic, exists. Former French colonies in West Africa including Cote D'Ivoire, Gabon, Mali, and Senegal, as well as several republics in Eastern Europe like Poland and Bulgaria, have embraced the French model. A hybrid system comparable to the French one exists in Sri Lanka as well. In this hybrid system, a prime minister and cabinet chosen in accordance with legislative rules share executive authority with freely elected presidents. The hybrid system looks to include elements from both the parliamentary and presidential systems, but it has been claimed that in reality, depending on whether the president and the legislative majority are from the same party, it functions as either one or the other.

In reality, creating a two-way split on the floor will be more practical and result in a trichotomy. Thus, the following are the types of constitutional systems:

1. One parliamentary
2. Two parliamentary
3. Three presidential/Washington style.

In terms of how the legislature and executive interact, the models can be further divided into the following categories: constitutional systems based on the Westminster model assume that political executives will lead and work within the legislature; constitutional systems based on

the Washington model assume that political executives will be separated from the legislature; and constitutional systems based on the continental model assume that there will be a variety of parallel executive-legislate,

Countries Lijphart described and analyzed the institutional characteristics that make up his two broad patterns of democratic polities majoritarian and consensus and made these democracies dependent on their institutional arrangements in terms of policy-making and democratic quality. Nine factors are used to condense the two main democracy patterns. The majoritarian principle highlights the fact that democracy is built on a concentration of power and is majority rule. Majoritarian democracy does not give the opposition any influence over governmental policy and may lead to stark differences between those in and out of power. On the other hand, the consensus principle supports the notion that democracy should include as many people as possible and that a mere majority should not have unchecked power. Consensus democracy distributes authority such that there are several decision-making bodies and checks and balances, which reduces the power of the central government while allowing for the articulation of a wider range of interests. The majoritarian democracy includes the United Kingdom and India. Consensus democracies are exemplified by Switzerland and Belgium.

Lijphart makes a distinction between three types of systems when determining how the executive and legislative branches are matched in power:

1. Those who control the legislative process
2. Executive-dominant individuals;
3. Those who are generally in balance.

Executive institutions are one of the components of Lijphart's paradigm. He distinguishes between majoritarian executives and consociational ones, the latter of which technically speaking only apply to the set of parliamentary systems. How about dictatorship? Given the clear requirement for majoritarian election procedures under such regimes for the selection of the head of state, presidentialism might be seen as a majoritarian institution. However, one may also see presidentialism as a system of institutions for power sharing, particularly if the president's authority is constrained by a number of other institutions. However, the consensus model with Lijphart is implied by power-sharing. The argument that presidentialism necessitates a separation of powers between the administration, the legislative, and the judiciary would thus appear to make sense. The consensus model is ultimately about the distribution of political power.

A trend of executive domination and the concentration of political power in the executive branch of government often define majoritarian democracies. A pattern of legislative dominance or a more equal relationship between the executive and legislative branches describe the consensual model.

Understanding the fusion of power between the executive and the legislative is necessary to comprehend how parliament truly functions in a parliamentary system. Because they are chosen by the legislature and are in charge of a party majority, prime ministers and cabinets in parliamentary systems have a good chance of having their policy proposals approved by the legislature. When a government is defeated under a parliamentary system, the cabinet often resigns or the legislature is dissolved. As a result, parliamentary systems, in contrast to presidential ones, tend to have more disciplined political parties that act as a conduit between the executive branch and the in-power government.

The government sets the agenda for parliament in parliamentary systems. Its ability to connect a vote on a law with the issue of confidence is one of the main arguments. This kind of

government initiative compels the parliament to either approve the government's plan or elect a new one. As a consequence, it may force its will on parliament as long as it is in power. Simple statistical evidence points to the general conclusion that in parliamentary democracies, governments set the agenda. Governments introduce more than 90% of the legislation in more than 50% of all nations. Furthermore, these legislations have a very high chance of passing: more than 60% do so with a probability of higher than 0.9, and more than 85% do so with a probability of greater than 0.8. In reality, government measures are often submitted with a minimum of 60% support, with at least 80% of them becoming law.

Today's parliamentary system is known as cabinet government or prime-ministerial government, according to certain analysts. The legislative agenda is determined by and decided by the government. The laws and public policies of the country are ultimately determined by cabinet decisions that are approved by a majority in the parliament. Almost all legislative initiatives are started by cabinet ministers who rely heavily on the civil service for information and inspiration. The cabinet has been properly described as a combining committee, a hyphen that combines a buckle, fastening the legislative to the executive branches of government. The institution that most obviously separates the current parliamentary system from the presidential form of administration is the House of Commons. In parliamentary systems when a prime minister has a solid majority in the legislature, no constitutional obligation for cabinet consultation, and is surrounded by weak and obedient ministers, the potential for consolidation of power may be particularly great. A prime minister may simply decide not to consult in certain situations.

In a parliamentary democracy, parliament's basic functions are to support the executive branch, which it would seem to accomplish effectively, and to hold the executive branch's accounts in between elections, which it seems to do less well. The primary means of democratic control under the parliamentary system is the ruling party selected by the electorate. According to Nolan, "the task of challenging and holding the government to account does not match well with the role of sustaining the government."

Responsibility, or the power to remove ministers or governments from office, is a corollary of accountability, which is the capacity to hold governments accountable for their deeds. According to the theory of parliamentary deliberation, governments are now only accountable to the voters at election time and no longer to the parliament. Therefore, accountability focuses on the system of responsibility. It simply entails disclosing to the public issues that have an impact on how the public perceives a government. If a lot of fuss is made about it in the public, such exposure can have an impact. Government strives to evade responsibility to the fullest degree possible, i.e., they try to keep their mistakes and wrongdoings hidden from the public, for fear that doing so may undermine popular support for, or at the very least, acceptance of, their keeping office. Governments will evade responsibility by reducing or even eliminating, rather than bolstering, accountability institutions if they have the authority to do so. Because it cannot match the policy know-how of the government and the bureaucrats who work for it, parliament in a parliamentary democracy has a poor ability to restrain the executive. Because of their heavy workloads, cabinets in parliamentary systems often delegate decisions to specific departments and cabinet committees. As a result, bureaucracy is expected to take over as the main source of policy recommendations. Additionally, strong party discipline in parliament makes it easier for party leaders to get the government's agenda through the legislature since it is expensive to cross party lines. In the US, political institutions are designed to reduce or, if feasible, prevent the exercise of concentrated power. All facets of political life are characterized by the division and sharing of power and authority. This fragmentation idea permeates institutions as well as almost every level of government. Because of this, unlike in a

parliamentary system, no institutional player has the power to assess the administration as a whole. The presidential system of government differs from the parliamentary system due to the idea of separation of powers and the absence of accountable governance. There is no concept of responsible administration under the US presidential system since there is no vote of confidence. The constitution specifies the terms of office for the president and members of Congress. Nothing comes close to the non-confidence motion or dissolution of parliament, regardless of how votes are cast on the floor of either chamber. The president serves for four years, House representatives for two years, and senators for six years, unless they die, resign, or are removed for misbehavior. Since the administration is not accountable to the legislative, maintaining party discipline is less necessary, and maintaining party unity is not essential for survival.

The fact that certain local, county, state, and federal seats are filled via elections each year in most other states is a product of the US's system of power divides. This implies that every person gets the chance to vote twice a year: once in the primary election to choose the candidates of their party, and once in the general election to select from a variety of candidates. Practically speaking, this implies that responsibility for government actions is continuous and that it is always under review.

In the US, the terms of the president and legislature are virtually completely independent of one another. The American idea of the separation of powers is reflected in the independence of presidential and congressional terms. All other senior officials, on the other hand, must have Senate approval before being nominated by the president, often to serve at his or her leisure. It just takes a simple majority. Additionally, the president is in charge of managing foreign policy generally and has the power to negotiate treaties with other countries. However, the Senate must also advise and approve to these treaties; in this instance, a qualified majority of two-thirds is required. One of the checks and balances that lessen the separation of powers is this process, which gives one arm of the national legislature significant influence on presidential appointments.

Each branch is encouraged to build its own technical knowledge as a result of the checks and balances mechanism between the executive and legislative branches, which may compete with one another. This restricts the executive's capacity to demand unquestioning allegiance to party lines or deceive the legislature, as is possible in parliamentary systems. Because weak ideas may not withstand the ringer of committee staff and lawmakers, presidential regimes may yield not only more imaginative but better policies.

Because of this, presidential systems have more room for legislative policymaking than parliamentary ones do. In the latter, parliamentary parties have a key role in determining policy, and independent policy initiatives are limited in scope, especially if parties are concentrated by a consistent voting pattern. The presidential model, in comparison, more accurately represents the American political system and contains far more autonomous policy duties. The legislature is by definition expected to be powerful and independent under a presidential system when the separation of powers is present. Of course, a robust committee structure acting as a "counter-bureaucracy" is necessary for a legislature to have this strength. The US has a presidential system with a robust counter-bureaucracy in its generously staffed committees and subcommittees, making it the country with the most policymaking power. The strongest congresses are often more forceful and powerful as a legislative body than the strongest parliaments. However, the parliamentary and congressional legislative bodies differ greatly from one another. The choice of a Westminster or parliamentary structure does not always exclude the exercise of some degree of autonomous authority. There are rubber-stamp congresses and strong parliaments, but the strongest legislatures—those able to reshape social

demands and drive them in new directions—are found in congressional systems. The significant institutional differences undoubtedly have an impact on how parliaments operate. But to reduce the diversity in parliamentary power to a black-and-white binary or any other duality would be unjust.

CONCLUSION

In conclusion, Legislative power is a complex idea that is influenced by several institutional, political, and cultural elements. Effective representation, democratic government, and holding the executive responsible all depend on a robust legislature. Societies may build strong and responsive legislative bodies that operate in the best interests of the constituents they represent by taking into account and addressing the deciding variables that influence legislative strength. The effectiveness of legislation may also be influenced by societal elements including public opinion and civil society participation. An educated and engaged populace may shape the legislative agenda and provide significant input during the drafting of laws. Interest groups and civil society organizations are essential for promoting certain policy topics and keeping politicians responsible.

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CHAPTER 13

INVESTIGATING THE IMPACT OF ELECTORAL SYSTEM

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ABSTRACT:

The electoral system is a fundamental component of democratic governance, defining the process through which citizens elect their representatives and leaders. This paper examines the significance and functioning of different types of electoral systems, including first-past-the-post, proportional representation, and mixed systems. It explores the impact of electoral systems on political representation, party dynamics, voter behavior, and the overall functioning of democratic institutions. The paper also analyzes the advantages and disadvantages of each electoral system, including their effects on political stability, inclusivity, and the representation of minority voices. By providing insights into the complexities of electoral systems, this paper contributes to the understanding of the critical role they play in shaping democratic outcomes.

KEYWORDS:

Ballot, Candidate, Constituency, Electoral District, Member.

INTRODUCTION

The electoral system, particularly the choice between majoritarian election systems and proportional representation, is one of the most crucial constitutional decisions that must be taken in democracies. Citizens have the power to change the makeup of the legislature, the party in power, and the public policy priorities that legislative and executive elites will pursue via the election process. Party systems are shaped by electoral systems, and party systems in turn strongly influence how governments construct their cabinets. The candidates backed by the biggest number of votes win, while all other voters remain undecided, under the plurality and majority single-member district processes [1], [2].

The method often generates excessively inflated and fabricated outcomes. In stark contrast, proportional representation's fundamental goal is to represent both the majority and the minority, rather than favoring or demonizing any party, in order to convert votes into seats proportionately while increasing party fragmentation. According to Duverger, two-party systems are favored by the plurality method while multipartitism is promoted by proportional and two-ballot systems. Politicians are also less likely to run for office in one of the two big parties and participate in third-party politics. Legislative procedures in majoritarian election systems provide the parliamentary majority more or less unrestricted authority to enact its programs, but in proportional democracies, the rules encourage the distribution of power and strengthen the influence of the opposition. The plurality-majority system forces the contending parties to engage in fierce rivalry and face off against one another. In practice, proportional representation encourages compromise, coalition rule, multiparty politics, and minority participation [3], [4].

Parties are more likely to influence the legislative policy-making process in political systems where parties are dominant in the election process than individual legislators. Legislators are more free to pursue their own policy ideas under systems where elections are generally decentralized and candidate-centered. Although the plurality system strengthens ties between lawmakers and their voters since they represent local geographic regions rather than merely the

party, it also forces them to forgo their own policy preferences in favor of the party elites due to party control and discipline [5], [6].

Since under parliamentary systems the level of cabinet stability is intimately linked to the structure of the party system, electoral systems have an indirect impact on the fusion or dispersal of political power between the executive and legislative branches of government. For instance, Taylor and Herman found a substantial negative relationship between party system fragmentation and cabinet stability. In presidential and/or bicameral systems, electoral systems may also affect the "dispersion of political power" between the government and legislature between the two chambers of parliament. This is often the case when presidential and parliamentary elections employ a distinct electoral formula and staggered elections [7], [8].

Although both the US and the UK use a majority-plurality election system, the results are different. The political party system in the United States is substantially different from that in the United Kingdom due to the separation of the executive and legislative branches under the American constitution. The executive and legislative branches are created by different election processes in the US, but in the latter, a single electoral process often results in a single conclusion for both the makeup of the legislature and the creation of the administration. Therefore, the executive does not directly exercise or control the legislative branch's constitutional authority; rather, it works alongside the legislative branch rather than through it. In order to reflect this, parties must be organized, which makes them more like electoral machines than thought-leadership organizations. This adds to an apparent contradiction in Congress where party may not be as important in deciding the legislative activities and results of Congress and its individual members but is the main factor of differentiating between the majority and minority [9], [10].

Unitary/federalism and a unicameral/bicameral legislature

The ease or difficulty with which any one element may exert influence over the whole institution depends significantly on the cameral structure of a legislature when it comes to the formulation of public policy. In other words, it's simpler to operate one chamber than two. Legislative bicameralism has the practical consequence of limiting the capacity of a chief executive to control the legislature and, therefore, one of the key institutions of the regime since the executive is typically the primary player in the policy-making process. Although the majority of the upper chambers lack the official authority to overthrow the government, they have the ability to bring it to its knees by rejecting or repeatedly delaying government legislation. Second chambers may significantly influence governmental policy because they have more time and are better equipped to conduct investigations and scrutinize laws. Additionally, the second chamber can guarantee proper representation, and under a presidential system where checks and balances between the executive and legislature are praised, a strong second chamber might be seen favorably as adding even another layer to those checks and balances.

According to the majoritarian concept of concentration of power, the legislative authority should be centralized in a single chamber for purposes of legislative structure. The bicameral legislature that evenly distributes authority between two chambers with differing compositions is a feature of the pure consensus model. The strength and weakness of bicameralism are based on two key characteristics of bicameral parliaments. Bicameral legislatures may be categorized as symmetrical or asymmetrical based on the two criteria of the relative formal powers of the two chambers and the democratic legitimacy of the second chamber. Chambers that are symmetrical are those with about equal constitutional authority and democratic legitimacy. These aspects of asymmetrical chambers are greatly out of balance.

Near-unicameralism is another name for Britain's extremely asymmetric bicameral system. The House of Lords still has the exclusive authority to postpone legislation for one year for all other measures and one month for financial bills. While unicameralism entails total concentration of power, weak bicameralism at least allows for some legislative authority. The second chamber has shown a new, confrontational confidence since the 1999 House of Lords Reform Act. During the 1999–2000 session, the government was defeated 36 times in the Lords, and in February 2000, the Lords rejected a piece of delegated legislation for the first time since 1968.

Chambers in the symmetrical category have officially equal authority. Second chambers are directly elected in Colombia, Italy, and the United States, although most members of the second chambers in Switzerland and Belgium are chosen by the people. In the US, the Senate must approve every law that was approved by the first house. Even the second chamber has the authority to introduce new laws.

Federalism is the most extreme strategy for dividing power among several centers. Because it allows the federal state and the territorial entities to share authority, strong bicameralism is characteristic of federal systems. Strong bicameralism has an impact on how government functions and lasts because it may limit the "room to maneuver" for the government when one House supports it while the other does not. Where there are higher chambers where administrations don't have party majority, there is a better likelihood of keeping the executive under watch. These chambers have the authority to launch independent investigations and change or reject governmental regulations.

Strong bicameral states have a combination of federalism with a dual system of national-level political authority. In the end, the abolition of bicameral systems in Sweden, Denmark, and New Zealand was mostly due to the issue of governing executive formation. Germany, on the other hand, avoids this possible conflict thanks to a rule that explicitly ties the executive branch to the lower house while designating the upper house as the body responsible for reviewing legislation. Bicameralism, in summary, sits, at best, uncomfortably, with parliamentary rule.

The separation of the legislative and executive branches is strengthened by bicameralism and coalition administrations. Coalition governments are often required in multiparty democracies, a situation which all too frequently promotes weak cabinets of short duration. Therefore, despite their theoretical connection, the government and parliaments often act as separate entities. In many European circumstances, it is fair to think of the legislative and the executive as independent actors, much like legislatures and executives in presidential systems. The German Bundesrat must agree in numerous bills and may be ruled by a majority distinct from that of the Chancellor; cohabitation is now as prevalent in France as presidential majorities and bicameral discussions include the separately elected Senate in all law-making.

DISCUSSION

Flexibility of Constitution

The flexibility of a constitution is probably related to its ability to place restrictions on the governing majority. The degree of adaptability a constitution exhibits to changing conditions may be used to gauge its degree of flexibility. An unwritten constitution implies a lot of latitude. In the end, there isn't a formal, juridical process for changing anything. If there is political will, a change may be made, perhaps by adopting a new constitutional convention or usage or by doing away with an outdated one.

The unwritten nature of the constitution has two important ramifications. One is that it gives the constitution total flexibility since it may be amended by the parliament with normal

majorities rather than supermajorities, which are needed in many other democracies where written constitution amendments need two-thirds of the vote. The lack of judicial review is another significant consequence of an unwritten constitution since there is no written constitution that serves as a benchmark for determining whether regular legislation is lawful. Parliament is not officially bound by the unwritten constitution's provisions, despite the fact that it often adopts them and feels obligated by them. Parliament, or the parliamentary majority, is consequently considered to be the supreme or sovereign power with respect to both amending and interpreting the constitution.

For its political elite, the British have a history of rejecting established codes of behavior. The politicians' moral integrity and sense of patriotism have been crucial to the system. A written constitution often consists of a single document outlining the fundamental principles of government that can only be altered by special majorities. It seems reasonable to assume that a change will receive careful consideration before it is finally accepted if it must go through some elaborate formal procedure, such as in the United States where a change to the constitution must be proposed by two-thirds votes of both Houses of Congress and then ratified by the legislatures of three-quarters or 38 of the 50 states of the Union. Thus, since 1789, there have only been 27 amendments to the US Constitution.

Judgement review

Through their ability to scrutinize the activities of the legislative and executive, an independent, unbiased, and well-informed court can hold the government responsible. Above all, judicial review is considered a safeguard against legislative violations of the constitution. In certain circumstances, its review jurisdiction includes issues defending individual liberty against undemocratic action and the misuse of state authority. Judicial review may affect a range of governmental capacities by introducing an additional intra-governmental veto point, such as reducing the government's power to inflict losses, increasing barriers to quick legislative innovation, and impeding policy consistency. Without an independent authority to check the legitimacy of legislation approved by the national legislature, a written and strict constitution cannot provide an adequate check on legislative majorities. If parliament decides whether or not its own laws are constitutional, it may be inclined to rule in favor of itself in any disputes. Rigidity and judicial review are both anti-majoritarian strategies, while unrestrained majority rule is made possible by entirely flexible constitutions and the lack of judicial review.

Federal constitutional arrangements are often more complex than those in many other states, hence all federal states are subject to court scrutiny. Therefore, written norms governing power sharing are very important in federal systems. However, the court plays a major role in the external evaluation process in many unitary systems.

The exceptions to having an outside assessment, however, are more fascinating. In this country, only the parliament has the authority to determine whether a government action is constitutional. The absence of a written constitution in these polities is an easy way to explain this.

In the traditional Westminster form, the parliament is not legally bound by a written constitution but rather merely by convention and historic rights. Judicial review must be considered an adjunct to legislative responsibility, according to parliamentary sovereignty. Generally, every unfavorable court decision may be reversed by a minister drafting new legislation. Contrarily, judicial review has the power to deem actions taken by Congress, the president, state or local governments, or lower courts to be illegal and in conflict with the constitution. Therefore, the constitution, not the president or Congress, is sovereign under the American presidential paradigm. The way judicial review really operates in the US shows that

it has a similar impact to the metaphorical "gun behind the door" With the fear that their activities may be ruled unlawful and unconstitutional by the courts, it holds the other branches of government and states under check.

Party Aspect

Understanding how the legislative and the administration interact in the process of producing public policy depends more on the condition of a country's political party structure than on any other issue. Party members stand out as the most trustworthy indication of congressional voting, even in the US Congress, which has less strict party discipline than the majority of its European equivalents. The nature of the party system affects how parliaments function. In a system of shared power, the parliament is more likely to be a place where policies are made, but in a system of parliamentary government, it is more likely to be a place where the party or parties in power and the opposition compete. But we also see variations among various parliamentary systems. We have a talking parliament in certain nations with a predomin- antly two-party system, like the United Kingdom. The opportunity for the opposition to directly affect legislation that the administration advances is little to none. The opposition's only option now is to publicly point out what they see as the main problems with the government's ideas and hope that public pressure will force the administration to reconsider. The situation is substantially different in nations where the majority population often forms the government. Here, the opposition at least has an opportunity to actively affect new government policy before it is announced. These nations may also develop parliaments that are more geared toward working with the government in secret rather than just talking to it. The policy actions of parliaments will be more extensive in party systems with many parties and no one dominating party or coalition than in systems with few parties and a single dominant party or alliance. Where parliamentary parties are poorly structured or divided rather than hierarchically organized, the parliament may influence policymaking more.

Party is essential to political existence and is really at the heart of the Westminster system of administration. Party discipline has had the effect of almost destroying both the institution of parliament and the process of parliamentary democracy. The two-party system is so dominant and competitive that the majority party is likely to control all main facets of parliamentary operations, including parliamentary committees. Party interests now heavily influence hiring decisions; even the Speaker of the Parliament often changes with changes in governments.

Party loyalty is the lifeblood of the government in a parliamentary system. The capacity of the administration to maintain the house's confidence is crucial to the exercise of power. It is undeniable that the majority of MPs prioritize their job in the party; they depend on the party for nomination, election, and reelection. If they want to further their careers in politics, they are dependent on the favoritism and assistance of the party leadership. Simply said, the opposition is responsible for scrutiny. In certain legislatures, harsh penalties are imposed on members who violate party rules. It results in expulsion from the legislature in Bangladesh and India.

The Westminster model encourages members to vote along party lines, which weakens the authority of the parliament to bring the administration to account. This is in contrast to the congressional system, where the political party lines are less defined and the legislature has greater autonomy in determining the agenda. If the constitution, like in the US, permits a government to in power for an extended length of time, one may have a weak party system. Under the constitution, the parties are essentially free to act whatever they wish.

In the US, major party organizations have a less impact on funding and candidate recruitment. Therefore, lawmakers have considerably greater freedom to use their constituency service and

votes that prioritize the needs of their districts above party goals to create a "personal vote" for themselves. Less reliance is placed on collaboration with party leaders in terms of job security and professional progression for legislators. As a consequence, there is less motivation to collaborate. The American political parties lack the discipline and cohesiveness of the parties in the legislatures of Britain and Germany because each is a combination of disparate interests.

Faithful Opposition

In certain aspects, the presence of a strong opposition may be used to characterize a democracy. In reality, attempts to strengthen or expand the authority of parliament are often either in favor of bolstering the influence of the opposition or the legislative backbenchers of the governing party. Parliaments no longer have the power to overthrow governments; instead, the political opposition, with the aid of interest groups, the general public, and a growing amount of the media, does so. Loyal opposition" essentially implies that all parties share a commitment to the fundamental ideals and tenets of democracy. Political rivals may not have to get along, but they do have to put up with one another and respect each other's right to exist. On opposition days, one of the opposing parties selects the topic for discussion. Each legislative session is allotted 20 days, with 17 days going to the main opposition party and three days going to the other parties in the British parliament. Similar to how the prime minister forms a cabinet, the opposition leader creates a shadow cabinet, which serves as a "government-in-waiting" and is made up of the top officials in the official opposition. The Labour and Conservative parties are represented by the Speaker and his Deputies, who do not cast ballots. These procedures formal and informal limit the authority of the government in its entirety. It is conceivable to create a situation where the government is split between two competing factions or parties under the US system of separated but shared authorities. There is no real, formally excluded opposition that is loyal. Instead, two opposing parties engage in a conflict from a position of power over who will have influence over how public policy is developed.

Since the government needs to do its work, opposition blockage may cause significant humiliation. A prolonged House discussion will interfere with government time. Therefore, the administration has a genuine interest in making sure that ties with the opposition are as cordial as is reasonable and that the opposition is given as little room as possible to cause trouble. If handled forcefully rather than given some leeway to air its grievances and opinions both inside and outside of the parliament, the opposition in transitional democracies has the potential to shift politics from the halls of power to the streets and disrupt public resources, which could result in political turbulence and instability.

Internal Institutional Dynamics

The degree to which a legislature is well-equipped and structured has a significant impact on its capacity to engage in the policy-making process. While a legislature's relationships with external institutions and actors may give it a potentially significant role in formulating policy, it may not be able to fully realize that potential if it lacks an effective method for handling policy issues, enough resources, and qualified staff to support it.

It is important to note that how a parliament is set up inside is essentially irrelevant if it is subject to strong exterior oversight. However, if it has some freedom for independent thinking and action, how well structured it is inside will determine how well it can seize those chances. The primary internal elements of a legislature are its members, the resources accessible to the whole body, and its committee system. An essential, if fundamental, resource in the development of independent legislatures is the capacity of a parliament to hold sessions for a significant portion of the year and to establish its own agenda. A functioning parliament meets more regularly than the majority of established democracies. A chamber that has more

influence over its own agenda than one that has little to none will be able to restrain the executive to a greater degree. Although the majority of the legislative agenda is often chosen by the administration, certain parliaments have the freedom to choose their own topics. Even the British parliament reserves some of its legislative time for private member's bills; via such laws, a number of important social improvements have been implemented. A crucial need for an independent legislature and its members is the number of employees, research facilities, and even secretarial assistance. The US Congress has a sizable research, library, and support staff and doesn't influence legislation with any viscosity. Resources ought to have some bearing on the legislature's ability to scrutinize the administration. Members often need specific information from specialist sources in order to successfully examine the acts and policies of the government. These resources might include researchers who are at the members' disposal, either individually or collectively, via committees, libraries, or research groups. A senator has 40 staff members compared to 17 for members of the House of Representatives. Resources must be combined with other factors to produce a high level of viscosity that will put pressure on the government.

CONCLUSION

In conclusion, the election process plays a key role in democratic government by influencing voter behavior, party dynamics, and political representation. The choice of an election system has profound effects on how democratic institutions operate and how inclusive the political process is. Societies may enhance their democratic systems and guarantee that people' opinions are heard effectively in the decision-making process by recognizing the benefits and drawbacks of various voting systems. Other democratic protections, such as free and fair elections, voter education, and strong procedures for accountability and transparency, must be included to electoral systems. In order to promote a vibrant and responsive democracy, this guarantees that the voting system functions in concert with other democratic institutions.

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CHAPTER 14

FACTORS DETERMINING THE
STRENGTH OF PARLIAMENTARY COMMITTEES

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ABSTRACT:

Parliamentary committees play a crucial role in the legislative process, scrutinizing government actions, examining policy proposals, and holding the executive accountable. This paper examines the factors that determine the strength and effectiveness of parliamentary committees in democratic systems. It explores the institutional factors, such as committee powers, resources, and autonomy, which influence their ability to conduct thorough investigations and oversight. Additionally, the paper analyzes the impact of political dynamics, including party composition, committee leadership, and cooperation among members, on the strength of parliamentary committees. By understanding the multifaceted factors that shape the strength of these committees, this paper contributes to the understanding of the legislative process and its role in promoting democratic governance.

KEYWORDS:

Accountability, Appointments, Budgetary Control, Deliberation, Policy.

INTRODUCTION

The effectiveness of the parliament depends on its members. The fundamental unit of a legislature, as well as its internal institutions of party and committee, is its members. The higher a member's potential to create and assist the activities of an active and strong legislature and so operate independently of the chief executive, the more informed and skilled they are. A subservient parliament is created when there is a high member turnover rate combined with weak organizational capabilities. Additionally necessary is a wage that will draw in and keep a membership willing to spend most or all of their time to legislative tasks [1], [2].

The number of full-time, career lawmakers increase with the prominence of the legislature. The existence of such lawmakers will thus increase demand for a greater, more involved legislative role. They will support powerful committees, be more inclined to criticize and even challenge the government and their party leaders, and want to pursue their own public policy proposals [3], [4].

The legislative literature review reveals a typology of national legislatures that Mezey initially proposed and Norton later refined based on policy-making authority as well as support, which aids in our understanding of the capability and implications of the legislatures to hold the executive accountable. However, this classification is too simplistic to recognize the differences and similarities within a given category, which motivates us to investigate some of the important political and social characteristics derived from Mezey's two dimensions of legislative typology in order to quantify the differences. The interaction of political and social elements will define the function of the legislature in the political system, whether it is an active, reactive, vulnerable, marginal, or minimum legislature according to Mezey's classification [5], [6].

It is clear that the political environment in which a legislature functions has a significant impact on how effective that legislature is in limiting the power of the executive. Legislative bodies appear to be more powerful in situations where political power is dispersed and fragmented, either vertically between and among the various branches of government or horizontally between and among the various state legislatures and local governing bodies. The polity's constitutional framework seems to be the most important consideration in this regard. The legislature is by definition expected to be powerful and independent under a presidential system when the separation of powers is present. In the US, political institutions are designed to reduce or, if feasible, prevent the exercise of centralized authority. All facets of political life are characterized by the division and sharing of power and authority. Even in a parliamentary system, a written constitution, a proportional election system with a low threshold requirement, federalism and symmetrical bicameralism, and judicial review may make the parliament a powerful legislative [7], [8].

The party system is a byproduct of the electoral system of a nation, and the formation of governments is strongly influenced by the party system. No of the form of government, a powerful parliament tends to be associated with a lack of party control caused by either non-cohesion or multipartyism. While multiparty systems produce more powerful parliaments, two-party systems often produce single-party regimes where the parliament runs the danger of serving just as a rubber stamp for executive actions. The separation of the legislative and executive branches is strengthened by bicameralism and coalition administrations. Coalition governments are often required in multiparty democracies, a situation that all too frequently results in weak cabinets with short tenures. As a result, although having a theoretical connection, the government and parliaments often act separately and have the potential to become powerful parliaments [9], [10].

The support dimension also includes the concurrent significance of socio-economic forces such as civil society, institutional history, political cultures, media, interest groups, the economic condition, and the like for the legitimacy and continuity of a strong legislature. The political variables show the importance of politico-institutional elements of a polity in determining the strength of a legislature. In reality, socioeconomic and cultural considerations play a significant role in understanding how parliaments work and how effective they are at holding governments accountable in Third World nations. However, examining macro- and micro-political institutional issues would undoubtedly aid in identifying the causes of the disparate levels of legislative performance across Third World nations. This literature study on legislatures ultimately yields an analytical framework that will direct the next studies and open the way to interpreting the function of parliamentary committees in holding the executive accounts in Bangladesh, India, and Sri Lanka.

With the possible conclusion that parliaments have a little role in keeping the administration accountable, an exclusive emphasis on the macro-contextual ecology of legislatures may look deceptive and imbalanced. Although external contextual factors may confirm that the majority of legislatures in parliamentary systems fall into the reactive rather than the active group, there are significant variances within the same category that lead us to delve further into the internal organizational structures of legislatures. This seeks to define parliamentary committees, which are widely regarded as the most significant internal tool of a legislature to supervise and hold accountable government activity. This aims to explore the factors that determine the strength of committees, which in turn maximizes their capacity to hold the government accountable by focusing on intra-institutional arrangements of committees as well as contextual political-institutional aspects, which do directly affect the functioning of committees.

DISCUSSION

Parliamentary committees

By a large margin, committees are regarded as one of the most important internal organizational elements of contemporary parliaments. In most nations and on all continents, parliamentary committees are becoming the principal hub for both legislation and legislative monitoring of the executive branch. A legislative committee is a smaller group of lawmakers, often tasked with carrying out certain organizational duties. In contemporary parliaments, committees are often among the most favored organizations. A legislative committee, like other legislative domains, is intended to support majority rule while simultaneously defending minority rights. Committees serve as miniaturized representations of the broader assembly in this manner and many others. A essential prerequisite for the relevance of parliament is strong committees. In modern democracies, parliamentary committees are one of the most significant aspects of legislative institutions. Governments nowadays are more intricate, and their spheres of influence are wider. Detailed legislative business cannot, of course, be conducted in plenary sessions due to time constraints and an unfavorable climate on the floor. That is the exact basis for the parliamentary committee structure used in the majority of modern parliaments across the globe. The majority of committees also serve as a platform for specialization, effectively supplying the skill and knowledge necessary for the legislative phase of the policy-making process, which involves more complicated policy concerns. Committees thoroughly examine government operations. Public officials testify before committees and respond to inquiries regarding their operations and strategic goals. Through inquiries, investigations, and financial evaluations, committees also guarantee the government's financial viability. The ultimate goal of all committee tools is to ensure government accountability.

The importance of committees has increased, not just in a few parliaments but also globally, becoming more and more the primary organizational hub for both legislation and legislative monitoring of government. Although less true at the time, Woodrow Wilson's 1885 statement that "Congress in its committee-room is Congress at work" is one of the most frequently cited in studies of parliamentary committee systems. In the century that followed, this statement became the standard of scholarly understanding of US congressional committees. A productive way to distribute the expanding legislative effort is via committees. They also save the chambers from having to choose committee members on a regular basis. In the US, committees ultimately show to be a potent counterbalance to the presidents' and their cabinet members' growing dominance in setting the legislative agenda. One of the main—possibly the primary— reasons for the increased usage of committees in parliamentary democracies is the parliament's desire to increase its capacity to monitor or examine the administration and ministers. The scholarly literature on parliamentary committees is still lacking. The US Congress's formidable committee structure has been the subject of a wealth of studies. However, one discovers a corpus of appalling imbalance of systematic information when looking for public papers on committees in legislatures other than the US Congress. A glaring gap in the political science literature is the absence of a corpus of comparative literature for the purpose of conducting an accurate examination of parliamentary committees.

The release of Lee and Shaw's edited book Committees in Legislatures: A Comparative Analysis in 1979 marked the culmination of the first significant endeavor to evaluate legislative committees on a global scale, which began in the late 1970s. Lee and Shaw set out to collect empirical data on the committees in eight national legislatures, including the Congress in the Philippines and the US as well as the parliaments of Britain, Canada, Germany, India, Italy, and Japan. Along with integrating their nation studies, they also sought to build a comparative analytical viewpoint to support research on committees in other parliaments. This study

supports a thorough, multidimensional view of the different parliamentary committee systems' forms, goals, and effects. It also significantly contributes to establishing the value of committee research and its academic heritage.

Although there are only a few and seldom, practically all significant works on cross-national parliaments now include a section on committees. The transnational substantial collection of studies, Parliaments and Majority Rule in Western Europe, edited by Döring, marked a turning point in the study of Western European parliaments in general and that of their committees in particular in the middle of the 1990s. In s by Mattson and Strm and by Damgaard, significant studies concentrate on parliamentary committees. This is a genuinely comparable analysis of major features of West European parliaments. This comparative study demonstrates that parliamentary committees have significant influence on legislation and executive oversight in 16 Western European nations.

The Research Committee of Legislative Specialists, one of the research bodies of the International Political Science Association, oversaw a more extensive endeavor to gather empirical data on legislative committees in the 1990s. The committee organized an international conference on parliamentary committees in Budapest in 1996. The conference's top papers were collected in The Changing Role of Parliamentary Committees, which was published in 1997. These contributions, which covered a broad variety of committee-related subjects, gave details on committees in around 19 national parliaments. The participants to this collection comment on and look into the rise of parliamentary committees in the 1990s in their wide-ranging inquiries. These studies provide a wealth of fresh data regarding parliamentary committee structures, including organizational bases, the number of committees in different systems, committee sizes, and committee jurisdictions. Additionally, they describe many aspects of parliamentary committee practices, including how members of parliament are allocated to committees, how chairmen are selected, and how committees carry out their legislative duties. Finally, these studies advance our knowledge of committee power, notably the influence that committees have when formulating policy. It seems that strong committees are at least a pre-requisite for successful legislative influence in the formulation of policy. It is less clear if they are also a necessary requirement. Due to the specific cogency of the committee systems in these parliaments for examination of the Israeli example, Hazan begins his latest book on committee reform in Israel by analyzing the committee systems of four European parliaments: in Britain, Germany, Italy, and the Netherlands. This book also emphasizes how important the political environment outside of parliament is to the committees' ability to function.

It is difficult to develop a global view on committees without considering their function in the legislatures of the Third World, which includes over 100 nations in Africa, Asia, and Latin America. According to Smith's research, one-third of the Third World governments had military control for more than 20 years between 1960 and 1990. Only one-third of these countries had never undergone military governance; the other two had shorter periods of military authority. While authoritarian leaders in the Third World sometimes destroy or suspend legislatures, they often are restored in due course as a sign of government legitimacy. In essence, most Third World nations' political structures—at least those of the previous several decades—have tended to have primarily authoritarian traits, including a feeble legislature and a poorly developed committee system.

A few legislative committees and parliaments in democratic Third World nations including India, Chile, Kenya, the Philippines, Costa Rica, and Mexico have seen some excellent work. With case studies exhibiting weak committee systems in the conventional and authoritarian Third World and stronger systems in continuous and intermittent Third World democracies,

Shaw notes the broad diversity of arrangements in legislatures in the Third World. India and Kenya are notable examples of the Westminster tradition, where committees look weak in comparison to the executive, whereas the other three are modeled after the US Congress, where committees appear stronger than the customary Third World committees.

Up until recently, Blondel's statement concerning committees in legislatures in the Third World held true for the majority of such committees: "Outside Western nations, the committee system is often not well established. Few committees exist in many Third World nations, and those that do meet seldom. It seems that things are changing in step with the Third World's return of democracy. The degree of a country's commitment to democratic processes is associated with the strength of that country's legislature. As a result, committees have the potential to play a key role in keeping the government accountable in developing democracies like Bangladesh, Nepal, and nations in Latin America.

Various elements that affect the power of legislative committees

The topic of committee strength has drawn more and more attention in mainstream political science. One significant comparative study looked at two factors—legislative activity and capacity for governmental oversight—to gauge the strength of various nations. Policy-making, power dynamics in and around committees, and the monitoring roles of the parliament are all linked.

The influence of the party, the legal system, and developmental considerations were all used to interpret the strength of committees. The effectiveness of committees has been the subject of another significant comparative study. This research identified committee processes and committee reports as factors that explain committee effectiveness. This strategy is fruitful because it provided a rather simple way to contrast committees in various political systems.

A powerful committee in a legislature is one that significantly influences public affairs on its own. Five of the nine qualities of parliaments that were most closely associated with their capacity to operate independently in the public policy process were traits of the committee system. One aspect of the legislature's capacity to make policies was the autonomy of its committees. These results supported Lees and Shaw's view that the foundation of an effective and powerful legislative committee system is the committee's independence from political and governmental authority.

Parliamentary committees are like the mythical figure of Janus because they combine the functions of being both a repository of information and skill and a vehicle for the exercise of political power. They may gain expertise in a particular area of public policy when they adopt a structure similar to that of government ministries, grow to be permanent organizations, and assemble a core of seasoned members. However, executives and political parties seek to exert control of committees by allocating members and enforcing party discipline to the degree that they gain influence in a legislature as a result of their competence.

For Mezey, committee structures are well developed in legislatures with significant policymaking authority. Legislative committees have emerged as an essential part of the policy-making process. Sometimes they serve as organizational structures to encourage policy expertise in the legislature through a division of labor, other times as tools to enable the legislature to monitor the bureaucracy's implementation of policy, and sometimes they serve both purposes. Committee strength determinants may be categorized into two main categories. These are listed below:

1. Institutional and contextual politics

2. Constitutional structure

3. Bicameralism/unicameralism;

4. Political gathering.

5. Internal institutional dynamics

6. Functional organization;

7. Structural organization;

8. Methodical organization.

9. Institutional and contextual politics

Constitution-Related Agreement

The difference between a presidential and parliamentary system of administration is the main constitutional difference that matters for our study. The foundation of parliamentary systems is the assumption that, in a merger of powers, the executive will emerge from the legislative and assume the helm. In presidential systems, the separation of powers establishes an independent legislature that typically serves as a check and balance on the executive branch. As a result, presidential systems have stronger committees than parliamentary systems, which have weaker committees.

In systems with a separation of powers, legislative attempts to fortify their position in the face of executive authority naturally led to the development of powerful and aggressive parliamentary committees. A key component of traditional parliamentary government is the idea of unified political leadership and responsibility. Assertive committees in parliamentary systems have the potential to undermine the primacy of governments, executive branches, and not least legislative and partisan leaders in the chamber itself. The conventional concept of parliamentary government is therefore fundamentally at conflict with active parliamentary committees. In parliamentary systems, the majority members of the dominant party, which is in turn controlled by the government, dominate the legislative committees, making them significantly weaker. The cabinet oversees the legislative process and makes sure that wanted legislation do not fall through the cracks. Committees serve as platforms for discussion that sometimes result in small or technical revisions but seldom result in significant changes. Executives must exert more influence over committee activity the more they try to dictate the legislation's substance. Less significant and active committees are typical the more the executive or parties control the legislative work's policy substance. Major legislative action and decision-making will continue to take place on the floor, where members are more visible and more readily subject to party discipline, in an effort by the administration or governing parties to preserve their grip over the legislative process. Due to these factors, prime leaders of both Britain and Canada, from both political parties, have in the past rejected plans to expand the power of committees under their respective parliamentary systems.

Ironically, ministerial accountability has been one of the committee's biggest barriers to success. Having ministerial authority gives the executive the ability to manage the information and witness flow to the legislature. Additionally, it requires that officials appear before committees with the minister's approval. Select committees' experience has shown how helpless they are in the face of executive recalcitrance. The parliamentary committees tasked with keeping them accountable are under the supervision of the ministers, who also manage its funding and membership. The establishment of a power hierarchy is not jeopardized by slender membership, which is strengthened by strict party rules. The chair's authority to invalidate the

committee, shelter witnesses from problems, and use their casting vote to defend the government is vital for accountability. For two reasons, members of legislative bodies have found committees less appealing.

Strong committees would simply further fragment what is already a multiparty system, the leadership feared. Given the constant conflict between the executive and legislative branches of government under the Westminster model, the administration frequently takes action to avert public humiliation in committee. To do this, the administration feels compelled to use its majority to control the committee's operations, diminishing the nonpartisan nature of discussion and deliberation inside the body. Executive are often forced to limit the committee's area of inquiry and to have a say in how the probe turns out.

Any member who receives attention for criticizing his or her own administration is unlikely to ever be selected for senior positions in the government. The Westminster approach encourages members to voice their disagreements privately rather than publicly. This eventually limits the members' roles in committee and the house, supporting the perception that private members just serve to vote along party lines and refrain from speaking out on causes they supported in the last election. Legislative committees have a limited role, particularly in systems that follow the Westminster model. Because committees may become a source of policy knowledge outside the party in Great Britain, party officials there steadfastly opposed their creation for fear that doing so could compromise party discipline. It took more than 600 years for the House of Commons in Britain to establish a thorough, focused, permanent set of departmental committees in 1979.

The structure and operation of parliamentary committee systems are crucial, particularly if the committees have significant influence over the legislative process. This is seen by the division of select and standing committees in the British parliament, which tends to restrict the influence of the legislature. In order to approve government measures more easily and to limit those that would strengthen parliamentary oversight and influence, mechanisms that support government control of a legislative majority have been expanded. Therefore, in accordance with the Westminster system, the committees' purview is restricted to providing the house with reports and recommendations, and the reports themselves only serve as persuasive tools. The House of Commons select committees are tasked with monitoring administration, but they are not allowed to use their oversight authority to try to change policy. The government and the parliamentary majority make policy under the British system, and they carefully preserve their prerogatives against the intrusion of parliamentary oversight committees. It is not unexpected that parliament is confined to administrative oversight and is excluded from supervision and control over administration, which in the US comes out of the separation of powers, as the leadership of the administration is comprised of the leadership of the dominant party in parliament. Active parliamentary committees emerge naturally under separation-of-powers regimes as a consequence of efforts by legislative bodies to create legislative resources and mechanisms to enhance their hold in opposition to executives. Contrary to the cabinet in parliamentary systems, congressional committees are strong institutions for overseeing the legislative process. In the United States Congress, committees have exclusive control over the legislative process. Bills start in committee, are debated and studied there, and may be killed there without the inconvenience of a vote on the House floor. In the US, gate-keeping, knowledge advantage, and proposal power make up the core of committee power. The committee may decide not to report a measure if the majority of members oppose it becoming law. This prohibits the floor from discussing it, giving the committee a veto in effect. In the 102nd Congress, over 87 percent of all measures that were sent to committees never made it to the floor. The fact that committees' draft laws and have a second chance once their chamber

has carried out its agenda allows them to implement many of the policy desires they set for their individual domains. This happens at the conference stage, when disagreements between different versions of a law are settled by two chambers of a bicameral legislature. The rules guiding the order of proposing, modifying, and particularly vetoing in the legislative process provide an explanation for committee authority.

CONCLUSION

In conclusion, to advance democratic governance and accountability, legislative committees must be effective. Societies may promote strong legislative oversight, ensuring that parliamentary committees play a crucial role in sustaining democratic values, and safeguard the interests of the population they serve by addressing the institutional and political variables that influence their strength. Political parties and particular lawmakers are also crucial in enhancing the effectiveness of committees. Instead, then only utilizing committee assignments as political favors, parties should place a higher priority on the effectiveness of committees and pick qualified members who are committed to the committee's goals. To guarantee the efficacy of committee work, legislators must acknowledge its significance and actively participate in committee operations.

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CHAPTER 15

EXPLORING THE ROLE OF UNICAMERALISM LEGISLATURES

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ABSTRACT:

Unicameralism is a legislative system characterized by the existence of a single chamber or house, as opposed to a bicameral system with two separate chambers. This paper examines the concept of unicameralism, its historical origins, advantages, and challenges. It explores the role of unicameral legislatures in democratic governance, lawmaking, and representation of citizens' interests. The paper also analyzes the potential impact of unicameralism on political stability, efficiency in decision-making, and the relationship between the executive and legislative branches. By delving into the complexities of unicameralism, this paper provides insights into the functioning of different legislative systems and their role in shaping democratic outcomes.

KEYWORDS:

Members, Lawmaking, Legislature, Legislatures, Unicameralism.

INTRODUCTION

The fact that upper House committees are independent of the executive branch of government is one of its advantages. They can see the situation from a different angle than lower House committees can. Upper Houses without a majority of the government may start committee investigations, which provide rigorous and in-depth examination of policies. Second chambers may have a significant influence on governmental policy because they have more time and are better equipped to conduct investigations and scrutinize proposals. Upper Houses often have a lesser public presence, which might allow committees to function uninterrupted and further promote the culture of consensus that is a key component of committee work [1], [2].

The Bicameral Rivalry Theory

The consistency between a nation's constitutional design and the authority of committees within that nation's legislature. Most often, committees in unicameral legislative systems lack the power to veto legislation. In regimes when the national legislature is unicameral or bicameral, where one chamber predominates over the other and legislative committees are diminished, the chief executive is most likely to exert decisive influence over the legislative process. In contrast, systems with several chambers and a separation of powers often have powerful committees. Legislative bodies with two active chambers and strong committee structures are more likely to make policy decisions independently of the president [3], [4].

Ceteris paribus, committees won't be powerful in bicameral legislatures when they are not the primary players in settling conflicts between the chambers. The British parliament is of some relevance in this context. The structures of cabinet governance lessen the necessity for conferences between representatives from the two houses to settle disputes. The same small number of ministers control the agenda in both houses thanks to the cabinet's centralized leadership. Both the proposal authority and the amendment procedure are under their control. Ex post reconciliation is not necessary since the government may choose the laws ex ante that will be approved by both houses [5], [6].

Democratic Party

The relationship between the robustness of the committee system and the strength of the legislature's policy-making function has been widely documented, similar to the relationship between parliamentary party autonomy and legislative policy-making role. Weak committee structures are nearly typically related to weak legislative institutions. Party is arguably more significant than any other single component that can be identified in terms of influencing committee behavior. Shaw found that in six out of eight nations, the draw of party membership is unmistakably larger than the pull of committee affiliation in his comparative in-depth analysis of eight legislatures [7], [8].

In fact, it doesn't seem overstated to suggest that the party structures in place in legislatures have a significant role in how committees operate. The assigning of members to committees in proportion to party strength in the chamber is a practice that is common in legislatures and might be seen to be an official acknowledgement of party power. In Italy, this is needed under the constitution; in other countries, it is required by usage or standing rules. The goal is to provide the dominant party or coalition a majority in each committee and to guarantee that each committee mirrors party splits in the chamber. In a parliamentary system, the parties are in charge of forming the governments and seeming to oversee parliamentary activities. Parties often strive for political power, influence over public policy, and party cohesion. By monopolizing the de facto power to appoint MPs to parliamentary committees and punishing or rewarding the members based on their performance in light of party objectives, parties, and particularly their leadership, can significantly influence or dictate how parliamentary committees operate. The prize is more alluring and holds greater promise for efforts to influence committee members' conduct. Party preferences take priority over committee members' policy knowledge and constituency interests, in contrast to the separation of powers system in the US [9], [10].

It is possible to pinpoint the elements that prevent committee autonomy or integration. British standing committees are more cohesive than German committees where ministers are not members because ministers are members and tend to dominate them. It is also important to consider the job that committees are performing. Select committees in the UK are tasked with overseeing the executive branch and are often less coherent than standing committees, which deal with legislation.

In contrast to dealing with technical and other topics about which the parties do not feel passionately, committees dealing with subjects about which the parties feel strongly tend to be more cohesive. As a result, the power of a legislature's party system is negatively correlated with the strength of its parliamentary committee structure.

The check and balance between the various bodies may become less effective if the same party has a majority in numerous elected bodies, even under a separation-of-powers system like the US presidential system where party control is inherently weak. This was particularly clear during the 104th Congress, when Republicans controlled both Houses of Congress. The Speaker of the House, Newt Gingrich, emerged as a prime minister overseeing a majority party in a parliamentary system and imposed central leadership authority over the committee system, which is the foundation of the US Congress.

The Speaker established task forces rather than committees to deal with legislation in an effort to achieve significant party control over the members. He cut the budget, personnel, and number of committee subcommittees. In contrast to specialization, a fundamental component of the US committee system, he disregarded the established norm of seniority in the nomination of committee chairmen and restricted the term of committee heads to six years. He controlled

committee agenda-setting and restrained the chair's authority. In the first three months, 78% of the legislation that reached the floor were not passed. In essence, the Speaker destroyed the committee structure and created party control over the members.

Legislative committees are allowed to take on a life of their own and significantly influence the outcomes of legislatures when parties have just a tenuous hold on them. Lack of party coherence or multipartism may both lead to a lack of party control. The power of American committees is therefore explained by the absence of party discipline in the US Congress, while the relative strength of Italian committees is explained by the multipartism of the Chamber of Deputies. On the other hand, if committees are weak, a single cohesive party whose members make up the majority on the committee tends to exert strong influence over them. When one party is in control, political activity seems to move away from legislative committees and toward the floor or the executive branch. Although the select committees were enhanced by the reform in Britain in 1979, the committee system is still rather ineffective. There can be no doubt that if a system of specialized standing committees were established in Britain and were composed in proportion to the party strength in the House, the government would control the committees just as it controls the House, as Where correctly predicted decades earlier. How party deputies on committees may communicate with other party members and leaders is influenced by the internal structure and organizational difference of the parliamentary parties. Some Western European parties have internal working group systems that resemble legislative committee structures. As the party's representatives on the parliamentary committee, the working group members serve as the party's subject matter experts on the committee's authority. It may be the party's own members on the committee who develop the party stance if parties seek to specify a party position on a committee issue.

The power of parliamentary party groupings to influence the decisions of leaders and their own members in formal committees is increased by the development of a party infrastructure that includes regular meetings and leadership positions. Party committee meetings also provide backbenchers a chance to air their complaints and express their opinions in a setting free of the media and political adversaries. Specialized party committees of the British House of Commons precede specialized parliamentary committees by a significant margin and have served as a crucial channel for backbencher influence. The committees of the governing party in India's parliament seem to be the most significant ones. Likewise, party committees have a significant impact in the German parliament.

DISCUSSION

Functional Arrangement

No more than a cabinet could function without a department; modern legislatures cannot function without committees. In the wider political system, legislating and authorizing and monitoring administrative acts are the two most important tasks performed by legislative committees. The frameworks needed for their parent legislature to perform its duties and maintain self-control are provided by committees. Therefore, democratic accountability in between elections is exerted by both the committees at work and the representatives in the chamber.

It is foolish to distinguish between supervision and legislation. While the supervisory and legislative functions of an assembly and its committees may be conceptually separated, in reality they are inseparably linked. Legislation necessitates supervision, which identifies the need for corrective legislation. This new oversight then triggers the need for further legislation, and so on. According to this viewpoint, institutional changes that strengthen an assembly's and its committees' involvement in making legislative choices are extremely likely to eventually

reflect in the assembly's capability and dedication to conducting oversight. In reality, parliamentary hearings held by committees often have the strongest oversight.

The investigatory role is a severe instance of supervision that is often brought on by the finding of official misconduct. Even an authoritarian dictatorship is likely to allow some types of legislative operations, such as reviewing and probing the actions of administrative agencies. It is possible to inquire about how well the appropriate committee members are carrying out the policy, even without challenging its validity or ideological foundation, in order to maintain tabs on the executive's operations.

Financial concerns, including ex ante budget allocation to government ministries and agencies and ex post financial supervision to assess efficiency, effectiveness, and resource economy, are a key responsibility of parliament and parliamentary committees. A company's budget is regarded as its lifeblood. The committee that can have a substantial impact on a public organization's budget allocation seems to be more powerful than committees that routinely assess how money is being used after budget allocation.

Following introduction to the House and public discussion, the budget in the UK and most other Commonwealth parliamentary systems is examined by committees before being sent back to the House for deliberation. The committee's authority over budget allocation is logically constrained. The prime minister and cabinet present an annual budget to parliament each year, which it often discusses but ultimately adopts with little to no modification. Disapproval of the budget by the parliament would very definitely be seen as a vote of no confidence, which calls for the resignation of the administration. The Public Accounts Committee and departmental select committees do, of course, conduct extensive ex post financial analysis of public entities. Contrarily, in Congress, the president's early-year budget proposal just kicks off a prolonged process of in-depth analysis, modification, discussion, and negotiation that typically lasts until October 1 and often beyond. Every aspect of the budget is up for discussion and challenge throughout this process, either at the advice of one of the appropriations committees or by an amendment put up by a single member during a plenary debate.

The effects of this process are far-reaching, not just for budgetary management but also for how Congress and the executive arm of the government generally interact. Each cabinet secretary is aware that the president and his budget advisers must first accept their budget proposal. The secretary is aware that ultimately, Congress is the one who chooses how much funding the department will really get, often by adopting the recommendations of its appropriations committees. Herein lays the answer to a question that MPs from democratizing regimes sometimes pose when they arrive in Washington for the first time: "When Congress requests information from government officials, why should they offer it?". Of course, this is due to the fact that a rebellious cabinet secretary runs the possibility of suffering harsh budget cutbacks. Or, to put it kindlier, all cabinet secretaries have a strong incentive to gain the trust and support of the appropriations subcommittees, which essentially oversee the yearly budgets for their agencies. Additionally, the House Appropriations Committee, the Government Reform Committee, and the Budget Committee rigorously oversee the executive's finances ex post. The empirical proof of the actions of several committees is included in committee reports that have been presented to the parliament. Reports also show the various steps that the committee took to complete its assignment. Some legislatures, such as the UK House of Commons, do not formally require the preparation and presentation of committee reports.

In the British parliament, committees often provide a report to the House after the completion of an investigation or task. The committee has no official way to guarantee that its

recommendations are followed after publishing the reports. They must depend on the persuasiveness of their arguments, public attention, and unity. However, the committees provide a significant contribution to the openness of the work of government agencies by making a lot of documents in the form of reports public record. The government is obligated to react to each complaint within two months, and although comments are often indifferent or contemptuous, they may also be favorable at times. Committee report discussions now take place on three days known as estimates days. Three Wednesday morning sittings dedicated to discussing reports have been added to them. In the US Congress, committee reports must be submitted to the House as soon as they are finished, and their recommendations are legally enforceable.

Structural Configuration

Legislative committees are often discussed as if they were a well-defined phenomenon, but in truth, there are many different types of them. The roles, makeup, institutionalization level, and many other characteristics of committees differ. The following sub-headings will be used to explore the structural characteristics of committees:

1 categories and tenure;

2 jurisdictions;

3 numbers;

4 sizes;

5 different memberships;

6 sub-committees.

Committee types and tenure There are two main categories that may be used to categorize committees: permanent and ad hoc or special committees. Permanent committees often have a narrow focus. Permanent committees are tasked with studying all bills or other matters pertaining to that particular field. The jurisdiction of the committee is determined by the subject matter, which tends to parallel the structure of the administrative or cabinet agencies, such as health, defense, education, or finance. There are many kinds of permanent committees, such as finance committees with particular supervision and auditing responsibilities. They are typically appointed for the duration of the parliament. A committee's members have the chance to gain true expertise and specialization in their given disciplines thanks to the extended and fixed tenure of office.

Ensuring a constant framework for inquiry and fostering a corporate culture of exploration are two reasons why permanence is crucial. The impact of party to excel committee influence may be countered by a corporate spirit. The comparison of two sets of committees in a single legislature—the standing and select committees in the British parliament—rather than committees in distinct legislatures serves as the most notable way to illustrate this point. Ad hoc standing committee proceedings that deal with legislative oversight are adversarial, with party disputes basically being a continuation of what occurs in the chamber. Select committees, which are permanent and run similarly to government departments, have adopted a more nonpartisan strategy and regularly reach consensus on their recommendations at the cross-party or unanimous level. Permanent membership seems to be an independent element in lowering party hegemony, despite the fact that other factors also impact the political power of select committees.

Before the whole chamber considers a draft bill, the US Congress is divided into permanent subject-matter committees that make the key decisions. The whole house will only examine a measure that has been revised and amended by a committee, which has extensive jurisdiction to do so. These committees oversee legislation in addition to examining and reporting drafts. The departmental select committees, which are permanent in character and operate similarly to government ministries, exercise supervision in the British parliament. Major European parliaments have permanent committees that serve as both legislative and monitoring bodies.

Ad hoc committees, which are temporary in nature, are formed to address a specific issue and disband after completing their assigned work, which is often followed by the submission of a report to the house. In most nations, there are both permanent committees and ad hoc or special committees. Ad hoc committees are used by the British parliament to study proposed laws. Exclusive jurisdiction strengthens a committee's authority. Instead, the scope of committee influence is constrained by the absence of exclusive authority. The degree to which committee systems' structures resemble those of government departments varies. Committees are more likely to become a repository of expertise for the legislature and the operations of ministries are likely to be subjected to more careful scrutiny when committee systems are organized so that each ministry has a specific committee that legislates and oversees its policy area. However, policy knowledge and administrative supervision tend to decrease when committee arrangements do not correspond to the organizational structure of the administrative agencies. As a result, the legislature's ability to restrain or influence the government is likely to be reduced. The British bill committees represent the latter kind, whereas the US Congress and the parliaments of continental Western Europe represent the former.

Standing committees in the British House of Commons have exclusive jurisdiction over legislation but not over specific areas of government authority. A select committee will discuss economic policies while a standing committee will consider financial legislation. Additionally, standing committees, unlike select committees, only have authority over proposals that are referred to them.

Legislators are given the crucial resources of time and experience to get acquainted with the substantive problems within the jurisdiction of committees and to help build expertise in certain policy areas when there is a system of permanent committees with a defined jurisdiction and with durable membership. Additionally, they get to know the executive agencies and the interest organizations that are active in the policy issues. A legislature with permanent committees may become a more knowledgeable body on policy issues than the cabinet with its frequent rounds of ministerial changes if the party structure permits incumbents to be re-elected.

Numbers Committee structures differ depending on how the committee was established. The committee is stronger the more committees there are. According to Smith, "the more small groups there are, the less susceptible they are to government control than a single large one." In order for the committee system to function as an integrated whole, the creation of a liaison committee or committee on committees is now required. The French constitution limits the number of committees of the French national parliament to six, all of which must evaluate all legislation and legislative initiatives falling within their purview. This was done on purpose to limit the influence of committees in relation to the executive in the French Assembly, which has one of the weakest committee systems in Europe. Other nations' parliaments are allowed to set up their own sets of committees, which may cause a change in the number of committees depending on the demands of the moment. For instance, in West Germany, as the number of parliamentary parties decreased, the number of committees decreased from 39 in the first Bundestag to 36 in the second.

Committee size Size may affect how well a legislative committee functions. Committees may reach an agreement that eliminates political polarization since they are small groupings. Small committees may have their own personalities and achieve a high degree of cohesion. Small committees increase the likelihood of competence and specialization. An unwieldy system would result from having too many committees and members, which would overwork lawmakers and/or duplicate their efforts. According to a 1994 study on defense committees in 30 legislatures, "the size of a committee is crucial to their effectiveness" and "the majority of committees are efficient and workable with between 13 and 25 members."

If small-group standards are to be maintained, there must be a reasonable amount of membership continuity. Some nations, like the United Kingdom, have a pronounced discontinuity that works against the development of committee identity, unity, and distinction from the outside world. Legislators' allegiances and concerns outside of committees might also obstruct the integration that is meant to take place in small groupings. The more members a committee has, the more the issues that the legislature faces in plenary sessions are replicated. Each participant may speak, but the impact of their vote on discussions and decisions is less probable. The potential for thorough and in-depth discussion increases with committee size. The notoriously weak French parliament serves as an example of a legislature with too many committees. Small committees are a common feature of Western European legislatures.

It is likely that parliamentary parties, especially those in the government, would want to win a majority of committee seats in order to influence both the creation of policy and the distribution of internal authority. Even if we lack detailed information on committee memberships from Western European parliaments, the example of Sweden may be instructive: the overall number of committee seats is smaller than the entire number of parliamentarians. The more difficult it is to arrange a proportional allocation of seats among the parties, the smaller and fewer the committees are.

numerous membership restrictions Facilitate specialization and skill by prohibiting numerous memberships. It is not seen as ideal to spread out a member's particular skills and expertise over an excessive number of legislative areas. Additionally, it may be physically taxing and demanding for a member to attend more than one or two committee meetings if sessions are usually conducted concurrently. If committee members focus only on one committee, specialization and competence will be strengthened. Members may be a part of many committees in the UK, US, India, and Bangladesh. Each lawmaker in Norway serves on one and only one of the 12 permanent committees under a unique system of specialized committees. In Western Europe, there are few legal limits, yet few parliamentarians sit on more than one or two specialist committees.

Subcommittees may reduce the expenses associated with internal decision-making, but if they are biased toward one area of interest, they may increase conflict in the overall committee. It may go beyond our ability to think about many things at once. The majority of European parliaments have subcommittees. Subcommittees undoubtedly play a large role in Congress, particularly since the 1970s, but their function in Western European parliaments seems to be less clear-cut. In the US Congress, there are committees that focus on different areas, such as finance, military, or international relations. Additionally, committees may have a number of subcommittees that provide additional specialization.

The number of subcommittees created by the US Congress depends on the size and variety of the jurisdictions of the committees. The selection of subcommittee members became a self-selection process once committee processes were made democratic in the 1970s. On the one hand, the expansion of what was sometimes referred to as "sub-committee government" was

attacked for splintering Congress and making the legislative process more difficult. On the other hand, the same trend produced a large number of other activity forums, each with a much more focused agenda than the standing committees and, at least in theory, each able to examine a smaller portion of governmental activity more intensely.

Arrangement for Procedure

Procedure is a component that affects how legislative committees operate. The way committees operate reveals a lot about a parliament's governing structure. The manner that committees perform their work are often predetermined by the standing orders or rules of procedure. These processes provide potential for legislative outcomes while reflecting patterns of majority rule and minority rights within parliaments. In this context, the following committee processes will be interpreted:

1 agenda-setting;

2 assignments to committees;

3 Chair allocation and choice;

4 committee assets;

5 committee transparency;

Setting the legislative agenda is an essential component of committee authority. Committees must be free from state interference in their internal matters in order to function as independent decision-making organizations. The following four subheadings may also be used to deal with agenda-setting authority:

1 the ability of committees to propose legislation;

2 their power to change laws;

3 the management of committee time;

4 their techniques for gathering information, including the right to call witnesses and request documents.

These statutory authorities are anticipated to have a significant effect on committees' capacity to restrain or sway administration without the assistance of outside parties, chamber majorities, or the government. The ability to establish the agenda is rather restricted in the British House of Commons. The agenda for the departmental select committees is up to them, however they are not responsible for legislative oversight. Standing committees lack this ability to establish the agenda and may use guillotine motions to restrict their discussion in a variety of ways. The committee's agenda is determined by the legislation and amendments presented by the House. On the House floor, the government controls the legislative time, with the exception of certain Fridays that are reserved for private member legislation. The US Congress and the Italian parliament, on the other hand, each have two chambers that manage their own schedule and agenda and have practically complete freedom to alter government proposals.

This ability to define the agenda, together with the expertise provided by committees, helps to increase the viscosity of legislatures by encouraging more input from outside organizations. Olson and Mezey put a lot of attention on the function of interest groups because they believe that as these organizations expand in size, become more specialized, are more numerous, and experience internal conflict, legislative policy activity will rise. Members are more likely to be knowledgeable and have a better opportunity to compare alternative information to that of the

executive when there is a higher input from interested parties. Assignments to committees the composition of the committee is essential for ensuring executive responsibility. Typically, opposition lawmakers are more likely to point up government anomalies than treasury bench MPs. The committee's chair position is of utmost importance. He has the authority to summon all meetings, decide the agenda, and cast the deciding vote on any matter in the event of a tie. It becomes difficult to ensure executive accountability against the wishes of the governing party if all committee chairs and majority members are from the ruling party. The administration may be able to force its preferences on the committee's opposition members thanks to this organisational setup.

Western European committee memberships are often proportionate to the number of parties in the parent chamber, showing a consensus-based rather than a majoritarian approach to this potentially divisive topic. Power sharing among the parties has become the norm in Western and Central Europe's multiparty democracies, where governments are often coalitions. In the US, committee members are chosen by the House according to party strength, whereas in the UK, candidates are chosen by a committee of selection that is purportedly independent of the Whip. Ministers and members of the front bench of the opposition are not included in the membership.

In reality, ministers will always have an edge over backbenchers as long as they participate in committees as members rather than testifying or appearing as witnesses. Ministers will be able to manage committee meetings and establish the agenda via this. Ministers have the power to assist several government backbenchers in achieving their professional goals since they are prominent party leaders. They may also choose to block them. This might be seen as a barrier to backbenchers having an unfavorable opinion of how a certain ministry operates.

Large committees made up of amateur members are less likely to be able to restrain the government than smaller committees with knowledgeable members. Members of a committee may be considered knowledgeable by virtue of their pre-legislative experience or due to a level of expertise acquired over time via specialization in the legislative branch or through ministerial office. Members with some levels of experience are more likely to know what to look for and what questions to inquire than members without that competence, making informed members better equipped to submit laws and government proposals to continuous examination. The individual members' personal traits may also have an impact on how committees operate. The discrepancy between members' expertise and committee authority in Central Europe's new parliaments might cause either a lack of attendance or a willingness to support party choices. A challenge is getting a quorum of members present for committee meetings. In this respect, it is crucial to find out whether committee members are selected based on their expertise and passion for the subject areas they will be working on. Service on the committee is viewed as a chore and most are nominated to make up members rather than out of an interest in or specialist knowledge of the subject covered by the bill, even though the committee on selection in the British House of Commons is required to have deference to the qualification of members when nomi- nating members of standing committees. On the opposite end of the spectrum, the US Congress serves as an excellent example, when members seek participation in committees because they have a specific interest in the industry, often an interest tied to their constituency or organization. Denmark is an excellent example of a legislative in Western Europe where there is a connection between committee assignments and member interests and background.

Chair selection and distribution Committee chairs are often distributed proportionally among the parties as a consequence of talks between the parties prior to the official processes of officer election. However, nothing is known about these conversations. In Sweden, where the

proportions of coalition and opposition parties are tightly matched, the coalition parties chair significant committees while the opposition parties are given vice-chair posts. The presiding officer appoints committee chairs in India. A few committees have him as their ex officio chairperson. According to the parties' influence in the House, chairs are apportioned among them fairly. Traditionally, an opposition MP leads the PAC. The supply in the UK is quite comparable to that in India. In the US, the number of members on committees and subcommittees fluctuates depending on the size of the party in the house, with the main party holding the chairperson and making up the majority of the membership.

CONCLUSION

In conclusion, one kind of legislative structure that provides clarity, efficiency, and simplicity in democratic government is unicameralism. Although it could speed up decision-making and resource management, it also calls for close attention to possible problems with checks and balances and equal representation. A unicameral legislature's efficacy ultimately depends on its dedication to openness, responsibility, and responsiveness to the needs and ambitions of the people it represents. Strong parliamentary processes, openness, and public participation are required to take full use of unicameralism's advantages and overcome its drawbacks. Enhancing committees, parliamentary discussions, and public hearings may improve the quality of legislation and guarantee the representation of many points of view.

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CHAPTER 16

COMMITTEE STAGE IN DELIBERATION: A REVIEW STUDY

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ABSTRACT:

The committee stage in deliberation is a critical phase in the legislative process, where smaller groups of legislators come together to examine and debate proposed legislation in detail. This paper explores the significance of the committee stage in the context of democratic governance. It examines the functions and processes of committees, their role in scrutinizing bills, seeking expert input, and making amendments. The paper also analyzes the advantages and limitations of the committee stage, including its potential for thorough examination, promoting consensus-building, and addressing specific concerns. By delving into the complexities of the committee stage in deliberation, this paper contributes to a deeper understanding of the legislative process and its impact on democratic decision-making.

KEYWORDS:

Amendments, Committee Members, Deliberation, Legislation, Proposals.

INTRODUCTION

It is obvious that the professional committee staffs serve as the committee leadership's eyes and ears in their interactions with the executive. The caliber and amount of committee employees often indicate how important the committee system is to the legislative body. For example, if committees are crucial, they are filled with experienced experts who have significant authority and competence. On the other side, there are fewer staff members who, unsurprisingly, perform mostly administrative duties in legislatures where committees have less importance. Parliamentary committees may easily be rendered powerless by a government by denying them access to enough employees for research and assistance. Staff from the Department of the Clerk of the British Commons help committees in the UK. The committee clerk is in charge of each select committee's employees. Staffs on committees are only responsible for providing administrative and clerical support. The quantity of additional workers varies. A departmental select committee often contains three to four additional employees [1], [2].

The statute permits each of the 19 House of Representatives committees to employ up to 12 clerical assistants and 18 professional assistants. More than a third of the congressional employees are under the authority of the House minority party. In the Senate, the minority party is given committee personnel in proportion to the number of minority members on each committee. The majority of committee assistants on professional staff are educated. Committee staffs coordinate meetings and hearings, handle legislative paperwork, negotiate on behalf of committees and their chairs, and work to forge coalitions within the committee, on the floor, and in conference. They also have some influence over investigations' agenda-setting decisions. Assisting Congress "to compete with the expertise of the executive branch and to scrutinize the claims of special interests" is another crucial duty performed by committee staffs. On the basis that lawmakers are provided with resources they find valuable, it may also be assumed that the more detailed the committee documentation, the more essential and active the committee system [3], [4].

Committee transparency There are committee meetings that are open to the public and the media. The US is one of the legislatures that regularly allows the public to attend committee hearings. In the US, committees conduct open hearings to learn more about proposed legislation, contentious policy matters, or to monitor the executive branch. Some legislatures adjourn committee hearings, including those in Sweden, Finland, and Norway. Some people have meetings that are both public and private. In the UK, committee meetings are held in secret during deliberations but are open to the public when witnesses are called when the committee is acting legislatively. The committee members' access to information depends on whether meetings are held in public or privately. Parties may maintain tight party discipline and keep track of committee members' performance by holding open committee sessions. Citizens may carefully monitor discussion on issues of public concern in open committees. These gatherings serve as forums for committee members to advertise. On the negative side, committee members may be prevented from speaking freely or coming to an agreement as quickly as they could have in private sessions due to the public and media scrutiny of open meetings [5], [6].

Hearings and paperwork A important mechanism for supervision is hearings. Committees or subcommittees hold hearings during which witnesses, representatives from the government, interest groups, outside experts, members of civil society, and constituents testify. Hearings often help committees acquire information about issues with policy and potential remedies, but they may also act as venues for promoting a cause. Hearings may thus be crucial instruments in creating majority coalitions in favor of or against legislation, even if they have less direct influence on the text of legislation. This reflects a demand for more thorough information and improved administrative accountability in parliaments with a long history of holding public hearings [7], [8].

Committee hearings may be place in secret or in front of the general public. The decision has significant effects on supervision. Private hearings may improve collaboration between parties and within parties while reducing public humiliation for the administration. Hearings that are open to the public might result in more significant policy changes than competitive politics. Closed hearings, however, lessen openness and deny the public and the media a critical chance to participate in the formulation and execution of public policy. Contrarily, open hearings could boost political motivation for executive supervision. According to the US, at least with oversight hearings being broadcast to the public, members may imagine the potential of receiving some positive press as payment for their efforts [9], [10].

In reality, in the US, the House and Senate Appropriations Committees and its subcommittees hold hearings on the President's yearly budget proposals during which the most thorough and consistent supervision likely occurs. These hearings are intended to determine if the President's budget proposals for certain departments, agencies, programs, and activities are warranted or whether Congress ought to provide more or lesser amounts in their place. Subpoenas may be issued by congressional committees and subcommittees forcing such officials to attend at hearings and present papers for the committee to review. In the most severe situations, officials who disobey congressional subpoenas may be prosecuted with contempt of Congress.

Both the autonomy and competence of committees depend on information from and about the government. Parliaments must be able to freely access information and expertise from the government in order to perform a unique and deliberative role. Requesting papers from people or private or governmental entities is an alternate way of information collecting. When a committee lacks the power to request records or the resources to hold offenders accountable, the right is restricted. Additionally, it is constrained when there is a small number of organizations and people who must reveal records.

DISCUSSION

Minority reports

In Western parliaments, a committee minority's power to submit its own statement on suggested public policy varies, but it is related to the levels of committee autonomy. Minority reports may be useful communication tools for the general public. When minority reports are permitted, the floor may benefit from a range of policy alternatives or reassurance that the report represents a bipartisan agreement. Denmark, France, Ireland, and the UK are among the main European nations with parliaments that do not allow minority to submit reports. Thus, the dominant party in these parliaments enjoys significant prerogatives with respect to agenda control and legislative efforts. Minority opposition is incorporated in a single committee report in Bangladeshi, Indian, and US legislative committees. The original measure is discussed in the plenary together with committee recommendations.

Committee phase of discussion

If committees take action on legislation before substantive floor consideration, the likelihood that they will exercise independent policy judgment is boosted. In contrast to the Westminster model, continental European parliaments often allow for committee deliberation prior to floor discussion. This characteristic is linked to the ability to initiate and alter committee business. The goal of the discussion in nations like India, Bangladesh, and the UK, where a bill is initially discussed by the House before being assigned to a committee, is to make the main principles of the measure evident. Here, the committee's goal is to absolve the house of any detail-related concerns by carefully examining every phrase of the bill, both in terms of form and content. Although they have the ability to alter a bill, their authority is constrained by the likelihood that no amendment will be admitted that conflicts with the primary goals and guiding principles of the legislation as outlined previously by the house. As a result, committees have a limited amount of authority.

The strength of committees and the time of committee consideration of legislation are clearly correlated. The consideration of measures in plenary is linked to powerful committees. According to Malcolm Shaw's research, of the ten legislatures, those that sent bills to committee before floor discussion were typically those that appeared to have strong committees, and those that held floor discussions before committee deliberations were those ranked lower on the committee effect scale. Shaw explains the connection in the following way: If a committee may evaluate a measure before it is brought to the floor, the committees' possibilities of influencing or deciding the results are often higher than when the front lines of conflict are decided in plenary sessions. We are persuaded by the preceding debate that strong committees depend on powerful parliaments. Broader political, institutional, socioeconomic, and cultural factors have a significant role in determining how effective parliaments and parliamentary committees are in limiting government. However, focusing just on those factors distorts the picture of parliamentary strength and undervalues their potential to have some independent influence on the result.

Although it may be little, that influence does occur and varies from one parliament to the next. The strength of the parliament and parliamentary committees is significantly influenced by the politico-constitutional structure of a democracy. In a Westminster model, there is no separation of powers between the legislative and executive branches since political executives often work with and are in charge of the legislature. Strong leaders and weak legislatures and legislative committees have often been the result. Instead, the separation of powers under presidential systems, like the one in the US, produces an independent legislature that is often intended to act as a check and balance on the executive branch. Legislative bodies and committees are

consequently stronger under presidential regimes. If the character of the governments is one of coalition or minorities, even parliaments in parliamentary systems have the potential to be powerful parliaments and parliamentary committee systems. Here, multipartyism is the cause of the absence of party dominance over the legislatures. Many legislatures in continental Europe serve as examples of this. Even in a system of separation of powers like the US presidential system, where party dominance is inherently weak, the checks and balances between the various elected bodies may become less effective and act more like a legislature in a parliamentary system if the same party holds a majority.

Whether they are predominately permanent, specialized, and well-resourced as in Canada and Japan, or whether they are made up of a mix of ad hoc and permanent committees with ad hoc committees playing a major role as in Britain and India, committees tend to be weak in a parliamentary system of the Westminster type combined with single-party control of committees. The specific political climate that the committees work in cannot be overridden by structural or procedural committee characteristics. Numerous signs point to a robust committee structure in the Japanese Diet. Permanent Japanese committees with authority that parallels executive departments are well-staffed, specialized, and set up similarly to the US Congressional committee system. However, the Diet has one of the weakest committee systems in the world, whereas Congress is known to have the most powerful. The majority of Diet committee activity seems to be ineffective.

By listing the pre-legislative phases of policy creation in Japan, Baer-Wald provides an explanation. The relevant ministry typically drafts a proposed law, which is subsequently discussed by the government, the cabinet, the party groups, and the party leaders. The measure is not forwarded to committee until it has been fully discussed in the Diet and redrafted to accommodate all of the opposing forces and groups that make up the executive. It is inconceivable for the committee where the government has a disciplined majority to amend the bill once it reaches a standing committee since it has already undergone so many adjustments. Therefore, a key internal aspect that aims to establish the strength of committees to restrain the executive is the ability of the parliament and parliamentary committees to define the agenda.

In essence, the unique structural and procedural qualities of the committees themselves may be taken into consideration to assess the competence of parliamentary committees to call the government into account after taking the politico-social context of committees into account. The size, composition, continuity, confidentiality, finances, personnel, etc., of committees should only be discussed at this stage. This is not to say that the internal characteristics of committee strength are unimportant or unnecessary. Permanent small-size specialized committees that are comparable to government ministries and have significant agenda-setting authority and broader legislative and oversight jurisdiction can play a complementary role in creating a legislature that is powerful enough to hold the government accountable in a cooperative socio-political environment. In truth, both a robust committee system and a powerful legislature are prerequisites.

The subsequent three studies, which are more practically oriented, thoroughly examine how parliaments and parliamentary committees in Bangladesh, India, and Sri Lanka, respectively, hold the government to account using both primary and secondary data. In terms of organization, all three of the case studies have certain characteristics. The parliament in its political environment, the historical development of parliamentary committees, and the formal institutional arrangements of the committee system and its practical capacity to hold the government accountable are the three main divisions that each is divided into.

Parliamentary committees' function

There are four main components to this. The first defines the larger context of the Bangladesh parliament in which it operates with the goal of determining the degree to which the external environment has been favorable for the parliament to survive. The second segment examines historical descriptions of the evolution of Bangladesh's parliamentary committee system from its inception to the present. In order to hold the government accountable for its performance and ensure that it is on the correct road, and maybe have an impact on how the current committees operate, it is crucial to understand the trajectory of committee creation and performance. The development of committees has been planned out in accordance with the terms of office of various JSs. The institutional framework of the committee system in Bangladesh is briefly sketched after this section to assess if the current committee regulations are in line with the characteristics of a robust committee system or not. Based on actual evidence gathered from various sources, the fourth part assesses the degree to which Bangladesh's formal committee structure has been able to maintain government accountability.

Parliament of Bangladesh in its political setting

Bangladesh is a country in South Asia that had almost 200 years of lengthy British colonial control before 24 years of "internal colonial" rule by Pakistan. The failure of the political leadership was a major factor in why democracy never had a fair opportunity to flourish in Pakistani politics, which had a history of military and bureaucratic dominance.

Bangladesh's political history has also been rocky. Bangladesh's parliamentary form of governance was a good start for the country when it gained independence in 1971, but it was short-lived due to authoritarian rule and military interference in politics. The military's interference in politics prevented Bangladesh's parliament from expanding naturally for a very long time; in fact, it was suspended and/or disbanded for a very long time. The nation saw eight years of total military dictatorship from 1975 and 1990.

The parliament's stability had been compromised from the start. Due to military intervention, political unrest, and combative politics between the party in power and the opposition, none of the JS in post-independent Bangladesh including the fifth one, which was appointed after a free and fair election completed their terms.

Bangladesh is a parliamentary democracy with many parties. It has a single state. In Bangladesh, there is a unicameral parliament made up of 300 members who are directly elected for five-year terms from single-member districts using adult franchise and an extra 30 female members who are nominated by the assembly. The president appoints and the prime minister chooses the cabinet. As long as the legislature has confidence in the government, it continues in power. A president is chosen by the JS to act as ceremonial head of state for a five-year period. But according to the constitution's thirteenth amendment, the president now has a bigger role when the legislature is dissolved and a caretaker administration is put in place to oversee elections. Throughout their temporary tenure in office, the president continues to be the top advisor and his or her team's boss. Generally speaking, the president favors the governing party. They resign from office if they refuse to do it. An obvious illustration of the presidency's captivity to the current administration in Bangladesh is the unceremonious withdrawal of previous president Badoruzzoha Chowdhury in response to a demand by the BNP parliamentary party.

The majority of poll participants disagreed with the claim that institutionally, committees in parliamentary systems are substantially weaker than those in presidential systems. Only 0.5 out of 1 is the mean. According to the respondents, despite the parliamentary system being

reinstituted in Bangladesh in 1991, parliament was unable to substantially contribute to the development of a powerful parliamentary system and parliamentary committee system. They opposed changing the political system from the parliamentary to the presidential one, nevertheless. They emphasized that if the confrontational political culture in Bangladesh, which primarily revolves around the two top leaders of the two major political parties, could be changed to a consensus one by bringing about institutional changes that leave some room for the opposition political parties to act, committees within the current parliamentary system could be strengthened and more effective.

Only 20% of respondents agreed that an upper chamber should be added to the Bangladeshi parliament, and that Upper House committees would be useful in bringing the government to account. The majority of responses criticized the idea and warned of its dire repercussions. They argued that adding a second chamber would only complicate and worsen matters given the combative political climate in Bangladesh. Political instability and impasse are the ultimate outcomes of the checks and balances mechanism. The statement's proponents each offered a defense. They believe that Bangladesh's government is overly centralized and that the checks and balances between its many institutions are insufficient. The creation of a second chamber may help Bangladesh's two main parties settle their political differences and provide the opposition parties some political wiggle room. Political parties must come to an agreement if one party has a majority in one house while another chamber is controlled by a different party in order to prevent political impasse and insta- bility. Political parties will eventually learn to compromise and share power with opposition parties, but it will take some time for this to become established.

Bangladesh's constitution is in writing. In Bangladesh, every proposal to alter a significant article of the constitution needs not only the approval of the two-thirds majority of parliamentarians, but also the approval of a nationwide referendum. In reality, the bulk of the administrations in Bangladesh have formed on the basis of fabricated majorities thanks to the plurality election system. The first-past-the-post election system allowed the BNP to win government in 1991 with 31% of the public vote, the BAL and its coalition in 1996 with 38%, and the BNP and its alliance in 2017 with 57% of the popular vote. The current election system has weakened the electorate's representation in parliament and increased the level of political competition. It should be noted that the national parliamentary elections are run by the Bangladesh Election Commission, a constitutional authority, under the supervision of the Caretaker Government. Election party fundraising is not subject to any regulations. In the local media, complaints about erratic fund-raising and spending are often highlighted.

The Bangladeshi constitution allows for judicial review of legislative activities, establishing certain restraints on the legislature's and/or the government's arbitrary actions that are incompatible with the constitution's provisions. The Supreme Court is becoming more willing to issue directives compelling the administration to appear before it and defend its actions. The Supreme Court is not permitted to evaluate money bills, nevertheless.

According to the Bangladeshi constitution, the prime minister has a very significant office. After 1990, the president's levels and scopes of influence were just passed to the prime minister without much adjustment. Ministers have a direct collective duty to parliament under a parliamentary system of government. In Bangladesh, this is not the case; instead, ministers just assist and advise the prime minister, and their continued service as ministers is contingent upon the prime minister's goodwill. Numerous important ministries and organizations, such as the Defense, Establishment, Energy and Mineral Resources, Armed Forces Division, and others, are directly under the prime minister, which further emphasizes the centralization of authority.

In reality, the Bangladeshi prime minister has grown to be too strong for any official political institution to hold him accountable other than the electorate during the subsequent election. Any parliamentary committee cannot conduct oversight of the prime minister's office. She is an ex officio member of many standing committees that oversee important ministries, yet he/she never shows up to any of their meetings. Before it is sent to the House, the final list of committee members and chairmen is actually approved by the prime minister.

On several instances, prime ministers were seen meddling with the work of the Standing Committee. For instance, the Daily Star stated that the previous prime minister Sheikh Hasina's recommendation led to the original committee report on the Magurchara gas field explosion from 1997 not being presented to the Parliamentary Committee on Energy. She was in charge of the portfolio for energy. The US oil corporation Unocal executives who caused the disaster, which resulted in significant economic and environmental losses for the nation, did not show up before the committee, which was supported by the previous prime minister. Khaleda Zia, the recently-departed prime minister, was also spotted speaking with the chairs of several committees and giving them instructions not to criticize the minister or discuss disruptive behavior in committee meetings, both of which might harm the government's reputation. For instance, a three-member subcommittee was established in January 2004 to look into charges of corruption against Communications Minister Barrister Nazmul Huda over the import and distribution of CNG auto-rickshaws. The subcommittee was given 30 days to complete its investigation. The study was never made public, and this was primarily attributed to the prime minister's involvement.

CONCLUSION

In conclusion, the committee stage of discussion, which presents possibilities for detailed analysis, consensus-building, and stakeholder involvement, is an essential part of the legislative process. Democratic societies may promote more efficient, inclusive, and informed decision-making, eventually improving the quality of laws and government, by embracing the capacity of committees to examine legislation and seek out other viewpoints. Strengthening committee capability, giving them enough resources, and making sure that their members have the required knowledge and commitment are crucial for maximizing the advantages of the committee stage of discussion. The legitimacy and efficacy of the committee stage are aided by open, inclusive committee meetings and public access to information. The committee stage is not without difficulties, however. The makeup, resources, and dedication to rigorous discussion of committees determine their efficacy. In certain instances, committees may have time limits or have restricted access to expert advice, which might make it more difficult for them to thoroughly review legislation.

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CHAPTER 17

DEVELOPMENT OF PARLIAMENTARY COMMITTEES IN BANGLADESH

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ABSTRACT:

The development of parliamentary committees in Bangladesh has undergone significant changes since the country's independence in 1971. This paper explores the evolution and role of parliamentary committees in Bangladesh's democratic governance. It examines the historical context, legal frameworks, and institutional structures that have shaped the development of committees in the country. The paper also analyzes the functions and effectiveness of these committees in scrutinizing government actions, examining legislation, and promoting transparency and accountability. By studying the development of parliamentary committees in Bangladesh, this paper contributes to the understanding of the dynamics of legislative oversight and its impact on the country's democratic institutions.

KEYWORDS:

Budgetary Control, Deliberation, Jurisdiction, Legislation, Policy.

INTRODUCTION

Strong connections to one's party make it hard for parliament to function as an effective check on the administration under the existing constitution. The constitution's Article 70 prohibits floor crossing and establishes the MP's duty as a delegate. For instance, in the parliament, a member of parliament who was elected as a candidate from a certain party is not permitted to vote for or against that party, nor is it permitted to abstain in defiance of party rules. Those who disobey party directives run the possibility of being expelled from the legislature. Undoubtedly, this clause restricts each member's freedom of choice and autonomy [1], [2].

The anti-defection law's effect on the conduct of MPs attending committee meetings was discussed with the committee members. 51 percent of respondents firmly believe that the present floor crossing item, as it stands, restricts MPs' personal independence and has an adverse effect on committee work [3], [4]. The respondents' mean score on the question of floor crossing is 2.5, meaning that the majority of them oppose the current constitutional ban on it. Major opposition political groups in Bangladesh have long boycotted the legislature in the 1990s. Due to this clause, a sizeable section of the opposition MPs was unable to express their displeasure with their party's leadership or participate in plenary sessions without running the danger of losing their membership. In addition, if the article didn't exist, numerous Treasury Bench MPs would prefer to denounce the wrongdoings of the administration in the parliament. The majority of respondents, however, believed that the floor crossing clause should be included and only apply to a vote of no-confidence since it can both protect respondents' individual freedoms and maintain political stability [5], [6].

According to a survey of respondents' opinions on the subject, 80% of them believe that there is a significant association between the degree of power their parties have over them and the strength of the committee. The majority of respondents from the treasury bench, however, believe that in Bangladesh, party influence over committee members is not particularly strong

and that they are free to operate in committees in their own capacities without fear or favor. The responders from the opposing party note that although committee meetings are more relaxed and friendly, committee members often disagree on important policy matters and instances of corruption. They believe that the concerned minister's membership on the committee has a negative effect on how government backbenchers behave there. It could be dangerous for the government backbenchers, who make up the bulk of parliamentary committee members in Bangladesh, to hold a minister accountable who is further up in the party structure. According to the constitution, the parliament must convene within 60 days after the preceding session. This clause confirms that there is plenty of room for the parliament to convene more regularly and transform itself into a place for discussion and deliberation. However, the main opposition's persistent boycott of parliamentary operations, the absence of a quorum, and the Speaker's partisanship are three key challenges to operating the plenary session efficiently [7], [8].

Since 1991, the political custom of skipping legislative sessions has been more popular. While they were in the opposition for months at a time, all the main parties abstained from attending parliament, stating they had no chance to have substantive discussions on legislative and international matters. In the absence of the primary opposition, Parliament therefore turns into a rubber stamp institution that approves government ideas without any challenge. Additionally, they often allowed walkouts during plenary sessions when they were present, sometimes on absurd and unimportant causes [9], [10]. The Bangladeshi parliament often has quorum crises, which cause significant financial loss to the exchequer. The eighth JS has just once seen the presence of 60 lawmakers, the bare minimum needed to start a sitting on time, in its 322 workdays to yet. According to Parliament Watch, a database maintained by Transparency International Bangladesh, such delays cost the country BDT 144.8 million and wasted 9554 minutes over the course of 240 working days. Spending BDT 15,000 per minute is expected to be necessary. Instead of acting as impartial stewards of the House, the Speakers of the parliaments have shown themselves to be party operatives. Once he accepts the position of Speaker, the Speaker is not legally compelled to resign from the party that nominated him. A simple majority vote is required to oust the Speaker of the House, making the Speaker very susceptible to the opposition party. The Speaker has been forced by this to abandon his neutrality and side with the governing elite. The 1990s prime leaders were often seen dictating and controlling the House.

A parliamentary democracy's ability to operate effectively requires a strong yet organized opposition. In the post-independence Bangladesh, all of the parliaments, with the exception of the fifth and seventh, have been monopolized by a single party, which has encouraged and allowed the ruling regimes to use the parliament as a party agency rather than a venue for public debate and holding them accountable for their actions. However, having greater political competition in parliaments like the fifth and seventh did not always make them more major policy contributors. Further explanation is necessary for this conundrum.

It has been impossible to keep the parliament going and finish its entire term, much alone contribute to policy because of the fierce power struggle between the two main parties. The two main political parties have scarcely been seen to make promises on important governmental matters. High levels of hostility and conflict define the interactions between the governing party and the opposition. Since the restoration of democratic administration in Bangladesh in 1991, the two main parties despise and vilify one another, and their leaders are not even on speaking terms. Perhaps Evans is correct when he says that "the most serious threat to the political stability in Bangladesh continues to come from the tense relationship between the two ladies, Prime Minister Khaleda Zia and BAL leader Sheikh Hasina." Some respondents

blame Bangladesh's hereditary democracy for the strained ties between the two. The opposition often launch walkouts or boycott the JS and organize public demonstrations as a result of being frequently denied the opportunity to voice their complaints and opinions in plenary sessions.

The opposition party in Bangladesh observed a 173-day hartal within two years, which permanently traumatized the country's economy and way of life due to the absence of agreement between the two competing parties. Furthermore, the biggest opposition party in Bangladesh observed a hartal for more than 100 days between 1996 and 2003. Each day's hartal results in an estimated loss of BDT 386 crores, a former finance minister said in a press release. According to UNDP research, the average cost of wars to the economy in the 1990s was between 3 and 4 percent of GDP. The opposition's unprecedented boycott of the 48th Commonwealth Parliamentary Association conference held in Dhaka during the last 91 years is a stark example of the acrimonious ties between the government and the opposition in the Bangladeshi parliament.

A resounding 100 percent of respondents, when questioned about the role of opposition in keeping the government accountable, said that a strong yet disciplined opposition was at the core of parliament and parliamentary committees. They contend that the opposition in the legislature naturally tends to keep a close eye on how the government is doing, criticize it whenever it has the opportunity, and keep it on its toes. When the opposition members are present, committee meetings are lively. In the past three parliaments, there was a lot of resistance. They felt that in order to address issues of national importance, such as resolving the ethnic conflicts in Chittagong Hill Tracks, prohibiting student politics in educational institutions, combating the rise of militant religious extremism, etc., there needed to be some sort of agreement and consensus between the government and the opposition. The ruling party or coalition must be accommodating and should be prepared to give the opposition political room to operate.

In Bangladesh, the parliament is the official top legislative body. In Bangladesh, the legislative process is monopolized by the government from inception to approval. All legislation and ordinances were previously authorized by the cabinet before the government supported measures in the parliament. Since the early 1990s, the government has been the only initiator of all measures enacted by the JS. The Rules provide that government business must come first every day except for Thursday, when private member's business must come first. Since Bangladesh's independence in 1971, just 6 private member bills have been passed out of the more than 300 that have been submitted to the Sathe Rules do not include a clause for opposition day as one would see in many well-established democracies. Along party lines, the majority of the changes to measures put up by the opposition in JSs were likewise rejected.

Furthermore, through enacting ordinances, Bangladesh's executive government developed and maintained its control over the legislative process. Governments regularly used this emergency law-making technique, encouraging the president to issue contentious and politically delicate measures. Thus, the JS's only function was to validate them in the literal sense. Most of the legislation adopted by the fifth JS began life as ordinances, or around 35% of the total. Comparatively, the first JS passed the most ordinance-turned legislation, while the second JS enacted less than the subsequent JSs—with the exception of the seventh JS, which generally followed a conventional law-making process—by far. Only five of the 190 measures enacted by the seventh JS have their roots in ordinances. The current administration tries to quickly adopt laws without allowing the opposition enough opportunity to object by promulgating ordinances. The way laws are made sends a message to government backbenchers to support the party line.

Legislation may be influenced by parliaments in a number of ways, one of which is by requiring committees to examine bills in great detail. Rarely did any legislation in Bangladesh get a committee-stage hearing, even though the Rules provide the standing committees on ministries the authority to examine bills and other resolutions made in the House. Only eight of the total statutes passed by the fifth JS were subjected to committee review. The seventh JS, however, was a unique example in this regard. Every measure approved by the seventh JS has been heard in committee. However, because to the tardy creation of committees on ministries, the bulk of measures in the eighth JS have been approved without any committee-level review. The study that came before shows that the Bangladeshi parliament is a body that approves bills rather than one that creates laws or policies. In conclusion, Bangladesh's parliament is weak and has little real power over the government, both officially and practically.

A comparison study on the constitutional restraints on the executive in 45 parliamentary democracies, including Bangladesh, India, and Sri Lanka, was undertaken by Pennings to substantiate this. According to all of the respondents, a strong committee system requires a powerful parliament and vice versa. They acknowledge that the parliamentary committee structure and parliament as a whole are quite weak in comparison to the executive given the current political climate. A strong administration and a weak opposition define the current legislature. Since 1991, the parliament has gradually lost its standing as a leading political organization. It has turned into a tool for maintaining the status quo and has failed to call the executive to account. According to the respondents, the committees functioned well in the fifth JS, were established as soon as the new parliament was inaugurated, and the opposition continued to attend committee meetings while abstaining from voting in the House. They seem to have had some influence on how the government operated. Due to the inability of the two main political parties to come to an agreement to implement structural modifications to the committee system to make it more functioning from the eighth JS on, committees lost their former allure and became into a dismal institution. Consequently, the parliamentary committee system falls short of considerably transforming the parliament into a powerful institution to check the executive's authority.

DISCUSSION

Although the first JS's Rules of Procedures called for the establishment of a complex network of committees, including standing committees on Ministries, they were often followed only in spirit. Only 14 standing committees, including a PAC, and a small number of committees on unimportant issues existed in the first JS. During the fifth session of the first JS under the Mujib government, just one report about the norms of procedure was filed and approved. PAC was established, but a treasury bench member served as its chairman. Between 1973 and 1975, the PAC only met three times and produced no report during the first session. What made matters worse was that, in addition to outnumbering MPs, public officials also took the lead in the PAC's discussions while the members used to keep quiet. Again, unlike other demo- cratic nations, the president now serves as the Comptroller and Auditor General instead of the legislature. The rules of procedure stipulated that the minister responsible for a specific committee would serve as the ex officio head of ministerial committees, and the official purview of their activities was limited to the study of legislation and legislative matters.

The decision was made to progress and activate the commit- tee mechanism in the second JS. The House formed 36 ministerial committees, which would be presided over by the relevant ministries, including technocrat ministers, as well as seven standing committees and a few select committees on unimportant matters. There was no need on the chair to call committee meetings on a regular basis. A change to the Rules in June 1981 mandated that each SCM have meetings at least once each month. Another significant change was made to the Rules by the

second JS, which prohibited technocrat ministers from leading several SCMs. A significant number of DPCs established by the second JS examined several legislations. The House, however, never received a report from any of these committees. Ahmed has highlighted two important elements that the second JS used to influence the development of a complex network of committees. One was that a substantial number of opposition MPs were there. Second, and probably more significantly, committees offered an essential institutional mechanism for accommodating a sizable number of government backbenchers who, despite the cabinet's size expansion, could not fit in it.

The PAC was established on April 30, 1979, by the second JS. However, it was essentially idle for over a year, holding only one meeting to discuss procedural issues. An opposition senior member subsequently took over as chair of the PAC after it was first presided over by a member of the Treasury bench.

The PAC met nine times in a calendar year. Additionally, a treasury member was appointed as head of the newly established Estimate Committee. There were no ministerial committees in the third JS; only standing committees existed. Three reports were written by an ad hoc PAC when Ershad was in charge of martial rule.

The fourth JS established a strong committee structure. Eight standing committees, a few select committees, and 32 ministerial committees with identical operating processes to Zia's system were established for the first session. It's interesting to note that the so-called fourth parliament issued as many as five reports, including two on the PAC and ones from each of the committees on estimates, public undertakings, and governmental assurance. All of the main political parties abstained from the fourth parliamentary elections because of widespread voting fraud and poor participation. 252 seats were won by the party of the military ruler. The committee system was put in place to give the parliament some legitimacy and to keep a significant number of government backbenchers occupied. The fourth JS seems to have seen activity from the PAC. It was established, and its chairman was an opposition MP. 635 complaints were listed in the initial report produced by the PAC, of which 277 were settled. The committee requested reports from the concerned department about the remaining objections. During the fourth parliament, two reports issued by the House were considered and presented.

The members of the fifth parliament took the initiative to expand the purview of the work of the ministerial and budgetary committees. Because it was elected in a free and fair election and faced a formidable opposition, the fifth JS was more legitimate and effective than the preceding JSs. Therefore, to ensure government accountability, the opposition, government backbenchers, and civil society pressured the administration to establish parliamentary committees as soon as feasible. They also called for the system to be strengthened and rationalized.

Before the Rules of Procedure were changed in February 1992, the primary responsibilities of ministerial committees were limited to reviewing legislation and other things that the parliament had submitted to them. After the Rules of Procedure were modified, it was possible to examine the projects related to a ministry that fell within its purview, look into any activity, irregularity, or significant complaint against the ministry, and then offer suggestions. Additionally, legislative committees must meet at least once each month; if they don't, the Speaker may instruct the secretary to call a meeting of the committee that isn't meeting. The Public Accounts Committee and the Committee on Public Undertakings, the two major financial committees, have also been given wider latitude in their authority, similar to the oversight committees. They have the authority to make recommendations to parliament for correcting public body flaws and anomalies. This might be seen as a significant break from the

past and potentially distinguish the Bangladesh parliament from other regional legislatures. All committees were led by ministers and MPs from the Treasury Bench. However, a handful of opposition MPs served as chairs of many subcommittees during the fifth JS.

After the seventh JS had been in effect for two years, the administration created excessive delays and really established committees in a cross-lateral fashion. Prior to creating the standing committees, the governing party never sought input from the BNP, the largest opposition party in the parliament. The CAG was still in the severed position, and the PAC was still led by a government backbencher.2 A government backbencher presided over each ministerial committee after the Rules of Procedure were revised in June 1997. The appropriate ministerial committee, however, still had a minister as an ex officio member. In the seventh JS, there were 35 chairs of ministerial committees; 34 of them belonged to the party in power, and one to its coalition partner.

The fifth JS's PAC's counterpart, the seventh JS's PAC similarly seemed to be quite active. It developed certain unique, but significant, methods of operation. For instance, the PAC of the seventh JS investigated both recent and historical reports, in contrast to its predecessors who generally looked at CAG reports that were older than ten years. In addition, the office of CAG established a performance audit cell and selectively implemented "value for money" audit in accordance with the recommendations in the PAC's third report. This new kind of auditing has already been implemented by certain public organizations. This may be seen as a vast improvement over the previous situation.

The committees of the eighth JS were likewise created unilaterally after attempts to reach an agreement between the opposition and the treasury bench on their makeup fell apart. More than 20 months after the newly elected parliament convened and quickly filled the key opposition positions, the government's unilateral practice of forming standing committees came to an end. No member of the opposing bench was given the post of committee chair. To protest the government's refusal of the BAL's demand for the distribution of committee chairs in accordance with proportional representation in the House, the BAL chose not to forward its nominations for participation in the committees constituted after May 2003. These panels were established under intense external pressure.

The UNDP once advised the administration to stop supporting the continuing "Strengthening Parliamentary Democracy" programme. Without the opposition members present, the majority of the committees got down to business. Over 100 standing committee meetings have taken place since committees were established in July 2003 without the major opposition MPs' presence. This has never happened in a democracy that is in operation. Later, 16 months after the committees were formed without the major opposition, the key opposition MPs were included, and they have been attending various committee sessions since November 2004. Bangladesh's committee system institutional frameworks and practical effects. The constitution of Bangladesh serves as both the foundation for and the source of legitimacy for parliamentary committees. The foundation for such enforcement under Bangladesh's parliamentary committee system is provided by Article 76 of the constitution. The parliament is given the authority to establish as many standing committees as it deems appropriate, and the constitution requires that it establish a Public Accounts Committee and a Privileges Committee. The Parliament's regulations of Procedure are another important source of institutional regulations that keep the committee vehicle operating. The Rules of Procedure and the orders given by the Speaker issued under those rules govern appointment, term of office, functions, and the primary lines of procedure for performing work of the committee.

Various committee types

The parliament of Bangladesh has two main categories of committees.

A permanent committee

Typically, the Speaker of the House appoints these committees for the duration of the whole legislative session. The Bangladeshi parliament currently has 50 standing committees. From eight to fifteen people make up the committee. A ministerial committee has 10 members total. The House Committee on Rules of Procedure has 12 members, while the Public Accounts Committee, Committee on Public Undertakings, and Business Advisory Committee each have 15 members. The Committee on Government Assurance has eight members.

Special committees and select committees

They are ad hoc organizations that vanish as soon as their task is completed. These committees provide for the demands of the emergency. For instance, in the seventh JS, a special committee was briefly formed owing to the delay in the creation of several ministerial committees until November 16, 1997. This particular committee was established by the House and was given the task of reviewing all measures filed in the House. Following the creation of ministerial committees, the lone special committee was abolished in the seventh parliament. Our attention is on the following committees out of the many parliamentary standing committees in Bangladesh, which are believed to keep a close eye on the government and hold it accountable for its deeds. The Public Accounts Committee, the Committee on Estimates, the Committee on Public Undertakings, and each particular ministerial committee are solely responsible for supervision.

Citizens' Audit Committee

This 15-person group serves as the public accounts' watchdog. It looks at the Comptroller and Auditor General's report. The Public Accounts Committee (PAC) makes sure that every allocation has been made in line with the law and that every public expenditure complies with the authority that oversees it. The PAC chooses significant passages and remarks from the Comptroller and Auditor General's audit reports for close examination in committee meetings where permanent secretaries, who serve as the primary accounting officers, are expected to respond and provide clarification regarding the financial management of public organizations and take corrective action to address any deficiencies noted in the audit reports. The main accounting officials may be protected against the temptation of financial misconduct by the PAC.

The committee releases a report on its own, which is then presented to the whole House of Parliament. Along with the committee's recommendations, the answers of the ministries and executive agencies are included in these PAC reports on the auditor general's report. These suggestions are obligatory on the executive agencies both by custom and administrative practice. The committee then uses its follow-up sessions to assess how well its suggestions are being implemented.

Estimates Committee

This committee reviews the estimates made before the parliament to see if they were created with the greatest efficiency and economy feasible, offers other policies, and assesses whether the funds are effectively allocated within the policy parameters suggested by the estimates. The task of developing alternative policy options for the government seems to have been officially assigned to the Committee on Estimates.

Public Undertakings Committee

Ten people make up this committee as well. It rates the effectiveness of government initiatives and makes suggestions on how to make them work better. It also looks at the CAG's reports on public enterprises.

Committee on ministries that is permanent

Every standing committee on the ministries must have a maximum of ten members, including the chairperson, who must be chosen by the House; however, the chairman cannot be a minister. The functions of a committee are to review any bills or other matters referred to it by the parliament, to review the works related to a ministry that fall under its purview, to inquire into any activities or irregularities and serious complaints in respect of the ministry, and to examine, as it sees fit, any other matters that may fall within its scope and to make recommendations. Each standing committee must meet at least once per month. There are no standing committees in JS to monitor the expenditure from the public exchequer and public activities of several highly important executive offices of the government, like as the Prime Minister's Office, the President's secretariat, and the Parliament secretariat. Similarly, there is no specific committee in the Bangladeshi parliament that deals with or oversees subordinate or delegated legislation.

CONCLUSION

In conclusion, Bangladesh's establishment of parliamentary committees is evidence of its dedication to democratic government and legislative monitoring. These committees will be crucial in maintaining effective oversight of governmental acts, encouraging inclusive policymaking, and preserving the ideals of openness and accountability as they develop and become stronger. Bangladesh may improve its democratic institutions and governance by resolving issues and making the most of the power of parliamentary committees, which would eventually benefit its population and promote sustainable development. Fostering a cooperative and inclusive committee environment requires encouraging bipartisan involvement and collaboration among committee members. To maximize the influence of parliamentary committees on governance and policy results, political will and dedication to the values of openness and accountability are necessary.

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CHAPTER 18

FUNDAMENTAL ASPECT OF THE
LEGISLATIVE PROCESS FOR COMMITTEE STRUCTURE

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ABSTRACT:

Committee structure is a fundamental aspect of the legislative process, providing the framework for specialized examination, deliberation, and decision-making within parliamentary bodies. This paper explores the significance and variations of committee structures in different democratic systems. It examines the types of committees, their composition, functions, and roles in the legislative process. The paper also analyzes the advantages and challenges of different committee structures, including their impact on legislative efficiency, representation, and the ability to hold the executive accountable. By delving into the complexities of committee structures, this paper contributes to a deeper understanding of the functioning of legislative bodies and their role in shaping democratic governance.

KEYWORDS:

Chairperson, Composition, Expertise, Jurisdiction, Members, Organization.

INTRODUCTION

The standing committees for each ministry are required to be established as soon as practical upon the installation of any new JS, as per Rule 246 of the Rules of Procedure. Delay in creating the committees deprives the parliament of its ability to competently carry out its essential duty of overseeing the executive. In this sense, the date of the House's first session and the dates on which committees were established are essential to comprehending the degree to which the parliament is prepared to hold the administration accountable from the very start of a new parliament. All committees in the fifth JS were established within six months of its start, with the exception of two. After two years had passed since it began, the government established ministerial committees in the seventh JS. The unilateral committee creation process took the eighth JS 20 months to complete. 95% of respondents agreed that it would be a good idea for all committees to be formed during the first session of a new parliament [1], [2]. According to the replies, committee members have the ability to maintain a close check on governmental affairs from the moment they are formed, right after the inauguration of a new parliament. The Committee on Rules of Procedures in the eighth JS has approved a proposal to create standing committees by the third session of a freshly elected parliament.

The eighth JS just created ministerial committees, and during that time, 20 months passed without any parliamentary scrutiny of the full administrative structure of government. The government was a freeloader and made almost no contributions. The nation experienced a number of significant events over the course of these 20 months, including police abuses in a female students' dormitory at the University of Dhaka, the wheat scandal in Bogra involving five ruling party MPs, the largest-ever arm haul recovery in Bogra, the leakage of question papers from the Public Service Commission's public service examinations six times in two years, the use of armed forces to restore law and order, and the granting of indemnities. The government established task teams and committees to look into these incidents [3], [4]. Instead

of MPs, government employees and retired judges were chosen to serve as members and chairs of these committees. Parliamentary committees might have addressed these problems and held the administration accountable if they had been established in a timely manner.

In Bangladesh, the majority of committees are ongoing, and heads and members are typically appointed for the duration of a parliament. Typically, committee chairs and members are in place for the duration of the legislative session. The average committee member turnover rate in Bangladesh is roughly 10%, mostly as a result of deaths and compositional changes [5], [6]. To allow members adequate time to gain experience and broaden their knowledge of various governmental operations, the majority of respondents believe that committee periods should coincide with the duration of the parliament. The majority of respondents agree that this is a beneficial aspect of Bangladesh's committee system that may assist committee members in gaining specialized knowledge and competence to increase the effectiveness of committees [7], [8].

On the subject of ministerial committees' ties to government ministries, respondents were severely split. The majority of respondents (60%) agreed without reservation that ministerial committees should be organized similarly to governmental bodies. However, virtually all of the opposition's respondents believe that Bangladesh has too many departments for one government to effectively manage. Large-scale cabinets drain a significant amount of funds from the public coffers and reduce the size of parliament. They were in support of cutting the number of ministries from 37 to about 20. A significant portion of respondents opposed the proposal and suggested that, given the fact that it is impossible to reduce the number of ministries in Bangladesh, it would be preferable to combine several ministerial committees into one, similar to the system in India, based on the nature of functional operations for the committees' efficient operation. For example, combining the ministries of agriculture, water resources, and food into one committee might assist to cut down on the number of standing committees for each ministry.

The idea to combine many ministries under one standing committee was vehemently opposed by the members of the Treasury bench. The opposition lawmakers gave an explanation of the treasury bench legislators' reluctance to cut the number of committees. The number of ministerial committees will drastically decrease from 37 to about 20, and with it the chairmanships, if the committees are organized functionally.

As a result, many MPs will no longer be able to enjoy the distinction and privilege that comes with serving as chairman. There are currently too many committees to support with a secretariat 80% of respondents strongly agree that small committees improve committee specialization and cross political lines. Most committees in Bangladesh have a size between eight and fifteen. However, most committee meetings are much shorter as a result of the committee members' low attendance. They believe that in a small meeting, committee members may get to know one another better and have more opportunity to converse and share their opinions. This is how committee members may sometimes come to a consensus decision regardless of their party affiliation 64 percent of respondents strongly agreed with the statement that members should be chosen based on their own interests, experiences, and competence rather than those of the government or political parties. Specialization within committees benefits from this.

Prior to their appointment into a committee, members' interests and preferences are often ascertained by their respective political parties. Seniority sometimes takes precedence over academic qualifications and domain knowledge when choosing committee members and committee chairs. By doing this, it is made sure that each MP's interests do not contradict with those of the political parties. Some opposition MPs claimed that, against the wishes of the party

and MPs, the existing administration made minor changes to the opposition's list of candidates for committee composition. An opposition MP who had a reputation for assertiveness in the defense committee during the seventh JS was demoted to a lesser-important committee during the eighth JS [9], [10].

In Bangladesh, unless the parliament nominates them, committee chairs are chosen by the committee. Ex officio chairs of the Business Advisory Committee and Library Committee, respectively, are the Speaker and Deputy Speaker. The Chairperson and members of the House Committee and Committee on Petitions are also chosen by the Speaker. Any legislative committee's chairmanship cannot be held by a minister. There is no set formula for how committee chairs should be distributed. Typically, the governing party holds all of the committee chairs. Although its party strength in the House was 51 percent and 53 percent, respectively, in the fifth and seventh parliaments, the governing party maintained its dominance by assigning 56 percent and 60 percent of the memberships to the ruling party.

In the fifth, seventh, and eighth JSs, all of the committee chairs were held by members of the government and alliance. A treasury bench member even held the position of committee chair3 of the powerful PAC committee. This variance shows the ruling party's propensity to play it safe. Because of this, the government of Bangladesh has been able to force its preferences on the committee members who represent the opposition. When opposition committee members did make an effort to uncover financial irregularities or corruption, voting always produced a favorable outcome for the ruling party 50 percent of respondents strongly agreed that the committee's membership should be determined by the relative power of the parties in the House. On the issue of the proportionate allocation of chairmanships among the parties, members had opposing political views. However, regardless of party affiliation, every respondent agreed that committee memberships ought to be distributed fairly. According to 30% of respondents who disagree with the statement that committee chairmanships should be distributed proportionally, given Bangladesh's immature and confrontational political culture, committee chairmanships should continue to be held by the ruling party or coalitions until and unless a healthy political culture develops. Those who really agreed with the remark had their own justifications. They said that a committee was like a mini-parliament and that when choosing a chair, care should be taken to preserve the democratic nature of the House.

Most of the respondents gave a negative reaction when asked about their thoughts on ministers not being allowed to serve on committees. They said it would be simpler for the minister to put the committee's recommendations into action if he served as chair. A tiny number of respondents agreed that ministers from the executive branch should be prohibited from committee membership in order to preserve the separation of powers. They believe that calling ministers who are higher up in the party hierarchy to account would be perilous for the future growth of government backbenchers, who make up the bulk of parliamentary committee members in Bangladesh.

The minister is viewed like a parent, therefore it might be seen as overt disrespect to question the minister aggressively during committee meetings. Our questionnaire study further supports the dominant cultural ideals of respect to superiors and resistance to claim superiority. The majority of respondents strongly disapprove of the proposed statement, as seen by the mean score of comments on the topic of excluding ministers from committee participation in order to ensure greater political and administrative responsibility.

In Bangladesh's social system, a minister has a very high position and prestige. He or she is a member of the society's top layer and often comes from a well-known and wealthy family. They also have extensive political experience and a strong network. It is unacceptable and goes

against Bangladesh's prevalent cultural norms to forbid a minister from remaining a member of a legislative committee that monitors the operations of public entities under the ministry where he or she serves as the top executive.

The respondents' average comprehension of the assertion that giving the finance committee chairs solely to opposition members with appropriate experience would increase government accountability. This is a considerable amount of support for the plan. Regardless of party membership, none of the respondents disclaimed that assigning the chairs only to the opposition members was inevitable. The introduction of a Liaison Committee, comprised of the chairs of various committees, under the direction of the Speaker, to coordinate the activities of various committees, avoid duplication of effort, and reconcile ideas and suggestions for better activating the committee and establish keen surveillance over the executive, received a mean score of 3.0 from respondents. This shows that a majority of respondents approve Bangladesh's formation of a liaison committee. The statement was endorsed in full by 55% of the respondents. The respondents believe that the Speaker and other committee members may address the initiatives and challenges experienced by other committees at the liaison committee meeting. The Speaker may monitor proposals made by other committees via the liaison committee, expedite their adoption, and enhance the effectiveness of the committees overall.

In the seventh parliament, a provincial committee made up of each parliamentary committee head met three times. The prime minister presided over committee meetings. The committee chairmen wanted clarification of their standing and an increase in logistical assistance, including committee employees and computer resources, during these sessions. She consistently avoided talking about the chairman's standing. Additionally, they requested the cooperation of the prime minister in putting the committees' recommendations for the individual ministries into action. They said that the ministries often refused to work with parliamentary committees to examine the effectiveness of the ministries. The Speaker, who was the top executive, might have presided over and managed this kind of monthly gathering instead of the prime minister. The prime minister's effort showed a propensity to regulate committee activities. The present prime minister has been seen doing similarly.

DISCUSSION

Committee procedures

When questioned about the parliament's authority to establish the agenda, 60% of respondents thought that committees' freedom to choose their own agendas was a key power to restrain the executive. They claim that, with the exception of law, committees in Bangladesh are free to define their own agendas. When committees consider measures that the House has sent to them, the majority party often has the last say. In Bangladesh, the House must first debate a measure before sending it to a committee. Even though committee members are allowed to offer modifications, a bill's passage or rejection ultimately rests with the House, where the governing party has the majority.

Prior to 1996, following a bill's first reading in the House, it was seldom sent to a committee. Since the seventh JS, the majority of the legislation have been sent to the committee for review; nonetheless, no significant modification has been introduced, tolerated, or approved. The lack of pre-plenary debate or deliberation on the budget, finance bill, or appropriation bill in the Bangladeshi parliament attests to the committees' lack of influence, much alone substantial involvement, in the budgetary distribution of government agencies. In reality, it is only the responsibility of the House, where the governing party imposes its will on opposition members with the support of a majority vote, to prepare the budget with the aid of the bureaucracy. The committee system in Bangladesh does not have any procedural restrictions for holding

executive accounts. The PAC, COPU, and COE only scrutinize and audit after budget spending. Additionally, Bangladesh has at least two sizable extra-budgetary funds.

For each of these monies to be held accountable, a certificate detailing the amount spent must be produced at the conclusion of the fiscal year. 32 percent of the respondents absolutely agreed that floor consideration of bills should come after committee deliberation. Given the importance of committees in Bangladeshi lawmaking, the majority of respondents who oppose the idea believe it to be an extreme type of legislative change. They believe that in a parliamentary democracy, the House ought to have the last word on enacting laws. After being referred to committees in the House, the measures may be discussed by those committees.

In Bangladesh, the committee meetings are conducted behind closed doors. According to the Rules, only committee members and secretariat officials may participate in the meeting's deliberations. To clarify, explain, and account for particular matters, officials from concerned ministries and pertinent public entities, such as their secretaries, stay present during sessions of the ministerial and financial committees. Evidence, reports (oral or written), and committee sessions are all kept private. 91% of respondents who were asked about the nature of committee sessions said they absolutely agreed that they should be closed, which would encourage inter-party agreement and loosen party discipline. The majority of respondents think committee meetings should be private due to Bangladesh's sociopolitical culture. It is rare to observe a sharp party divide at committee meetings. Once committee meetings are accessible to the media, that will vanish. Confrontation will replace the unanimity that often characterizes committee meetings because MPs want to play the same game they do in the House.

They point out that despite the fact that committee meetings are secret, the whole content of the committee's discussions is published in the print media the next day. After the meeting is completed, it has become customary for the committee chair to brief the media. Additionally, it has been observed that members of the opposition committee regularly reveal the whole of discussions to the media, especially when they include corruption or anomalies in the administration.

Ninety percent of the respondents were in total agreement with the suggestion of holding public hearings on legislative legislation and other oversight issues. They believe that the committee may hold public hearings on laws, nationally relevant policy topics, and corruption cases. The public's knowledge of and interest in committees has grown throughout time. They may improve committee performance by contributing relevant data, fresh ideas, and insights. The respondents said that there had not been many public hearings on legislation or other matters in committees in Bangladesh.

In Bangladesh, committees do have the authority to seek documents and people, and often such requests are granted. However, the government has the power to refuse to provide committees access to documents on the grounds that doing so would jeopardize national security or other interests. The right of the committee to send for documents and people and penalize those who do not comply with its demand was entirely supported by almost 60% of respondents. Ministers should not contribute to the committees, according to several answers. The best place to ask him questions about how his ministry is doing is in the House.

It is against the law for government workers to divulge certain types of information without authorisation, according to particular laws and regulations. For instance, the Government Servants Conduct Rules of 1979 and the Official Secrets Act of 1923 both bind public servants to an oath of secrecy and restrict them from disclosing certain official information to other government agencies unless given express permission to do so. This poses a significant obstacle to guaranteeing administrative openness and requiring the public officials to provide

the committees with the pertinent information, papers, or documents upon request. The government has an advantage since it has the legal ability to refuse to provide a document on the grounds of state security. The papers or records that are made accessible to the committees are chosen at the discretion, convenience, and whim of the governing political class and senior officials.

Committee activities

Sixty percent of respondents firmly believed that committees should have exclusive authority over legislation and executive supervision. They believe that committees need to be heavily involved at all phases of the legislative process, from the examination of a bill through the evaluation of an act. They claim that parliamentary committees have a little influence in enacting laws in Bangladesh. Bills pertaining to legislation are often sent to committees for review. Many measures in the current JS did not undergo committee stage vetting because to the committees' tardy establishment. They believe that committees need to have a significant role in overseeing the administration as well. In Bangladesh, committees play no part in budget allocation, which still belongs to the House.

The financial appropriateness of the funding given to government agencies and public enterprises may be examined by PAC and COPU. Standing Committees on Ministries may take up the matter for investigation if something goes wrong and is revealed by the media between budget allocation and the evaluation of financial accounts by PAC and COPU. In Bangladesh, a committee is not required to report to the House on subjects other than those that the House refers to it, in the absence of any specific provisions in the Rules. In accordance with the Rules of Procedure, if the House does not specify a deadline for the committee's report presentation, the committee is required to do so within one month following the committee's request for a reference. Of course, the House may introduce a move to extend the deadline for submitting the report. Consequently, reports have only sometimes been sent to the House.

The data that is currently available paints a dismal picture of committee performance with regard to the submission of committee reports to the house. The most committee reports have been submitted during the sixth JS. Twelve ministerial committee reports and five PAC reports were sent in for the seventh JS. Other significant finance committees, such COPU and COE, did not issue a report. The committee system in Bangladesh is not doing well at this point in its deployment.

Let's look at how departmental committee reports are produced in the British House of Commons. In the 1979–1983 parliament, the departmental committees of the British House of Commons produced a total of 193 substantive reports; in the 1983–1987 parliament, 306 reports; and in the lengthier five–session parliament of 1987–1992, 403 reports. The departmental committees have produced approximately 900 in-depth studies in total during the last 12 years.

After reports are sent to the House, there is no longer any need or custom to consider them. Ironically, there was never any discussion of the very few committee reports that were presented to the House. Seventy percent of respondents agreed that committee findings should be periodically submitted to the House and subject to discussion. The respondents believe that discussing committee reports gives all members of a parliament the chance to learn about the work of different committees and gives room for members to provide helpful ideas. Discussion of the main suggestions in the reports also aids in exposing the mismanagement and fraud of public institutions and applies moral pressure on the relevant agencies to carry out the recommendations. Additionally, it enhances the public's favorable perception of committee

members and keeps the public informed about how committees are operating. Consequently, it has a publicity impact.

at the event of disagreement at a committee meeting, the minority is not permitted to deliver their own report. The "note of dissent" written by the minority is included in a single report. On a subject about the presentation of the minority report in the event of disagreement during the committee meeting, the respondents were remarkably split. According to 40% of the respondents, the minority should be permitted to offer their own reports so that it is clear that the administration is not in control of the committees. They claim that at committee meetings in Bangladesh, decisions are often reached by consensus. The mood at committee meetings used to be friendly and non-political, but that has changed over time. The proposal's opponents countered that, if required, the same report could include the minority's disagreement and accomplish the same goal.

Committee recommendations are advisory in Bangladesh. In a seminar, a number of committee chairs voiced their displeasure with the implementation of committee recommendations and said that ministers had simply ignored them. Concerning the problem of enforcing committee recommendations, respondents were questioned. 45 percent of respondents, the bulk of whom were from the opposition, agreed in full that the administration should be required to follow committee recommendations.

They thought that despite of disagreements, implementing committee recommendations would positively affect how well the government organizations performed. However, many who opposed the idea believed that suggestions should be advisory, as is the situation in the majority of nations. The execution of committee recommendations should be left to the executive, who has been given the authority to lead the nation by the people.

The responders were given a proposal that suggested the formation of an action-taken subcommittee to follow up on and monitor the level of implementation of the committee's recommendations, and that in the event that compliance was not achieved, government agencies offer an explanation. 78% of respondents said they had no questions about the idea. Many of the respondents remembered that the action-taken sub-committees in the fifth Bangladeshi parliament worked effectively and made some contributions to putting the committee's recommendations into practice. They thought that this may be a useful technique to reinstate in the absence of any institutional structure to monitor and follow through on the suggestions.

CONCLUSION

In conclusion, A key component of parliamentary systems is the committee structure, which offers specialized scrutiny, representation, and accountability. Parliamentary organizations may improve their legislative processes and support efficient democratic governance by creating committee structures that strike a balance between knowledge, representation, and efficiency. Upholding democratic ideals and delivering better results for people depend on highlighting the importance of committees in the legislative process and guaranteeing their effective operation. Parliamentary bodies must continually examine and improve their committee system to increase the efficiency of committee formations. Committee effectiveness and responsiveness to changing society requirements may both be increased by reviewing their performance and making the necessary modifications.

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CHAPTER 19

ANALYZING THE ADVANTAGES AND CHALLENGES OF FINANCIAL COMMITTEES

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ABSTRACT:

Financial committees are critical components of legislative bodies, responsible for overseeing financial matters, budgets, and fiscal policies. This paper explores the significance and roles of financial committees in different democratic systems. It examines the functions, composition, and powers of financial committees in the context of budgetary oversight and fiscal accountability. The paper also analyzes the advantages and challenges of financial committees in promoting responsible financial management and transparency. By delving into the complexities of financial committees, this paper contributes to a deeper understanding of their vital role in shaping economic policies and ensuring sound financial governance. An analysis of the backgrounds of the MPs in the first, fifth, seventh, and eighth JSs, with comparisons made based on their educational backgrounds, employment histories, and legislative experience.

KEYWORDS:

Audit, Budgetary Control, Economic Affairs, Expenditure, Finance, Fiscal Policy.

INTRODUCTION

According to the information that follows, the seventh JS had more graduates and seasoned members than the fifth JS. In the seventh JS, there were a total of 45 percent graduates and 15 percent undergraduates. MPs with broad educational backgrounds predominated the fifth and seventh JSs more so than MPs with specialized backgrounds in law, politics, and administration. The biggest single elite group in the fifth and seventh JSs is made up of MPs with a background in business [1], [2]. The majority of the MPs who joined the legislature in the 1990s were rookies who lacked even the most basic committee assignments and operational knowledge of the house. Additionally, they did not get any specific training in legislative and administrative issues, which may have helped them become more capable and competent in carrying out their duties.

Let's take a peek inside the bureaucracy now to compare the skill levels of MPs and bureaucrats. Nearly all of the permanent secretaries in charge of several ministries have advanced degrees. The majority of them have master's degrees from reputable Bangladeshi institutions. Some of them also earned PhDs and training from institutions abroad. In addition, after joining the civil service, they had extensive probationary and in-service training. Under several civil and military governments, they had accumulated extensive administrative management expertise [3], [4].

According to the analysis that came before, senior bureaucrats who are in charge of various government ministries in Bangladesh are in a better position than MPs in terms of their educational background, level of experience, strength in numbers, access to information, and accumulation of material resources. Additionally, the bureaucracy is institutionalized more effectively in Bangladesh than the institution of the parliament. Therefore, the committee

members are discouraged from establishing control over bureaucracy and, as a result, holding them accountable for their choices and actions since the MPs fall behind the bureaucrats in terms of main competence components. The Bangladeshi bureaucracy' complacent attitude toward politicians is making the problem worse [5], [6].

Interviews with a few chairmen's personal secretaries suggest a highly dangerous tendency of conflating the legislative and executive branches. Other government officials from their own cadre who are called to testify before the committee and offer their account to the MPs may get vital information/messages via personal leaks. This may assist errant officials in learning in advance what will take place inside the committee and help them devise strategies to avoid the committee members' difficult questioning. A significant number of committee chairmen stated their preference for personal secretaries from the BCS cadre during a session hosted by the parliamentary secretariat [7], [8].

The primary objectives of the committee activities may be jeopardized by this. There are allegations that certain standing committee chairmen's personal secretaries use ministry cars, and that other logistics like computers, fax machines, telephones, etc. have been transported from the relevant ministries that are subject to committee oversight. It is clear that they like to have personal secretaries from the BCS cadre. The members of this elite cadre have a significant role in the creation and execution of policies, the control of information, and the allocation of resources. They also maintain an integrated network that extends from the secretariat to field offices dispersed over the whole nation. Therefore, a chairman's access to state resources will be made easier and his personal and constituency interests would be served by having a personal secretary from this cadre. This has undoubtedly given a political system that was already strongly fused a new level of power fusion. The majority of committee employees lack the particular expertise needed for committee operations due to their broad academic backgrounds.

A separate secretariat for the parliament was formed in the fifth parliament. Since 1992, the PSC has only ever held one round of open competitive examinations to appoint committee officials. They did not get the necessary training to carry out their particular duties. Additionally, no committee member receives staff assistance to carry out their duties in a professional way.

As a result, Bangladesh's logistical assistance for committees is inadequate and minimal. In the lack of personnel and other resources, the majority of committees continue to be severely crippled 77 percent of respondents agreed that it was necessary for a distinct committee secretariat to be funded enough, to have a sufficient number of specialized/competitive workers, and to have appropriate logistical assistance. The first section of the question drew opposition from roughly 20% of the respondents, who preferred the second. They believed that a separate committee secretariat was not essential and that the committee branch could be enhanced inside the existing parliamentary secretariat. But everyone who responded voiced dissatisfaction with the current logistical support system of committees and vehemently requested the administration to broaden and improve it [9], [10].

In Bangladesh, committees may need the input of professionals in their particular disciplines. In the past, committees have benefitted from hearings from outside experts on a number of occasions. Experts, however, are only permitted to provide opinion; the committee alone has the authority to decide on any issue for which they have been consulted. All of the respondents agreed that committees should take use of the experience and education of outside specialists who are comparatively free from executive and political influence. They suggested that experts should be invited and consulted more regularly.

DISCUSSION

The real-world working of selected committees in Bangladesh

The establishment of the committee, its activities, and its competence are all crucial to the effective operation of the committee system. Benchmarks for assessing the effectiveness of the committee include member attendance, meeting frequency, average meeting length, and agenda of discussion. To engage in discussion of various problems, committee members must attend the committee meeting. Notably, for committee sessions to be livelier and more effective in securing government accountability, a sizable number of opposition members are required. The likelihood of concerns relating to executive responsibility won't be discussed if the committee doesn't meet often. If the committee stays inactive for an extended period of time, the assurance of executive accountability just vanishes. Additionally, sufficient time is necessary for the executive accountability agenda to be thoroughly discussed and for important choices to be taken on it. The committees' agendas provide information about the kind of subjects they discuss as well as their practical engagement in maintaining executive accountability.

Citizens' Audit Committee

According to the information that is currently available on the PAC in the seventh JS, the average number of members who did not attend the committee meeting was roughly 53%. A third of the committee's total membership constitutes a quorum. The average number of attendees at the committee meeting was seven, with two representing the opposition. As a result, the members of the Treasury Bench were given complete discretion to decide whatever they saw fit. The committee generally convened twice a month. Every meeting lasted an average of 2.5 hours. In the seventh JS, the PAC also provided five committee reports. Consider the departmental committees that meet each week when the House is in session in the UK. These sessions typically run between 60 and 90 minutes. When taking this situation into account, the seventh JS's average committee meeting frequency and average duration are adequate.

Agenda for Discussion

The Audit Committee (PAC) heard audit objections from several public entities under various ministries about financial irregularities in various financial years affecting billions of Bangladeshi Taka (BDT). The following are some examples of audit objections: Cases of improper behavior, such as financial restrictions or rule violations. Loss, damage, and waste are incidents brought on by a manager's or an employee's disregard for their responsibilities. Theft, embezzlement, fraud, and misappropriation are examples of losses brought on by public officials' deliberate misconduct.

Issues in the Initial Stage

The Public Accounts Committee's effectiveness suffers since it is solely dependent on the CAG reports on which it based its decisions. The Bureau of Anti-Corruption and committees are selected investigative bodies, but the CAG is the primary oversight body with the authority to examine all public accounts. For a variety of reasons that have been addressed, the CAG cannot function effectively.

Being a subordinate office of the Ministry of Finance significantly restricts the CAG's autonomy, which is a constitutional body. For its funding and employee hiring, the CAG is reliant on the Ministries of Finance and Establishment. Without consulting the parliament or the PAC, the president of the republic appoints the CAG on the suggestion of the prime minister. The term of the CAG is safeguarded in the same manner as a Supreme Court judge.

He is irreplaceable regardless of political intent. The CAG must, however, retire under the constitution at age 60. Given that a CAG typically takes office at the age of 57, he has only three years to fulfill his ambition. In this workplace, more stability is required. The CAG chooses the organizations it will audit based on a random sample of public entities. As a result, it may take many years for an audit for a given ministry, department, or enterprise to begin, and for some it never happens. In actuality, the CAG only looks at 17–25 percent of all Audi vehicles annually. The typical audits that the CAG conducts are more concerned with verifying transactions than they are with performance. The CAG lacks even a single chartered accountant on its professional staff. The BCS's audit and accounting cadre of civil officials is responsible for conducting audits.

The CAG has been experiencing audit function backlog. It is assiduous to respond in situations of financial misconduct or administrative carelessness when the necessary report is published years later, especially considering the frequent transfers, rare retirements, and sometimes fatalities of federal workers. In this context, it is important to note that the audit and accounting report for the fiscal year 1996–1997 has already been presented to the parliament and illustrates some progress in clearing the backlog. Implementing agencies are not subject to swift and effective sanctions when they violate audit procedures. Additionally, the current practice of giving an implementation agency 45 days to reply to the first audit findings is seldom upheld. This assertion is supported by the more than 16-year delay in taking decisive first measures in response to audit complaints.

The same condition of backlogging affects the PAC as well. Since Bangladesh's independence, the Comptroller and Auditor General's Office has sent 799 audit reports to eight parliaments; however, the PAC has only resolved 146 matters totaling BDT 4000 crore. For further discussion at the committee meeting, a backlog of 653 audit reports presented by the CAG totaling BDT 24,000 crore were left unattended in the PAC. The CAG Office's efforts to reduce its own backlog have caused the overall number of reports at the conclusion of PAC to sharply grow once again. The CAG Office is progressively increasing its own performance as this load grows. It will take at least 653 days to finish debating the previously submitted audit reports if one PAC meeting is held each day and covers one audit report.

Only a small portion of the hundreds of suggestions made by the PAC have been carried out by the relevant government organizations. The lack of any institutional mechanism to follow up action on the recommendations or to oversee the execution of its decisions is a significant barrier to gaining effective outcomes and impact from the recommendations of the PAC. The PAC lacks a monitoring or research section to carry out its mission. In contrast to the fifth JS, the seventh JS did not have a "action taken" subcommittee that could only monitor and follow up on the execution of its recommendations. The PAC's recommendations are not legally enforceable against the executive. As a result, departments are often not fined either for disregarding the PAC's recommendations or providing any justifiable justification for doing so.

The PAC began operating upon its creation in the second session of the seventh JS. The Public Affairs Committee (PAC) met often and reviewed the financial irregularities of various public institutions, despite the poor participation of members at the committee meeting. Attending these sessions, the concerned government officials presented audit complaints against their organizations. To address these concerns and inconsistencies, the committee members together presented several insightful proposals. Thus, despite flaws, the PAC in the seventh JS performed a respectable role in guaranteeing the executive's financial responsibility at the initiation and recommendation levels. Although the most crucial stage of committee engagement in guaranteeing executive accountability, the influence of PAC actions there was little.

Public undertakings Committee

Data on COPU from the seventh JS shows that a surprisingly high attendance rate of 80% of the members was recorded at the committee meeting. Meetings of the committee were typically attended by eight people. Members of the opposition showed up to the committee meeting in greater numbers than PAC. Each committee meeting lasted, on average, three hours for the COPU. The average number of meetings each month is unsatisfactory when compared to the departmental committee example used in the UK. Between the ninth and tenth meetings of COPU, there was a 418-day gap, which demonstrated the committee's protracted ineffectiveness.

Agenda for Discussion

The committee looked at how various public businesses operated and provided helpful suggestions for fixing issues. In five of the ten committee meetings, topics with policy and financial ramifications were discussed, including irregularities in the National Curriculum and Textbook Board's tender process, allegations of official involvement in system loss and irregularities at DESA, an investigation into irregularities committed by a staff member at the Bangladesh Tea Board, corrective action for Power Development Board delinquent officials, and audit objections raised by the CAG. One meeting looked at how the preceding proposals were being implemented. The subsequent committee sessions consisted solely of normal discussion about the activities and issues of various governmental agencies. In all of the committee sessions, the group offered a number of suggestions to address the discussed issues. The majority of the suggestions were not carried out. For instance, a three-person subcommittee was established to investigate any potential anomalies in the paper purchases made by NCTTB and was instructed to provide a report. The group eventually failed to deliver a report, however.

PDB and Petrobangla recommendations were only partly carried out. The PDB chairman said that in a year, systems loss had decreased from 10% to 32%. PDB collected BDT 880 million in January 2000 compared to BDT 580 million in January 1999, showing a significant improvement in bill collection. Out of 22,000 million BDT worth of audit objections, PetroBangla resolved 13,000 million BDT worth in six months. The first and second committee reports generated by the COPU were more critical in their views in the fifth JS as well. These provided a vivid account of Bangladesh's corruption, irregularities, and poor administration of public businesses. The committee even named the organizations and individuals accountable for these errors in the administration of public undertakings and offered specific suggestions to address them. On the basis of these reports, no remedial action had been done, nevertheless.

The second session of the seventh parliament saw the beginning of the COPU, which was established shortly after. Even though more members attended than PAC, it did not have regular meetings. The group had gone more than a year without meeting at one point. This shows that the possibility of the COPU acting assertively to hold the executive account was at risk from the beginning. Additionally, the committee discussed a variety of matters pertaining to bureaucratic accountability. In each of the 10 committee sessions, the committee provided helpful suggestions. Only the PDB and Petrobangla suggestions were fully carried out. In summary, COPU's role in maintaining executive accountability during the planning and recommendation stages is modest, and it plays a little role during implementation.

Estimates Committee

It is 63 percent of the total members were present for the committee meeting, according to the information from COE 5.5 that is currently accessible. Seven members on average attended the meeting. Each committee meeting lasted, on average, 2.75 hours, according to the COE. It is

regrettable that committee meetings occur on average so often. In six of the nine sessions examined, the committee discussed regular issues such the sector-by-sector budget distribution, the development strategy of various ministries, and the progress of projects under particular businesses. The committee discussed accountability issues in the final three meetings, including the investigation of fraud and corruption in the DCC's Environment Development Project and various irregularities involving the theft of about BDT 200 million from the National Curriculum and Text Book Board's procurement of paper for printing primary school textbooks.

The group had six sessions, but failed to provide any meaningful recommendations. The committee made recommendations in three meetings to address a variety of issues, including the creation of a five-member subcommittee to produce a report on the project's progress within a month, for further investigation into the alleged corruption in the DCC's Environment Development Project, and for the suggestion of exemplary punishment against the officials thought to be responsible for the alleged irregularities in NCTBB. No significant recommendations were carried out. The report on the alleged corruption and theft in DCC's BDT 1460 million environment development projects was never submitted by the committee by the deadline.

The COE officially began operations shortly after its formation during the second JS session. In comparison to other finance committees, it convened significantly less often. The committee had at one point been dormant for more than a year. A new chairman assumed control of the committee's direction in the meantime. A select few topics of government accountability were discussed by the committee.

Only three committee sessions produced recommendations, showing the group's lackluster performance at that time. None of these few suggestions were carried out. In conclusion, COE's involvement in guaranteeing executive accountability at the initiation and recommendation stages is minimal, and it is completely absent at the implementation stage.

Agriculture Ministry Standing Committee

According to information provided by the Standing Committee on Ministry of Agriculture, an average of 70% of the members were present at the committee meeting. For each meeting, the committee met for an average of three hours. The committee's official need to meet once a month was not met since the average gap between two consecutive sessions was 36 days. Between the Standing Committee on Agriculture's third and fourth meetings, tenth and eleventh meetings, and eleventh and twelve meetings, there were unusual gaps of 61, 75, and 143 days, respectively. This illustrates how the committee's performance was cut short at the commencement stage.

Numerous topics were covered, including usual discussion of the operations of the several ministries' public agencies. It also discussed issues of bureaucratic accountability, such as fraud at the Bangladesh Agriculture Research Council and fraud in the sugarcane industry. Two years after the inaugural session of the seventh parliament, the committee started to work. The group convened on average every 36 days after it was established. It had, however, sometimes stayed idle. The average member turnout at committee sessions was comparatively high. A select few topics of government accountability were discussed by the committee. Out of the 14 sessions examined, seven did not result in any specific recommendations from the committee. The committee's recommendations were not carried out. This represents the committee's appalling performance on all fronts.

The Ministry of Defense's Standing Committee

Nearly two years after the seventh parliament's first session, the committee began its duties. In the seventh JS, it had 34 meetings. The average number of days between committee sessions was 39. Seventy percent of the committee members were typically present. It took 2.75 hours on average each meeting to deliberate. Additionally, it delivered a report to the House. Six interim subcommittee reports were also created by the subcommittee it constituted.

The Standing Committee on Ministry of Defense's main agenda items were the alleged irregularities in the trial of the assassins of the former president Ziaur Rahman in 1981, the contentious purchase of MIG-29 fighter jets for the Bangladesh Air Force at a cost of US$124 million, and the pursuit of a Korean frigate for the Bangladesh Navy at a cost of US$100 million. Government accountability dominated the topic.

The defense secretary, the head of the air force, and the chief of the navy all participated in several committee sessions and responded to members' questions about the aforementioned topics. The government's refusal to provide the committee members with necessary documents on the grounds of state security prevented an investigation into the alleged widespread misappropriation of public funds in the purchase of MIG-29 fighter planes and a Korean frigate.6 As a result, the current system of maintaining information secrecy is a major barrier to ensuring transparency in administration and compelling civil servants to provide the committees with necessary information. The members discussed defense-related problems, but their efforts had little real impact. Some significant suggestions made by the committee were not carried out. It is noteworthy that in three of the 10 sessions examined, the committee failed to provide any recommendations.

As a result, the Standing Committee on Ministry of Defense's contribution to upholding government accountability was patchy throughout the planning phase, modest during the recommendation phase, and minor during the implementation phase. The administration's refusal to deliver the required papers on the grounds of state security hampered the committee's efforts to guarantee openness and responsiveness of the government. It is clear from the examination of the work of three ministerial committees that they have not been effective in ensuring government accountability. Their project is just at the planning and suggestion phases. At this point in the implementation process, they are essentially unable to enforce government accountability.

There are very few instances when the recommendations given by the parliamentary committees have been followed. The Standing Committee on Ministry of Establishment's suggestion that no additional decisions regarding inter-cadre promotions be made until a complete policy that takes seniority, pay discrimination, and promotional scope into account has been developed has been largely adopted. In this sense, there are two further cases that may be brought up that the committees overseeing my field of empirical study did not address. However, the Standing Committee on Ministry of Establishment was crucial in helping to put the other committees' recommendations into action. Due to his involvement in several irregularities, Dr. Emdadul Huq, Director General of the Livestock Research Institute, was recommended for OSD by the parliamentary Standing Committee on Ministry of Fisheries and Livestock. He was subsequently reportedly restored on a minister's suggestion, however. Several ministers have been seen pardoning delinquent bureaucrats who disobeyed committee recommendations. "We're being ignored. The ministry neither acknowledges nor follows through on our proposals. According to Abdul Mannan, chairman of the parliamentary standing committee on the ministry of agriculture in the eighth JS, "only the press has kept us visible to the public by reporting our activities." Additionally, in response to the committee's

recommendation, the Health and Family Planning Ministry dismissed three physicians from the National Institute of Cardiovascular Disease for allegedly neglecting their responsibilities while treating Bhutto, a Jatiya Party MP. Most likely for the first time, a committee only needed 10 days to make a proposal on an irregularity, and the ministry only needed four days to put the advice into action. It is noteworthy that the late MP worked with the committee members who looked into the purported discrepancies.

Of course, these occurrences were the exception rather than the rule, and the current administration was not under political jeopardy. The current formal institutional framework of Bangladesh's political system is ill-equipped to hold the government accountable and hampered in limiting its unchecked power and authority. In Bangladesh, all the essential elements of a powerful legislature are essentially lacking. Instead of being distributed, state authority is heavily concentrated. The president, who serves as the nominal head of state, follows the prime minister's recommendations and aids the current administration. The country's main opposition parties have been targeted by the politicization of all the country's key political institutions, including the Speaker of the House. For more than ten years, the main institutions of local government have been ineffective. The governing government has monopolized and controlled the parliament and its committees. The opposing political parties have no room to join or contribute to the government system. As a result, the opposition is left on the street. As a result, the performance of Bangladesh's parliament and parliamentary committees has been heavily influenced by the country's external environment. The Westminster system is heavily institutionalized in Bangladesh's parliamentary committee structure. Unfortunately, Bangladesh lacks many of the essential elements of the Westminster tradition's committee structure, including those that at least have the capacity to hold the government accountable and check its monopoly on power. In Bangladesh, parliamentary committees are ongoing and align with the political system. They have wide-ranging authority over everything from legislation to supervision to investigations. The committees may formally choose their chairman and members.

In reality, the prime minister must approve the final list of committee chairmen and members. The committees meet in secret and make decisions based on a majority vote. The government may refuse to release a document on the grounds that its publication would be detrimental to the safety or interest of the state, but committees may nevertheless partly define their own agendas and send for papers, people, and documents. They are only permitted to evaluate measures that the House has referred to them; they are not involved in budgetary decisions or requests for funding. The committee system in Bangladesh is institutionalized, which gives the government an advantage in being the final arbitrator of all governance-related disputes. Additionally, the secretariat of the parliament isn't really independent of the government. The functioning of this institution is heavily influenced/controlled by the current administration. The ultimate purpose of the committee system—legislative oversight—is being misdirected and replaced by a perilous trend of selecting personal secretaries for chairmen from various ranks for their own personal gain. The Bangladeshi parliament's current committee structure has been further undermined as a result. In conclusion, Bangladesh's committee system is inadequate institutionally and has little potential to ensure executive accountability. By recovering a considerable sum of money from the disloyal public officials, the PAC's function in promoting government accountability is essentially limited to the planning and recommendation phases, with very minor repercussions at the implementation level.

At the initiation and recommendation stages, the COE's role in securing executive accountability is minimal, and it is absent at the implementation stage. At the initiation and recommendation stages, the COPU's involvement in ensuring executive accountability is

modest, and it is negligible at the implementation stage. The activities of three ministerial committees have made it clear that they are only making a token effort to maintain executive accountability at the initiation and recommendation phases. Their responsibility to guarantee executive accountability is essentially absent at the implementation stage. All of these committees focused mostly on regularity and financial propriety. In spite of statutory constraints, opposition MPs often disclosed to the media the topics of debate and the improper conduct of public employees, and they thus significantly contributed to increasing the transparency of committee work. The government agencies' response to putting various committees' recommendations into practice has been muted. The committee's conclusion is not legally obligatory on the government agencies, and there are no programs or initiatives in place to monitor how the committee's recommendations are being carried out. If the committee's recommendations are not followed, no disciplinary action is done. The current administration's willingness to adopt the committee's recommendations is also a must.

The structural and operational design of the committee system in Bangladesh demonstrates the dominance of the governing party. The committee is set up structurally in a manner that prevents any action to make the executive account from being made without the consent of the party in power. Starting with the creation of committees and ending with the execution of committee recommendations, the pillars of the governing party have a significant impact. The way the committee really operates to ensure executive accountability in Bangladesh reflects the governing party's institutional dominance. In the 1990s, prime leaders were seen intervening with committee meetings.

The key opposition MPs have not yet joined the committees in the eighth JS, in contrast to previous ones. This is due to a lack of minimal agreement between the two main political parties over the scope of the committee's work. The efficacy of these committees to ensure executive accountability is in doubt given the absence of the major opposition MPs, who are often seen as the primary actors in keeping committees active and dynamic. Even the present JS's committees don't have regular meetings. Twelve committees have broken the JS Rules by failing to convene meetings within a 30-day period. Since their creation in July 2003, four of them have not had even a single meeting. Due to quorum issues, certain committees, including COPU, were unable to convene committee meetings. Frequently, hot topics have been removed off the committee's discussion schedule at the direction of senior government officials. In the ninth JS, there is a clear tendency toward the degeneration of parliament and parliamentary committees. The results of a questionnaire survey or interview with MPs show that they are dissatisfied with how the committee system is currently operating and are in favor of a complete revamp of the committee structure in the Bangladeshi parliament. However, the respondents' opinions on reform plans that called for strengthening the opposition and incorporating it into the governing system were found to be sharply divided.

CONCLUSION

In conclusion, financial committees are crucial tools for encouraging fiscal responsibility, prudent financial management, and open government. Financial committees support the general health and stability of a nation's economy by preserving their functions as auditors of government budgets and fiscal policy. To ensure effective financial governance and improve economic results for people, finance committees must be strengthened via competent and independent membership, proper resources, and public involvement. However, it can be difficult for finance committees to carry out their duties successfully. Their capacity to undertake in-depth analyses of complicated financial issues may be hampered by a lack of resources and time. The independence and impartiality of financial committees may also be impacted by political pressures, which may limit their capacity to hold the government

responsible. Strong institutional support is required for finance committees to function more effectively, including enough funds and personnel. For finance committees to be credible and successful, they must be protected from political pressure.

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CHAPTER 20

PARLIAMENTARY CONTROL
AND GOVERNMENT ACCOUNTABILITY IN INDIA

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ABSTRACT:

Parliamentary control and government accountability are vital elements of democratic governance in India. This paper explores the mechanisms through which the Indian Parliament exercises control over the executive branch and holds the government accountable. It examines the role of various parliamentary institutions, such as Question Hour, parliamentary committees, and debates, in scrutinizing government actions and policies. The paper also analyzes the challenges and opportunities for strengthening parliamentary control and government accountability in India's complex political landscape. By delving into the dynamics of parliamentary control and government accountability, this paper contributes to a deeper understanding of India's democratic governance and the importance of effective checks and balances. The purpose of this is to examine the functioning of the parliamentary committee system in the Indian parliament in order to map the kind and degree of effect these committees have on the decisions made by the government.

KEYWORDS:

Parliamentary Control, President, Prime Minister, Rajya Sabha, Question Hour, Standing Committees.

INTRODUCTION

The Indian parliament in its political context, the historical development of the parliamentary committee system in India, the formal arrangement of committee system, and its real-world implications in limiting government and holding it accountable are further organized into three parts for a systematic presentation and better understanding of the issue [1], [2].

Political Setting of The Indian Parliament

In terms of population, India is the largest democracy in the world. Since gaining independence from the British in 1947, it has been a strong and thriving democracy, and parliament has remained at the center of its democratic development. The military has avoided politics and never interfered with the persistence of democracy. The majoritarian and combative Westminster model served as the basis for the Indian political structure. The plurality electoral system in India was a British legacy. The Indian federal system's power dynamics were always lopsided in favor of the central government. For the aim of handling serious situations, the founding fathers had granted the federal government the authority to dissolve state governments and replace them with direct federal administration. India's union government is made up of seven union territories in addition to 28 states. Karnataka, Maharashtra, Madhya Pradesh, Uttar Pradesh, Bihar, and Jammu and Kashmir are states having bicameral legislatures [3], [4].

According to Lijphart, the Congress party's power-sharing approach was crucial to the viability of the Indian democratic system working amid a very diversified community. India has all the

characteristics of a consociational system while not being one officially, including grand coalition government, cultural autonomy, proportionality, and minority veto.

India became a republic in 1950 when the Republican constitution went into effect, establishing a full-fledged parliamentary form of government with a contemporary institutional framework. In 1952, when India had its first national elections after gaining independence, the Indian Parliament was established [5], [6]. According to the constitution, the House of the People, the Council of States, and the President of India make up parliament. The members of the electoral college, which consists of the elected members of both Houses of Parliament and the elected members of state legislatures, vote to choose the president. The president's term in office begins on the day he assumes that position and lasts for five years. Despite being the leader of the state, the president of India has certain discretion, including the ability to refuse to sign even money legislation. A money measure, however, cannot be returned to the House for reconsideration [7], [8].

The Lok Sabha has more significant authority in the bicameral Indian parliament. The Lok Sabha is made up of 545 people: 543 of them are elected from single-member districts, while the president appoints two Anglo-Indians. Legislation may come from either House and must pass both chambers as well as have the president's approval in order to become a law. Any disputes that arise between the two houses are settled at a combined session of both Houses. The Rajya Sabha has struggled to forge a unique character for itself due to the fact that the council of ministers is solely answerable to the Lok Sabha and that is where all money bills must originate. The Rajya Sabha lacks the authority to either introduce or reject money legislation. It can only hold up money bills for a maximum of two weeks, after which time they are deemed to have been approved by the Rajya Sabha [9], [10].

According to the constitution, there may be no more than 250 members of the Rajya Sabha, including 238 members from the States and Union territories and 12 members chosen by the president. The vice-president of India, who serves as the ex officio head of the upper house, is in charge of the Rajya Sabha. The elected members of State Assemblies elect the representatives of the States using a single transferable vote under the proportional representation system. The Rajya Sabha representatives from the Union territory are elected in line with parliamentary law.

The president chooses 12 members from among those with unique expertise or real-world experience in fields including literature, science, art, and social work. The Rajya Sabha currently has 245 members. Since it was founded in 1952, its membership has sometimes changed. It progressively grew from 216 in 1952 to its current membership of 245. Although the Rajya Sabha cannot be dissolved, around one-third of the members leave at the end of every second year. A member's tenure in office is six years.

Because it has no authority over the executive branch, the Rajya Sabha performs a secondary function to the Lok Sabha's. The Congress' lengthy sway over national and state legislatures up to 1977 is a major factor in the Rajya Sabha's diminished relevance. However, in times of emergency, if the Lok Sabha is suspended, the Rajya Sabha may act as a venue for addressing public concerns and act as a check on the executive's use of arbitrary authority. a crucial element in India's bicameral parliamentary system, where the Rajya Sabha's function and the relationship between the upper and lower Houses have taken on new dimensions, especially since the end of single-party rule and the rise of smaller parties in coalition governments at the Center and in the States. The Rajya Sabha, which the Congress and its allies controlled during the 13th Lok Sabha, wasn't only a support structure. It shared authority with the Lok Sabha on areas of general law. In order to have its programs passed by both Houses, the current

administration had to make several concessions to the major opposition. Nevertheless, the Lok Sabha's numerical advantage is significant. The Lok Sabha has a two to one advantage over the Rajya Sabha in any combined session.

The budgeting process is at the core of executive-legislative interactions. The legislative budget procedure in India is permitted to go on for up to 75 days. The general budget debate is followed by a set time of adjournment for the legislature. 17 department-related standing committees are reviewing the ministries' and departments' requests for funding during this break. MPs in the Indian Lok Sabha are free to alter levies and cut down on spending. Any increases in spending must be approved by the president. A further distinction between taxes and expenditures is that changes to taxes take effect immediately, while the House still has 75 days to approve them. The House then takes the committee reports under consideration. The Public Accounts Committee, Committee on Public Undertaking, and Committee on Estimates examine and audit the post-budget spending.

DISCUSSION

In India, the constitution gives the parliament exclusive authority to make laws. In reality, the executive branch has had a monopoly on legislation. Only 14 of the 3317 private member's bills have been passed so far; nine were presented in the Lok Sabha and five in the Rajya Sabha. Only two of these fourteen legislations came from members of the opposition. The Indian parliament's committees are able to review legislation under the norms of procedure. However, after being submitted in the House, legislation is often forwarded to DRSCs or select committees by the Speaker of the House.

The majority of poll participants strongly disagreed with the claim that institutional committees perform much worse under parliamentary than in presidential regimes. Only 0.7 out of 1 is the mean. According to the respondents, the British-instituted parliamentary system in India has been functioning admirably despite all odds and has significantly contributed to the upkeep of democratic governance in India, the largest functioning constitutional democracy in the world in terms of population size. In May 2002, India commemorated the 50th anniversary of the Indian Parliament. Numerous reform initiatives have been launched throughout the years to enhance the parliamentary committee structure in India and make the parliament more functional. The parliamentary committee system in India has been crucial in holding the government to account under a parliamentary democracy. The majority of respondents were opposed to changing from a parliamentary to a presidential political system. They believe that there is still need to strengthen and improve committees within the current legislative structure. An overwhelming 100 percent of respondents said the upper House committees in the Indian parliament were effective and useful in their efforts to hold the administration accountable. They assert that the Rajya Sabha has served as a mechanism for checks and balances and has been essential in ensuring that the government is financially accountable.

They believe that the Rajya Sabha has served as a tangible example of the dif- fusion of government power and authority in India within a parliamentary framework, which has helped to create some political space for the opposition parties to function and moderate the political race between the contending political parties. Participating political parties must reach a solution if one party has a majority in one house but not in another if they want to avoid political impasse and insta- bility. India has experienced this on several occasions. Political parties have become used to making concessions and handing over power to opposing parties over time, which has allowed parliamentary democracy to become institutionalized in a multiethnic nation like India and made a significant contribution to holding the government to account.

According to all of the respondents, a strong committee system requires a powerful parliament and vice versa. They concede that both the parliamentary committee system and parliament are intrinsically weak in comparison to the executive under the Westminster parliamentary system. The majority of them think the parliament won't function at its best because of sporadic quorum problems and frequent interruptions and adjournments caused by disruptive incidents.1 They always claimed that the parliament ran fairly, nevertheless. Since 1989, robust oppositions have been a crucial component of parliaments. The Indian parliament has played a crucial role in keeping the administration accountable while being primarily a regime preservation institution. The respondents said that the committees had done well and were still evolving.

India's constitution is in writing. A majority of all members of a House and a majority of at least two-thirds of those present and voting are required for a measure to change the constitution to pass in each House of the parliament. The constitution, however, allows for judicial scrutiny of legislative decisions, placing some restraints on its arbitrary use of authority. For instance, the Supreme Court of India ruled that various laws approved by the parliament violated the constitution.

Since the Constitution Act of 1985 was passed, a member of the House who is a member of a political party is no longer eligible to be a member if they voluntarily renounce their membership or vote or abstain from voting in opposition to the party's platform without consent. The Constitution Act, which made significant revisions to the current anti-defection statute, was approved by the thirteenth Lok Sabha. As was the case in the original statute, the amendment does not accept splits of one-third of any legislative party as being valid. Now, anyone deviates, whether a person or an organization, regardless of size, will forfeit his or her membership and will not be eligible to run for office for at least six years. They cannot hold any paid positions either until they are again able to run for office.

Members of the committee were questioned on the anti-defection statute and how it affected a particular MP who attended committee meetings. Only 35% of respondents absolutely agree that the floor crossing item as it now stands restricts an MP's personal independence and undoubtedly affects committees' ability to work. The respondents' mean score on the question of floor crossing is 1.9, meaning that most of them agree with the current constitutional restriction on it. They believe that party discipline has become considerably stricter than it was due to the anti-defection statute in its present form. The majority of respondents thought that this legislation had clear restrictions. However, this regulation will reduce floor crossing and horse trading and eventually show its value for the nation's political stability. 95 percent of respondents, according to an examination of their opinions, believe that there is a significant association between the degree of power that their parties have over them and the strength of the committee. Nevertheless, nearly all of the respondents, regardless of party allegiance, are of the opinion that in India, the influence of party over the committee member is not that substantial and that once they are in the committees, they are allowed to work in the committees on their own terms without fear or favor. Committee meetings tend to be more relaxed and friendly. In general, committees operate by agreement and in unison. They point out that the opposition and backbenchers from the Treasury bench are free to voice their opinions on the debated topic. In committee meetings, it has sometimes been tolerated for opposition members to make severe critiques of the government.

An overwhelming 100 percent of respondents who were questioned about the role of opposition in keeping the government accountable believe that a strong yet disciplined opposition is at the core of parliament and parliamentary committees. They contend that the opposition in the parliament acts as a shadow government and offers constructive critique of the administration's policies and plans. There has always been a fairly strong opposition in each of the six

parliaments since 1989, and all six have been "hung parliaments" since that time. Over the years, the two top leaders of India's two largest parties have developed a cordial relationship. There has always been a national consensus on topics like foreign policy, defense, economic liberalization, the advancement of minority groups, and so on, even if there may have been occasional disagreements. The opposition in India has experienced a significant transition in recent years, which has given it a significant responsibility for guaranteeing the effective operation of legislative institutions. As coalitions of parties formed administrations in the late 1980s and early 1990s, the main opposition party opted to remain in opposition.

In general, elections have been fair and free. The then-current election system intentionally made it harder for the diverse opposition to achieve a number of seats commensurate with the votes it received and sustained one-party hegemony in Congress for 30 years. Eight times, despite the electorate's preference for the opposition parties, the election system strangely resulted in a majority administration. From 1952 to 1971, the Congress received between 40.7 percent and 47.8 percent of the vote and won between 54 and 73 percent of the seats. No party has ever won an absolute majority of votes in a national election; hence, INC was able to establish hegemonic position in part because to the plurality system.

Over the last 50 years, India's party structure and voting system have changed. The dominance of a single party over the first two decades gradually gave way to regional party proliferation, mainstream party fragmentation, the rise of numerous ideologies, and coalition government throughout the next three decades. Thus, what we see now is the transition of the political landscape from a time of one dominating party to one of multiparty rule.

The different coalitional arrangements have helped to partially restore the legitimacy of local grassroots democratic institutions by permitting a portion of the urgently required decentralization or devolution of authority away from New Delhi to the states. Additionally, politics under coalition administrations continue to be quite diverse. Given that the prime minister and cabinet are elected by several political players, numerous constituencies also have the ability to limit their influence. The executive ability of the governments has been diminished today due to the complexity and fragility of coalition governments, their quick turnover, and their reliance on regional and state-based parties.

The party system's dispersion has also increased the president of India's authority. Presidents have taken actions to emphasize the independence of their position since the early 1990s. Presidents now actively dispute perceived "unconstitutional" decisions by the governments in addition to having a great deal of discretion in the formation of administrations thanks to the growth of "hung" parliaments since 1989. Most crucially, presidents have successfully resisted political pressure to rely on Article 356's "president's rule" provision in an effort to overthrow a state administration that was duly elected in order to further their own political interests. For instance, in 1997, President K.R. Narayanan rejected the United Front government plan to overthrow the BJP government in Uttar Pradesh, which was headed by Inder K. Gujral. In the same way, he opposed the Vajpayee-led NDA government's attempt to oust the Rabri Devi government in Bihar in September 1998.

The House chooses the Speaker from among its members. He typically does not resign from the party on whose platform he was elected, unlike the British parliament. Four of the 13 Lok Sabha Speakers who have served as of yet have been chosen by a unanimous vote. Since independence, only Dr. Neelam Sanjiva Reddy has publicly resigned from his political party after being elected Speaker. Speakers are said to have managed their positions impartially, nevertheless.

In India, there are more than 200,000 locally self-governing entities. These organizations control and supervise how the executive is operating at various levels and locations. The constitutional status and stability given to Panchyati Raj institutions is the most recent important political development in India. Having almost three million elected representatives actively engaged in the business of the nation's government, with one-third of them being women and reservations for underprivileged groups of society, is unprecedented in the history of democracy anywhere. Local government was organized in an increasing hierarchy from the village to the block or sub-district, district, and state capital. Since democratic institutions sprang from Indian society, India's democracy was able to easily become more entrenched over time. Although the Indian government and, in particular, the parliament, are largely based on the Westminster model, there have been so many important changes made to the system to adapt it to Indian circumstances that it can no longer be referred to as a parliamentary system of the British kind. In actuality, it has a number of characteristics that are closer to the US presidential system than to Westminster.

India's parliamentary committee system has evolved

The Montagu-Chelmsford Reforms of 1919 featured the precursor of legislative committees in India by recommending the creation of committees. The first standing committees emerged in the provinces, and by 1922, they had spread to the capital. These committees were official, powerful entities that were chosen. Each committee had five members, two from the Council of States and three from the Legislative Assembly, who served terms of one year. They produced yearly reports and reviewed all legislation, including significant policy issues. Under British administration, however, they were purely advisory committees, and their deliberations were tightly kept private.

The Public Accounts Committee was the oldest of all the Lok Sabha's legislative committees. The financial member of the Governor General's Council served as the committee's ex-officio chairman when it was initially established in 1921. It had twelve members at the time, eight of whom were chosen by the unofficial members of the central legislative assembly at the time and three of whom were proposed by the governor general at the time. Even after 1947, the committee continued to operate according to the previous setup, with the finance minister serving as its chairman. This inevitably limited people's ability to criticize the executive branch freely. The committee was elevated to the status of a full-fledged parliamentary body in 1950, coming under the jurisdiction of the Speaker and having one MP serve as its chairman. The PAC only had 15 members who were chosen by the Lok Sabha prior to 1954–1955. Since 1954–1955, seven Rajya Sabha members have been allowed to join the committee, bringing its total membership to 22.

CONCLUSION

In conclusion, Fundamental tenets of India's democratic governance are parliamentary oversight and government accountability. The Indian Parliament conducts supervision over the executive branch and makes sure that the government is still answerable to the people via Question Hour, parliamentary committees, and debates. India can further enhance its parliamentary control and government accountability by resolving issues and encouraging more openness and public participation, which would eventually lead to more inclusive and responsive governance. Greater openness and public involvement are required in India in order to improve parliamentary control and government accountability. The efficiency of legislative processes for holding the government responsible may be increased via improved information availability and public involvement.

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CHAPTER 21

CONSTITUTED OF ESTIMATES COMMITTEE

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ABSTRACT:

The Estimates Committee is a significant parliamentary institution in many democratic systems, including India. This paper examines the constitution and functions of the Estimates Committee, focusing on its role in scrutinizing government expenditure and financial proposals. It explores the composition, powers, and procedures of the committee in the context of India's parliamentary system. The paper also analyzes the effectiveness and challenges faced by the Estimates Committee in promoting fiscal accountability and transparency. By studying the constitution of the Estimates Committee, this paper contributes to a deeper understanding of its role in ensuring responsible financial governance and enhancing democratic accountability. While the Lok Sabha is entitled to review, debate, and adopt the government's budgetary recommendations, over time these deliberations have not allowed for a thorough examination of those measures.

KEYWORDS:

Budget, Estimates, Expenditure, Financial Scrutiny, Parliament, Public Accounts Committee.

INTRODUCTION

The EC formerly handled legislative oversight of public businesses before the Committee on Public Undertakings was established and 25 people were initially chosen by the Lok Sabha from among its members to serve on the Estimates Committee. The committee's size was raised to 30 members in 1956. The Committee on Public Undertakings was established in May 1964 as a result of the development of many public businesses in India and the inability of PAC and EC to monitor the activities of these organizations. The CPU initially consisted of 15 people. The member strength was eventually increased to 22 in 1974 in order to keep up with the rising workload. After the transfer of power in 1947, there was initially no change in the nature of committees. Legislative support staff began to be comprised of members of the parliamentary secretariat rather than members of the government after India's republican constitution was adopted in 1950. The activities of standing committees were nonetheless restricted following the election of 1952, when the constituent assembly was replaced by a new parliament [1], [2].

However, legislative committees were provided for under Article 105 of the constitution. In order to bring MPs closer to the parliament, consultative committees were established under its jurisdiction in 1954. These organizations, which each ministry had, may be defined as having more of an instructional than an advising role. In India, the presiding officers of legislative bodies initially debated the formation of topic committees in 1978. Previous topic committees were established in the states of West Bengal in 1988 and Kerala in 1980. Three topic committees on agriculture, science and technology, and environment and forests were established with effect from August 18, 1989, marking the beginning of the subject committee system in the ninth Lok Sabha. To manage these three panels, thorough regulations were created. However, it took the parliament almost 15 years to establish fully functional DRSCs committees [3], [4].

In relation to the development of DRSCs, there are two key aspects that should be mentioned. Progress on the committee front could not be accomplished until the P.V. Narasimha Rao administration assumed office in June 1991. Being in a minority, the new prime minister had to devise a method of involving the opposition without impeding the operation of his administration. The most significant contribution to strengthening the function of parliament and institutionalizing the committee system was made by the then-Lok Sabha Speaker, Shivraj Patil. The ability to regulate finances, or the power of the purse, is a key component of a parliament's authority. The Lok Sabha has often approved departmental grant requests even without debate. More than 85% of the requests made between 1985 and 1995 were generally approved without debate. The Lok Sabha and Rajya Sabha rules committees met together on March 11, 1993, to debate and approve the proposal for the creation of committees with a departmental focus. The most recent development in the constantly developing process of legislative oversight of the executive to maintain its accountability is the departmentally-related standing committees. Institutional structures of India's parliamentary committee system and how they affect how the government is held accountable [5], [6].

The nature and responsibilities of committees are not specifically addressed in the Indian constitution. However, parliamentary committees in India operate under the general supervision of the appropriate presiding officer of the House and are guided by the Rules of Procedure and Conduct of Business of the House. Regarding parliamentary committees, there are three different sets of regulations. While basic rules apply to all committees, specialized rules provide provisions for individual committees, and internal rules, which are created by committees themselves with the Speaker's consent, govern each committee's internal operations [7], [8].

DISCUSSION

Typology of committees

Ad hoc committees and standing committees are the two main types of parliamentary committees in India. Ad hoc committees are formed for a specific task and disband after they have completed their work and submitted a report. The Select and Joint bodies on Bill are the main ad hoc bodies. Others, such as the Committee on the Railway Convention, the Committees on the Draft Five Year Plans, and the Committees on the Hindi Equivalents, were chosen for particular tasks. Each House of Parliament also includes standing committees such as the Business Advisory Committee, the Committee on Petitions, the Committee on Privileges, and the Rules Committee in addition to the ad hoc committees. The three finance committees and three specifically chosen DRSCs, which are tasked with overseeing the government, will be the center of our attention out of the 48 standing committees in the Indian parliament. In addition, my study does not include many of the minister-led consultative committees that are part of the Indian parliament. These committees have no legislative or budgetary responsibilities. They are intended for casual conversations about government policies and initiatives and how they will be carried out between the government and MPs [9], [10].

Several Committees

A House has the option to recommend a measure to a select committee or a joint committee of the two Houses when it is brought up for general debate. To this end, a motion must be proposed and approved in the House before the measure may be considered. When a resolution to send a bill to a joint committee is approved, the other House is informed of the decision and asked to suggest members to serve on the committee.

Like the two Houses, the select or joint committee examines the measure section by clause. Members of the committee may offer amendments to different provisions. The committees may also hear testimony from groups, government agencies, or specialists who are concerned about the measure. The committee then sends its report to the House for consideration once the measure has been thus reviewed. Members may add their dissenting minutes to the majority report if they don't agree with it.

Standing committees relating to the department

The 17 DRSCs, six are in the Rajya Sabha and eleven are in the Lok Sabha. Each of these standing committees must have a maximum of 45 members, with 15 chosen by the chairman of the Rajya Sabha and 30 chosen by the Speaker of the Lok Sabha from among the members of the Lok Sabha. Members of these committees may serve terms of no more than one year. However, as per a tradition followed by national political parties, each of its members is only permitted to serve on the committee for a period of two years. These committees' duties include reviewing laws presented to them, looking into grant requests from relevant ministries, considering yearly ministry reports and national policy papers, and reporting to the House committees. It should be noted that DRSCs do not take into account issues related to the regular operation of the ministries or agencies.

Structure

In response to the issue of whether committees should be established immediately upon the start of a new parliament, 85% of respondents said yes. According to the responses, the majority of the committees in the Indian parliament were often established as soon as a new parliament began. That has become customary. The thirteenth and fourteenth Lok Sabha's first sessions did not, however, see the formation of the finance committees and department-related committees.

Delay in creating the committees deprives the parliament of its ability to competently carry out its essential duty of overseeing the executive. In the past Lok Sabhas, it took two months on average to organize committees, and 20 days on average for those committees to begin doing work. According to the answers, it takes some time to negotiate with various political parties on the make-up of several committees in the Indian parliament in the coalition government period. It's noteworthy to note that in India in the 1990s, it took an average of 3.5 months to establish a new parliament from the date of dissolution. Thus, for 15 months during the previous 15 years, the executive of caretaker administrations has been exempting from any legislative oversight. The responses said that throughout this period, the Rajya Sabha, a permanent House, maintained a close check on how governments were run.

The majority of respondents believe that committee terms should be extended to coincide with the term of the legislature. They believe that by doing this, the members will have the chance to gain knowledge and demonstrate continuity and consistency in their thinking. In India, the majority of committees maintain an ongoing structure, and committee heads and members are chosen yearly. Despite being chosen for a year, the chairman often has a tenure of between two and five years. The chairman is able to acquire crucial experience and knowledge in this way, which might aid in the development of specialty. With three chairmen in four years, the PAC's chairmanship had substantial turnover in the thirteenth Lok Sabha. Each committee has a one-year term. This implies that unless members can convince their whips to let them to continue serving on a given committee, they will not have the chance to specialize in a certain topic or collection of subjects. This ad hoc character has an impact on the quality of the work produced by committees whose reports suffer from a lack of critical evaluation of the work of subordinate ministries. There are still issues with the membership turnover. The average committee member

turnover rate in India is 33 percent, mostly as a result of deaths and compositional changes. Members of committees are discouraged from gaining specific knowledge and skills to improve the effectiveness of the committees as a result.

In India, the ministerial structure and parliamentary committees are functionally equivalent. A single large committee is responsible for overseeing a number of ministries. In this way, the committee structure is determined by the functional requirements of the parliament. Concerning the problem of the DRSCs' precise communication to government departments, the majority of respondents were quite negative. Only 15% of respondents strongly agreed that DRSCs should mirror the organizational structure of government. India's federal government now has 44 ministries. There are 48 state ministers and 29 members of the cabinet. According to the responders, despite this proposal's many benefits, it would be completely impracticable and impossible to execute it in the Indian environment.

Each DRSC is a joint committee of 45 members, including 15 members from the Rajya Sabha and 30 from the Lok Sabha. There will be 44 DRSCs if each committee mirrors the organizational structure of the government. It will take 1980 MPs to fill the open positions if each DRSC has a size of 45. The number of members on the DRSC has been decreased from 45 to 30 as of the fourteenth Lok Sabha. Even if each committee has 30 members, there would still be 1320 open committee posts, which is much less than the total number of MPs in the Lok Sabha and Rajya Sabha. The proposal's supporters, though, had their own justifications. DRSCs only last a few years and have 45 members. Effective functioning is difficult due to the DRSC's size. The committees have jurisdiction over many ministries. Such bunching hinders more focused work and limits the opportunity for members to gain experience in various field.

70% of respondents strongly agree that small committees improve committee specialization and reduce party polarization. The majority of committees in India are between 22 and 50 members in size. DRSC sizes have already been decreased from 45 to 30. But since so few committee members show up, most meetings wind up being very brief and out of the ordinary. Even though a DRSC is made up of 45 members, only 20 to 25 often show up for meetings. Although the size seems to be large in principle, it is really modest and manageable when taking into consideration the actual attendance of members. It is smaller and more specialized thanks to the subcommittee structure. A sub- committee typically has between ten and fifteen members, and they are used extensively in committee activity. Some responders brought out a crucial point regarding the tiny size of committees, namely the number of committees. They believe that the Indian parliament now has too many committees to function effectively and efficiently. They believe that advisory committees for ministries and select committees for laws are unnecessary. DRSCs, which should be redesigned and reformatted, can readily accommodate their duties.

The statement that committee members should be chosen based on their own interests, experiences, and competence rather than the government or political parties received almost 70% of the responses in full agreement. They believe that this is necessary for committee specialization and has negative effects on the effectiveness of the committee. Before being nominated for a committee, members' interests and preferences are often taken into consideration by their respective political parties. Seniority sometimes takes precedence over academic training and experience when choosing committee members and chairpersons.

The members of parliamentary committees are either nominated by the Speaker or head of each House, or they are appointed or elected by the House according to a resolution. Every year, members elect the members of the finance committees, the Committee on Welfare of Scheduled Castes and Scheduled Tribes, and the Joint Committee on Offices of Profit using a proportional

voting method and single transferable ballots. The concerned House's presiding officer nominates members for other committees. The inclusion of practically all parties and groups in the parliament is guaranteed by this electoral method.

The Speaker appoints a committee's chairman from among its members, with the exception that if the Speaker or deputy Speaker is a committee member, he or she is typically appointed as chairman. The current administration determines the mode of chairmanship distribution of various DRSCs in consultation with the opposition parties in accordance with the proportion of parties in the coalition. The treasury bench/coalition MPs often serve as chairs of strategically significant DRSCs including the Standing Committee on Defense, Standing Committee on Foreign Affairs, and others. But in the 14th Lok Sabha, the opposition NDA vowed to abstain from committee work unless their demand for the leadership of a few esteemed committees was granted.

Later, the NDA was granted permission by the government to lead the DRSCs for finance, home, and external affairs. About 90% of respondents strongly agreed that the committee's membership should be determined by the relative strength of the parties in the House. According to the responses, the Indian parliament has been doing this for a very long time. They said that a committee was like a mini-parliament and that when choosing a chair, care should be taken to preserve the democratic nature of the House. They believe that by allocating committee chairmanships based on the proportion of each party in the House, the opposition has been given a better sense of inclusion in the governance structure and the political animosity and hostility between the government and opposition parties has decreased.

In India, unlike the US and Western Europe, senior members or former union cabinet members, and sometimes party leaders, serve as committee chairs. A.B. From 1993 until 1997, Vajpayee presided over the Committee on External Affairs. Since December 1999, Mulayam Singh Yadav has presided over the Committee on Petroleum and Natural Gas. In 1999, Mamta Baneerjee presided over the Committee on Railways. These are only a few examples that demonstrate how committee chairmanships are often assumed by leaders or senior members. Some responders claim that committee chair positions in India serve as stepping stones towards chief minister or cabinet positions.

In India, ministers are not permitted to join any parliamentary committee. Thus, it is assured that these committees operate largely independently of the influence of the administration, apply a fair, impartial, and objective standard to the issue at hand, and reach unanimity on their conclusions and recommendations. A whopping 90% of respondents agreed with the statement "I believe ministers should not be allowed to serve on committees," in response to a question on this. They maintained that ministers from the executive branch ought to be kept out of any parliamentary committees in order to preserve the separation of powers.

A leader of the opposition has served as the head of PAC since 1967, according to Indian legislative tradition. In 1989, an exception was granted when a chairman from a party that supported the governing Congress was selected as an MP. Committee chairs are often selected with consideration for their leadership abilities, position of prominence, and experience. Shri P.V. Narshima Rao and Sri Atal Bihari Vajpayee, two past PAC chairs, went on to hold the positions of prime minister of India. R. Venkataraman, a previous PAC chair, later became the president of India. The chairman of PAC in the thirteenth Lok Sabha was a former member of the federal government and a key figure in the major opposition Indian National Congress.

The respondents' grasp of the statement that giving the finance committee chairs entirely to opposition members with appropriate experience would ensure stronger government accountability is measured by a mean score of 1.8. This is a typical support for the proposed

answer. The majority of respondents believe that India should keep doing what it has been doing for a long time. They believe that the PAC's chairman must come from the opposition, while the other two must come from the ruling party or one of its coalition partners.

While India has greatly increased committee participation in different legislative activities over the last ten years, there is still a lack of coordinating mechanisms. The fragmented way that committees work makes it difficult for informed modifications to be made. For instance, it is prohibited by regulation for the departmental committees tasked with reviewing each grant request to take into account issues pertaining to the day-to-day operations of the relevant ministries or agencies. As a result, they are ignorant of the history surrounding budget execution throughout the fiscal year. Similar to how there are 17 standing committees that examine departmental budgets, the Public Accounts Committee does not add to that process. There are occasions when the duties of several committees including the Estimates Committee, DRSC, and RCC overlap. In a given year, it is not unusual for more than one committee to examine the same department or ministry. These committees might minimize overlap and the ensuing over-load of examination with better cooperation. The introduction of a liaison committee comprised of the chairs of various committees working under the direction of the Speaker in order to coordinate the activities of various committees, avoid duplication of effort, and reconcile ideas and suggestions for better activating the committee and establish keen surveillance over the executive has received a mean score of 3.8 from respondents. This shows that a majority of respondents favor the creation of an Indian liaison committee. 90% of those surveyed said they wholeheartedly agreed with the statement.

Procedures

When questioned about the parliament's authority to establish agendas, 70% of respondents said that committees' ability to create their own agendas was a key power to restrain the executive. They claim that committees are prohibited from setting their own agendas in India. Committees often handle legislation or matters that the House refers to them on where the dominant party's choice typically has sway. The PAC is the only committee that has some degree of autonomy over its agenda.

DRSCs are often referred to when both Houses of parliament have proposed a bill. We have shown in the theoretical framework that parliamentary committees have a limited role in enacting laws in a legislature where measures are submitted in the House prior to committee deliberation. In this way, India is not an exception. However, in two instances—the Public Sector Iron and Steel Companies and Miscellaneous Provision Bill, 1993, and the Trade Union Bill, 1994 bills were sent to a committee even before they were introduced as a result of opposition resistance. The government has responded favorably to the recommendations and observations given by the DRSC in their numerous reports on various ministries. Twenty percent of the respondents absolutely agreed that floor consideration of bills should come after committee deliberation. The majority of those who opposed the idea believed it to be an extreme example of legislative change. They believe that the House should have the authority to make laws in a parliamentary democracy. Once the measures are in the House, committees may review them.

In India, the committee meetings are conducted behind closed doors. According to the regulations, only committee members and secretariat officials may participate in the meeting's deliberations. Evidence, oral or written reports, and committee proceedings are all kept private until they are presented to the House. 70% of respondents, when asked about the composition of committee meetings, said they should be closed to encourage inter-party agreement and loosen up party rules. The majority of respondents agree that committee meetings should be

adjourned due to India's sociopolitical culture. In committee meetings, there is virtually any disagreement along party lines. They assert that once committee meetings are accessible to the media, that will no longer exist. Confrontation will replace the unanimity that often characterizes committee meetings because MPs want to play the same game they do in the House. Although committee meetings are conducted in secret, they point out that the full text of the committee's discussions is made accessible in the print media the next day.

85 percent of the respondents strongly agreed with the idea of holding public hearings on legislative proposals and other oversight issues. They state that the public, including members of the media, are welcome to attend hearings on legislation or other matters. People's knowledge of and interest in committees have grown throughout time. They may improve committee performance by contributing relevant data, fresh ideas, and insights. They claimed that public hearings on legislation or any other subject had often been held in committees in India.

In India, committees may request documents, people, and data to enable a more detailed investigation of the topic under consideration, unless the government certifies that doing so would jeopardize state security or interests. A violation of privilege and contempt of the committee may result from refusing to appear before them or provide any documents they have requested. The right of the committee to request documents and people and to penalize those who refuse to do so was fully supported by 70% of respondents. Ministers should not be called before committees, according to several responses. She or he should be properly questioned on the effectiveness of his ministry in the House. The government has an advantage since it has the legal ability to refuse to provide a document on the grounds of state security. The government refused to provide the committee members with the necessary documents on the grounds of state security, which was unilaterally determined by the ruling government, thwarting an attempt to uncover the alleged large-scale embezzlement of public funds in the purchase of sleeping bags and aluminum coffins.

CONCLUSION

In conclusion, an important feature of India's legislative system that promotes fiscal responsibility and transparency is the structure of the Estimates Committee. The Estimates Committee actively promotes sound financial management by using its nonpartisan makeup, scrutinizing government spending, and soliciting advice from experts. By addressing issues and strengthening the committee's capabilities, we can increase our effectiveness and help the nation achieve better financial results. Greater public involvement and openness are required to increase the efficacy of the Estimates Committee. By providing live telecasts and publishing of committee meetings, the public may become more aware of and involved in the process. Additionally, strengthening the abilities of committee members and personnel is essential for raising the caliber of research and suggestions. Workshops and training sessions may provide committee members the skills they need to conduct thorough investigations and reach educated judgments.

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CHAPTER 22

COMMITTEE ON PUBLIC UNDERTAKINGS: AN OVERVIEW

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ABSTRACT:

The Committee on Public Undertakings (COPU) is a critical parliamentary institution in several democratic systems, tasked with examining the functioning and performance of public sector enterprises. This paper explores the significance and role of the Committee on Public Undertakings, focusing on its mandate, composition, and functions in India's parliamentary system. It examines the COPU's role in ensuring accountability, transparency, and effective governance of public sector undertakings. The paper also analyzes the challenges and opportunities for strengthening the Committee on Public Undertakings in promoting responsible management and enhancing public sector performance. By studying the COPU, this paper contributes to a deeper understanding of its importance in shaping public enterprise policies and governance.

KEYWORDS:

INTRODUCTION

The majority of respondents 55% completely agreed that committees should have exclusive authority over legislation and executive supervision. They believe that committees need to be heavily involved at all phases of the legislative process, from the examination of a bill through the evaluation of an act. The basic principles and provisions of any measures assigned to committees must be taken into account, and a report must be submitted. The committees do not, however, take the appropriations and financial legislation into consideration. After being introduced, legislation is often sent to DRSCs in India. 73 of the 276 measures voted by the parliament in the thirteenth Lok Sabha were referred to DRSCs. This is a significant increase over the early years of independence, when select committees received 12 percent of the total number of measures voted by the parliament [1], [2].

The respondents believe that committees need to have a significant role in overseeing the administration as well. In India, committees play a part in deciding how much money to spend. The Lok Sabha will adjourn for a certain amount of time after the conclusion of the main budget debate, during which time the committees will review any requests for awards. Since cut motions may only be introduced in the Lok Sabha and the committees also comprise Rajya Sabha members, they are not allowed to offer comments that would be in the form of cut motions when reviewing grant requests. Following that, the Lok Sabha will review the grant requests in light of these committees' reports [3], [4]. The House could limit its discussion to particular issues or recommendations provided by the committees, allowing it to debate the requests of more ministries and agencies before to a vote. However, PAC may also take up the topic for investigation if something goes wrong and is revealed by the media between budget allocation and the evaluation of financial accounts by three financial commit- tees. Some respondents voiced reluctance about giving the committee exclusive authority over enacting laws and supported the current procedure.

After reports are submitted to the House, there is no longer any need or tradition to consider them. Ironically, none of the several committee reports sent to the House were ever discussed. Eighty percent of respondents agreed that committee findings should be frequently submitted to the House and subject to discussion. They believe that essential committee reports that discuss important policy matters should be considered in the House on designated days. Additionally, it keeps the public informed about how committees are operating, allowing the media to continue the discussion [5], [6].

In India, minorities are not permitted to offer their own report in the event of disagreement. The "note of dissent" written by the minority is included in a single report. The majority should be permitted to give their own findings so that it is clear that the administration is not totally in control of the committees, according to around 30% of the respondents. The majority of respondents believe that decisions made in committee meetings are often reached by consensus and that one report may include the minority's disagreement while still accomplishing the same goal [7], [8].

A thorough and well-organized mechanism for generating suggestions and implementing them has been developed by the Indian parliament. Every topic discussed in committee session concludes with an original report that includes a full analysis of the topic under discussion and suggestions on how to approach it. To implement the suggestions, there are committee processes. Although it usually takes longer, the government is required to act on recommendations within six months of a report's submission. The committee then maintains a close eye on the subject under discussion and typically produces an action-taken report based on the answers from the ministries and departments to keep it informed of the most recent development with regard to its suggestion. The government normally adopts the majority of the recommendations made by legislative committees, despite the fact that they are not legally obligatory. For instance, a review of the government's response to the 11 committee recommendations that the Lok Sabha convened and oversaw in their previous reports and the subsequent action that was done Reports from the years 1993 to 2002 indicate that a high rate of 72 percent is achieved for suggestion acceptance. The high proportion of committee recommendations that were approved by the government is also supported by data on available on a few chosen DRSCs [9], [10].

It happens often when critical or seriously detrimental suggestions are rejected. When the committees' recommendations/observations deal with important matters like altering processes, disciplining disloyal staff, or upsetting the status quo, ministries have seldom complied. Smaller suggestions that provide no obstacles for anybody or those that align with the existing thinking of the administration, the governing party, or coalitions are more likely to be adopted. The committee's recommendations provide the government a potential course of action for correction. Furthermore, the sheer fact that these committees exist serves to dissuade reckless behavior.

Concerning the problem of enforcing committee recommendations, respondents were questioned. Only 30% of respondents strongly agreed that the government should be required to follow recommendations. They thought that regardless of their substance, implementing committee recommendations would benefit the government entities' ability to work better. The proposal's opponents, however, believed that suggestions should be advisory, as was the situation in the majority of nations. They claim that as a matter of tradition, the Indian government generally abides with the suggestions. They argued that because the administration has been given the authority to control the nation by the people, it should be left to it to carry out the committees' recommendations.

The responders were given a proposal that suggested the formation of an action-taken subcommittee to follow up on and monitor the level of implementation of the committee's recommendations, and that in the event that compliance was not achieved, government agencies offer an explanation. The plan was embraced wholeheartedly by all responders. They say that most committees in India have action-taking subcommittees, and the structure is well-established. It is crucial to remember that just accepting proposals by ministries or agencies does not guarantee that they will be put into practice. The proportion of recommendations that are actually followed up on is not tracked, and there is no mechanism in place to pursue this further. Therefore, once the government accepts the committees' recommendations, the committees' work is often over. When questioned about this matter, the majority of the respondent's stated satisfaction with the current procedure. Regardless of their political identification, respondents agree that the purpose of committees is to persuade rather than push the government or interfere with the administration.

DISCUSSION

Resources

A comparison of the backgrounds of the MPs from the 10th, 11th, 12th, and 13th Lok Sabhas, with detailed analysis of their educational backgrounds, employment histories, and legislative experience. One of the most notable aspects of the membership pattern is the rising trend in the educational backgrounds of members of succeeding Lok Sabhas. The number of degrees and above among the membership has increased steadily, making the thirteenth Lok Sabha the "most educated House." In the thirteenth Lok Sabha in 1999, their total representation increased to very high percentages of 80 percent from only 58.08 percent in the first Lok Sabha in 1952.

In all Lok Sabhas throughout the 1990s, MPs with a background in agriculture make up the biggest single elite category. The majority of the MPs who joined the legislatures in the 1990s were rookies who lacked even the most basic committee assignments and operational knowledge of the legislature. Additionally, they had no specific training on legislative or administrative matters, which may have helped them become more capable and competent in carrying out their duties.

According to estimates, the Mahanagar Telephone Nigam Limited and the New Delhi Municipal Council each owe 656 current and past Rajya Sabha and Lok Sabha members Rs111.8 million and Rs 63.2 million, respectively, for water and electricity. Many of these MPs served on various committees in the thirteenth Lok Sabha that had the responsibility of monitoring the government and ensuring financial propriety 95 percent of those surveyed agreed wholeheartedly that the development of effective committees may be aided by the presence of full-time, seasoned, and professional lawmakers as well as by minimal member turnover. According to the responses, an MP's performance in committees is greatly influenced by his prior experience working in government and on committees. The majority of respondents felt that their lack of satisfaction with the compensation and advantages they get from the parliament stopped them from becoming full-time MPs. The thirteenth Lok Sabha's committee structure cannot develop because of the average membership turnover rate, which is approximately 30%, according to data that is currently available on a few committees. Committee chair positions are also not s.

The Lok Sabha secretariat is a separate organization that works under the direction and supervision of the Speaker. The Speaker is supported in carrying out his duties by the Lok Sabha Secretary-General, as well as joint secretaries, additional secretaries, and other secretariat officials and personnel at different levels. The House and its secretariat now have 10 services that are organized based on their functional demands. The legislative, financial

committee, executive, and administrative service as well as the library, research, reference, documentation, and information service provide services to committees.

Different committee branches have been established under the LAFEAS category to provide secretarial support to different Lok Sabha committees. Every branch provides services to a certain committee. Each committee branch typically consists of a director, a deputy secretariat, an undersecretary, a committee officer, a joint secretary, an extra secretary, reporting officers, and other support employees. Each chairman also has their own personal secretary. The Lok Sabha secretariat is a separate entity. It is completely free to hire, choose, train, and promote its own employees. Even the current Lok Sabha Secretary-General is a direct hire of the Lok Sabha secretariat. The legislative library and related research and reference services are available to individual members. Since the launch of this service, a notable rise in references processed has been seen. The number of requests processed increased from 150 in 1950 to 425 in 1960, 700 in 1970, 3627 in 1980, and 5167 in 1990.

The academic training of Lok Sabha committee workers is generally of a generic character. However, the majority of them have broad legislative experience rather than the particular understanding needed for committee work. The Bureau of Parliamentary Studies and Training has provided training to the majority of the employees of committee branches. Additionally, no specific committee receives assistance from research personnel to enable the committee chairman or members to effectively discharge their duties.

Sixty percent of respondents said yes when asked whether it was necessary to have a distinct committee secretariat backed by a sizeable budget, a sufficient number of qualified staff members, and enough logistical assistance. The first section of the question raised reservations from roughly 15% of the respondents, who preferred the second. They believed it was unnecessary to create a separate committee secretariat and that the committee branch could be enhanced inside the existing parliamentary administration. But everyone who responded voiced dissatisfaction with the current logistical support system of committees and vehemently requested the government to broaden and improve it.

In India, committees have the right to consult with experts and gather public feedback as they consider requests for grants or laws that have been presented to them. In the past, committees have benefitted from hearings from outside experts on a variety of occasions. However, experts can only provide opinion; the committee alone has the authority to decide on the subject for which they were contacted. All respondents agreed that committees should take use of the experience and insight of outside specialists who are comparatively free from executive and political interference. They noted that experts have to be invited and consulted more regularly.

Citizens' Audit Committee

According to the information that is currently available regarding the PAC in the thirteenth JS, the average number of members present at the committee meeting was roughly 50%. A third of the committee's total membership constitutes a quorum. On average, there were 11 attendees at the committee meeting, but only four were from the opposition. The PAC had frequent sessions, with a 27-day average between each one. Five subcommittee sessions and 55 meetings of the main committee were held by the PAC. Each meeting lasted an average of one hour and 36 minutes. In the third JS, the PAC also provided 63 reports, of which 33 were original and 30 were action taken reports. 55 of the 63 reports have been made available online for public access. Although the committee's actions are not limited to the topics covered in audit reports, the majority of the agenda for discussion is based on CAG audit findings. The committee monitors and looks into current government operations and makes the executive

branch's anomalies and malpractices public. As a result, PAC makes up for the restrictions of DRSCs, who are not permitted to monitor the daily operations of administration.

The CAG report details the areas and causes of the government's shortcomings. The CAG's findings include criticisms and observations on mistakes made by government agencies while allocating funds throughout a certain fiscal year. The report makes it quite evident when money is not spent, when they are spent improperly, when they are overspent, and when they are not spent at all. The PAC heard audit objections from many public entities under several ministries claiming millions of rupees' worth of financial irregularities in various financial years. Excess over voted grants and chargeable allocations accepted by several ministries and public institutions were a prominent topic of discussion. The design and development of pilotless target aircraft, the design and development of the Arjun main battle tank, an aircraft accident involving the Indian Air Force, the acquisition of SU-30 aircraft, the Ganga action plan, an unusual delay in the repair or overhaul of tanks, and the purchase of the residence for the Indian Consulate General in Frankfurt are some of the major items on the agenda. The majority of the issues centered on governmental responsibility. The PAC also discussed matters related to defense that had received considerable media attention, such as the purchase of subpar sleeping bags for the soldiers and metal caskets for Operation Vijoy. Reviewing the concerns reveals that the majority of them are dated and were present in past Lok Sabhas, such as the eleventh and twelfth. Two defense-related topics need particular attention.

The thirteenth Lok Sabha's PAC resolved to investigate the whole of the CAG report on "Review of procurement for Operation Vijay" at its meeting on December 19, 2001, and in that connection, they requested that the military Ministry make the Central Vigilance Commission report on military transactions public. According to the Ministry, disclosing the CVC report would be "prejudi- cial" to the interests of the state since it was based on confidential Ministry papers and findings from the IB and CBI. The opposition caused multiple forced adjournments of both Houses as a consequence of the defense ministry's refusal to deliver the CVC report to the PAC, which finally ended in an unsuccessful "no confidence motion" brought by the Congress in the Lok Sabha in September 2004.

The Public Accounts Committee of Parliament has uncovered a significant fraud concerning the distribution of subpar sleeping bags to soldiers stationed at Siachen, the world's highest battleground. The parliamentary Public Accounts Committee referred to the Ministry of Defense's involvement in the purchase of 8588 subpar sleeping bags from a French company at a cost of 11.86 million French francs as "questionable" and expressed shock that the ministry continued to negotiate a deal with the company even though it had filed for bankruptcy. The PAC said in its forty-sixth report presented to both Houses of Parliament that "the questionable role of the Ministry of Defense, particularly the officers responsible for execution of the contract, be entrusted to an independent agency for thorough investigation." The committee reported that between September 1992 and June 1993, the French company Monclear sent 8588 sleeping bags in six batches, all of which were later discovered to be subpar and useless for the soldiers at Siachen.

The infamous Bofors case against former Prime Minister Rajib Gandhi was largely a result of the PAC's report, which raised concerns about the quality of weapons and the processes used to purchase them. This led to the formation of a joint parliamentary committee to look into the issue, which ultimately resulted in the Rajib Gandhi government's overthrow in 1989. The PAC's conclusions have also prompted a number of court inquiries.

The difficulties in guaranteeing executive accountability by the PAC may be roughly divided into two categories: difficulties in the planning stage and difficulties in the execution stage.

Initiation-level issues may be further divided into two categories: issues resulting from the CAG's term-of-office restrictions and issues with the PAC itself. Notably, the PAC often issued recommendations.

Issue at the Initial Level Problems

Since the PAC rests its decisions mostly on the CAG reports, its flaws have a negative impact on the PAC's effectiveness. In India, the CAG is a constitutional organization that is free from governmental authority. He is chosen by the president for a six-year term on the prime minister's recommendation. While other agencies, including committees and the CVC, are selective investigative bodies, the CAG is the first line oversight body with the authority to look into all public accounts. There are several reasons why the CAG cannot function successfully.

The PAC has taken a while to finalize its recommendations and discuss the CAG findings. The two parliamentary committees, PAC and COPU, are only able to review a small portion of the many audit reports that have been submitted to them, which undermines the very goal of parliamentary financial control and executive accountability, which the parliament is required to enforce. For instance, in 1997–1998, only 16 of the 76 paragraphs and reviews that were chosen for investigation out of 16 reports presented to the parliament and including 1209 paragraphs and reviews could be examined by the PAC. Similar to 1998-1999, 7 percent of the 1197 total paragraphs in the CAG's Reports on Central Government were chosen by PAC. Only 2% of the paragraphs were actually examined. Reports on the Scientific Department, the Autonomous Bodies, and the Central Excise and Customs Receipts were not considered. The efficiency of parliament is hampered by the widespread exclusion of topics from debates and investigation. In the United States, the circumstance is the same. CAG is not an independent member of parliament, in contrast to Britain and certain other prominent Commonwealth nations.

Even the Union Government in India submits appropriation accounts to the parliament with a great deal of delay. According to research conducted over a period of eight years, from 1992–1993 to 1999–2000, it typically takes more than 15 months after the end of the fiscal year for the audited accounts and the report thereon to be presented to the parliament. The PAC examines and the parliament approves excess spending when another year has passed.

Even though several government employees misuse public funds, the CAG lacks the authority to call them before a hearing to demand an explanation for their actions. The CAG also lacks the authority to hold the negligent official accountable for the loss brought on by improper expenditure of money or for engaging in fraud while managing funds. In nations like Germany, Japan, China, France, and New Zealand, auditing authorities have the authority to summon inept officials and force them to cover any losses to the state out of their own wallets. After starting criminal procedures against him in a court of law, the negligent official is often sentenced to jail in severe circumstances. The PAC chairman in the thirteenth Lok Sabha acknowledged the CAG's vulnerability in failing to identify corrupt officials in its reports and downplayed the need of amending the CAG Act of India to give it greater authority.

Approximately 6000 workers support the CAG. In recent years, officials from the Indian Administrative Services have occupied various jobs under the CAG despite their lack of training and experience in auditing. Additionally, the CAG lacks the essential knowledge to examine government economic policies or audit the financial records of scientific and technological agencies like the Department of Science and Technology, Atomic Energy, Space Applications, etc.

The same condition of backlogging affects the PAC as well. It is true that the PAC has been dragging its feet for the last 7 to 8 years when it comes to taking up CAG findings and sometimes dealing with reports that are 5 to 7 years old, according to PAC Chairman Buta Singh, who spoke to the Indian Express. There is no real discussion of these findings in parliaments because the PAC has grown lax. The government's reactions to the committees' recommendations may be used to assess their efficacy. The following statistics, which covers the seven to twelfth Lok Sabhas from 1980 to 1999, can give you an insight. The government adopted 3709 of the 6112 recommendations made by the PAC, making about 61 percent of the total proposals. Consequently, after receiving the government's responses, 10% of the suggestions were discarded at the action-taken stage. A further 10% were reaffirmed by PAC, some of which the administration accepted. As a result, it can be claimed that around 75 percent of the suggestions were adopted. But statistics may not always paint the right image. These statistics are based on the notes of actions performed in response to the committee's prior reports' recommendations. The administration approved 65% of all the suggestions included in preceding reports sent to PAC in the thirteenth Lok Sabha.

PAC sometimes needed many years to resolve a controversial matter without any noticeable progress. Furthermore, just accepting proposals does not guarantee their adoption. The recommendations will be put into effect by the current administration. The government often decides to disregard committee recommendations when they are related to significant political concerns. As we have seen in the case of the coffin fraud, there are occasions when government departments simply refuse to provide papers to the committee under the guise of national security.

Despite all of its limitations, the PAC has built a solid reputation for objectivity, toughness, and attention to detail via its thorough examination of reports. The PAC's hard work has substantially improved the administration's financial management and helped uncover several errors and even dishonesty.

The committee has established financial discipline in both income and spending via persistent watchfulness. Without a doubt, the state of public finances would have been utter chaos if there had not been a PAC. Reports from committees, as well as the subsequent criticism in the House and press, assist to highlight serious administrative errors and aid to improve administration. As a result, despite clear flaws, the PAC in the Thirteenth Lok Sabha performed a noteworthy role in guaranteeing the financial accountability of the executive at the initiation and recommendation levels. However, the influence of PAC activities throughout the implementation stages the phase of committee engagement that is most crucial for guaranteeing executive accountability was only minor. However, PAC's operation has an influence on publishing. The Bofors affair, which PAC exposed, is primarily thought by Indians to be the reason Rajib Gandhi was forced to accept defeat in the election that followed. The NDA and the PAC-uncovered coffin fraud are similar in this regard. In the next election, the NDA also lost its influence.

Public Undertakings Committee

According to the information that is currently available for the COPU in the thirteenth Lok Sabha, the committee meeting was attended by an average of roughly 43% of the total members. A third of the committee's total membership constitutes a quorum. The committee meeting had an average of nine members, including four from the opposition. The COPU did not regularly meet, and committee sessions took place every 81 days on average. Only 18 sessions of the COPU were conducted during the thirteenth Lok Sabha. It took 51 minutes on average each meeting and 51 study-tour reports and 12 original reports, five of which are

action-taken reports, were also presented by the COPU to the thirteenth Lok Sabha. All reports have been made available for public access on the internet. The COPU had fallen well behind the other two financial commit- tees in terms of average member attendance, meeting frequency, report creation, and meeting length. The committee didn't have any meetings during the fifth or tenth sessions of the thirteenth Lok Sabha, indicating that it had been dormant for a while. However, the committee really went on a lot of research visits at this period. No official committee meetings are conducted during study tours, and only study tour reports are presented to parliament. People are often concerned that the majority of study excursions are focused on well-known tourist destinations that cost millions of rupees apiece.

The committee had a lengthy discussion over Air India Limited. A significant portion of the agenda for discussion focused on reports on the government's response to the recommendations in three earlier COPU reports presented in the 12th Lok Sabha, such as follow-up actions on the CAG report, senior level positions in public enterprises, and Pyrites, Phosphate and Chemicals Limited. The first topic was first chosen for debate in 1985, and the committee continued to study it from 1993 to 2000. The majority of these problems were first chosen by the COPU in 1997–1998 and reports were then submitted to the Lok Sabha in 1998–1999. The committee also evaluated and approved reports on a number of topics, including Telecommunication Services in Rural Areas and the Role of Public Sector Banks in Self-Employment Schemes, both of which were chosen by the COPU for further investigation in 1996–1997. The committee's findings on the two cases it debated took three years to be written. Reports on the steps taken have not yet been sent to Lok Sabha.

The COPU dealt with two brand-new agendas of discussions, which came to a conclusion with a committee report and an action-taken report. Expansion and Modernization of Ports, with Special Reference to the Mormugao Port Trust, which was chosen by the committee in December 2001, was a new topic of discussion. The COPU prepared a report in April 2002 after gathering testimony from the representatives of the Mormugao Port Trust and the Ministry of Shipping. On the basis of the government's responses to the suggestions in the previous report, the committee later presented an action-taken report. The government endorsed 45,5 percent of the suggestions.

The building of a pipeline by Hindustan Petroleum Corporation Limited at unnecessary expense was another new item on the COPU's agenda for the thirteenth Lok Sabha. The COPU also discussed matters such as the development of a new demand for grants for the Ministry of Finance's Defense Research and Development Organization, the relocation of the zonal headquarters of the northwestern railway from Jaipur to Ajmir, the development of infrastructure for the growth of tourism - the development of Ajmer City, and so forth. According to a review of the COE's agenda for discussion in the thirteenth Lok Sabha, the committee's efforts have mostly focused on enhancing the structure and operation of the administrative apparatus rather than holding the government accountable.

Since CAG reports serve as the foundation for committee deliberations, CAG's shortcomings also apply here and negatively impact COPU's ability to function. Additionally delayed is COPU's review of the CAG reports. For instance, in 1998-1999, COPU chose 2.5% of the paragraphs that were included in the CAG reports. In reality, there is no structure in place at the federal level for keeping track of the CAG reports. The receipt of action-taken notes has not been consistent or prompt. For instance, as of December 16, 1998, action-taken notes for up to 865 paragraphs of different reports related to 30 ministries and departments were still outstanding out of the 57 CAG reports that were delivered to parliament between March 1993 and July 1998. In summary, COPU has a modest and limited impact on guaranteeing executive responsibility at the level of initiating and making recommendations.

CONCLUSION

In conclusion, in order to ensure accountability and openness in the operation of public sector firms, the Committee on Public Undertakings is a crucial institution in India's legislative system. The COPU supports responsible management and governance of public enterprises by performing in-depth analyses and making suggestions for improvement. The COPU's ability to influence public enterprise policy and enhance good governance may be further strengthened by addressing difficulties and seizing opportunities for technology developments. The government and public sector businesses need to support and collaborate with the COPU more in order to increase its effectiveness. Stakeholder collaboration and timely information supply may enable more thorough and knowledgeable evaluations. Utilizing technology and data analytics may also improve the COPU's capacity to examine enormous amounts of data and pinpoint important topics for research. The committee's work may be streamlined and the quality of its recommendations can be enhanced by the use of new technologies.

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CHAPTER 23

OPERATION OF SELECTED DEPARTMENTALLY
-RELATED STANDING COMMITTEES

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ABSTRACT:

Departmentally-Related Standing Committees (DRSCs) are crucial components of parliamentary systems, tasked with the examination of government departments' functioning and policies. This paper explores the operation and significance of selected Departmentally-Related Standing Committees in the context of India's parliamentary system. It examines the mandate, composition, and functioning of these committees, focusing on their role in scrutinizing various ministries and promoting effective governance. The paper also analyzes the challenges and opportunities faced by DRSCs in enhancing accountability, transparency, and policy formulation. By studying the operation of selected Departmentally-Related Standing Committees, this paper contributes to a deeper understanding of their impact on India's governance and parliamentary oversight. About 46% of the total members showed up on average for the committee meeting. A third of the committee's total membership constitutes a quorum.

KEYWORDS:

Legislative Business, Members, Parliament, Reports, Role, Scrutiny.

INTRODUCTION

An average of 14 people attended the committee meeting, with six representing the opposition. 29 meetings of the COE were held. Each meeting lasted an average of one hour and 27 minutes. When compared to PAC, the average frequency of committee meetings was unsatisfactory. In the thirteenth Lok Sabha, the PAC also produced 19 reports, 11 of which were original and 8 of which were action-taken reports. All 19 reports had been made available for public access on the internet. It is important to note that the Committee on Estimates has produced 888 reports covering almost all of the ministries and departments of the Government of India from its beginning in April 1950 till 2003. Out of them, 464 are the original reports and 424 are reports on the government's response to the committee's previous findings [1], [2].

The focus of the agenda for discussion was on reports on the government's response to the recommendations made in four earlier reports from the Committee on Estimates in the twelfth Lok Sabha, such as the closure of the textile industry, domestic production and imports of crude oil, and bad debts at public sector banks [3], [4]. The COE first chose the majority of these topics in 1997-1998, and then reports on them were submitted to Lok Sabha in 1998-1999. The COE chose both of these studies for further review in 1996–1997, and the committee also evaluated and approved reports on a number of other topics, including the role of public sector banks in self-employment programs and communications services in rural regions. The committee's findings on the two cases it deliberated on took three years to be written. The Lok Sabha has yet to receive action-taken reports. A significant 70% of all suggestions included in preceding reports sent to COE were approved by the government in the thirteenth Lok Sabha. However, COE took an average of three years to resolve a problem without producing any tangible outcomes. Compared to PAC, the COE met far less often. Additionally, the COE is

another example of how just accepting proposals does not lead to their implementation. In conclusion, COE implementation ensures executive responsibility at the planning and recommendation stages, as well as somewhat at the implementation step [5], [6].

Standing Committee on Home Affairs for Departments

The Committee on Home Affairs has been given authority over three Indian government ministries: the Ministry of Home Affairs, the Ministry of Personnel, Public Grievances and Pensions, and the Ministry of Law, Justice, and Corporate Affairs. According to information from the 5.6 Standing Committee on Home Affairs, it is clear that, on average, 49% of the committee's members showed up for the meeting. Each meeting of the committee lasted an average of 2.20 hours. The average number of committee meetings each week was eight. The group continued to have frequent and regular meetings. In four years, it conducted a record 174 main committee sessions, five subcommittee meetings, and generated 64 reports. Additionally, six study visits were made. To evaluate the condition of cross-border terrorism and insurgency, one research visit was made to Jammu & Kashmir. The committee also made two research trips to evaluate the administration of Union Territories without legislative oversight firsthand [7], [8].

The committee worked very hard on a variety of important general topics, including debating important general matters, measures that were recommended to it by the parliament, and consideration of grant requests. During each year's budget session, the committee examined the connected ministries' and departments' requests for grants and provided the parliament with three reports on the subject. The committee looked at 47 legislations during this period and delivered 33 reports to both Houses of Parliament. The Lokpal Bill 2001, the Constitution Amendment Bill, the Companies Bill 2001, the Contempt of Court Amendment Bill 2003, the Illegal Migration Laws Bill 2003, the Salaries and Allowances of the Judicial Officers of the Union Territories Bill 2003, and other important bills were among them [8], [9].

The management of Union territories, the nation's internal security situation, economic and infrastructure development, the Swatantrata Sainik Samman pension program, and the insurgent situation in the north-eastern area were among the important general concerns discussed. A significant topic of discussion during the committee meeting was inland security. One of the committee's most extensively known discussion topics was "Cross-border terrorism and insurgency in Jammu and Kashmir". The committee took up the subject in May 2000. In July 2000, a research group that was organized and led by the chairman made a trip to Jammu and Kashmir. In July 2001, a committee report was presented to both Houses of parliament. In November 2001, the ministry provided action- taken notes, and in July 2002, the parliament got an action- taken report. The discussion above makes it clear that the committee took two years to complete the task.

In each committee meeting, the committee offered a lot of suggestions. The committee's recommendations were adopted by the government in 45 percent of cases. Consequently, after receiving the government's responses, roughly 2% of the suggestions were discarded at the action-taken stage. Compared to other committees, the government only accepts a small portion of proposals.

The government has responded favorably to the suggestions and observations given by the DRSC on Home Affairs in its several reports. For instance, the committee urged that the "Right to Information Act" be passed as soon as possible in its 38th Report on Demands for Grants of the Ministry of Personnel, Public Grievances, and Pensions. On July 25, 2000, the government subsequently proposed the Freedom of Information Bill. The committee also looked at this measure, and it reported its findings to Parliament. During the winter 2002 session of

parliament, the measure was approved by both Houses. The committee's findings and suggestions from its 42nd Report on the Lotteries Bill, 1998, were also followed up on in the Lotteries Bill 1999. Similar to this, the committee reviewed the Lokpal Bill, 1996, and provided the house with its 40th Report on the matter. The Lokpal law, 1998, a revised law that was once again submitted to the committee for review and a report, was introduced by the government after the majority of its observations and suggestions were approved. In the wake of it, the committee delivered its 50th Report on the Bill and sent it to Parliament. The Lokpal Bill, 2001 was tabled in the Lok Sabha on August 14, 2001 after the bill underwent further revision in light of the committee's findings and recommendations. The 84th Report of the Committee on this measure was also delivered to parliament after it was referred to the Committee for review. Due to the significance of their findings, they have garnered considerable media attention and public interest. A system where the legislature is just regarded as a "approving and attesting institution" is unquestionably improved by this. In summary, the Standing Committee on Home Affairs did well in the areas of initiating, making recommendations, and putting those recommendations into practice. It also had a significant influence on holding the administration accountable.

DISCUSSION

Departmentally-Related Standing Committee on Agriculture

The Committee on Agriculture has been given authority over three Indian government ministries, including the Ministries of Agriculture, Food Processing Industry, and Water Resources. According to the information provided, it is clear that, on average, 44% of the committee's members showed up for the meeting. Each committee meeting lasted an average of one hour and 37 minutes. The average number of meetings per committee each month was 16. The group continued to have frequent and regular meetings. In three years, there were 69 committee meetings, and 50 reports, including 25 action reports, were generated. Additionally, during the first three years of the thirteenth Lok Sabha, eight study trips were made. The committee worked very hard on a variety of important general topics, including debating important general matters, measures that were recommended to it by the parliament, and consideration of grant requests. Every year, during budget session, the committee reviewed the requests for grants made by the relevant ministries and departments and reported its findings to the parliament.

Every year, the committee reviewed the requests for grants from all of the ministries and departments that were within its purview, had a number of committee meetings, and provided updates to both Houses of Parliament. It also took into account the findings on how preceding proposals were implemented. The committee handled the requests for funds from all five ministries and departments very quickly within a year. Every year, the committee reviews the financial allocations and offers suggestions for changes to how much money should be given to different ministries and agencies. In the thirteenth Lok Sabha, only two measures were referred to the committee for review. The Multi-State Cooperative Societies Bill and the Aquaculture Authority Bill were two legislations introduced in 2000. The committee provided the parliament with reports on these two legislations. The country's drought crisis, national agricultural policy, rainfall harvesting, ground water recharge, and flood control were some of the important general problems discussed. These suggestions were only suggestions.

In committee sessions, the group presented several suggestions about the need for funds, legislation, and general concerns. The committee's recommendations were adopted by the government in around 54% of cases. Following receipt of the government's responses, around 4.3 percent of the recommendations were discarded at the action-taken stage.

The government has responded favorably to the suggestions and observations given by the DRSC on Agriculture in its numerous reports. For instance, the Standing Committee on Agriculture expressed its displeasure with the Ministry of Finance's decision to reduce the budget allocations for the Accelerated Irrigation Benefit Program from Rs16,000 million to 14,000 million at the revised estimates stage without even consulting the Ministry of Water Resources in its tenth report on grant demand. The allocations in this respect should be adequately enhanced and disbursed, the committee said. The finance minister said in his budget statement on February 28 that he intended to enhance the funding for the AIBP from Rs2000 crore last year to Rs2800 crore in 2002-2003 in response to such persistent recommendations. In summary, the Standing Committee on Home Affairs had a modest influence on holding the government responsible in terms of initiation, recommendation, and execution levels.

Defense Standing Committee with Departmental Relevance

The Standing Committee on Defense has authority over the Ministry of Defense. According to the information that is available, it is clear that, on average, 47% of the committee's members showed up for the meeting. Each meeting of the committee lasted an average of 2.25 hours. The average number of meetings per committee was 27 days. The group continued to have frequent and regular meetings. In three years, it had 40 committee meetings and produced 21 reports, 11 of which were action reports. In the first three years of the thirteenth Lok Sabha, the main committee conducted six on-the-spot study trips and numerous study groups did six more visits. Ordnance manufacturers, air force bases, and Defense Research and Development Organizations dispersed across India were among the locations visited. The committee worked very hard on a variety of important general topics, including debating important general matters, measures that were recommended to it by the parliament, and consideration of grant requests. The committee conducted many committee sessions to discuss the Ministry of Defense's request for funds and delivered findings to both Houses of Parliament.

It also took into account the findings on how preceding proposals were implemented. In the thirteenth Lok Sabha, no bills were referred to the committee for review. It discussed important general policy issues and policy-related topics like self-reliance in defense, DRDO, quality assurance organizations under the Ministry of Defense, manpower planning and management policy in defense, policy on nuclear weapons, deployment of the army for counterinsurgency operations, modernization of the Indian air force, and the coordination between intelligence agencies and the defense force, among other topics. These suggestions were only suggestions. The PAC debated and dealt with the majority of the contentious issues surrounding military policy and expenditures. The majority of the agenda items dealt with methods and tactics for enhancing India's military system. The group concentrated more on ways to improve and enhance the defense system because of the tense ties with the neighboring Pakistan.

In committee sessions, the group presented several suggestions about the need for funds, legislation, and general concerns. The committee's recommendations were adopted by the government in an outstanding 78% of cases. Following receipt of the government's responses, roughly 2% of the recommendations were discarded at the action-taken stage. In summary, the Standing Committee on Defense had a positive influence on holding the government accountable at the levels of initiation, discussion, recommendation, and acceptance. But the committee only seldom checked on the progress of implementation; for the most part, it was up to the current administration to carry it through.

Since 1947, India has been a democracy, and the parliament has remained at the center of its development. The political parties in India see the parliament as a platform for discussion and settlement of crucial matters of national concern as well as a means of bringing the

administration to account. It is also seen as a symbol of legitimacy and democratic governance. The formal institutional framework of the Indian political system seems well-established and effective in restricting and balancing the authority and power of the executive. In India, the legislature is fully functional and has all the necessary elements for running the state and monitoring its financial performance. Parliament, the president, the courts, the state assembly, the local government entities, and other autonomous institutions are all operating effectively. Numerous political institutions share political authority. The Indian parliament has two chambers. Legislation has to pass both Houses and get the president's approval in order to become a law. India's local government is well-organized and connected, with links from the village to the district and division levels. Major local government entities have regularly scheduled elections. In India, there are several provincial parliaments that provide political room for various political parties to function and be accepted into the overall government structure. The opportunity for the opposing political parties to share power via participation in various political institutions is significant. Political parties have become used to power sharing and coexisting with competing power holders as they have gained experience dealing with their adversaries. They have developed the habit of playing by the rules of politics.

In India, institutional structures may be seen, which show how power is distributed and how ready the ruling party is to accommodate the opposition. In India, the leader of the House is not the prime minister. The Speaker is often chosen by all of the major parties. According to the balance of each party in the House, committee membership and chairmanships are determined. The neutrality and relative independence of committees as institutions of the legislative branch have been preserved by the exclusion of ministers who are members of the executive branch. In addition, there are several organizations that may become institutionalized in the future and continue to serve the public, including the National Human Rights Commission, the Central Bureau of Investigation, and the Central Vigilance Commission. As a result, the performance of the Indian parliament and parliamentary committees has been heavily influenced by the external environment.

Institutionally, the Westminster system serves as the primary model for India's parliamentary committee structure. The committee system in the Indian parliament has undergone a gradual, drawn-out, and tedious evolutionary process to achieve its present condition. In truth, India has a strong presence of many of the fundamental aspects of the committee system within the Westminster tradition that have the capacity to check the monopoly of governmental power and hold the government accountable. In India, parliamentary committees are often non-permanent and functionally align with ministerial structure. Formally, they have broad authorities that include everything from legislation to supervision to investigations, and they play a big part in performing that work.

Committees aren't legally allowed to choose their own chairman and members. The Speaker chooses and appoints committee chairmen and members after consulting with the major parties. In secret meetings, committees make decisions based on a majority vote. The government may refuse to release a document on the grounds that its publication would be detrimental to the safety or interest of the state, but committees are not permitted to create their own agendas and may send for papers, people, and documents. They have major influence over budgetary decisions and grant requests, and they may evaluate legislative measures that the House has referred to them. Despite the fact that India's institutional framework of committees puts the government in a favorable position to be the final arbitrator on any matter of governance, committees operate on consensus, and opinions of the opposition are often accepted and taken into account.

Although the committee's recommendations are not legally obligated to be adopted by the current administration, many of them are, and those that are rejected by the administration are justified with supporting notes. The committee system is highly institutionalized, and all committee operations—committee creation, discussion, recommendation, and acceptance—are interconnected. The government is free to take action on the issue of suggestion implementation. In a parliamentary form of government, this is a structural constraint of the committee system, and India is not an exception in this regard. As a result, committees' work is often over once the government accepts their recommendations. In conclusion, India has a functioning parliament and, as a result, a functional committee system with a lot of potential for enforcing executive accountability.

The PAC, COPU, and COE have a limited impact on implementation and primarily play a role in the initiation and recommendation phases of maintaining government accountability. These disputes sometimes took years to resolve without any tangible resolution. From the way that three particular DRSCs operate, it is clear that their efforts to guarantee executive responsibility are primarily focused on the initiation, recommendation, and acceptance phases. It's difficult to assess how they should secure executive responsibility throughout the implementation stage. Instead of holding the administration accountable, committee discussions have mostly been focused on enhancing the structure and operation of the administrative apparatus. By exposing various instances of wrongdoing and irregularities to the public and compelling the parliament, parliamentary committees, and other anti-corruption agencies to take action, the media, and print media in particular, had played a crucial role in holding the executive accountable.

There are several committee limitations in the Indian parliament. The function of parliamentary committees in the creation of laws is limited. The average committee member turnover rate in India is a high 33 percent. This discourages committee members from gaining specific knowledge and experience to increase the effectiveness of the group. DRSCs only last a few years and have 45 members. The DRSC's scale makes it challenging to operate effectively. The Indian parliament now has too many committees to function properly and efficiently. Although India has greatly increased committee participation in numerous parliamentary activities over the last ten years, there is presently no coordinating system in place [10], [11].

The government often rejects proposals that are really significant or that follow certain consequences. When the committees' recommendations/observations deal with important matters like altering processes, disciplining disloyal staff, or upsetting the status quo, ministries have seldom complied. As we have seen in the instance of the coffin scandal in the thirteenth Lok Sabha, government departments would sometimes just refuse to furnish papers to the committee under the guise of national security. The committee's recommendations provide the government a potential course of action for correction. Furthermore, the sheer fact that these committees exist serves to dissuade reckless behavior.

In India, legislative committees and a well-established government have grown through time. Parliamentary committees have created unique identities that are influenced by their own institutional ideals and work cultures. Therefore, the current situation of parliamentary committees in India securing executive account-ability depends on the country's current macropolitical context and the institutionalized committee system, which originated primarily from the political context and was partially shaped by India's current hierarchical culture. Government transparency and parliamentary oversight in Sri Lanka

Parliamentary committees' function

One of South Asia's oldest democracies is Sri Lanka, a former British colony. Prior to independence in 1931, 1936, and 1947, it was the first British colonial territory where elections

with universal suffrage were conducted. The military has never been seen as a significant threat to civilian democracy and has remained on the periphery of the decision-making process. Despite having a history of democracy, Sri Lanka has been under emergency rule since 1971, lasting longer than it has under democratic governance. In Sri Lanka, the ethnic conflict between the Sinhala and Tamil people reached its height in 1983. More than 670,000 people have been driven from their homes and 65,000 individuals have lost their lives so far in this civil conflict. This is further divided into three sections for a systematic presentation: the political context of the Sri Lankan parliament; the historical development of the parliamentary committee system in Sri Lanka; and the formal structure of the committee system and its practical applications in holding the government accountable.

The political setting of the Sri Lankan parliament

The 1946 Soulbury Constitution created a bicameral parliamentary system with the Governor General serving as the nominal head of state. This system consists of the House of Representatives and the Senate. After a new constitution was adopted in 1972, Ceylon changed its name to the Republic of Sri Lanka. As the official head of state, the president took the position of the Governor-General. A unicameral system replaced the bicameral one. The nation was designated as the Democratic Socialist Republic of Sri Lanka under the new constitution adopted in September 1978. With the adoption of this third constitution, a semi-presidential government was established that was based on the Fifth French Republic. The propor- tional electoral system in multi-member districts took the place of the plurality electoral system. Each of these modifications resulted in an extension of the governing party's term in power.

In transferring the seat of executive authority from a cabinet that was a part of the parliament to an executive president who is elected apart from it and is not accountable to the legislature, the constitution of 1978 was revolutionary. The president is free to visit, speak, and transmit messages to parliament whenever he or she wants. At the start of each session, he or she speaks in parliament and makes announcements about government policy. In actuality, the House's floor cannot be used by the legislature to criticize the president. Because of this, the 1978 constitution's executive branch has strong powers and an unfair relationship with the legislature.

The president serves as the chief executive officer, head of state, and commander in chief of the armed forces. The prime minister and the president discuss when the president appoints the cabinet. The president chairs cabinet sessions and selects and dismisses cabinet members, including the prime minister. He or she can also manage certain investments. The most important ministerial positions, such as defense, economics, or foreign affairs, were always handled by one of the four executive presidents. He or she selects judges for the Supreme Court and the Appeal Court among other members of higher courts. More crucially, the president has the authority to dissolve the parliament after one year and to put critical national issues to a nationwide vote. In Sri Lanka, the president has often called for the dissolution of parliament. As an example, the previous president Kumaratunga twice suspended the Sri Lankan parliament and ordered early elections. According to our constitution, the prime minister is essentially a glorified minister, said President Kumaratunga. The prime minister and his whole cabinet may be removed with just a single statement in a letter from me. It is indisputable that since the executive Presidency was established in 1978, the function of parliament has significantly decreased, along with executive control.

A robust committee system requires a strong parliament, and vice versa, according to every responder to our questionnaire study. They acknowledge that the parliamentary committee structure and parliament as a whole are quite weak in comparison to the executive under the

current political system. A member of the opposition said, "Parliament itself, let alone the committee system, has become next to useless and it really does not add any value to the progress of the nation," in an effort to communicate his dissatisfaction.

The unicameral parliament, also known as the National State Assembly, has the last say on all legislative matters. One argument in favor of unrestricted parliamentary control over the executive is that the parliament still has the authority to appropriate or raise money. A two-thirds majority of parliament must also ratify every treaty or arrangement Sri Lanka enters into with a foreign nation. However, this defense rings hollow. The president and the majority party in the House have belonged to the same party for the last 26 years since the semi-presidential system of administration has been in place, with the exception of around 29 months. When the UNP won the legislative elections conducted in December 2001 and emerged as the dominant party in the legislature while the PA controlled the presidency, the possibility of cohabitation, inherent in the Gaullist presidential system, became a reality for the first time in Sri Lanka. However, the duration of this cohabitation in Sri Lanka was just 26 months. Additionally, Article 85 of the Sri Lankan Constitution mandates that the president, at his or her discretion, send any law that the parliament has rejected to the people for a referendum; appropriation bills are not an exception.

The sole need to pass such laws is that they get an absolute majority of legitimate votes cast, which must equal at least two-thirds of the total number of electors listed in the register. In addition, the president has the authority to enact laws during an emergency without the approval of the legislature 70 percent of those who responded to the poll disagreed with the claim that institutional committees perform much worse under parliamentary than in presidential regimes. Only 0.5 out of 1 is the mean. They believed that Sri Lanka's semi-presidential system, which was instituted in 1978, had not at all aided in the development of a powerful parliament and parliamentary committee structure. They all agreed that, in order to preserve the parliament in existence, at the very least, the president's ability to dissolve it at his or her discretion after one year of existence should be removed. In four years, former president Kumaratunga called two recesses of parliament. Without a doubt, this clause has exposed the parliament to the president's power. They contend that there is a significant popular desire for the return of Sri Lanka to the parliamentary system, including the transfer from the preferential vote system to a mixed "German-type-system" or "first-past-the-post" election system. They firmly think that the existing election system, which prevents any party from winning a two-thirds majority in the legislature, has paved the path for this nation to advance and for the ethnic issue with the Tamils to be resolved. Several MPs argued that the semi-presidential arrangement is useful. They believed that this system had done a good job of preserving Sri Lanka's unity and integrity.

Seventy percent of respondents agreed that the second chamber should be reinstated in Sri Lanka's parliament in order to hold the executive accountable, but only under the condition that the transition from a semi-presidential to a parliamentary system take place first. The majority of MPs think that efforts have been done in Sri Lanka to encourage significant autonomy within a single nation without regionalization at its core. This vacuum may be filled with a second chamber. Making local politicians and political parties feel like stakeholders in a single, unified country is crucial. The creation of a second chamber will complicate matters even more inside the present political system.

CONCLUSION

In conclusion, In India's parliamentary system, the functioning of a few Departmentally-Related Standing Committees is essential for efficient government and parliamentary scrutiny.

These committees support responsibility in policymaking, accountability, and transparency by scrutinizing government agencies and departments. The influence of DRSCs on India's governance and policymaking may be further enhanced by addressing issues and seizing chances for technology breakthroughs, eventually benefitting the country's population and promoting sustainable development. More assistance and collaboration from the government and ministries are required in order to improve the performance of DRSCs. The committees' capacity to conduct complete evaluations may be improved by prompt information delivery and active participation from departmental representatives. Additionally, using technology and data analytics may enable DRSCs to effectively evaluate massive volumes of data and pinpoint important topics for study. Utilizing contemporary techniques may streamline committee activities and raise the quality of their suggestions.

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CHAPTER 24

DEVELOPMENT OF PARLIAMENTARY COMMITTEE SYSTEM IN SRI LANKA

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ABSTRACT:

The development of the parliamentary committee system in Sri Lanka has evolved over the years, playing a crucial role in enhancing legislative oversight and promoting democratic governance. This paper explores the historical origins, evolution, and functioning of parliamentary committees in Sri Lanka's political landscape. It examines the mandate, composition, and roles of various committees, including sectoral oversight committees and financial committees. The paper also analyzes the challenges and opportunities faced by the parliamentary committee system in Sri Lanka, in strengthening accountability, transparency, and policy formulation. By studying the development of the parliamentary committee system in Sri Lanka, this paper contributes to a deeper understanding of its significance in shaping democratic institutions and fostering good governance.

KEYWORDS:

Accountability, Committee System, Democracy, Government, Parliamentary.

INTRODUCTION

Formally speaking, Sri Lanka's parliament does possess financial authority. The Annual Appropriations Act, which is approved annually by the legislature, confirms the budget's allocations. The first reading of the bill is a formal one that just involves the bill's filing. One month later often marks the start of the second reading. The discussion over the second reading that follows lasts no longer than seven days. The Committee of the Whole House, which must complete its work in no more than 22 days, conducts the second reading [1], [2]. The opposition creates the schedule for the committee stage discussion, which determines how much time is allotted to each ministry.

As a result, the opposition has an opportunity to air their complaints and evaluate how the government is run. Proposed allocations may be cut at the committee stage but cannot be altered in any other manner. No amendment may be introduced to raise the amounts allotted. Third reading is when appropriation bills get their final approval, with no time for discussion. The significance of the appropriation bill is shown by the fact that, upon rejection, the Cabinet of Ministers is disbanded on the first occurrence and the Parliament itself is dissolved on the second.

The actual level of parliamentary oversight over public monies is relatively low. Actual spending often exceeds budget projections, revenues are understated, and there is little knowledge of the state's assets and obligations [3], [4]. As a consequence, the budget deficit goals set for the previous several years were not achieved. Other signs of poor legislative oversight are the frequency of budget amendments and significant extra estimates. The parliament authorized supplemental provisions totaling US$457 million in 2000, or 9.2 percent of the budget spending projections. The amount of time the Committee on Public Accounts spends routinely regularizing budget excesses when it analyzes the audited appropriation

accounts many years after the incident is another piece of supporting evidence. In addition, because of limited cash flow, treasury regulations over the release of money further undermine legislative oversight.

The 225 members of Sri Lanka's parliament are now chosen directly by a "modified" proportional system that uses preferential voting for periods of six years. Elections are managed by the Department of Elections, a very autonomous organization. If required, it has the authority to seize control of the state's electronic media during elections. The nation is split into 22 multi-member districts, from which 196 deputies are returned; the other 29 are chosen from party lists based on the overall national vote received by each party. Each voter selects three candidates from each party and votes for them [5], [6]. To get seats, a party has to receive at least 5% of the vote in a district. Although this system makes it easier to correlate vote percentages with parliamentary representation, the constitutional provision that gives the party with the largest percentage of votes in each district a bonus seat on top of the seats it gains through proportional representation dilutes the equality of proportional representation. Furthermore, although PR has been successful in ending the lopsided parliamentary victory brought on by the "first-past-the-post" system, it has also resulted in a rise in the number of small parties with an ethnic or extreme political base.

The larger political parties often adopted the agendas of these smaller parties because they were essential to forming majority coalitions, further dividing the nation. The constituency votes for the party first and the person second under the current iteration of the proportional ative system. Any party member who votes against the party or crosses the floor may be expelled by the party leadership and replaced by another party member. An ousted MP immediately forfeits their position. The 1979 second constitutional amendment grants the whole parliament the authority to determine whether a member of parliament may be expelled by his or her party or switch parties. As a result, the opposition has almost always been persuaded to switch to the party or coalition in power, giving the ruling party an advantage [7], [8]. Additionally, there are no by-elections and parties may choose replacements for deputies who pass away or resign. Unquestionably, this election method has improved a party's ability to control a particular MP. An influential Sri Lankan newspaper says:

The current method of preferential voting is a complete failure. This method will inherently promote resentment and envy. In the system of preferential voting, individuals within the same party are in competition rather than the two parties themselves. Jealousy and hatred increase between the parties. Regardless of their political affiliation, 95% of people who are asked to vote in a referendum on the current system will choose to change it [9], [10].

The majority of responders have shown support for the reinstatement of the first-past-the-post or hybrid "German-type-system." In committee meetings, questions on the anti-defection law's effect on a particular MP's behavior were posed to the committee members. Anti-defection laws restrict an MP's personal independence and undoubtedly have an effect on how committees operate, according to 40% of respondents. The majority of respondents, who disagreed with the assertion, argued that the anti-defection legislation had more benefits than drawbacks in light of the political climate in Sri Lanka, where floor-crossing and horse-trading had been common despite the prohibitions. The country's political stability depends on this statute. They believe that even the current legislation in Sri Lanka has failed to stop MPs from crossing the floor, therefore they want it to be strengthened to match the one in India.

According to an examination of respondents' opinions, 90% believe that there is a significant link between the degree of committee strength and the power their parties have over them. Nevertheless, almost all of the respondents, regardless of party membership, hold the opinion

that in Sri Lanka, the influence of party over the committee member is not significant and that once they are in the committees, they operate on their own capacity as MPs rather than as a party ative. They point out that even when a member of the governing party's cabinet preside over a consultative committee meeting, opposition and treasury bench backbenchers are free to voice their opinions on the matter at hand. The opposition members sometimes voice strong critiques of the administration to the minister.

A resounding 100 percent of respondents, when questioned about the role of opposition in keeping the government accountable, said that a powerful yet disciplined opposition was at the core of parliament and parliamentary committees. They think that the opposition in the legislature is constantly monitoring how the government is operating and criticizing it whenever it has the opportunity. Committees are lively when the opposition is present. In the past three parliaments, there was a lot of resistance. Parliaments' chances of becoming into powerful bodies with regard to the executive were often harmed by their dissolutions. They believed that in order to resolve important national issues like settling the ethnic problems in Sri Lanka, there needed to be some type of consensus and agreement between the government and the opposition. Over the years, there has been a regrettable lack of communication between the two top leaders of the two main parties. According to several respondents, Sri Lanka's hereditary democracy is to blame for these two parties' tense relationship. Before beginning to resolve ethnic issues in the country's northeast, they believe the two leaders must come to an agreement.

The constitution of Sri Lanka is in writing. At least nine articles of the constitution have been designated as protection articles, particularly those relating to the organizational framework of the government, the national song, the national flag, and Buddhism. These clauses may only be changed with the consent of two-thirds of the whole membership, and any amendments must also pass a national vote. Another issue with settling the ethnic issue is the constitutional necessity for a two-thirds majority in the legislature to alter the form of government. This is the reason why the devolution package proposed by the Kumaratunga administration in the year 2000 was not approved by the assembly.

With its judicial review authority, the Supreme Court may decide whether a parliamentary act is in accordance with the fundamental values of the constitution. The right to judicial review, however, must be used prior to a law's passage. More crucially, a two-thirds majority vote in the parliament may override the judiciary's judgment. No court or tribunal, however, has the authority to nullify a bill after it has been approved by the legislature and turned into an act. As a result, the capacity of judicial review is rather constrained.

Sri Lanka had a very centralized system of governance up to the year 1987. Extensive powers have been given to nine directly elected province councils by the 13th amendment to the constitution, ratified in November 1987, partly in response to Tamil aspirations for more autonomy. A governor, who is chosen by the president, is in charge of each province. District councils, municipal councils, urban councils, and village-level councils are more examples of local governance. All municipal administrations are subject to the republic's president, who has the authority to dissolve them at any time.

DISCUSSION

History of Development of parliamentary committee system in Sri Lanka

The executive committee system of the Donoughmore era tried a fresh experiment in semi-responsible governance. Committee tradition has existed in Sri Lankan legislatures for some time. A chairman who served as the minister was chosen by each executive committee. The

minister was unable to make choices on his own. Collectively, the executive committee members made choices. The committee system was designed to function in a political environment in which there were no political parties. As a result, the private member, in the case of an ordinary state councilor, was able to exert some influence in matters of legislation and administration, but the entire task fell to the committee chairman.

Due in large part to the fact that the parliament remained supreme until the introduction of the executive presidency in the constitution in 1978, the new parliamentary system that was established in 1947 and based on the traditional Westminster model contained a traditional system of committees that functioned effectively and served the intended purpose. In addition to the conventional committee structure, consultative committees on ministries were first established in 1978 to supervise ministry operations. They were introduced in response to the decline of the legislature a unicameral one, no less which came about as a result of the adoption of a constitution that gave the executive a disproportionate amount of power. This is the root cause of the nation's current constitutional crisis. Even the conventional parliamentary committees, which formerly served as committees of examination, started to lose their usefulness as a result of this element in the new constitution. Since 1978, no significant legislative reform aimed at improving or rationalizing the committee system has been implemented in Sri Lanka.

In the fifth parliament, the Ranil Wickremasinghe administration proposed 17 oversight committees. Sector-based formation would be used to create all oversight committees. The committees will be led by an opposition member and include four to eight member's total. Any individual, even cabinet ministers and government secretaries, may be sent for an examination by any sectoral committee. On such committees, a maximum of three non-parliamentarian experts will be permitted to serve. Of course, they wouldn't be able to vote. Due to the president's early dissolution of the parliament, which brought an end to the Wickremasinghe rule, this plan was unable to be implemented. The committee system's institutional structure in Sri Lanka and its application in the real world

Article 74 of the constitution recognizes the authority to name committees. Standing Orders and the Speaker's instructions given under Standing Order govern the committees' makeup, duties, periods of office, quorum requirements, and method for conducting business.

Various committee types

The Standing Order states that the Sri Lankan parliament has four major sorts of committees in addition to the Committee of the Whole House:

1. choosing committees;

2. Advisory panels;

3. perpetual committees; and

4. Committee with specific objectives.

Choose Committees

These committees are ad hoc. They are chosen by the Speaker to look into any issues that the parliament may refer to them. A select committee has a maximum of 12 members. A select committee typically has a quorum of four members. Select committees have been created in the past to suggest legislation pertaining to media reforms and constitutional changes, as well as to prove other topics like the request to remove a judge.

Advisory panels

The Committee of Selection forms consultative committees at the beginning of each session that precisely match the number of ministries. Each consultative committee's ex-officio chairperson is the concerned minister. A consultative committee's mandate is that it has the responsibility to "inquire into and report upon such matters as are referred to it by the chairman or by Parliament including any proposal for legislation, supplementary or other estimates, statements of expenditure, motions, annual reports or papers." Any bill or motion may be initiated by it via the chairman. They must get together at least once per month. Making plans for the meeting of the consultative committees in coordination with the secretary general of parliament is the responsibility of the ministry's secretary.

An apparent conflict between Standing Orders, which only allow for the establishment of consultative committees corresponding to the number of cabinet ministries, and Article 45 of the Constitution, which allows for the appointment of non-cabinet rank ministers who are nonetheless accountable to parliament, creates ambiguity with regard to the current system of consultative committees. As a result, non-cabinet ministries continue to be exempt from parliamentary committee oversight. There were 31 non-cabinet ministries and 32 cabinet ministries in the fifth parliament. The committee was unable to monitor or regulate the activities of those 31 non-cabinet ministries.

Permanent Committee

The standing committees are chosen by the Committee on Selection at the beginning of each session. Each permanent committee has 20 members. A standing committee's duties are limited to reviewing the legislation that the parliament refers to it.

Committees With Specific Objectives

There are a number of committees with specialized purposes in the Sri Lankan parliament. They are the Selection Committee, House Committee, Standing Order Committee, Business Committee, Public Accounts Committee, Public Entities Committee, High Post Committee, Disciplinary Committee, Privileges Committee, and Public Petition Committee. Sri Lanka doesn't have a budget or estimates committee, in contrast to common procedures in the more industrialized Commonwealth nations.

The Public Accounts Committee

One of the parliament's two finance committees is this one. Currently, the Committee on Selection has proposed 19 members for it. This committee's main responsibility is to assess how much money has been appropriated by all ministries, departments, and local governments to cover public expenses. It looks at the Auditor General's report.

All public revenue and expenditures must pass through the Consolidated Fund in accordance with Section 149 of the constitution, but there are a number of off-budget funds, including the President's Fund, Lottery Funds, and Gam Udawa Funds, and the failure to bring them under the control of the Public Accounts Committee has weakened public accountability. The 19 members of this committee, which is one of the parliament's other financial committees, were chosen by the Committee on Selection. COPE investigates public companies. certain investigations are based on existing performance metrics and concerns the Auditor-General has with certain businesses' operations. The compilation of yearly budgets, creation of corporate strategies, and execution of such plans are all areas where the Chief Accounting Officers and Accounting Officers are closely scrutinized.

Committee for High Posts

The prime minister, the leader of the opposition, the deputy leader of the opposition, and the minister of finance and planning make up the high-level parliamentary committee that looks at the qualifications of candidates before appointing them as secretaries to the ministries, heads of diplomatic missions, chairmen, and members of boards of state institutions like corporations in Sri Lanka. On a few instances, the committee disapproved ministerial candidates for positions of greater responsibility.

Structure

At the start of each parliamentary session, committees are intended to be established. In the first session of a new parliament, there is no mention of committee establishment. However, the formation of the committee and the beginning of its work took an average of three months in Sri Lankan parliaments. 91% of respondents agreed that it would be a good idea for all committees to be formed during the first session of a new parliament. The president's decision to dissolve prior Sri Lankan legislatures always resulted in a shortening of their mandates. It's noteworthy to note that, on average, it takes 2.5 months for a new parliament to convene from the date of dissolution. The administration had therefore been free from legislative oversight for five months during the course of four years as a result of early dissolution of parliament twice.

In Sri Lanka, candidates are put up and chosen to serve on committees for about a year at a time. The committee's chairmanships often stay the same since they are frequently reappointed or elected. The membership turnover continues to be a problem. Average committee member turnover in Sri Lanka is 25%, mostly as a result of absences for three consecutive meetings. This discourages committee members from acquiring specific knowledge and experience to increase the effectiveness of the group. The majority of respondents believe that committee periods should coincide with the duration of the parliament in order to allow members sufficient opportunity to gain expertise and broaden their understanding of many facets of governmental and legislative operations.

Consultative committees in Sri Lanka are organized similarly to government ministries. On the subject of consultative committees' contact with government departments, respondents were highly split and 51 percent of respondents believe that consultative committees should be structured similarly to governmental bodies. However, they believe that there are too many ministries in Sri Lanka for them to be effectively managed. They were in favor of cutting the 35 ministries down to about 20. Many respondents opposed the proposal and suggested that, given the fact that it is impossible to reduce the number of ministries in Sri Lanka, it would be preferable to combine several consultative committees into one, similar to the system in India, based on the nature of functional operations for the committees' efficient operation. One possible way to decrease the number of consultative committees is to combine, under one committee, the Ministries of Energy, Forestry, and Environment. There are currently too many committees to support with a secretariat. Some responders argue that by reducing the number of consultative committees, irregular committee meetings and low member participation might be significantly reduced.

Most committees in Sri Lanka have a size between 15 and 20 members. Some standing legislative and select committees may have more than 20 members. The standing order outlines the composition of several committees. However, the House often voted resolutions to change the make-up of committees, which is against the rules. The majority of those surveyed agree that smaller committees promote committee specialization and lessen party polarization. However, ineffective committee attendance limits their effectiveness and prevents them from

reaching their full potential. Some responders brought up a crucial point about the tiny size of committees, namely the number of committees. They believe that the Sri Lankan parliament now has too many committees to function effectively and efficiently. They believe that standing committees on legislation and select committees are unnecessary. Consultative committees on ministries that need to be restructured, reformed, and renamed may readily take up their duties.

Before being selected onto a committee in Sri Lanka, members' preferences and areas of interest are often ascertained by their respective political parties. By doing this, it is made sure that each MP's interests do not contradict with those of the political parties. Sixty percent of the respondents strongly agreed that members should be chosen based on their own interests and qualifications rather than those of the government or political parties. This supports the specialization of committees. A committee's chair is typically chosen by the Speaker. The ability to choose its chairmen has been granted to committees for certain objectives. The Standing Order makes no mention of how committee chairs are distributed. Typically, a minister is appointed to head a committee. Ministers with relevant experience are in charge of all consultative committees. In the first ten years after independence, it was customary to elect a member of the opposition to the COPA chairmanship. Since that time, succeeding administrations have maintained control of the COPA and COPE finance committee chairmanships. However, COPA and COPE were led by opposition MPs throughout the fifth parliament. Due to the sixth parliament's adoption of the fifth parliament's precedents, this has acquired the form of a convention. Committees including the House Committee, the Committee on Standing Order, the Committee on Parliamentary Business, and the Committee on Selection, among others, are presided over by the Speaker.

Regarding the proportional allocation of chairmanship among the parties, members had differing opinions. 50 percent of respondents are hesitant about this suggestion. In Sri Lanka, the committee memberships are already distributed proportionally. Most of the respondents said that the chairmanships of committees should stay with the governing party or coalitions until and until a cordial political culture arises in Sri Lanka due to the young and combative political culture there. About 30% of those who absolutely agree with the assertion do so with justification. They contend that a committee is like a mini-parliament and that when choosing a chair, care must be taken to preserve the democratic nature of the House. They believe that allocating committee chairmanships based on the proportion of each party in the House will make the opposition feel included in the system of government, which could help to lessen political animosity and conflict between the two major parties.

In Sri Lanka, unlike in other countries, ministers and deputy ministers have the right to serve on and head all committees, including the finance committees. The majority of respondents disagreed when asked if ministers should be excluded from committees in response to a question. They said it would be simpler for the minister to put the committee's recommendations into action if he or she served as chair. They used Australia as an example, where ministers often serve as the chair of committees. A tiny percentage of respondents agree that executive branch ministers should not serve on committees in order to preserve the separation of powers. Even they shouldn't be permitted to remain on the committee. This reform suggestion was considered extreme by some responders. They chose to adhere to the Bangladeshi system, which only permitted ministers to serve as members of committees.

The majority of respondents agreed that COPA and COPE should continue to be led by leading opposition figures and indicated their satisfaction with current arrangement. According to them, COPA and COPE, two of Sri Lanka's most illustrious committees that oversee the financial operations of the executive, may serve as models for the leadership of consultative committees in the years to come. These committees will be based on the party makeup of the

House. Nearly all of the respondents agreed that it was essential to establish a liaison committee, which would be comprised of the Speaker and the chairs of other committees, in order to guarantee good coordination and prevent needless overlap or duplication of work in order to save money, resources, and time. A committee of this nature does not presently exist in the Sri Lankan parliament. According to the responses, this committee may assist the Speaker in monitoring the overall operations of the committee system as a whole.

Procedures

In Sri Lanka, parliamentary committees are not allowed to choose their own agenda for discussions. Their activities are restricted to issues that the House refers to them for consideration. The existing Standing Orders expressly identify the topics that may be brought to consultative committees as monitors of administration, which limits their potential reach. As a result, the committees are limited to only considering issues that may be appropriately referred to them, such as proposed legislation, estimates, motions, and annual reports that are within the scope of the specific ministry. Furthermore, it is not customary for the executive to submit statutory instruments or subordinate legislation for approval by the legislature.

When questioned about the authority of parliament to determine the agenda, 59 percent of respondents felt that a committee's power to create its own agenda is an essential power to restrain the executive. They claim that in Sri Lanka, committees handle items that the House refers to them for consideration, and that in these cases, the dominant party's choice typically stands. This is a significant drawback of the Sri Lankan committee system. Over 50% of the respondents agreed that bill consideration in committee should come before consideration on the floor. In their opinion, this is a radical suggestion for legislative change, especially in light of how susceptible parliament is to the president's whims. They said that during the last several years, government legislation often didn't go through a committee stage.

In Sri Lanka, the committee meetings are conducted behind closed doors. According to the Standing Order, only committee members and parliamentary secretariat personnel may participate in the meeting's deliberations. However, representatives from relevant public organizations and related ministries remain present throughout the sessions of the consultative and financial committees in order to clarify, explain, and account for particular matters. Additionally, the Speaker/Chairman may let outsiders to attend committee sessions. But during committee discussion, they must be removed. Evidence, oral or written reports, and committee procedures are all kept private until they are presented to the House.

93 percent of respondents agreed that the committee session should be closed, which would encourage inter-party collaboration and loosen party discipline. There is now a proposal on the table asking whether committee meetings should be open to the media. The majority of respondents think that committee meetings ought to be closed due to Sri Lanka's sociopolitical culture. High ranking government officials are still present at committee meetings and must answer to the committee. The Chief Accounting Officer and Accounting Officers sometimes encounter highly challenging situations at committee meetings. Some lawmakers worry that at this time, the media won't be able to cover committee meetings objectively. They could release information that puts the government and its officials in a bad light. It is rare to see sharp party divide at committee meetings. When media access to committee meetings is enabled, that will go. Confrontation will replace the unanimity that often characterizes committee meetings because MPs want to play the same way they do in the House.

Public hearings on legislation or any other issue are permitted during committee meetings, however this is seldom used in Sri Lanka. 95% of respondents agreed that there should be public hearings on legislative proposals and other oversight issues. They believed that these

kinds of public hearings would contribute important data and inputs that would assist the parliament in gathering public feedback on the bill and give them the opportunity to enhance the bill's substance or the topics raised before the House approved it.

In Sri Lanka, committees have the authority to seek documents and people, and often such requests are granted. However, the government has the power to refuse to provide committees access to documents on the grounds that doing so would jeopardize national security or other interests. About 80% of respondents agreed that the committee should still be able to send for paper and people. Ministers should not be called before committees, according to several responses. He or she should be properly questioned on the effectiveness of his or her ministry in the House.

Functions

Legislation, budget allocation and evaluation, and executive branch supervision are among the main responsibilities of legislative committees. In Sri Lanka, the House is in charge of allocating the budget; committees have no say in the matter. The Committee of the Whole House conducts the second phase of the second reading of the appropriations bill. The financial propriety of the funds given to government agencies and public enterprises may be examined by COPA and COPE. However, no committee level scrutiny is carried out if anything goes wrong between budget allocation and COPA and COPE's evaluation of the financial results. However, if a media publishes information regarding money theft or other irregularities at a government agency, the parliament may convene a select committee to investigate the issues.

Parliamentary committees don't have a significant influence on Sri Lankan lawmaking. Rarely are government legislation referred to committees for review. A total of five private members' bills were brought to committees for review from December 2004 to October 2001. The majority of responders (75%) agreed in full that committees should have exclusive authority over legislation and executive branch supervision. They believe that committees need to be heavily involved at all phases of the legislative process, from the examination of a bill through the evaluation of an act. They believe that committees need to have a significant role in overseeing administration as well. Giving the committee exclusive authority over enacting laws and supervising the executive caused several respondents to voice their concern that it would lead to power struggles between the executive branch and the legislative branch.

Normally, committee reports are sent to the House without being discussed. Sixty percent of respondents agreed that committee findings should be periodically submitted to the House and subject to discussion. Some survey participants don't have any opinions on this subject. Regular debates of committee reports have never been significantly felt since the reports weren't usually disseminated. Committee discussions take place behind closed doors. In Sri Lanka, neither the general public nor the media are permitted to observe committee proceedings. The particular Standing Orders prohibit the publishing of any committee of parliament proceedings prior to the report to the House. Over ten years ago, the previous practice of publishing the proceedings' minutes' evidence was discontinued. Reports from committees are seldom made public. Even the little reports from committees that have been released so far do not include minutes from committee meetings. As a consequence, the public and MPs are now unable to access the analyses of committee operations and are mostly unaware of these discussions.

CONCLUSION

In conclusion, the establishment of the parliamentary committee system in Sri Lanka demonstrates the nation's dedication to promoting democratic governance and legislative monitoring. These committees support accountability, openness, and policy development via

their reviews and recommendations. The committee system's influence on governance may be strengthened by addressing issues and building its capability, which would eventually help Sri Lanka's people and promote sustainable development. The government and ministries must work together more closely in order to enhance the parliamentary committee structure. The committees' capacity to conduct complete reviews may be improved by timely information supply and active participation from government representatives. To further enhance the quality of the analysis and suggestions, committee members and staff must be strengthened. Workshops and training sessions may provide committee members the skills they need to conduct thorough investigations and reach educated judgments.

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CHAPTER 25

CONSULTATIVE COMMITTEE ON PUBLIC ADMINISTRATION MANAGEMENT AND REFORM

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ABSTRACT:

The Consultative Committee on Public Administration Management and Reform is a significant parliamentary institution in several democratic systems, including India. This paper explores the role and functioning of the Consultative Committee, focusing on its mandate, composition, and contributions to public administration management and reform. It examines the committee's role in providing a platform for dialogue between parliamentarians and government officials, fostering policy discussions, and promoting good governance practices. The paper also analyzes the challenges and opportunities faced by the Consultative Committee in enhancing public administration and governance in India. By studying the Consultative Committee on Public Administration Management and Reform, this paper contributes to a deeper understanding of its impact on policy formulation and the functioning of government institutions.

KEYWORDS:

Administration, Consultative Committee, Governance, Government Reform, Management, Parliament.

INTRODUCTION

The actual operation of many committees in the Sri Lankan parliament is described in the section that follows. Five committees, including COPA COPE, HPC, three committees for special purposes, and two additional consultative committees on ministries, have been chosen to illustrate how the parliamentary committee system really works in Sri Lanka [1], [2]. Benchmarks have been used to assess committee performance, including attendance at committee meetings, meeting frequency, average meeting length, agenda of discussion, production of reports, etc.

Public Accounts Committee

Many people consider COPA to be the most esteemed and productive parliamentary body in the Sri Lankan parliament. It was evident from the statistics on the COPA in the fifth parliament that, on average, only 36% of the total members showed up to the committee sessions. A committee meeting requires a quorum of four. Two of the average five members present were from the opposition. As a result, the members of the Treasury Bench were in a better position than the opposition to decide what course of action to take. But in the committee, decisions were reached by consensus [3], [4]. COPA used to have regular and frequent meetings. It had 66 sessions in all over the course of two years. The average number of days between committee sessions was seven. Each meeting lasted an average of one hour and 50 minutes. The committee heard audit complaints from several public entities under various ministries claiming financial irregularities in various financial years involving billions of rupees from Sri Lanka. The Auditor General's report focuses on the following key topics: Program and project overages;

noncompliance with advance account restrictions; unapproved working losses; audit findings of rule, regulation, and statutory violation; and value for money audit [5], [6].

COPA discussions often center on insignificant issues like petty budget overages and incidents of non-compliance with official procedures. Along with reviewing the performance and audit issues related to various government departments, COPA also discussed the Department of External Resources' use of foreign assistance, the delay in publishing AG reports, and committee meeting attendance issues. The issues with establishing executive responsibility by the PAC may be roughly divided into three categories: issues with initiating, issues with deliberating, and issues with implementing. Since COPA rests all of its decisions on the AG's findings, its flaws have a negative impact on the organization's effectiveness. While other authorities such as committees, the Permanent Commission to Investigate Allegations of Bribery or Corruption, and the Ombudsman are selected investigative agencies, the AG is the first line oversight institution with the authority to examine all public accounts. There are a lot of reasons why the AG cannot function properly [7], [8].

Despite being a constitutional position, Sri Lanka's Auditor General is not entirely free from administrative control over spending and hiring. According to Article 153 of the Constitution, the president is authorized to select the Auditor General. Following that, the dismissal is decided by the parliament or by a special speech by the president to the legislature. The Auditor General's financial and administrative independence is restricted by the executive branch of government since there are no constitutional or legislative measures that address it, despite the fact that his functional independence has previously been protected by this Article [9], [10].

The General Treasury, which is part of the Ministry of Finance, is what the Auditor General relies on for his budget and the distribution of resources to his department. Sri Lankan lawmakers do not review or approve the Auditor General's budget, unlike in other developed Commonwealth nations, and there are no protections against executive control of his budget. Budget cutbacks placed on it by the General Treasury and frequent delays in receiving the monies allowed are issues the Auditor General's department shares with other government ministries. Due to a shortage of funding, around 25% of the staff jobs in the Auditor General's department are now vacant. It is unable to recruit, train, and retain professionally trained workers due to resource limitations. The result, as it is now shown, is that the audit information is out of date and lacks materiality, and the audit programs are focused on financial and compliance audits rather than international best practices. It's noteworthy to note that no outside organization audits the Auditor General's office directly.

The secretary to the president is in charge of administrative decisions on the hiring, promoting, moving, disciplining, and abroad training of the Auditor General's employees. The Public Service Commission, which has not yet begun operations, has been given such staff appointment powers by the most recent modification to the constitution. Additionally, as the Auditor General is not included among the "public officers" exempted by the constitution, all administrative rules of the government, as outlined in the Establishment Code, apply to both the Auditor General and his staff. This significantly limits the Auditor General's administrative independence.

In recent years, the Auditor General has made significant strides in clearing the backlog of audits and accelerating the creation and submission of reports to parliament. The public does not, however, have timely access to audit reports. A World Bank assessment discovered delays across the whole auditing process, most of which were brought on by variables beyond the Auditor General's control. Less than half of the government entities timely submitted their 2000 accounts for audit. After then, there are many and excessive delays in translation, parliamentary

committee approval, and finally printing by the official press. The public may usually see audit reports five to six years after the end of the financial year to which they pertain.

Most audit report information is irrelevant for evaluating how well government entities are doing overall. The emphasis of the Auditor General is on compliance audits and the rare value-for-money audit, but there are no system-based audits, which examine an organization's efficiency and operational system. Project audits and unexpected audits are also nonexistent. For argument or discussion on triggering, the structure of audit reports is inappropriate. They are not only too long, but they also neglect to emphasize important points. The extent of public audit coverage is another noteworthy omission. All government agencies, public enterprises, provincial councils, local authorities, and commissions a total of more than 1500 institutions— are subject to public audit under the constitution. Defense spending, which made up 15% of total government spending in 2000, was, however, previously free from audit. The national security considerations were used as the justification for using a special clause in the government's financial rules. As a consequence, the Auditor General was refused access to data and was forced to settle with only the president's and the minister of finance's certification of the amount spent on defense. Public audits also do not apply to businesses when the government has considerable financial exposure due to obligations or guarantees.

In reality, there have been several occasions when quorum requirements forced planned committee sessions to be canceled. Additionally, this adds to the backlog of audit reports that the committees need to evaluate. As a result, evaluations have a tendency to group together. When the COPA schedule for a specific meeting was examined, it became clear that slightly over an hour had been set aside for going through the audit reports of four agencies that had spent more than Rs11.5 million. A review of the data revealed that none of COPA's members participated on any given date. The meeting often has five or six members in attendance, however even this low number does not guarantee that members are present all the time or even the majority of the time. In accordance with tradition, members enter the committee room to signify their presence and stay there until a quorum has been reached. A quorum is four members, following which members are free to enter and exit the room as they want. The chairman and one or two senior members were the only ones who consistently attended meetings, with others only showing up for around half of them.

Another aspect impacting the quality of discussions is the lack of secretariat resources available to COPA. The secretariat lacks a research department and professionals who can decipher audit findings and inform members in order for them to have fruitful conversations. The excessive wait times for committees to review audit findings are another barrier to quality discussion. An audit report is typically at least five to six years behind schedule if it is to be evaluated at all. Very often, the budget excesses are retrospectively allowed and the explanations for non-compliances are accepted since the accountable government personnel are most likely to have moved on since then. This invalidates the utility of the examination.

The committee provided several crucial suggestions to address the AG's concerns. The committee often recommended telling the CAO or AO to look into any inconsistencies and give a report within two months or so, with no more follow-up action taken. It was suggested that a director of the education department be dealt with harshly, that the survey department's unpaid income be recovered, and that wayward employees of other agencies be surcharged. Despite this, the committee frequently voiced its dissatisfaction with the failure to carry out committee directions at prior sessions, and the majority of proposals' outcomes were unclear. In the early years of Sri Lanka's parliamentary democracy, COPA used to draft thorough reports that also contained verbatim accounts of the evidence. This practice has now been discontinued, and the committee now produces three to four reports each year that are sent to the Treasury,

which is in charge of overseeing the financial integrity of all public offices. The minutes of the proceedings and the supporting documentation were chosen by the committee on its own and are stored at the parliamentary secretariat.

In response to the Public Accounts Committee's views, the Treasury produces a minute, and sometimes adjustments are made as a consequence of complaints about a particular method or action. The Treasury minutes are not routinely released, which in a manner renders the committee's recommendations obsolete. The COPA mentioned the start of producing Treasury Minutes in its report in 1990, after a two-decade hiatus. Additionally, there is no monitoring infrastructure, which means that previous suggestions and debates are lost, and there is virtually any follow-up on the problems from the previous year. In the course of two years, COPA only produced one report on the Measurements Units, Standards, and Services Departments, totaling 11 pages. The COPA report is not discussed in the House, as is the case with many reports d in parliament, and as a result, it continues to go unreported. This was especially true given that the study was released a few years after the year in question had lost all luster. This is one of the reasons why neither the bureaucracy nor the general public show much interest in the COPA reports. Therefore, despite several flaws, the COPA in Sri Lanka's fifth parliament has performed a commendable role in ensuring financial accountability of the government at the initiative and recommendation levels. However, it was uncertain how COPA operations would affect the committee's engagement in the implementation stage, which is crucial for guaranteeing executive accountability.

DISCUSSION

Committee on Public Enterprises

The Sri Lankan parliament's COPE is a crucial finance committee. It was evident from the statistics on the COPE in the fifth parliament that, on average, only 47% of the total members showed up to the committee meeting. A committee meeting requires a quorum of four. Four of the nine members, on average, in attendance at the meeting were from the opposition. The committee reached agreement while making decisions. COPE sessions typically lasted two hours and 30 minutes, which is longer than COPA meetings. The committee looked into the performance aspects and concerns the Auditor General had about the operations of state businesses. The preparation of yearly budgets, creation of corporate strategies, and execution of such plans were all closely scrutinized for the CAOs and AOs. Along with discussing the performance and audit questions pertaining to various enterprises, COPA also discussed the House's consideration of committee reports, the defiance of several public enterprises' recommendations, various financial irregularities, and made recommendations. Reports on a variety of topics were routinely requested from the CAO and AO.

Issues in the Initial Stage

Since the Committee on Public Enterprises rests its decisions on the AG's findings, the COPE's performance is negatively impacted by the AG's failures. The Auditor General audits the financial statements of all public corporations, with the exception of corporations, and sometimes enlists the help of a private auditor. The parliamentary committee on public enterprises reviews audited financial accounts, except those of businesses. Government-owned businesses that engage in commercial activity vary from totally owned to 75% owned. Government-owned businesses are not examined by COPE but are required to adhere to the Companies Act's provisions. The government sold or privatized formerly state-owned corporations to create these majority-owned businesses. Companies where the government has a significant financial stake or exposure, but has given management to a third party, are not subject to scrutiny. Sri Lanka Telecom Limited and Sri Lankan Airlines Limited are the

majority of them. Additionally, although having great liberty in planning the scope of his audit work, the Auditor General is unable to conduct value-for-money audits or to provide substantive and pertinent remarks on these firms' performance. As a result, the COPE is also unable to evaluate these businesses' successes in a meaningful way. The majority of COPE and COPA members owe their gratitude to the chairmen and directors of the corporations as well as to other high ranking government officials whose corporations and government accounts are under scrutiny for various favors that have occasionally been extended to them, including helping to place constituents, family members, and supporters in jobs as well as for many other favors. Additionally, the chairmen and working directors of the corporations are important with the MPs who sit on COPE and COPA and are usually unsuccessful candidates or supporters of the current administration. In some cases, the chairpersons and the directors may not be in their positions when the audit reports are reviewed because the political parties that appointed them at the time are no longer in power or because the directors have lost political favor and new directors have been appointed in their place. Due to the lack of action taken about the audit findings, the defaulting chairman and other directors continue to enjoy their freedom while misappropriating public funds.

COPE used to have regular and frequent meetings. It had a total of 70 meetings over the course of two years. Committee sessions typically lasted three days. The committee used to meet much too regularly to produce anything. It used to have daily meetings at one point. Without taking a single day off from work to do so, the committee convened 29 times. Review of a COPE agenda for a specific meeting found that the COPE had called 15 companies for only one day. At least four times in the fifth parliament, COPE sessions were postponed due to a lack of quorum. However, there was a 134-day gap between the 48th and 49th COPE meetings in the first session of the fifth parliament, which demonstrated the committee's ineffectiveness. In all of the committee sessions, the group offered a number of suggestions to address the discussed issues. Due to a lack of institutional follow-up mechanisms, it is uncertain how many of the suggestions are being implemented. In summary, COPA has a limited impact on guaranteeing executive accountability throughout the planning and discussion stages, but it is absent during the implementation stage.

Committee for High Posts

The High Post Committee, a unique institution in South Asia that reviews presidential nominations, is based in part on the US Senate. However, only the eligibility of senior government employees is examined by this body. The High Post Committee meeting in the fifth parliament had an average attendance of just 38% of the total members, according to the data that was available. Three members constitute a quorum for committee meetings, which means that just one-ninth of the whole membership is necessary to convene a meeting. But in the committee, decisions were reached by consensus. The HPC didn't meet often or consistently. It had a total of 27 meetings over the course of two years. The average number of days between committee sessions was 25. Its committee meetings lasted an astonishingly brief 37 minutes on average, which is the shortest amount of time spent by any committee in Sri Lanka. The committee went for a period of time without having any meetings and was inactive for more than three months. The interval between the 24th and 25th committee sessions was a significant 96 days. The committee held just four meetings between June 2003 and February 2004.

The High Post Committee does not even have an investigating team on staff. The committee doesn't carry out its own independent examination of a candidate's fitness. The committee uses newspapers to inform the public that certain people listed in the notice will be appointed to the positions listed next to their names. The committee also invites the public to bring any

objections to any appointments to the committee's attention. No petitions requesting anonymity are accepted. People are hesitant to answer the committee's summons because they are worried about the repercussions of outing authorities. As a result, the advertising almost always receives no responses, and the candidate easily passes the High Post Committee. As a result, it would seem that the committee's goals have been defeated.

The committee in the fifth parliament evaluated a significant number of applicants for appointment to state agencies and state enterprises and determined that every applicant was qualified for higher positions. The Greater Colombo Economic Commission's Chairman and Director General, Mr. Upali Wijewardene, was the first candidate the High Post Committee has ever turned down in all the years it has existed. He was the president's own choice for the position. However, Wijewardene continued in this position for many months despite the committee's negative assessment on him. Despite its flaws, this committee has symbolic significance. At least one institutional process exists to assess the suitability of high-level appointments.

Committees that provide Advice to Ministries

According to the information that is currently available, only around 30% of the total members of the Consultative Committee on Public Administration Management and Reform in the fifth parliament actually showed up for meetings. Three members constitute a quorum for committee meetings, hence just one-sixth of the whole membership is necessary to call a meeting. But in the committee, decisions were reached by consensus. It only had 10 sessions in all over the course of two years. Typically, the committee must meet once every month. However, committee sessions were place every 50 days on average. It barely lasted 40 minutes on average throughout each meeting. The committee went for a period of time without having any meetings and was inactive for more than three months. The interval between the fifth and sixth committee sessions was a significant 99 days.

The committee discussed a wide range of topics, including an MP's proposal for distance learning for public servants and changes to the Public Services Act. Management Act, press stories about MPs being granted residences to rent, the hiring of employees in the Sri Lankan Administrative Services, the district/divisional secretaries' non-use of official quarters, and more. It considered several concerns and regularly requested that the CAO/AO deliver a report on the inquiry within a certain amount of time, but it never followed through. Numerous recommendations were made, none of which have been put into practice.

Committee for Consultation on the Ministry of Defense

The group only met eight times in two years. It convened seldom and erratically. The average number of days between committee meetings was 70. 39 percent of the committee's members, on average, were present. Three members constitute a quorum for committee meetings, hence just one-sixth of the whole membership is necessary to call a meeting. The committee reached agreement while making decisions. Each meeting lasted an average of one hour and thirty minutes. The committee used to discuss a lot of agenda items in one sitting. For instance, the committee debated 36 cases in two hours during its fourth meeting. Since the president assumed control of the defense ministry in early February 2003 and no deputy minister was nominated, there have been no consultations on defense. The committee meetings never have the president present. The committee's chairman could not be reappointed since there was no deputy minister. As a result, the committee was dormant during the last three months of the fifth parliament.

The majority of the committee's discussion focused on police services. Major discussions centered on the appointment of an assistant superintendent of police for the Naththandiya

division, construction of facilities for police personnel in the Kantale neighborhood, the police department's promotion plan, the transfer of platoon police, appeals from female officers for promotions, and other topics. The majority of the items on the agenda included ordinary administrative discussions. The committee discussed Tamil security concerns in the north over numerous meetings, but the author was not given access to the minutes because of formalities. The members debated a variety of defense-related matters, but their efforts had little real impact. The committee issued several significant recommendations, the status of which remained uncertain.

When testifying before the committee, Air Vice-Marshall Harry Goonatilleke says, "It's a tremendous joke, nothing occurs. I don't believe any committee meeting has been successful, and because the system is so broken, attempting to fix it will be a waste of time. Goonatilleke once testified before the committee about air force procurement. "I showed there, took the oath, and said that I was aware of certain individuals engaged in profit-making. People's eyes began to blur. The Chairman said "No, no, no!" when I turned to him and asked if he would want me to mention names since the son of a very important person was supposedly implicated. No names are desired. However, Goonatilleke continues, "if opposition parties are involved, then the Committee is interested."

In order to ensure government accountability, the Consultative Committee on Ministry of Defense's involvement was therefore mostly limited to the initiation and recommendation phases, and it was unknown during the implementation stage. The administration's refusal to deliver the required papers on the grounds of state security foiled the committee's efforts to guarantee openness and responsiveness of the government.

The political head of the executive branch serving as the committee's chairman gravely undermines the effectiveness of a consultative committee set up to supervise the administration of a specific branch of the executive. Consultative committees are now having trouble setting up and running regular meetings. Members aren't sufficiently motivated to show up to hearings and express their opinions. Meetings of consultative committees are often characterized by low member turnout. Meetings of the consultative committee have often been called off due to a lack of quorum.

The fifth parliament was notified by the former minister for parliamentary affairs, A.H.M. Azwer, that "MPs do not attend Consultative Committee sessions while Parliament is not in session. Recently, I summoned the Ministry Consultative Committee together. On that day, I was the sole participant there. Additionally, the committee provided opportunities for the MPs to bring up issues specific to their constituen- cies in the name of overseeing the executive. It's interesting to note that over the past 20 years, this aspect of constituency needs has dominated the proceedings of most consultative committees.

In other words, the committee members showed very little interest in issues involving the creation and application of public policy. Contrarily, constituency-based concerns like the building of a school, hospital, and the lack of teachers in rural schools control the committee's work. By participating in committee meetings, committee members may interact with the bureaucracy and ministers who are inextricably linked to the system of allocating public resources and complete the task of the voters in their respective districts. In summary, committee members' primary responsibilities of legislating and supervising the administration are substituted by their ties to their constituencies. It is clear from the description of the functions of two ministerial committees that these bodies have failed to hold the administration accountable. Their efforts are grudgingly limited to the planning and suggestion phases. Their

role in ensuring government accountability during the implementation phase is essentially unnecessary.

The formal institutional framework of Sri Lanka's political system is woefully inadequate to restrain the executive's unchecked power and authority, and it is practically unable to hold the government accountable. In reality, Sri Lanka lacks all the essential elements of a robust legislative, and the parliament supports the president even during times of cohabitation. After a year of existence, the parliament may be dissolved at the president's discretion. The president has complete control over all major political institutions, including the judiciary, province legislatures, municipal governments, and the legislature. The transfer from the preferential vote system to the first-past-the-post or hybrid "German-type-system" is part of the significant popular desire for Sri Lanka to return to the parliamentary system. The existing election system has made it possible to move this nation ahead and end the ethnic strife with the Tamils by preventing any party from winning a two-thirds majority in the legislature. As a result, the performance of Sri Lanka's parliament and parliamentary committees has been greatly influenced by their external environment. Despite the fact that Sri Lanka's political system is still controlled by the executive branch, several institutional arrangements are visible that show how power is distributed and how open the current administration is to working with the opposition. There are many examples.

The leader of the House is not the prime minister of Sri Lanka. The deputy Speaker is currently with the administration, while the Speaker and committee chairs are from the opposition. The Speaker has taken over as chairman of the top Post Committee, which was formerly led by the prime minister and assesses the qualifications of top officials in Sri Lanka. The leader of the opposition is always contacted when selecting committee chairmen and members. The opposition controls the COPA and COPE chairs.

The Westminster model is primarily used as the institutional template for Sri Lanka's parliamentary committee system. Unfortunately, Sri Lanka lacks many of the essential elements of the Westminster committee system that at the very least have the capacity to check the monopoly of governmental authority and hold the government accountable. In Sri Lanka, parliamentary committees are typically permanent and follow the organizational structure of the government. Formally, they have broad authority over everything from legislation to supervision to investigations, but in practice, their contribution to the work is little but not negligible. Committees aren't legally allowed to choose their own chairman and members. In conjunction with the prime minister and the leader of the opposition, the Speaker and the Committee of Selection choose and select committee chairmen and members. In secret meetings, committees make decisions based on a majority vote. The administration may refuse to release a document on the grounds that its revelation would be detrimental to the safety or interest of the state, but committees have the ability to send for papers, people, and documents regardless of this exemption.

Committees are not allowed to determine their own agendas. They are only permitted to evaluate measures that the House has referred to them; they are not involved in budgetary decisions or requests for funding. The government is therefore well positioned to serve as the last arbitrator on any governance-related problem thanks to the institutional structure of the committee system in Sri Lanka. However, it might be difficult to identify the executive while living together. Is it the president or the prime minister and his cabinet? In conclusion, Sri Lanka's institutional weaknesses include a weak parliament and a committee structure that offers little room for establishing executive accountability. The COPA and COPE's involvement in maintaining government accountability is essentially limited to the initiation and recommendation phases, with uncertain ramifications at the implementation level. At the

initiation and recommendation stages, the High Post Committee's contribution to ensuring executive accountability is minimal, and it is absent at the implementation step. Despite this, it has a positive symbolic impact on how senior government employees in Sri Lanka behave.

It is clear from how two other well-chosen consultative committees on ministries operate that their efforts to guarantee executive accountability are relegated to the planning and recommendation phases and are only half-hearted. Their responsibility to guarantee executive accountability during the implementation stage is completely absent. All of these committees focused mostly on regularity and financial propriety. Meetings was place infrequently, and member participation was low. Quorum issues sometimes affected committees as well. The committee's discussion period was brief. Rarely were committee reports generated. Up until their publication, minutes had been kept a secret. The opposition MPs often breached the statutory prohibitions on doing so and released information to the media about the topics under debate and the irregular conduct of public officials, significantly contributing to the increased transparency of committee activity.

Government agencies are not required to follow committee recommendations, and there are no processes or programs in place to monitor their implementation. If the committee's recommendations are not followed, no disciplinary action is done. The current administration's willingness to adopt the committee's recommendations is also a must. The structural and operational design of Sri Lanka's committee system demonstrates the dominance of the governing party. The committee is set up structurally in a manner that prevents making the executive account without the consent of the party in power. From the inception of the committee until the execution of the committee's recommendations, the borders of the governing party have a significant impact.

The committee that ensures executive accountability in Sri Lanka has been working in practice in a way that reflects the governing party's institutional dominance. Governments continue to have a strong executive because they want to protect the country's political order and geographical integrity. The government's tough approach is partly a result of the ongoing ethnic strife with Tamils. The governing regime views parliament as a symbol of legitimacy and democratic government rather than a venue for discussing important problems of national concern and holding itself accountable. The absence of bipartisanship in Sri Lanka's militarized politics is a significant barrier to parliament's ability to carry out its oversight and legislative duties as well as the resolution of the ongoing military war.

CONCLUSION

In conclusion, In India's democratic government, the Consultative Committee on Public Administration Management and Reform plays an important role as a legislative institution. The committee aids in responsible decision-making and effective governance by facilitating policy dialogues, analyzing public administration policies, and supporting good governance practices. The Consultative Committee's influence may be increased by addressing issues and seizing chances for wider involvement, which will eventually benefit Indian residents and promote sustainable development. The government and ministries need to support and cooperate with the Consultative Committee more in order to increase its effectiveness. The committee's capacity to undertake complete evaluations may be improved by timely information availability and active participation from government representatives. Engaging with stakeholders, civil society groups, and subject matter experts may also enhance committee discussions and offer a variety of perspectives to the table.

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