

## 1. To what extent in your view, the parliament is able to ensure accountability of executive in India?

Parliamentary accountability is a cornerstone of democratic governance, ensuring that the executive remains answerable to the legislature and, by extension, to the people. In India, this principle is enshrined in the Constitution, and the Parliament employs various mechanisms to hold the executive accountable.

### Extent of Parliamentary Accountability of Executive in India:

Approach: People, Process, Powers or SWOT (Strength, Weakness, Opportunities, Threats) Analysis.

#### Question Hour:

- MPs can question ministers, compelling them to explain policies and decisions. (Article 75(3))
- Example: The questioning of the finance minister regarding the impact of demonetization on the economy, which led to detailed explanations and data being presented to the Parliament.

#### Zero Hour:

- Allows MPs to raise urgent issues without prior notice.
- Example: MPs frequently use Zero Hour to bring up issues such as regional water disputes, which require prompt government response.

### Debates and Discussions:

- Comprehensive debates on bills and policies ensure scrutiny.
- Example: During the debate on the Goods and Services Tax (GST) Bill, extensive discussions led to several amendments, ensuring a more balanced tax structure.

### Committees:

- Parliamentary Committees examine policies and implementation. (Article 118)
- Example: The PAC's scrutiny of the allocation of funds under the Mahatma Gandhi National Rural Employment
- Guarantee Act (MGNREGA) has led to improved transparency and efficiency in the program's implementation.

### Motions:

- Tools like no-confidence motions directly challenge the government's majority. (Article 75(3))
- Example: No-confidence motion in 2018 against the ruling government.

### Point of Order:

- A point of order is raised by an MP when there is a perceived breach of parliamentary rules or procedures. It requires the Speaker's ruling on the matter.
- Example: During the passage of the AP Reorganisation Act in 2014, several MPs raised points of order concerning the manner in which the bill was being handled, arguing that parliamentary procedures were being bypassed.

### Limitations of Parliament in Oversight of Executive:

Approach: People, Process, Powers or SWOT (Strength, Weakness, Opportunities, Threats) Analysis.

#### 1. Majority Rule:

- A strong majority can limit meaningful scrutiny and debate.
- Example: passage of the controversial farm laws in 2020, which were pushed through amidst widespread protests and calls for more debate.

## **2. Party Discipline:**

- MPs often vote along party lines, reducing independent oversight. (Anti-Defection Law, Tenth Schedule)
- Example: during the Citizenship Amendment Bill debates, many MPs expressed dissent internally but voted in favour due to party directives.

## **3. Limited Sessions:**

- Parliament meets for a limited number of days, restricting detailed scrutiny.
- Example: In 2020, Parliament sat for only 33 days, one of the shortest sessions.

## **4. Influence of Executive:**

- The executive's control over agenda setting can hinder legislative scrutiny.
- Example: Prioritization of government business over private members' bills.

## **5. Excessive Use of Ordinances:**

- The executive's frequent use of ordinances bypasses parliamentary scrutiny. (Article 123)
- Example: Ordinances like the Land Acquisition Ordinance bypassing thorough legislative debate.

### **Measures to Ensure Accountability of Executive:**

Approach: Address the above challenges, Think about other countries (U.K, U.S.A) methods, process to write innovative suggestions

#### **1. Strengthening Committees:**

- Enhancing the role and resources of parliamentary committees.
- Example: National Commission to Review the Working of the Constitution (2002) emphasized strengthening the committee system.

#### **2. Increasing Session Days:**

- More parliamentary sittings to ensure comprehensive scrutiny.
- Example: The National Commission to Review the Working of the Constitution has recommended that Lok Sabha should have at least 120 sittings in a year, while Rajya Sabha should have 100 sittings.

#### **3. Empowering Opposition:**

- Providing greater powers and resources to opposition parties.
- Example: Shadow Cabinet, Establishing a shadow cabinet to provide structured and informed opposition scrutiny.

#### **4. Enhancing Autonomy of Speaker Position:**

- Following the UK's model to enhance the autonomy and neutrality of the Speaker.
- Example: The UK Speaker resigns from their party and conducts proceedings impartially, which could be a model for India to strengthen the independence of the Speaker's role.

#### **5. Legislative Impact Assessment:**

- Implementing a systematic process to assess the potential impact of proposed laws.
- Example: The European Union conducts impact assessments for significant legislative proposals to ensure they meet policy objectives and consider socio-economic impacts.

#### **6. Parliamentary Budget Office:**

- Establishing a Parliamentary Budget Office (PBO) to provide independent analysis of budgetary and economic issues.
- Example: The U.S. Congressional Budget Office (CBO) supports Congress with budgetary analysis and economic data.

## 7. 15-Point Reform Charter by Vice President:

- Implementing recommendations from the 15-point reform charter proposed by the Vice President of India to strengthen parliamentary functioning and accountability.

Executive accountability to the legislature is essential to ensure the executive acts in line with the general will of the people, much like a compass guiding a ship towards its destination. While the Indian Parliament has mechanisms to maintain this accountability, enhancing these tools will ensure the executive stays true to the public's aspirations and democratic principles.

## 2. What are the issues in working of parliamentary committees and suggest measures to its working?

Parliamentary committees are essential for detailed scrutiny of legislation, government policies, and administration. Drawing their authority from Articles 105 and 118 of the Constitution, they provide a forum for in-depth discussion, allowing for expert inputs and bipartisan collaboration.

### Significance of Parliamentary committees in Democracy

Approach: Legislative functions, Executive oversights think in these lines

#### Legislative Functions:

##### 1. Detailed Examination of Issues:

- **In-depth Analysis:** Committees allow for detailed scrutiny of bills, budgets, policies, and other legislative matters.
- **Specialized Focus:** Members of committees often have specialized knowledge or develop expertise in specific areas, leading to more informed decision-making.

##### 2. Non-Partisan Functioning:

- **Less Political Bias:** Committees often focus on technical details and practical considerations, rather than party lines, leading to more effective legislation.
- **Consensus Building:** Committees encourage collaboration across party lines, resulting in balanced and broadly accepted legislative recommendations.

##### 3. Improvement in Legislation:

- **Refinement of Bills:** Committees review bills in detail, often suggesting amendments that make legislation more effective, fair, and implementable.
- **Avoiding Hastily Made Laws:** By thoroughly examining proposed laws, committees help prevent the passage of poorly drafted or inadequately considered legislation.

##### 4. Flexibility and Adaptability:

- **Ad hoc Committees:** Parliament can set up ad hoc committees to deal with specific legislative issues or crises, providing flexibility in the legislative process.
- **Adapting to New Challenges:** Committees are capable of adapting to new challenges, such as changes in technology or emerging social issues, by studying these areas in detail and offering informed legislative guidance.

### Executive Oversight:

##### 1. Accountability and Oversight:

- **Holding the Executive Accountable:** Committees serve as a mechanism to hold the government accountable by scrutinizing the work of various ministries and demanding explanations for their actions.
- **Financial Oversight:** Committees like the Public Accounts Committee (PAC) and Estimates Committee oversee government expenditure, ensuring that public funds are used efficiently and for their intended purposes.

##### 2. Monitoring Implementation:

- **Post-Legislative Scrutiny:** Committees monitor the implementation of laws, ensuring that they are being effectively enforced and recommending necessary changes or corrective measures.
- **Evaluating Government Schemes:** Committees like the Committee on Public Undertakings evaluate the performance of government schemes and public sector enterprises, ensuring they meet their objectives.

## **Issues in the Working of Parliamentary Committees:**

### **1. Decline in Matters Referred:**

- Fewer Bills are being referred to committees.
- Example: Only 27% of Bills in the 16th Lok Sabha were referred to DRSCs, down from 60% in the 14th Lok Sabha and 71% in the 15th Lok Sabha.

### **2. Neglect of Important Matters:**

- Significant Bills, such as the Farm Bills and Article 370 revocation, were not referred to committees.

### **3. Lack of Expertise:**

- Members may lack the necessary expertise to scrutinize complex issues effectively.
- Example: In the 16th Lok Sabha, the DRSC on Finance faced challenges in scrutinizing the Insolvency and Bankruptcy Code due to the technical nature of the legislation, highlighting the need for specialized knowledge.

### **4. Insufficient Research Support:**

- Committees lack dedicated research staff and rely heavily on external inputs.
- Example: The Joint Parliamentary Committee on Data Protection Bill, 2019, required extensive technical and legal research, but faced constraints due to limited in-house research support.

### **5. Political Influence:**

- Political considerations can overshadow objective analysis and decision-making.
- Example: The GST Bill was influenced by political negotiations and party positions, which affected the committee's ability to objectively analyze and recommend changes without partisan bias.

## **Measures to Improve the Working of Parliamentary Committees:**

### **1. Enhancing Expertise:**

- Appoint experts and professionals as consultants to assist committees.
- Example: Establishing a dedicated research wing for parliamentary committees, similar to the U.S. Congressional Research Service.

### **2. Strengthening Research Support:**

- Providing committees with dedicated research staff and access to independent research organizations.
- Example: Creating a Parliamentary Research and Analysis Department to support committees with detailed, non-partisan research.

### **3. Increasing Transparency:**

- Making committee proceedings more transparent by allowing public access and publishing reports online.
- Example: Live streaming of committee meetings and regular public updates on committee activities.

### **4. Legal Binding of Recommendations:**

- Making PAC recommendations binding on the executive to ensure implementation.
- Example: Legislative amendments to give PAC recommendations the force of law.

### **5. Enhancing Investigative Powers:**

- Granting PAC independent investigative powers to directly examine financial irregularities.
- Example: Empowering PAC with the authority to summon documents and witnesses for thorough scrutiny.

### **6. Replacing Outdated Committees:**

- Implementing recommendations from the National Commission to Review the Working of the Constitution (NCRWC) to replace committees that have outlived their utility and establish new committees focused on current issues like the economy and employment.

### **7. Amending the Rules of Business:**

- Amending the Rules of Business to make it mandatory for all major Bills to be referred to the Departmentally Related Standing Committees (DRSCs) for detailed scrutiny.

#### **8. Separate Committee for Constitutional Amendment Bills:**

- Establishing a dedicated committee for the scrutiny of Constitutional Amendment Bills to ensure focused and detailed examination of changes to the Constitution.

The Parliamentary Committee system supports the three pillars of democracy: representativeness, accountability, and responsiveness. Strengthening the committee system is essential for improving the quality of legislation, ensuring detailed scrutiny, and enhancing the overall accountability and transparency of government actions.