



## THE ROLE OF DIFFERENT COMMITTEES IN FUNCTIONING OF THE KARNATAKA LEGISLATURE SECRETARIAT

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### ABSTRACT

*The paper deals with the role of different committees in functioning of the Karnataka legislature secretariat. The introduction briefs about the need of sound internal organisation and procedures as essential to the successful discharge of its constitutional responsibilities in functioning the legislature system. It also briefs about the sanction of autonomous legislature secretariat in fulfilling the various organisational needs of the legislative branch of the government in the state. The introduction of council of department in governance and introduction of bi-cameral legislature in province, the introduction of numerous new devices to enable the parliamentary practises, the introduction of various committees in functioning of legislature secretariat and their functioning during pre-independence and post-independence are briefed. The function and working of the committee, its importance in the working of legislature and government are discussed in brief, the control of the speaker and secretary in functioning the house in its administration and the day-to-day business during the session are briefed. The necessity of sanctioning the independent status to the legislature has been explained. The civil service appeals, the constitutional and statutory responsibilities of speaker and chairman of the council while administering the secretariat under the parliamentary wing and administrative wing are explained. In total a general eye has been kept on functioning of the various committees in the legislature secretariat of Karnataka legislature secretariat has been effectively discussed.*

### **INTRODUCTION:**

Even before the present parliament was constituted under the republican constitution in 1950, the legislative wing of the erstwhile government of India had already recognised the need of sound internal organisation and procedures as essential to the successful discharge of its constitutional responsibilities. The suggestion was first time in 1928, by

Vithalbai.J.Patel, then the late president of Indian legislature house demanded a separate legislature secretariat for effective functioning of house in the business of the government independently. As a result an autonomous legislature secretariat came into existence in the centre to fulfil various organisational needs of the legislative branch of the government <sup>1</sup>. Although, some sort of legislative bodies came into existence after the act of 1935 by a council department as part of the respective government. In 1937 bi-cameral legislatures were introduced in some of the provinces.

Before 1947, there was little identity of interest between the representatives of the people in the old legislative assembly and the government of the day. The two were in hostile camps, not in the sense the different political parties are, but in the sense that while the people's representatives stood for the national interest in its different aspects, the government did not. It was a case of people's representatives trying to mould the destiny of the nation but could not; and the rules of the land who could mould the national destiny but would not. After independence, parliament in the centre and legislature in the states became a fully responsible and responsive body of representatives of the people. The hiatus, which was existed between the government and the people's representatives, vanished. With the commencement of constitution of free India, there was a marked increase in the legislative and deliberative activities of legislature at state and the centre. A progress was made in the areas like the development of question procedure, the application of new procedural devices, the constitution of parliamentary committees and a systematic expansion of legislature libraries' collection and references, research, documentations and information services <sup>2</sup>.

After the constitution came into being, a separate council department was set up. In most of the states having bi-cameral legislatures, this has been the patterns of evolution of legislature secretariats. While at the centre the secretariats have existed as independent secretariats, free from the control of any department of the government for a long time, in the states the legislature secretariats have either not been maintained

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1. Jain R.B, Comparative Legislative Behaviour, Research Explorations in Indian Perspective, pp. 23-24, 1980, New Delhi.
  2. Subhash, C. Kashyap. Sixty Years of Serving the Central Legislature, Govt. press, 1929-1989, pp.26-28, New Delhi.

exclusively for legislative bodies or even if they did exist as separate bodies they have functioned only as an office of a head of the department, an office sub-servant to an executive department of the government <sup>3</sup>. Thus in parliamentary practice and procedure, the Indian parliament has introduced several new devices to enable members to get numerous opportunities to voice their grievances of the constituents. The estimates committee, the committee on government assurances and the committee on papers laid on the table of both the houses are instances worth mentioning in the smooth functioning of state legislature and parliament. The committee on estimates consists of fifteen members elected by the legislative assembly from amongst the members accordingly to the principle of proportional representation by means of single transferable vote. The committee on government assurances scrutinises the assurance, promises, undertakings, etc. given by the ministers from time to time, on the floor of the house. The committee consists of eight members elected by the assembly by a means of single transferable vote. The committee on papers examined all the papers including annual reports and audit reports of various organisations laid on the table of the house by ministers. The committee reported to the house whether there has been compliance of the provisions of the constitution, Acts, Rules and Regulations under which papers are required to be laid. It also has to scrutinise and report whether there has been any unreasonable delay in laying the papers on the table of the house; if satisfactory explanation is given by the authority for delay in laying the papers. The committee consists of twelve members, eight from the legislative assembly and four from the legislative council nominated by the speaker or the chairman as the case maybe.

For the effective functioning, the legislature secretariat functions in 10 sections as follows. They are, accounts branch, committee branch, editing branch, legislators' home establishment, library, question branch, reporting branch, translation branch,

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3.Mithal.D.N and H.G.Paranjpe, staffing of Legislature Secretariats in India, *Journal of Constitutional and Parliamentary Studies*, Vol. V, No. 2, April-June 1971, pp.163-182, New Delhi.

establishment, typing, watch and ward branch. The different branches of legislature secretariat plays an important role in aiding and assisting members in respect of the business to be transacted in the two houses of legislature and its several above said committees. The legislature and its committees are equally important and require assistance of a very competent secretariat. The officers of the legislature secretariat are required to possess the in depth knowledge of men and matters, if they are to be of any real assistance to the committees. Besides academic qualifications, they need general knowledge in every spare of human activity. The work of the legislature secretariat is specialised in nature and needs continuity and experience. The officials have to deal with the legislatures including the members of the council of ministers, leaders of the opposition and the leader of other parties in the legislature. In the course of deliberations of the various committees of the house, senior officers and heads of the government and enter into correspondence with them on behalf of these committees they have to act without fear or favour <sup>4</sup>.

The secretary of the house is more than the advisor to the speaker and he is more important to every members in the house. The assisting officers of the various committees of the house have to discharge onerous duties and they have to keep the information ready at their fingertips. For the effective functioning, the legislature secretariat functions through the different sections. They all, committee branch I, II and other committee branches. Among those the select and joint select committees, assurance committees, legislation committees, public undertaking and accounts committees, members' business branch committees, administrative branch committee, orienting and research committees, parliamentary notice committees are very important in its effective functioning. The speaker and secretary play an important role in controlling the above. other than these chiefs, the section officer, estate officer, librarian, editor of debates and other chiefs also leads.

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4. Independence of Judiciary, Journal of Constitutional and Parliamentary Studies, Vol. III, No. 3, July-Sept. 1969, pp.13-20, New Delhi.

The Mysore Legislature Act under the purview of Article 186 of Indian Constitution implemented all these administrative functions of legislature secretariat first time in 1956. The governor makes the Karnataka legislature secretariat rules of 1959 and his amendments from time to time. The government has accorded the independent status to the legislature secretariat in 1974. The creation of an autonomous or independent secretariat fulfils the various organisational needs of the legislative branch of the government. In the later modernised or amended status, the speaker and secretary<sup>5</sup> control the activities of the functioning of legislature. The functioning of secretariat mainly carried through the legislation branch, committee branch and reporting branches. The secretariat in its day-to-day business, all these committees play an important role while fulfilling the responsibility of a collective decision making process in the field of public administration. Officers and staff working in various branches of legislative assembly secretariat provides secretarial assistance and perform, feed and liaison work for organising conferences, meetings and also provide material required by the legislatures and parliamentary functionaries to enable the members to effectively participate in the deliberations of the committees and the house. The government has accorded the independent status to the legislature secretariat and a special board has been consulted. In addition, the board consists of the chief minister, the speaker, the minister in charge of parliamentary affairs and the minister for finance in the functioning of legislative assembly <sup>6</sup>.

In respect of the provisions of the Karnataka civil services, classification, control and appeal rules of 1957 and the state services act of 1978 of section 3 of the act and the modified act of 2003 the Karnataka state assembly secretariats an independent body which functions under the ultimate guidance and guidance of the speaker. In the

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5. The Karnataka Legislative Assembly Debate, A Review, 1983-84, pp. 97-98, Bangalore.
  6. G.O.No.LAW-67/LGR 79, dtd. 29-9-1984, Karnataka State Legislature, pp.L.H-8115-17, Bangalore.

The following branches carry out the working of the secretariat of Karnataka legislative assembly. They are , parliamentary wing and administrative wing. The parliamentary wing controls the legislature branch, rules committee and privilege committee, question branch and committee on government assurance and committee branches.

Under the committee branch it controls the committees on petitions, house committee on government assurances, backward class and minority committees, SC/ST welfare committee papers laid committee, sub-ordinate legislation committee, women and children welfare committee, estimates committee, library and research committee, committee on public undertakings and committee on local bodies and Panchayath Raj institutions. Under the administrative wing it controls the administration, accounts, executive branch legislators' home, translation branch, protocol committee on public accounts branch, receipt and issue branch, reporting, editing, watch and ward and training branch. Like that research and reference section and the computer branch.

While functioning of these committees the officers and staff of the legislative assembly secretariat provides the assistance and perform for organising the functionaries to enable the members to effectively participate in the deliberations of committees and the house. The legislation branch is one of the important functionaries, which receives bills, adjournment motions, no confidence motion, privilege motion and notices for discussion under the rule 69 for short duration. The committee branch deals with the issue of meeting notices to the members, conducting of committee meetings, arranging for visits and study of tours etc. Brief notes of committee meetings and draft notes, reports are prepared and submitted for approval of the committee. One more important branch, the administrative branches deals with all service matters of the employees of Karnataka legislature secretariat. Like that, the reporting and editing branch performs the duties of preparing the verbatim proceedings of the house and its committees. It also arranges editing and printing of debates in book format.

Another important branch is the computer branch. It looks after the software development like making easy of correspondence between various departments through electronic mails, conducting the computer training program for officers and staff of the secretariat to provide information required by honourable members, uploading the business of both the houses during session and other important information. In total the other branches like the watch and ward branch, reference and research section, legislator's home, protocol section, transaction section, accounts branch, administrative branch, etc. are the important committees that plays a prominent role in functioning of Karnataka legislative secretariat

effectively<sup>7</sup>. All these committees were headed by the chairman, who was appointed by the speaker and consists of elected representatives by the assembly from amongst the members accordingly to the principle of proportional representation by means of single transferable vote. A minister is not eligible to become a member of the committee and that if a member after his election to the committee is appointed as minister he ceases to be a member of the committee from the date of such appointment. The government departments concerned whose estimates are to be examined are asked to furnish necessary material in support of the estimates for examination and for information of the members of the committee. If the committee feels that it is necessary for the purpose of its examination, then on the spot, a study should be made to undertake tour to study any particular matter<sup>8</sup>. The members of the committee after going through the materials furnished by the department may frame questions and also give their suggestions if any for consideration of the committee. The observations/recommendations of the committee are embodied in its report which are presented to the legislative assembly.

#### **CONCLUSION:**

In total the functioning of a legislature secretariat in its business through the various committees, dependent upon the efficiency of the secretariat. The arrangement of the work, the nature of the work and the organisational setup have been briefed in short.

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7. Manual, Karnataka Legislative Secretariat, 5 November 2005, pp.4-8, Bangalore.

8. Folder, Karnataka Legislature Secretariat, Reference and Research Section, No.6-22, 1984, Bangalore.

With a view to make the legislature secretariat an effective instrument of parliamentary democracy, the highest authority of the legislature, the speaker, should be vigilantly assisted by the secretary to keep a discerning en eye in the working of each section. To make legislature secretariat a dynamic and developing institution, it requires the constant attention to keep phase with growing needs of the legislators and facilities to its staff for effective functioning under the committee system.

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