

International Multidisciplinary
Research Journal

Golden Research
Thoughts

Chief Editor
Dr.Tukaram Narayan Shinde

Publisher
Mrs.Laxmi Ashok Yakkaldevi

Associate Editor
Dr.Rajani Dalvi

Honorary
Mr.Ashok Yakkaldevi

Welcome to GRT

RNI MAHMUL/2011/38595

ISSN No.2231-5063

Golden Research Thoughts Journal is a multidisciplinary research journal, published monthly in English, Hindi & Marathi Language. All research papers submitted to the journal will be double - blind peer reviewed referred by members of the editorial board. Readers will include investigator in universities, research institutes government and industry with research interest in the general subjects.

International Advisory Board

Flávio de São Pedro Filho Federal University of Rondonia, Brazil	Mohammad Hailat Dept. of Mathematical Sciences, University of South Carolina Aiken	Hasan Baktir English Language and Literature Department, Kayseri
Kamani Perera Regional Center For Strategic Studies, Sri Lanka	Abdullah Sabbagh Engineering Studies, Sydney	Ghayoor Abbas Chotana Dept of Chemistry, Lahore University of Management Sciences[PK]
Janaki Sinnasamy Librarian, University of Malaya	Ecaterina Patrascu Spiru Haret University, Bucharest	Anna Maria Constantinovici AL. I. Cuza University, Romania
Romona Mihaila Spiru Haret University, Romania	Loredana Bosca Spiru Haret University, Romania	Ilie Pinteau, Spiru Haret University, Romania
Delia Serbescu Spiru Haret University, Bucharest, Romania	Fabricio Moraes de Almeida Federal University of Rondonia, Brazil	Xiaohua Yang PhD, USA
Anurag Misra DBS College, Kanpur	George - Calin SERITAN Faculty of Philosophy and Socio-Political Sciences Al. I. Cuza University, IasiMore
Titus PopPhD, Partium Christian University, Oradea, Romania		

Editorial Board

Pratap Vyamktrao Naikwade ASP College Devrukh, Ratnagiri, MS India	Iresh Swami Ex - VC. Solapur University, Solapur	Rajendra Shendge Director, B.C.U.D. Solapur University, Solapur
R. R. Patil Head Geology Department Solapur University, Solapur	N.S. Dhaygude Ex. Prin. Dayanand College, Solapur	R. R. Yalikal Director Management Institute, Solapur
Rama Bhosale Prin. and Jt. Director Higher Education, Panvel	Narendra Kadu Jt. Director Higher Education, Pune	Umesh Rajderkar Head Humanities & Social Science YCMOU, Nashik
Salve R. N. Department of Sociology, Shivaji University, Kolhapur	K. M. Bhandarkar Praful Patel College of Education, Gondia	S. R. Pandya Head Education Dept. Mumbai University, Mumbai
Govind P. Shinde Bharati Vidyapeeth School of Distance Education Center, Navi Mumbai	G. P. Patankar S. D. M. Degree College, Honavar, Karnataka	Alka Darshan Shrivastava Shaskiya Snatkottar Mahavidyalaya, Dhar
Chakane Sanjay Dnyaneshwar Arts, Science & Commerce College, Indapur, Pune	Maj. S. Bakhtiar Choudhary Director, Hyderabad AP India.	Rahul Shriram Sudke Devi Ahilya Vishwavidyalaya, Indore
Awadhesh Kumar Shirotriya Secretary, Play India Play, Meerut (U.P.)	S. Parvathi Devi Ph.D.-University of Allahabad	S. KANNAN Annamalai University, TN
	Sonal Singh, Vikram University, Ujjain	Satish Kumar Kalhotra Maulana Azad National Urdu University

Address:- Ashok Yakkaldevi 258/34, Raviwar Peth, Solapur - 413 005 Maharashtra, India
Cell : 9595 359 435, Ph No: 02172372010 Email: ayisrj@yahoo.in Website: www.aygrt.isrj.org

COLLECTIVE RESPONSIBILITY AND THE COUNCIL OF MINISTERS



Veerya Naik. L.

Assistant Professor in Political Science ,Government First Grade College, Davanagere, Karnataka.

Short Profile

Veerya Naik L. is working as an Assistant Professor at Department of Political Science in Government First Grade College, Davanagere, Karnataka. He has completed M.A. He has professional experience of 7 years and research experience of 4 years.



ABSTRACT:

Ministerial accountability is regarded as the only way of ensuring effective Parliamentary control. This responsibility may be individual or collective, according to whether a single minister or the entire cabinet is implicated. As it is rare for an action performed by a minister not to be linked to general policy, ministerial accountability is

usually a collective matter. If Parliament expresses a lack of confidence in one of the ministers, the Prime Minister had to decide whether the entire Government should resign on the principles of ministerial solidarity and collective responsibility or whether the resignation of the minister in question is enough. In addition to collective responsibility, individual responsibility is also the general rule in countries where ministers are the direct instruments for the execution of the policy laid down by Parliament. Each minister may be asked to give an account of the way in which he is carrying out that policy within his own department. Ministerial responsibility is of two kinds which may be termed legal and political. Legal responsibility is that which arises from the principle that every act of the Crown must be countersigned by at least one minister who can be held liable in a court of law if the thing done can be shown to be illegal. This principle is a part of the law of the constitution—Unwritten, indeed, but nevertheless law. The other, or political form of responsibility is that which lies in the direction of the House of Commons. This responsibility is the essence of the Cabinet or parliamentary system which in turn is Britain's principal contribution to modern political practice.

KEYWORDS

Political Responsibility, modern political practice, general policy.

Article Indexed in :

DOAJ
BASE

Google Scholar
EBSCO

DRJI
Open J-Gate

INTRODUCTION

The concept of Political Responsibility is somewhat ambiguous. In political discussion the concept is commonly invoked in three quite distinct ways.

In the first place, the term 'Responsible' is commonly used to describe a system of Government in which the administration is responsive to public demands and movements of public opinion. In the second place, the term is used in a quite different way, which invokes the concepts of duty and moral responsibility the, Headmaster is responsible for the welfare of his pupils. The prison governor is responsible for seeing that prisoners do not escape or kill them selves or attack the guards. In the same way, the Ministers in office are responsible for seeing that the government pursue a wise policy, wether or not what they do meets with the immediate approval of the public.

There is a third usage of term 'responsibility', which more common in Britan than in most other countries. This is its usage to signify the accountability of ministers, or of the government as a whole, to an elected assembly. In Britan individual Ministers are responsible to Parliament for the work of their departments, and the Cabinet is collectively responsible for Government policy in principle this implies that Ministers should resign (or be ready to resign) when serious mistakes by their departments are disclosed, and that the Government should region when the confidence of Parliament is withdrawn. In practice resignation of this kind are relatively rare, but the convention of ministerial responsibility is nevertheless an essential feature of modern British government.¹

Ministerial accountability to Parliament has two aspects: the collective responsibility of Ministers for the policies of the government and their individual responsibility for the work of their departments. Both forms of responsibility are embodied in conventions which cannot be legally enforced. Both convections were developed during the 19th century and in both cases the practice was established before the doctrine was announced. Thus, the convention of collective responsibility was developed between 1780 and 1832, but the concept of 'responsible government' appears not to have been introduced into British political debates until as late as 1829, and then in relation to Canada rather than Britain.²

The responsibility was once towards the Crown; then it became divided between the Crown and Parliament; after 1832 it inclined much more towards Parliament than to Crown; since 1867, it is to Parliament tempered by daily regards to electoral and party opinion; indeed, the electorate and the parties are organized to exact this regard, so that although the formal public arena of answerability is the House of Commons, the questions and the answers are always moulded with conscious and necessary reference to the Constituent bodies outside it.³

The Nature of Responsibility If responsibility is that which is supposed to keep Cabinets in the path they ought to go, what is the motive and directing force in responsibility? Responsibility means that a position of trust is held, that it's that power can only be used within certain defined limits. The question then, is, who draws those limits, who watches over them, and what is the punishment for their violation? Until 1689 the limits were drawn by the Crown, and the Crown itself was prompted by some reference to the state of opinion in the country and Parliament and among its friends. Since 1689 the device has been found of an irremovable but powerless Crown, and a powerful but removable Ministry. Between the time when the early system was driven to its fall and the rise of the modern the device of Impeachment was tried, that is a formal trial of the conduct of a Minister before the house of Lords,

which might end in exile, impeachment, fine, or death. This method of imposing political responsibility failed because in its time it was difficult to distinguish the part played by the Crown and that played by Ministers in any specific act of government.⁴

The Doctrine of collective responsibility was not in the beginning part of the Cabinet system. In George III's time Ministers sometimes spoke and even voted against political determined by the Cabinet. As the two-party system began to arise so the feeling grew that such behaviour was improper. With the full establishment of the mass two-party system the doctrine of collective responsibility passed into the unwritten conventions of the constitution something that every one took for granted. The doctrine was induced necessary to the Cabinet from the mid-nineteenth century onwards. Cabinet Ministers were party leaders; both this leadership and the party itself would be weakened if the leaders openly attacked one another or publicly attributed views to one another.⁵

Collective responsibility does not require that every Cabinet Minister must take an active part in the formulation of policy, nor that his presence in the cabinet room is essential whenever a decision is taken. His obligation may be passive rather than active when the decision does not relate to matters falling within his own sphere of administrative responsibility. He must however, be informed before hand of what the proposal is and have an opportunity of voicing his doubts and objections.⁶

Types of Ministerial Accountability Theoretically, there are three types of ministerial accountability. Firstly, there is personal financial accountability, which is the obligation of Ministers to make good any financial harm caused to the tax-payer which results from their actions. This question is not pursued here, because, on one hand, it has nothing to do with the relationship between the Legislature and the Executive; and, on the other hand, because it is largely a problem of little importance in modern times. Secondly, there is penal accountability which is the obligation upon Ministers to answer for criminal actions such as treason, misappropriation, extortion, corrupt practice and encroachments upon the freedom of the individual. Although at the root of political responsibility, this question raises the broader issue of political trials. It leads to Parliament performing a judicial functions. In the meantime we can note that penal accountability has importance in countries where political accountability has ceased to apply. The Final form of ministerial accountability is political accountability, which is not founded on an objective definition of criminal or civil offences, but rather on subjective factor which are assessed by Parliament.

The scope of political accountability is vast; it may apply to any act performed by a Minister in the exercise of his duties or the carrying out of his policies, his actions or failure to act, and even his intentions. A minister's conduct is not regarded in the light of its legality but simply of its political wisdom in the face of views expressed by Parliament.

ORIGINS OF ACCOUNTABILITY

This type of accountability, and its associated penalties, did not originate with constitutional theorists, but evolved over the ages from the use of the impeachment procedure in the United Kingdom. Impeachment made its first appearance as early as the sixteenth century; a minister could be arraigned by the House of Commons and subsequently by tried by the House of Lords. In this form it was used to attack those Ministers whose proximity to the Sovereign was considered undesirable and who could not be proceeded against for a crime or misdemeanour under the ordinary law. As the power of Parliament increased, ministers learned to pay attention to a hostile expression of opinion, and in

1742 for the first time, a Prime Minister resigned after being defeated in the House of commons.⁷

Collective responsibility in practice The defeat of a minister on any issue is a defeat of the Government. The proposal made by a minister, whether or not they have been approved by the Cabinet, are the proposals of the Government. An attack on a minister is an attack on the Government.

This is the Parliamentary aspect of the collective responsibility. Yet the principle must be accepted subject to qualifications. Though the Government accepts responsibility for a ministers proposal, there is nothing to prevent it from bowing to that "feeling of the House" to which experienced politicians are sensitive and withdrawing the proposal. If the minister feels that his credit has thereby been impaired, he will resign. Again a Government does not accept responsibility for a personal mistake by a minister. The Government does not accept responsibility for an error of judgement or bad administration by one of its members. The process of government compels a delegation of authority the Cabinet must leave to each minister a substantial discretion as to what matter he will bring before it. If he make a mistake, then he must accept the personal responsibility.⁸

Parliamentary Control and Ministerial

Responsibility:

Parliament's interest in the composition of the ministry is yet another example where Parliament has extended its control over Government, and this interest is now expressed in the doctrine of Ministerial responsibility, with its corollary that the Government must command the support of Parliament. In an earlier period, however, the relationship between the minister and Parliament was less explicit and Parliament attempted to use techniques of control appropriate to its status as a predominantly legal body. In modern terminology, it was at one a grand jury and a court as a grand jury it could initiate proceedings if the law was improperly carried out, and as a court, it could hear cases an appeal and itself try cases concerning high crimes and misdemeanours. These functions required certain legal powers, certain control over personnel to secure compliance with its orders.⁹

Cabinet Responsibility In India:

The Council of Ministers is collectively responsible to the Lok Sabha: [Art 75(3)] The responsibility is joint and indivisible, there is no specific provision in the Constitution laying down the individual responsibility of a Minister and his accountability to Parliament for all the act of omission and commission in his departmental charge. However, in keeping with the high Parliamentary traditions, individual Minister's have of their own accord accepted responsibility for and resigned on account of the criticism or short comings of departments under them.

Collective responsibility is assured by the enforcement of two principles. First, no person is nominated to the council except on the advice of the Prime Minister, and Secondly, no person is retained as member of the council if the Prime Minister demands his dismissal, The essence of collective responsibility is that a Minister is free to express his dissent when a policy is in the stage of discussion, but after a decision is taken every Minister is expected to stand by it without any reservation. The only alternative therefore, for a Minister who does not see eye to eye with the Prime Minister in matters of policy or is not prepared to defend a cabinet decision is to resign.

Likewise if the Prime Minister finds that a colleague's views or actions are causing him embarrassment, he can appropriately ask for his resignation.¹⁰

Foot Notes :

1. Birch, A.H., Representative and Responsible Government An Essay on the British Constitution, London : George Allen and Unwin Ltd, 1964, p. 17-20.
2. Birch, A.H., Representative and Responsible Government An Essay on the British Constitution, London : George Allen and Unwin Ltd, 1964, p.131.
3. Finer, Herman, The Theory and Practice of Modern Government, London: Methuen and Co, p. 974-976.
4. Finer, Herman, The Theory and Practice of Modern Government, London: Methuen and Co, p. 984.
5. Walker, Patrick Gordon, The Cabinet, London: Jonathan Cape, p. 30-32.
6. Wiseman, H.V, Parliament and the Executive- An Analysis with Readings, London: Routledge and Kegan Paul, 1966, p. 66-68.
7. Valentine Harman, A Reference CompendiumParliaments of the World, Ed. By Inter Parliamentary Union, Scotland: Thomson Litno Ltd., p. 823-825.
8. Jennings, Sir Ivor, Cabinet Government, London: CUP, 1951, p. 462-463.)
9. Young Roland, The British Parliament, Evanston: North Western University Press, 1962, p. 182.
10. Malhotra, G.C (Ed), Practice and Procedure of Parliament, New Delhi : Metropolitan, 2001, p. 685-687.

Publish Research Article

International Level Multidisciplinary Research Journal For All Subjects

Dear Sir/Mam,

We invite unpublished Research Paper, Summary of Research Project, Theses, Books and Book Review for publication, you will be pleased to know that our journals are

Associated and Indexed, India

- ★ International Scientific Journal Consortium
- ★ OPEN J-GATE

Associated and Indexed, USA

- EBSCO
- Index Copernicus
- Publication Index
- Academic Journal Database
- Contemporary Research Index
- Academic Paper Database
- Digital Journals Database
- Current Index to Scholarly Journals
- Elite Scientific Journal Archive
- Directory Of Academic Resources
- Scholar Journal Index
- Recent Science Index
- Scientific Resources Database
- Directory Of Research Journal Indexing

Golden Research Thoughts
258/34 Raviwar Peth Solapur-413005, Maharashtra
Contact-9595359435
E-Mail-ayisrj@yahoo.in/ayisrj2011@gmail.com
Website : www.aygrt.isrj.org