Parliamentary Control and Government Accountability in Sri Lanka: The Role of Parliamentary Committees

Taiabur Rahman

Abstract

Based on an extensive fieldwork in Sri Lanka, this paper critically examines the role of parliament in general and parliamentary committees in particular in securing government accountability in Sri Lanka in the 1990s. Sri Lanka, a former British colony in many ways is the pioneer in the establishment and maintenance of democracy in South Asia. However, due to Sinhala-Tamil ethnic crisis, despite its democratic tradition since 1971, Sri Lanka has been under emergency rule more than it has been under democratic rule. The protracted civil war has marred the pace of economic development and caused insurmountable sufferings for the civilians. A cultural-institutional approach as a macro analytical framework has been adopted for this study which draws on broad cultural/institutional theory in order to explain the issue. The point of departure is that effective functioning of parliament which is at the heart of continuity and strengthening of democratic governance in Sri Lanka matters for checking the unbridled power of government and holding it to account and resolving at best or minimizing at least the ethnic conflicts in Sri Lanka. Making political space for all parties and good understanding between the major parties in Sri Lanka is a prerequisite for paving the way to resolve or minimize ethnic conflicts in Sri Lanka. A strong parliament within a diffused political framework (consensus rather than majoritarian approach) can go a long way towards finding a political solution to the ethnic conflicts in a unified Sri Lanka.

The study finds that the formal institutional structure of the political system in Sri Lanka appears seriously disadvantaged in checking the unbridled power and authority of the executive and virtually unable to call the government to account. Institutionally Sri Lanka has got a weak parliament and therefore a weak committee system with marginal scope in ensuring government accountability. The sorry state of securing executive accountability by parliamentary committees in Sri Lanka can be accounted for the prevailing macro-political context of the country and the weakness of the institutional rules and functional inability of the committee system originating mainly from the political context and shaped by the prevailing hierarchical culture of Sri Lanka. The prospect of the committee system to hold the government accountable deems promising under a changed political system that is not imminent in Sri Lanka. Hence the prospect of the resolution of Sinhala-Tamil ethnic conflict in Sri Lanka remains elusive, if not impossible.

Sri Lanka, a former British colony in many ways is the pioneer in the establishment and maintenance of democracy in South Asia. However, due to Sinhala-Tamil ethnic crisis, despite its democratic tradition since 1971, Sri Lanka has been under emergency rule more than it has been under democratic rule. The protracted civil war has marred the pace of economic development and caused insurmountable sufferings for the civilians. The

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1 Taiabur Rahman is an Assistant Professor in the Department of Development Studies at the University of Dhaka, Bangladesh. Currently he is a Research Scholar (Doctoral Candidate) in the Department of Public and Social Administration at the City University of Hong Kong. Previously he also taught at the University of Rajshahi in Bangladesh. He received both his Bachelor’s and Master’s degree in Public Administration from the University of Dhaka and obtained his MPhil degree in Public Administration from the University of Bergen, Norway. He has published a good number of articles in national and international professional journals. His research interests are in the area of Comparative Politics, Public Administration and Development Studies. He can be contacted at taiabur.rahman@gmail.com
Sinhala-Tamil ethnic crisis in Sri Lanka climaxed in 1983 into a civil war. This civil war has already claimed 65,000 lives and displaced more than 670,000 people from their homes (Herath 2002). Despite belonging to the Least Developed Countries (LDCs) of the world, democracy in Sri Lanka has endured contrary to the thesis that economic development is a prerequisite for democracy. A crucial aspect of the functioning of democracy in Sri Lanka has been the ability of parliament to survive and perform the key parliamentary tasks of representation, legislation and oversight of the executives. Based on extensive fieldwork in Sri Lanka, this paper critically examines the role of parliamentary committees in securing government accountability in Sri Lanka in the 1990s. The point of departure is that effective functioning of parliament which is at the heart of continuity and strengthening of democratic governance in Sri Lanka matters for checking the unbridled power of government and holding it to account and resolving at best or minimizing at least the ethnic conflicts in Sri Lanka. Making political space for all parties and good understanding between the major parties in Sri Lanka is a prerequisite for paving the way to resolve or minimize ethnic conflicts in Sri Lanka.

In order to evaluate the role of parliamentary committees in ensuring government accountability Sri Lanka, the following questions are raised. To what extent are the macro and micro political contexts of the parliaments in Sri Lanka conducive to influence/constrain the business of government? How far are the parliaments in Sri Lanka institutionalized with respect to their roles and functions? What are the formal institutional arrangements in respect of structure, function, procedures and power of parliament and parliamentary committees in Sri Lanka and to what extent are the institutional rules for the committee system exercised to make the executive accountable? What are the key factors that affect the control of the executive by parliamentary committees in Sri Lanka?

This paper is based on extensive fieldwork undertaken in parliament of Sri Lanka in October 2004. A questionnaire survey of the key parliamentary committee officials (20MPs and 15 committee staffers) was conducted followed by face-to-face in-depth interview and an intensive library work was undertaken in the Sri Lankan parliamentary library. For a systematic presentation, this paper is further organized into four parts i.e. the theoretical discussion, the Sri Lankan parliament in its political context, the historical
evolution of the parliamentary committee system in Sri Lanka and the formal arrangement of committee system and its real-world implications in holding the government to account.

Sri Lanka’s constitutional structure lent itself to ethnic conflict. Its post-independent constitution did not explicitly guarantee minority rights. What a multi-ethnic society like Sri Lanka badly needed was a political setup that encouraged consensus politics and polyethnic coexistence. What it got was the opposite (DeVotta 2002: 85-86). As Lijphahrt (1999: 33) has noted, in most deeply divided polyethnic societies ‘majority rule spells majority dictatorship and civil strife rather democracy’. This more or less describes the situation in Sri Lanka. Complicating matters were the Sri Lankan Tamils who were disproportionately employed in the state sector. The mechanisms used by the government to reverse this system were- language and religion. Sinhala only Act of 1956 which during 1960-65 and 1970-77 was strictly enforced marginalized the Tamils in terms of employment opportunity, right to education and resource allocation. In 1978, semi-presidential system along with proportional electoral system was introduced with two main goals in mind-political integrity and minority representation. Buddhism was given special status eventually. Prevention of terrorism act 1979 allowed government to hold a suspect without any trial for 18 months which was invariably abused to execute the Tamils.

**Theoretical Discussion**

Accountability is at the heart of good governance and has to do with holding governments responsible for their actions. In a democracy, the parliament represents the people and the government irrespective of political system is accountable to the parliament. The government itself consists of political executive and administrative executive. The administrative executive is accountable to the political executive, which in turn is accountable to the parliament. These twin themes of accountability constitute government accountability (Mulgan 2000: 556; Pyper 1996).

Accountability incorporates several typologies, dimensions or components, which are also inexorably intertwined and interdependent (Paul 1991: 5). Political, bureaucratic, legal and managerial accountability are the major taxonomy. These four types of accountability have overlapping boundaries too (Romzek and Dubnik 1987: 229).
Likewise, accountability has several aspects: financial accountability, transparency, responsiveness, regularity, participation, empowerment, decentralization, combating corruption, etc (Turner and Hulme 1997: 122-123; World Bank 1994: 14, 1996: 65; Dwivedi 1989: 6; Rosen 1984: 32-4, 1998). However, the focus of this study will be on financial accountability, regularity, transparency and the responsiveness aspects for, these dimensions cover in one or another way the remainder of the mentioned dimensions.

In this paper, accountability has been analyzed from two broader perspectives. Public accountability has two interrelated aspects-formal/institutional and informal/societal. These two aspects influence each other in a reciprocal way. Institutional/formal aspect of accountability is concerned with prevailing institutional rules of public organizations while societal/informal accountability emanates from the accountability values/norms of a society in which public organizations are nestled. Democratic institutions need to be supported by an enabling societal context to make them work. For instance, if there is no strong civil society with a free press which demands accountability of public officials and of people at large in the society for their actions, mere institutional mechanisms will lead no where.

Now it is imperative that the utility of parliamentary control of the executive and parliamentary committees’ role in holding the government be established. In a democracy, there are three different branches of government: the executive, the legislative and the judicial. All these three branches are interlinked and interdependent. The power of these branches should be based on checks and balances. The executive branch has a management system of its own which is based on some principles of administrative science such as hierarchy, rules, division of labor and impersonality. In a parliamentary system of government, power is fused between the executive and the legislative arms of the state. Even a considerable portion of the frontline members of legislative branch become members of cabinet and lead the executive branch.

Additional institutional devices must therefore be put in place to keep a watchful eye over the executive and hold them accountable for sins of omission and commission. Moreover, the executive usually dominates the legislative outputs while the bureaucracy dominates the legislative inputs by playing a determining role in preparing legislative bills in a parliamentary form of government. This contention holds that the executive in
fact is not in control of all vital areas of public administration and therefore parliament must intervene and step in where executives fear to tread (Uhr 1982: 27, 1997; Evans 1982). The intention by parliaments to extend their ability to oversee, or scrutinize the government and ministers is a major- perhaps even the central-factor explaining the increasing use of committees in parliamentary democracies (Longley and Davidson 1998: 4).

The main rationale for empowerment of parliamentary committees is the prevailing imbalance of power between the executive and legislative branches. To cope with the demands of modernization and complexity of society, the executive branches expanded their departments and personnel. Thus the executive’s possession of an expanded workforce with sophisticated technical and specialized knowledge has enabled the executive to become the dominant player in the governance system. In the legislatures on the other hand, the number of members rarely rises. The result has been the steady decline in the ability of the legislature to fulfill its prime functions of legislation and oversight of the executive. This decline coupled with rise of disciplined political parties meant that the balance of power in most parliaments shifted decisively in favor of the executive. The only response the legislative branch can offer in order to effectively influence, scrutinize and control the executive is to improve the efficiency with which its membership is utilized. This includes the use of staffs and experts but more significantly it means to rationalize and empower committees (Hazan 2001: 77-85, Mezey 1998: 791, Shaw 1998: 229).

A cultural-institutional approach has been adopted in this study as an analytical lens to explain the issue. This draws on broad cultural/institutional theory but it is also specific in various ways. Historical and sociological institutionalism somewhat attend to the cultural aspect of political life (Hall and Taylor, 1996). Rooted in a fourfold classification of cultures (hierarchical, egalitarian, fatalistic and individualistic) as institutions, Grendstad and Selle (1995: 6) consider cultural theory to be a dynamic typology of the new institutionalism. However, no institution can be properly comprehended without considering its wider social and cultural context (Selznick, 1996). It has been emphasized by cultural theorists that the social contexts within which institutions operate shape the manner in which institutions behave and act (Thompson
According to Putnam (1993: 8), “The Westminster-style constitutions left behind by the British as they retreated from empire had very different fates in different parts of the world.” Therefore it may be said that context matters for institutional performance.

In recent years, the focus on institutions as an important variable in political and organization science has gained substantial significance. In this tradition, institutions, more specifically institutional rules norms and routines are considered as determinants of politics and governance (March and Olsen 1984, 1993, 1995, 1996) and at the same time they are shaped by history (Putnam 1993: 8). Institutions differ among themselves on many aspects but on two fundamental points, they seem to agree (Putnam, 1993: 7-8).

1. Institutions shape politics (Institutions as Rules): The rules and standard operating procedures (Hall, 1986) that make up institutions affect political outcomes and behavior. Institutions affect outcome because they shape actor’s identities, power and strategies.

2. Institutions are products of history (Institution as History): History tells us about the extent and degree to which rules and standard operating procedures are institutionalized in organizations. The more these are ingrained in institutions, the more can we explain institutional behavior and performance on the basis of these aspects?

On the basis of the discussion on the variants of institutional theory, it can be hypothesized that standard operating rules/procedures as well as the history of stability and continuity of institutions are vital for institutional performance. Institutional performance in this study refers to the role of parliamentary committee in ensuring executive accountability. In this regard, our aim is to analyze empirically how parliamentary committees as specialized organ of parliament in Sri Lanka have evolved over the years. To what extent have the rules and standard operating procedures been ingrained in order to ensure executive accountability? A number of specific inferences may be formulated as stated under:

The more governing power is diffused and shared between and among contending veto players regardless of the system of government, the more the system bears the potentials of having a strong parliament to hold the government to account. The
constitutional configuration of a political system along with other external political factors may be attributed to a large extent to provide a system of power fusion or diffusion.

A strong parliament is a prerequisite to a strong committee system and vice versa and strong committee system is a prerequisite to call the government into account irrespective of whether the political system is parliamentary or presidential.

Parliament as an institution can be analyzed from two point of view: context and internal arrangement. In analyzing parliamentary committees, a critical context is parliaments themselves. A strong parliament is believed to fare better to hold the government to account. Parliament cannot be insulated from the effects of wider social, economic and political contexts and that in a democracy the functioning of parliament is inexorably linked with the functioning of other key institutions. Factors that are relevant in determining parliamentary strength to hold the accountable can be sorted out. Parliamentary committees, which are generally conceived to be the most significant internal instrument of a legislature, can be analyzed to work out the factors that help determine the strength of committees to hold the government accountable. By focusing on the contextual political-institutional aspects which do have direct bearings on the functioning of committees as well as intra-institutional arrangements of committees, the study strives to explore the factors that help determine the strength of committees which in turn can evaluate their capacity to hold the government accountable. These issues are dealt with in the subsequent analysis.

The Sri Lankan Parliament in its Political Context
The Soulbury Constitution of 1946 established a bicameral parliamentary system composed of the House of Representatives and a Senate with the Governor General as nominal head of state. With the adoption of a new constitution in 1972, Ceylon became the Republic of Sri Lanka. The Governor-General was replaced by the president as the nominal head of the state. The bicameral system was succeeded by a unicameral type. The new constitution of September 1978 declared the country as Democratic Socialist Republic of Sri Lanka. This third constitution introduced a semi-presidential system following the model of Fifth French Republic. The plurality electoral system was
replaced by proportional representation in multi-member constituencies (Wagner 2001: 699). Each of these changes had the effect of extending the ruling party’s length of time in power.

The constitution of 1978 (which is still in operation) was revolutionary in that it shifted the seat of executive power away from a cabinet that was part of the parliament to an executive president who is elected independently of it and is not accountable to the legislature. The executive president’s relationship with the legislature is an unequal one (Welikala 2002: 3). However, a national debate is on, existing political institutions are being questioned and mass support to revert to parliamentary system is growing over time.

The President is the head of the state, the head of the Government and the Commander-in-Chief of Armed Forces. The president appoints the prime minister, the cabinet and personnel to staff of the most important positions in the military and the judiciary and various ministries. S/he can even preside over cabinet meetings and hold selected portfolios too. All four executive presidents invariably held the most crucial ministerial portfolios such as Defense, Finance or Foreign Affairs. More importantly, the president can dissolve the parliament after one year after its election and may submit to national referendum matters of national importance (Derbyshire and Derbyshire 2000). Dissolution of parliament by the president at will has been commonplace in Sri Lanka in the 1990s. For instance, sitting president Kumaratunga had suspended the Sri Lankan parliament twice and called for new elections before schedule. President Kumaratunga recently commented, “Under our constitution the prime minister is merely a glorified minister. It takes just a one-sentence letter from me to dismiss the prime minister and his entire cabinet” (International Herald Tribune, October 15, 2003). Former president Jayewardene boasted that the only thing he could not do was to turn a woman into man. Since 1978 when the executive Presidency was created it is undeniable that the role of parliament has declined considerably and with it oversight of the executive (CPSU 2000). In addition, as a party leader, the president may exert influence over the members of parliament through the party’s power to replace them. As a result, the parliament may be reduced to little more than a rubber stamp, the president is in a position to control both the cabinet and the party (Baxter et. el 2000: 341).
All the respondents (100%, with mean score 3.8) in our questionnaire survey, were of the view that a strong parliament is a prerequisite for a strong committee system and vice versa. They admit that within the prevailing political framework, parliament is very weak vis-à-vis the executive and so is the parliamentary committee system. One opposition MP expressed his disappointment by saying that “parliament itself let alone committee has become next to useless and it does not really add any value to the nation”.

The 1946 and 1972 constitutions provided for elections of members of parliaments (or between 1972 and 1972, the National State Assembly) from single-member constituencies similar to those found in Britain. Consequently, relatively small changes in the percentage of voters supporting a given party caused large variations in the number of seats that party won in the parliament and majority parties were over-represented in terms of their percentage of the popular vote. For example, in the 1965 general election, the UNP (United National Party) won 39.3% of the vote secured 66 of 151 seats in the parliament; its share of vote in the 1970 election dropped 1.4% to 37.9% but it won only 17 seats. Until 1977, the plurality system in single member constituencies was applied.

Currently the Sri Lankan parliament comprises 225 members who are directly elected by a ‘modified’ system of proportional representation (PR) involving preferential voting for six-year terms. The Department of Elections is a highly independent body which conducts elections. It has the power to take over electronic state media during elections if necessary. The country is divided into 22 multi-member constituencies (that comprise between 4 to 20 seats) from which 196 deputies are returned with the remaining 29 being elected from party lists on the basis of the total national vote of each party. Each voter votes for a specific party and three of its candidate. A party must win at least 5% (it was reduced to 5% in 1987 from 12.5% in 1978) of the votes in a constituency to claim seats. Although this system creates a closer correspondence between vote percentages and parliamentary representation, the equitable nature of proportional representation is diluted by constitutional provision that grants the party with largest percentage of votes in each district a bonus seat in addition to those gained through proportional representation. (U.S. Library of Congress 1986). Moreover, while PR has succeeded in putting an end to the lopsided parliamentary victories resulting from the “first-past-the-post” system, it has also led to increased representation of ethnically based or extremist minor parties. Since
these minor parties were critical to building majority coalitions, the main political parties tended to adopt the minor parties’ agenda, exacerbating the country’s division (NED 1997). According to the prevailing version of proportional representative system, the constituency votes for the party first and the individual later. The party hierarchy is empowered to expel any of its members who cross the floor or vote against the party and replace him/her with another member of the party. An expelled MP automatically loses his/her seat. The second amendment to the constitution passed in 1979 allows the whole parliament to decide whether a member of parliament can be expelled by his or her party or change his or her party allegiance. This has placed the governing party in an advantageous position and invariably encouraged the members of the opposition to defect from the opposition to the majority party/coalitions. Moreover, there are no by-elections, with parties being able to appoint successors to deputies who retire or die. This electoral system has undoubtedly strengthened party’s grip over an individual MP. A leading Sri Lankan daily comments-

“The existing Preferential Voting system is a disaster. This system will automatically encourage jealousy and hatred. In the Preferential Voting system it is not the two parties that are contesting but those in the same parties. Hatred, jealousy, grows within the parties. If we are to hold a referendum on this system, whatever party they may belong to, 95% will opt to changing the system.” (The Island, August 12, 2003). Most of the respondents have expressed their opinion in favor of reintroduction of the first-past-the-post or mixed ‘German-type-system’.

Committee members were asked about the anti-defection law and its impact on an individual MP to behave in committee sessions. 40% of the respondents completely agree that anti-defection law circumscribes individual freedom of an MP and it certainly has an impact on functioning of committee. About half of the respondents having disagreed with the statement claimed that this anti-defection law had more merits than demerits considering the political situation in Sri Lanka where despite the restrictions, floor-crossings and horse-trading had been frequent. This law is necessary for political stability of the country. They think that even the existing law has failed to prevent MPs crossing floor in Sri Lanka and hence they want to see the law more stringent like the one in India.
Parliament has control over legislative agenda and budgetary allocations. Moreover, any treaty or agreement between Sri Lanka and any foreign state has to be approved by parliament by a two-third majority. However, in the past 26 years since when the semi-presidential form of government has been in operation, the president and the majority party in the House belonged to the same party except for some 29 months. For the first time in Sri Lanka, the prospect of co-habitation, inherent in the Gaullist presidential system became a reality when UNP won the parliamentary elections held in December 2001 and became major party in the parliament while the presidency was held by the PA (People’s Alliance). But this Cohabitation in Sri Lanka did last for 26 months only. Moreover, Article 85(2) of the Sri Lankan Constitution provides that the president in his/her discretion submit to the people by referendum any bill which has been rejected by parliament; even appropriation bills are not an exception. The only condition to be satisfied for such bills to become a law are that these must be approved by an absolute majority of the valid votes cast (for and against) must add up to at least two-thirds of the whole number of electors entered in the register (Wilson 1980: 74). Moreover, under a state of emergency the president has the power to pass legislation without parliamentary consent.

70% of the survey respondents disagree with the statement that institutionally committees are much weaker in parliamentary systems than in presidential system. The mean score is 0.5 only. The respondents keep the functioning of their own parliament in mind to respond to this question. They opined that the semi-presidential system introduced in Sri Lanka in 1978 had not been at all conducive to the emergence of a strong parliament and parliamentary committee system. They were unanimous in their opinion that at least the provision of the president’s power to dissolve parliament after one year of parliament’s life at his/her will or convenience must be abolished in order to keep the parliament alive. This provision has undoubtedly made the parliament vulnerable to the president. They believe there is a strong public demand to revert to the parliamentary system in Sri Lanka including the switching of electoral system from preferential vote system to first-past-the post or mixed ‘German-type-system”. They strongly believe that the current electoral system which prevents any party from garnering two-third majority in the parliament that is inevitable to bring necessary
amendments to the constitution has stood the way to take this country forward as well as to dissolve ethnic conflict with the Tamils. A few MPs defended the utility of the semi-presidential system. They thought that this system had served well in maintaining the integrity of a united Sri Lanka.

On the question of the restoration of the second chamber in Sri Lankan parliament in a bid to make the executive accountable, 70% of the respondents answered in the positive on condition that the shift of the system of government from semi-presidential to the parliamentary system must precede the restoration of the second chamber. Most of the MPs believe that attempts have made in Sri Lanka’s to promote substantial autonomy (by creating nine elected provincial parliament) within a united country without regional representation (in the form of senate or council of provinces) at the center. A second chamber can fill this void. It is important that the regional politicians and party groups are made to feel part of the whole, stakeholders in a united nation. Within the current political framework, introduction of a second chamber will make things further complicated and deteriorated.

Formally, the Parliament of Sri Lanka does have the power of the purse. Each year, the budget is passed by Parliament and allocations confirmed in the Annual Appropriation Act. The Ministry of Finance is then tasked with the responsibility for implementing the budget. The first reading of the annual appropriation bill (the budget) is a formal one and confined to tabling of the bill. The second reading usually commences one month later. This is followed by the debate on the second reading which does not last for more than seven days. The second stage of the second reading is done in the Committee of the whole House which must get its business done in maximum 22 days. The program for the committee stage debate is drawn up by the opposition which decides the allocation of time for each ministry (Priyanee 2002: 69-70). Thus the opposition gets a chance to ventilate their grievances and review the operations of administration. In course of committee stage, proposed allocations can be reduced but can not be changed in any other way. No amendment can be moved to increase the allocated sums. The final approval for appropriation bill is given at third reading with no debate allowed. The importance of the appropriation bill is evident by the fact that on its rejection on the first
occasion results in the dissolution of the Cabinet of Ministers stand dissolved and on the second occasion the parliament itself stands dissolved.

In reality, parliament’s control over public funds is very weak. Actual expenditure often exceeds budget estimates, revenues are under-realized and there is insufficient information on assets and liabilities of the State. As a result, budget deficit targets for the past several years have not been met. The frequency of budget revisions and significant supplementary estimates are additional indicators of weak parliamentary control. During year 2000, supplementary provisions amounting to $ 457 Million or 9.2% of the budget expenditure estimates were approved by the parliament. Further evidence is the amount of time spent by the Committee on Public Accounts (COPA) on routine regularization of budget excesses, when it examines the audited appropriation accounts several years after the event (The World Bank 2003: 5).

An analysis of the view of respondents concerning the relationship between the control of their parties over them and the level of committee strength, 90% held that there is a strong correlation between these two variables. However, almost all of the respondents irrespective of party affiliation are of the view that in Sri Lanka, the influence of party over the committee member is not substantial and once they are in the committees, they work on their personal capacities as an MP rather than as a party representative. They observe that even when a ruling party cabinet member presides over a consultative committee meeting, backbenchers from the treasury bench and the opposition are allowed to express their views on the deliberated subject. Sometimes the minister entertains harsh criticisms of government from the opposition members too.

When asked about the role of opposition in holding the government accountable, an overwhelming 100% respondents maintained that a strong but disciplined opposition was at the heart of parliament and parliamentary committees. They believe that it is the opposition in the parliament who has a natural tendency to keep a watchful eye on the functioning of the government and criticize the government whenever it gets a chance to do so and keeps it on its toe. Committee sessions become lively with the presence of the opposition members. There was very strong opposition (an average 49% of the total 225 seats were occupied by the opposition) in the last three parliaments (4th, 5th and 6th). Frequently dissolution of parliaments marred their potentials of becoming strong
parliaments vis-à-vis the executive. They opined that there must be some sorts of agreement and consensus between the government and the opposition on nationally significant matters like resolving the ethnic conflicts in Sri Lanka. The relationship between the two top leaders of the two major parties has been disappointing over years. Some respondents attribute this troubled relationship between the two to the hereditary democracy (two top leaders coming from two distinguished families whose ancestors alternated power) in Sri Lanka. They feel that the two leaders must reach a consensus before embarking on resolving ethnic conflicts in the north-eastern part of the country. The majority party/coalitions must be accommodative and should have the willingness to provide political space for the opposition to run its activities.

Sri Lanka has a written constitution. The authority of the parliament to amend the constitution is restricted. At least nine articles of the constitution especially those dealing with the structure of the government, the national anthem, the national flag and Buddhism have been made protective articles. Those proposing to amend these provisions not only have to muster the support of two-thirds of total members; proposals for amendment have to be vetted in a national referendum (Warnapala 1980: 927). The constitutional requirement for a two-thirds majority support in the legislature to establish a system of government has become another problem in resolving the ethnic problem. Since, the introduction of proportionate representative electoral system in 1978, however, it has become difficult for any political party or group to win enough seats in the legislature to have two-thirds majority on any issue. This is the reason why the devolution package tabled in the legislature by Kumaratunga government in the year 2000 was not passed (Herath 2000).

The Supreme Court has the power of judicial review; it can determine whether an act of parliament is consistent with the principles of the constitution. However, the power of judicial review is to be exercised before the enactment of the law. The constitution of Sri Lanka provides that a bill, while being debated in parliament can be referred to the Supreme Court for its advice and the court must give its opinion within three weeks. In the case of an urgent bill, the three-week period can be reduced to 24 hours. More importantly, the judiciary’s opinion can be waived through a two-thirds majority votes in the parliament (Phandis 1989: 165). However, once a bill has been passed by the
legislature and becomes an act, no court or tribunal can invalidate such an act. Thus the power of judicial review is limited to a certain extent.

Up to the year 1987, Sri Lanka had a highly centralized form of government. Under the 13th amendment to the constitution, passed in November 1987, extensive powers have been devolved to nine directly elected provincial councils (parliaments), primarily with a view to meeting Tamil demands for greater autonomy. The devolution closely followed the Indian model grouping the powers in three lists; provincial Council list, reserved list and concurrent list. The councils possess limited powers in education, health, rural development, social services, agriculture, security, and local taxation. Each province is headed by a governor, who is appointed by the president. Local government also includes district councils, municipal councils, urban councils, and village-level councils. All local governments have limited powers, and the president of the republic has the power to dissolve them at will.

**Historical Development of Parliamentary Committee System in Sri Lanka**

In the history of legislatures in Sri Lanka, committee tradition had existed and a novel experiment in semi-responsible government was attempted through the Executive Committee system of the Donoughmore period (1931-1946). Each executive committee elected a chairman who acted as the minister. The minister could not take executive decisions all by himself. The executive committee members collectively took decisions. It was a system of committees devised to work in a political environment where no political parties existed, and therefore the private member in the case of ordinary State Councilor was able to exercise some influence in the matters of legislation and the administration but the whole exercise fell on the chairman of the committees.

In 1947, the new parliamentary system which came to be created on the traditional Westminster model, contained a traditional system of committees (consisting of Standing Committees, the Select Committees, Petitions Committee, Committee on Public Accounts, Committee on Public Enterprises, High Post Committees and so on) which functioned effectively and served the intended purpose largely because of the fact that the parliament remained supreme till it was devalued in 1978 by the introduction of executive presidency in the constitution. In addition to traditional structure of
committees, the Consultative Committees on ministries were introduced in 1978 to oversee the activities of ministries. They were introduced in the context of the decline of the legislature - a unicameral legislature for that matter - which occurred as a result of the introduction of a constitution under which the Executive enjoyed enormous power and this is the primary cause of existing constitutional crisis in the country. It was because of this feature in the new constitution that even the traditional Parliamentary committees began to decline in their effectiveness; they performed a useful function in the past as Committees of Scrutiny. (Warnapala 2003). No Major parliamentary reform for rationalizing or strengthening the committee system was introduced in Sri Lanka since 1978.

17 oversight committees were proposed by the Ranil Wickremasinghe Government in the 12th parliament (2002-2003). All oversight committees would be established on a sectoral basis. The committees will consist of 4-8 members and will be chaired by an opposition member. Each sectoral committee will have the power to send for and examine any persons including cabinet ministers and government secretaries. Up to three non-parliamentary specialists will be allowed to sit on those committees. Of course, they would have no voting right (Daily News, May 22, 2003; The Island, May 30, 2003). This proposal could not be materialized due to the early dissolution of the parliament by the president which put an end to Wickremasinghe regime.

The Institutional Arrangement of Committee System in Sri Lanka and its Real-world Implications

This section examines the formal arrangements of parliamentary committee system in Sri Lanka and analyzes the extent to which these arrangements have been able to hold the executive accountable based on primary and secondary data available from numerous sources.

The power to appoint committees has been recognized under Article 74 of the constitution. The composition, functions, terms of office, quorum and procedure in conducting business in the committees are regulated under Standing Orders and the directions by the Speaker issued under Standing Order. It is better to mention in the outset that our discussion will confine to some selected committees which are primarily
concerned with making the government accountable i.e. COPA, COPE, High Post Committee and two selected Consultative Committees (Please see for details in Committee Operations section).

**Typology of Committees (Number, Tenure and Size)**

According to the Standing Order, the Sri Lankan parliament apart from the Committee of whole House has four broad categories of committees:

1) Select Committees
2) Consultative Committees
3) Standing Committees and
4) Committee for Special purposes

**Select Committees**

These are ad-hoc committees. They are appointed by the Speaker to inquire into matters which may be referred to them by the parliament. A Select committee consists of not more than 12 members. 4 members of a Select Committee usually form the quorum. In the past, select committees have been appointed to prove various matters like the motion for removal of a judge, to recommend laws relating to media reforms and constitutional reforms.

**Consultative Committees**

Consultative committees which exactly correspond to the number of ministries are constituted at the commencement of each session by the Committee of Selection. The concerned minister (deputy ministers in case of the ministries which are under the president) is the ex-officio chairman of each consultative committee.

The functions of a consultative committee are to “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 of other estimates, statements of expenditure, motions, annual reports or papers”. It has the power to initiate through the chairman any bill or motion. They are expected to meet at least once a month. It is the duty of the Secretary to the ministry to make arrangements for the meeting of the consultative committees in consultation with Secretary-General of parliament.

An ambiguity at first glance with regard to the system of Consultative committees now obtaining relates to the conflict between Article 45(1) of the Constitution which
provides for appointment of ministers of non-Cabinet rank who are nonetheless responsible to parliament and Standing Orders that only provide for the establishment of consultative committees corresponding to the number of cabinet ministries (Welikala 2002: 25). Thus non-cabinet ministries remain outside the regime of parliamentary committee scrutiny. In the 5th parliament, there were 32 cabinet ministries and 31 non-cabinet ministries. The working of those 31 non-cabinet ministries remained precluded from the committee control and scrutiny.

*Consultative Committee on Defense*

The Committee's mandate is to oversee the work of the Ministry, including police affairs, is supposed to meet monthly is chaired by the Minister of Defense. Non-members may attend and even contribute to the meetings. It consists of 20 members. The quorum for committee meeting is 3.

*Standing Committees*

The committee of selection, at the commencement of every session, appoints the standing committees. Each standing committee consists of 20 members. The function of a standing committee is confined to the consideration of bills referred to it by the parliament.

*Committees for Special Purposes*

In Sri Lankan parliament, there are a number of committees for special purposes. They are the Committee on Selection (which is a 22-member all party committee headed by the Speaker is appointed at the commencement of each session to consider the number, the function, the composition and quorum of the committees), the House Committee, the Committee of Standing Order, the Business Committee, Committee on Public Accounts, Committee on Public Enterprises, the High Post Committee, the disciplinary Committee, Committee on Privileges and Committee on Public Petition. Contrary to practices in more developed commonwealth countries, Sri Lanka does not have a budget or estimates committee.

*Committee on Public Accounts (COPA)*

This is one of two financial committees in the parliament. Currently it consists of 19 members nominated by the Committee on Selection. The prime function of this committee is to examine the appropriation of sums granted to all ministries, departments,
and local authorities by parliament to meet the public expenditure. It examines the report of the Auditor General.

According to Section 149(1) of the constitution, all public revenue and expenditures have to be channeled through the Consolidated Fund but there are a number of off-budget funds such as the President’s Fund, Lottery Funds and Gam Udawa Funds (Rural Awakening Funds) and the failure to bring them under the purview of Public Accounts Committee has resulted in an erosion of public accountability (Warnapala 2004:135).

**Committee on Public Enterprises (COPE)**

This is the other financial committees in the parliament which consists of 19 members nominated by the Committee on Selection. COPE examine public enterprises. These examinations are based on the current performance aspects and queries raised by the Auditor-General (AG) on the activities of such enterprises. The Chief Accounting Officers (CAO) and The Accounting Officers (AO) are examined in depth on the submission of Annual Reports to Parliament, preparation of Annual Budgets, Corporate Plans and implementation of such plans.

**The High Post Committee (HPC)**

A high-level parliamentary committee which is headed by the Prime Minister (by the speaker from the last parliament) and made up of the Leader of the Opposition, the Deputy Leader of the Opposition and the Minister for Finance and Planning as members, examines the suitability of candidates to be appointed as secretaries to the ministries, heads of diplomatic missions, chairmen and members of boards of state institutions such as corporations in Sri Lanka. There have been occasions when the committee has rejected ministerial nominees for higher positions.

**Structure**

Committees are supposed to be constituted at the commencement of each session of parliament. There is nothing mentioned about the formation of committees in the inaugural session of a new parliament. However, parliaments in Sri Lanka took two months on an average to form the committee and an average three months to get its business started with. On the question of the formation of all committees in the inaugural
session of a new parliament, 90% of the respondents were in favor of such idea. The terms of earlier Sri Lanka parliaments (3rd, 4th and 5th) were invariably curtailed due to dissolution (normal life is 6 years) by the president. An interesting point to note is that since the date of dissolution of parliament, it takes an average 2.5 months to get started with a new parliament. Thus in four years (2000-2004), due to early dissolution of parliament twice, the executive was immune from any parliamentary control for five months.

In Sri Lanka, committee members/chairs are nominated/elected for a session that span over a year or so. Usually chairmanships of the committee remain the same as they are usually reelected/ reappointed. Problems remain with the turnover of the membership. In Sri Lanka, average turn over of committee members is 25% due mainly to absenteeism for three consecutive meetings. This deters committee members to develop specialized knowledge and expertise to make committee more effective. Most of the respondents (85%, mean score is 3.7) think that the terms of committees should be coterminous with life span of the parliament to give members enough time to develop expertise and expand their horizon of knowledge on different aspects of governmental activities.

In Sri Lanka, consultative committees parallel the structure of government ministries. Respondents were sharply divided on issue of consultative committees’ correspondence to government ministries. 54% of the respondents think that consultative committees should parallel the structure of government structure. However, they feel that in Sri Lanka there are too many ministries (35 cabinet ministers and 30 non-cabinet ministers) to have control and run efficiently. They favored the reduction of the number of ministries from 35 to 20 or so. A good (30%) number of respondents disagreed with the proposal and suggested that given the situation that number of reduction of ministries is impossible in Sri Lanka, it is better to group several the consultative committees into one like the system in India based on the nature of functional operations for effective functioning of the committees. For instance, the ministry of energy, forestry, and environment can be grouped under one committee which will help to reduce the number of consultative committees. Currently there are too many committees (35) to be provided with secretariat supports. Some respondents suggest that irregular committee meetings
and poor member attendance can sharply abate if the number of consultative committees can be axed.

The size of most of the committees in Sri Lanka ranges between 15 and 20. Membership of some select committees and standing committees on legislation may exceed 20. The memberships of certain committees are specified in the standing order. However, the House on various occasions adopted resolution to vary the composition of committees which is an irregular procedure (Wijesekara 2002: 76). Majority (91%) of the respondents agree that small committee (consisting of 15-20 members or so) enhances committee specialization and dilutes party division. But due to poor attendance of committee members, most committee sessions become small one in a deviated way. Some respondents raised a very important issue related with the small size of committees i.e. the number of the committee. They think that currently there are too many committees in Sri Lankan parliament to run efficiently and effectively. They feel that select committees and standing committees on bills are redundant. Their functions can easily be accommodated by consultative committees on ministries which deserve to be reorganized, reformed and renamed (as oversight or departmentally-related committees).

In Sri Lanka, the interest and preferences of members are usually obtained before they are appointed into a committee by their own political parties. In doing so, it is ensured that the interest of the individual MP does not conflict with that of the political parties. On the question of selection of members based on their own interest and expertise rather than the government or the political parties, 60% of the respondents completely agreed. This is beneficial for committee specialization.

Usually chairman of a committee is appointed by the speaker. However, committees for special purposes have been given the right to elect their chairs. Nothing is mentioned in the Standing Order regarding the distribution of committee chairs. The chairmanship of a committee normally goes to a minister (not even a government backbencher). All the consultative committees are headed by concerned ministers. Since independence, the practice of appointing an opposition member as chairman of COPA was followed in the first decade after independence. Since then, successive governments have kept control of chairmanships of two financial committees-COPA and COPE. However, in the 5th parliament (January 2002-February 2004), COPA and COPE were headed by opposition
MPs. This has taken the shape of a convention as the 6th parliament follows the precedents of the 5th. The speaker is the chairman of committees such as House Committee, Committee on Standing Order, Committee on Parliamentary Business, and Committee on Selection etc.

Members were divided on the question of proportion distribution of chairmanship among the parties. 50% of the respondents have reservations about this proposal. Proportional distribution of memberships in the committee is already in practice in Sri Lanka. Given the immature and confrontational political culture in Sri Lanka most of the respondents thought that chairmanships of (except COPA and COPE) of committees should remain with the ruling party or coalitions unless and until a congenial political culture develops in Sri Lanka. 30% of the respondents who agreed completely with the statement had their own arguments. They argued that a committee was a mini-parliament and in term of chair selection attention must be given to uphold the representative character of the House. They think that the distribution of chairmanships of committees based on the proportional representation of the parties in the House will help the opposition feel that they are accommodated within the governance system which may contribute to lessening the political bitterness and confrontation between the two major parties.

Unlike elsewhere, ministers/deputy ministers are entitled to become members/chairs of all committees including financial committees (COPA and COPE) in Sri Lanka. In response to a question eliciting their opinion on the exclusion of ministers (as chairs and members) from committees, majority of the respondents answered in the negative. They argued if the minister chaired the committee, it would be easier for him to implement committee recommendations. They referred Australia as a case where committees are usually headed by ministers. A small group of respondents (23%) agrees that in order to maintain the separation of power, ministers who were from the executive branch should be excluded from committee. Even they should not be allowed to continue as committee members. For some respondents, this was a radical reform proposal. They preferred to follow the system in Bangladesh which allowed ministers to be in committees as members only.
All the respondents (100%) expressed their satisfaction that COPA and COPE were headed by senior opposition members and were of the view that this should be continued so. They believe that COPA and COPE are the most prestigious committees in Sri Lanka which deal with the oversight of the financial affairs of the executive can be exemplars to offer chairmanship of consultative committees based on party composition in the House in the coming years.

Almost all (95%) the respondents felt the necessity of forming a liaison committee consisting of the chairmen of different committees chaired by the speaker to ensure proper coordination and avoid unnecessary overlapping or duplication of work to save money, resources and time. The Sri Lankan parliament currently does not have a committee of this kind. The respondents felt that this committee can help the speaker to keep track of the over all activities of committee system as whole.

**Procedures**

Parliamentary committees in Sri Lanka can not choose their own agenda of deliberations. Their operations are exclusive to matters (bills or other issues) which are referred to them by the House. The current Standing orders restrict the potential scope of the Consultative Committees as monitors of administration by specifically listing the matters that may be referred to them. Thus the committees are constrained to consider only those matters that may be properly directed to them such as proposed legislation, estimates, motions and annual reports that come within the purview of the particular ministry. Moreover, there is no tradition of the executive submitting statutory instrument/subordinate legislation for parliamentary scrutiny and ratification.

When asked about the agenda setting capability of parliament 59% of the respondents agreed that committee’s ability to set its own agenda is a crucial power to constraint government. They report that in Sri Lanka, committees deal with matters referred to it by the House where the decision of the majority party usually prevails. This is a major limitation of the committee system in Sri Lanka.

That committee stage of bill consideration should precede floor consideration was favored by over 50% of the respondents. They think that this is an extreme legislative reform proposal considering the vulnerability of parliament to the wishes of the president.
They reported that usually there were no committee stages of government bills for the last few years.

The sittings of the committee are held in camera in Sri Lanka. The deliberation of the meeting is, as per the Standing Order confined exclusively to committee members and officers of parliamentary secretariat. However, in the meetings of consultative and financial committees, officials including the secretary of concerned ministries and relevant public bodies remain present to clarify, explain and account for specific matter. However, speaker/chairman can allow strangers (experts, media, witnesses from public) to participate in committee meetings. But they must be withdrawn during committee deliberation. Evidence, oral or written report or proceedings of the committee is confidential until its placement to the House.

On the question of the nature of committee session (open or closed) 93% of the respondents agree that it should be closed which will help foster inter-party compromise and relax party discipline. Currently there is a proposal on the table regarding whether committee session should be opened to media or not. Most of the respondents believe that considering the socio-political culture in Sri Lanka, committee sessions must be closed. In the committee sessions, high government officials remain present who have to account themselves before the committee. Some times, the Chief Accounting Officer (CAO) and Accounting Officers (AO) have to face very tough time before the MPs. Some MPs are afraid that the media people will not live up to the expectation to public objective report of committee sessions at this moment. They may publish reports which may appear embarrassing for the officials as well as the government. Sharp party division within the committee sessions is hardly seen. That will disappear once committee sessions are open to media. MPs would like to play the same as they do in the House and consensus which is common in committee sessions will swing to confrontation.

Committees can hold public hearings on bills or any other matter in committee sessions which been hardly practiced in Sri Lanka. The proposal of public hearings on legislative bills and other oversight matters was supported by 95% of the respondents. They felt that this kind of public hearings would add valuable information and inputs which would help the parliament to get public reactions on the bill and thereby get the
chance to improve the contents of the bill or the matters discussed prior to be passed finally the House.

In Sri Lanka, the committees have the right to send for papers and persons and usually the request of committee are complied with. But the government has the right to decline to provide papers to the committees on the ground that its disclosure would be prejudicial to the safety or interest of state. 80% respondents agreed completely with question of committee’s right to send for paper and persons. Some respondents felt that ministers should be excluded from summoning to the committees. It is the House where he should better be asked questions regarding the performance of his ministry.

Functions
The prime functions of parliamentary committees include legislation, allocation and review of budget and oversight of the executive. Committees in Sri Lanka, have no role in budget allocation which is a preserve of the House. The second stage of the second reading on appropriation bill is done in the Committee of the whole House. COPA and COPE are empowered to examine the financial propriety of the money granted to government department and public corporations. But if anything goes wrong in between from budget allocation to review of financial statements by COPA and COPE, no committee level oversight is available. Even if newspaper reports about financial misappropriations or other irregularities of government bodies, the parliament can appoint a select committee to look into the matters that are hardly done.

Table: 7.1: Bills Introduced and Passed (2000-2004)

<table>
<thead>
<tr>
<th></th>
<th>Number of bills tabled and passed</th>
<th>Total Number of Bills sent to committees for scrutiny</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Government Bills</td>
<td>Private members’ Bills</td>
</tr>
<tr>
<td></td>
<td>Tabled</td>
<td>Passed</td>
</tr>
<tr>
<td>6th (April 2004-</td>
<td>42</td>
<td>30</td>
</tr>
<tr>
<td>5th (Dec 01-Feb 04)</td>
<td>184</td>
<td>72</td>
</tr>
<tr>
<td>4th (Oct 00- Nov 01)</td>
<td>44</td>
<td>18</td>
</tr>
</tbody>
</table>


In Sri Lanka, the parliamentary committees play no major role in law-making. Rarely government bills are refereed to committees for scrutiny. From October 2001 to
none but 5 private members’ bills (see table 7.1) were sent to committees for scrutiny. 75% of the respondents (the mean is 3.1 out of maximum 4) completely agreed that committees should have exclusive jurisdiction over legislation and oversight of the executive. They think that committees should play a significant role at various stages of law-making- from review of bill to review of act. They think that committee should have major role in the oversight of administration too. Some respondents expressed their reservation about giving the committee exclusive jurisdiction over law-making and oversight of executive on the ground that the executive and the legislative branch may dive into power wrangling.

Committee reports are usually presented to the House but never debated. Asked whether committee reports should be presented to the House regularly and debated as well, 60% of the respondents answered in the positive. Some respondents do not have any opinion about this matter. As the committee reports were not regularly published (because committee meetings were not held regularly and parliament was not there on regular interval), regular deliberations of committee reports had never been felt strongly. Interesting findings come out from the interview with the respondents which are enumerated below:

Committee deliberations are held ‘in camera’. Neither public nor the media are allowed to witness the proceedings of committees in Sri Lanka. The specific standing orders do not permit publication of any proceedings of committees of Parliament before they are reported to the House as a whole. The earlier practice of printing the minutes of evidence of the proceedings (verbatim recording) was abandoned over a decade ago. Committee reports are hardly published. Even the very few committee reports which have been published so far do not contain minutes of committee meetings. As a result, currently, the public and MPs (except those who are members of that particular committee) have no access to the examinations of committee operations and remain largely ignorant of these deliberations.

In Sri Lanka, if a committee member does not agree with the decision of the majority members of the committee he or she can record a note of dissent that is included in a single minute. Respondents were sharply divided on a question about the presentation of minority report in case of dissention in the committee meeting. 45% of
the responded agreed that the minority should be allowed to present their own reports which would reflect that the committees were not dominated by the government. They reported that in Sri Lanka, decision in committee sessions are made on consensus basis. However, in the past, minority were allowed to present their own report in case of dissention. Now that is not the case. Those who opposed the proposal argued that if necessary, the same report could contain the dissent of the minority and serve the same purpose.

In Sri Lanka, Committee recommendations are not mandatory for the executive to comply with. However there is a formal provision which requires the government departments to come up with treasury minutes following the recommendations of committee meetings. That requirement is rarely fulfilled. The government is not required to respond to the recommendations of these committees within any stipulated period of time. This leaves the accountability loop open.

Respondents were asked about the issue of enforcement of committee recommendations. 60% of the respondents agreed that committees must be made incumbent on the government. Implementation recommendations of committees regardless of the contents would have a salutary impact on the improvement of the performance of the government bodies, they believed. But those who opposed (20% disagreed completely) the proposal thought that recommendations should be advisory as is case in most of the countries. The executive has been mandated by the people to rule the country and the implementation of the recommendations of committees should be left to the executive. Otherwise, the parliament would encroach or obstruct the affairs of government. However, they agree that the government should comply with the recommendations as a convention.

A proposal was presented before the respondents that in order to monitor the state of implementation of the committee recommendations, an action-taken sub-committee should be formed and in case of failure to comply with, the government offices should submit an explanatory note. All the respondents (100%) were in favor of the proposal. They believe, given the situation in Sri Lankan Parliament, where there is no institutional mechanism to monitor and thus, there is no track of past recommendations and
discussions and hardly any follow-up of previous issues, this may be a good proposal to introduce.

**Committee Resources**

Interview with the deputy speaker and a deputy minister manifested that 50% of the MPs are new in the current parliament. Over 50% of the MPs in the parliament are graduates. The educational background of Sri Lankan parliament which at independence had a good set of educated parliamentarian experienced a comparative decline (Lok Sabha, 1997). 80% of the respondents agreed completely that full time professional and experienced legislators coupled with low turnover of committee membership can help active and powerful committee to emerge. The respondents opined that an MP’s educational and professional background as well as experience in government and committee work really matter for his performance in committee. Most of the respondents expressed their dissatisfaction with the salary and benefits they used to get from the parliament which they believed had prevented them from becoming full time politicians. Data from minutes of five selected committees in the 5th parliament manifests that the average turnover of committee membership is 25% that is not helpful for a stable committee to emerge. However, chairmanships of committees are quite stable. While chairs are elected/nominated for a session, they usually are reelected/reappointed to continue for the life of a parliament.

The secretarial and staff services necessary for the working of the Parliament are provided by the Office of the Secretary-General of Parliament. The post of Secretary-General is constitutional one and he/she is appointed by the president. It is an autonomous office independent of the executive which is functioning under the Staff Advisory Committee (SAC) in Parliament. The Secretary-General is assisted and supported by a Deputy Secretary-General and an Assistant Secretary-General. The SAC consists of the Speaker (Chairman), the Leader of the House, the Leader of the Opposition and the Minister of Finance. The parliamentary secretariat consists mainly of six departments. The staff of the Parliamentary Secretariat is appointed by the Secretary-General with the approval of the Speaker. The total permanent staff is 786 as per the 2001 cadre. Of note, the Secretary-General of Parliament is the *ex-officio* Secretary of all parliamentary committees. All parliamentary staffs are recruited by the
parliament secretariat and their promotion and personnel policies are regulated by the secretariat. The secretariat staffs are independent of executive control.

In response to a question about the necessity of a separate committee secretariat supported with a healthy budget, sufficient number of specialized/competent staffers and logistic supports, 64% of the respondents answered in the positive. 30% of the respondents expressed their reservations about the first part of the question but favored the second one. They felt that committee branch could be strengthened within one parliamentary secretariat and the establishment of a separate committee secretariat was unnecessary.

Committee officials (who were interviewed) report that lack of secretariat resources serving three sections (COPA and COPE under one section, consultative committees are under another and the rest are placed under another section) of committees is a crucial factor affecting the quality of deliberations in committee sessions. Each section consists of 6/7 officers headed by an assistant director whose educational background and experience are not in par with specialized knowledge required for committee activities. There is neither any major research unit in the secretariat nor sufficiently trained professional staff who can interpret audit reports, annual reports and corporate plan and provide briefings to the members so as to enable them to engage in meaningful discussions. Logistics supports (books, research materials, computers, internet etc.) are also inadequate in committee offices.

In Sri Lanka, committees are allowed to obtain advices from experts (can attend as strangers but are excluded during deliberation) in their respective fields if required. Earlier, committees have been benefited from the hearings of external experts on many occasions. However, experts can render their advice only, the final decision regarding the matter consulted rests exclusively with the committee. All respondents (100%, with mean score 4) were of the view that committees should be benefited from the expertise and knowledge of external experts who are relatively independent of the executive and political influence.

**Real-world Operation of Selected Committees**
The following section is an account of the practical functioning of several committees in Sri Lankan parliament. Five committees - three committees for Special Purposes - COPA, COPE, HPC and two other consultative committees on Ministries (Public Administration and Defense) have been picked up to illustrate the real-world functioning of parliamentary committee system in Sri Lanka. Attendances at committee meeting, frequency of meetings, average time spent for each meeting, agenda of deliberation, production of reports etc. have been applied as benchmarks for evaluating committee performances.

**Three Selected Committees for Special Purposes**

*Committee on Public Accounts (COPA)*

COPA is thought by many as the most prestigious and most active parliamentary committee in Sri Lankan parliament. From the available data on the COPA in the 5th parliament (see table 7.2), it was obvious that on an average only 36% of the total members attended the committee meeting. A quorum for committee meeting is 4. Only 2 out of an average of 5 members attended the meeting belonged to the opposition. So the treasury bench members had a natural edge over the opposition to make the decision according to their preferences. However, decisions in the committee were made on consensus. COPA used to meet frequently and regularly. Within two years time, it held a total of number of 66 meetings. Average frequency of committee meetings was 7 days. It spent an average of one hour and fifty minutes per meeting.

<table>
<thead>
<tr>
<th>Name of committee</th>
<th>Number of meetings held</th>
<th>Total number of members</th>
<th>Yearly Average Member turnout (%)</th>
<th>Average Attendance (%)</th>
<th>Average Duration of meeting</th>
<th>Aver. Frequency of meeting</th>
<th>No. of reports presented</th>
</tr>
</thead>
<tbody>
<tr>
<td>COPA</td>
<td>61</td>
<td>15(19)</td>
<td>27</td>
<td>36%</td>
<td>110 mins</td>
<td>07 days</td>
<td>1</td>
</tr>
<tr>
<td>COPE</td>
<td>70</td>
<td>15(19)</td>
<td>25</td>
<td>47%</td>
<td>150 mins</td>
<td>03 days</td>
<td>1</td>
</tr>
<tr>
<td>HPC</td>
<td>27</td>
<td>27</td>
<td>24%</td>
<td>38%</td>
<td>37 mins.</td>
<td>25 days</td>
<td>0</td>
</tr>
</tbody>
</table>

**Agenda of Deliberation**

The committee discussed audit objections of different public organizations under different ministries regarding financial irregularities in different financial years involving billions of Sri Lankan Rupees. The report of the Auditor General focuses on the following main areas (Warnapala 2004:122):

- Excesses of programs and projects
- Non-compliances with Advance Accounts limits
- Unauthorized working losses
- Audit observations on noncompliance with rules, regulations and statues etc.
- Value for money audit

COPA deliberations tend to focus mainly on the more minor matters such as trivial budget excesses (or revenue deficits) and instances of non-compliance with government procedures. Apart from the review of performance and audit queries pertaining to different government offices COPA also deliberated on Delay in printing of AG reports, poor attendance in committee meetings, and utilization of foreign aid by the Department of External Resources so on.

The problems of ensuring executive accountability by the PAC can be broadly categorized into three - problems at the initiation level, problems at the deliberation level and problems at the implementation level.

**Problems at the Initiation Level**

Since Committee on Public Accounts (COPA) bases its actions entirely on the reports of the AG, its shortcomings have a baneful effect on the performance of the COPA. The AG is the first line oversight agency, empowered to examining all public accounts while others like the committees, the Permanent Commission to Investigate Allegations of Bribery or Corruption and the Ombudsman are selective investigatory agencies. The AG cannot perform satisfactorily for a number of reasons:
Although the Auditor General (AG) of Sri Lanka is a constitutional post, it is not fully independent of the executive in terms of budgetary allocation and staff recruitment. Article 153 of the constitution provides for the appointment of the Auditor General by the President. The removal thereafter is by Parliament and or by a special address by the President to the Parliament. Though the functional independence of the Auditor General has been hitherto safeguarded by this Article, his financial and administrative independence, due to the absence of constitutional and legislative provisions on the subject, is constrained by the executive arm of government.

The Auditor General depends on the General Treasury coming under the Ministry of Finance for his budget, and the resource allocation for his department. Unlike in other advanced commonwealth countries, the budget of the Auditor General in Sri Lanka is not subject to scrutiny or approval by a legislative committee, nor are there any safeguards against executive control over his budget. Similar to the problems faced by other government departments, the Auditor General's Department too has budget cuts imposed on it by the General Treasury and often encounters delays in obtaining the approved funds. Currently, about 25% (the approved audit strength is 1318 of which 328 are vacant) of the staff positions in the Auditor General's Department are vacant due to lack of funds.

Due to resource constraints, it is unable to attract, train, and retain professionally qualified staff. The outcome, as currently evidenced, is that the audit information is not timely, lacks materiality, and the audit programs focus on compliance and financial (attestation) audits, which are not on par with international best practices. It is interesting to note that the Auditor General’s (who is not a parliamentary officer) department itself is not audited by any external agency (World Bank 2003: 18).

Control over administrative matters relating to the appointment, promotion, transfers, disciplinary issues, and overseas training of staff of the Auditor General rests with the secretary to the President. The recent amendment to the Constitution has vested those powers of staff appointment to the Public Service Commission, which is not yet operational. Further, as the Constitution does not include Auditor General in the `public officers' exception list, all administrative regulations of the Government, as described in
the Establishment Code, are applicable to the Auditor General himself and to his staff. This further constrains the administrative independence of the Auditor General.

The Auditor General in the recent years has made considerable progress in clearing the back-log of audits and expediting preparation and submission of reports to Parliament. Nevertheless, audit reports are not available to the public on a timely basis. A World Bank Assessment found delays across the entire audit processes which were essentially due to factors beyond the control of the Auditor General. Less than 50% of the government agencies rendered their 2000 accounts for audit on time. Thereafter, numerous and inordinate delays are encountered in translation, review by parliamentary committees and eventual printing by the government press. On average, audit reports are not available in the public domain until 5-6 years after the end of the financial year to which they relate (World Bank 2003: 18).

Information contained in most of the audit reports is not relevant for assessing the overall performance of government agencies. The Auditor General’s focus is on compliance audits, the occasional value for money audit (16 done so far) but there is an absence of system-based audits where an organization’s effectiveness and its system of operations is audited. Equally absent are project audits and surprise audits. The format of audit reports is not appropriate for triggering debate or discussion. Not only are they excessively lengthy but they also fail to highlight pertinent issues (Transparency International 2004: 19).

Another significant lapse is the level of coverage of public audit. The Constitution provides for public audit of all government agencies, public corporations, provincial councils, local authorities, and commissions - a total of over 1,500 institutions. However, in the recent past, defense expenses, which accounted for 15% of government expenditure in the year 2000, were exempted from audit. A special provision in the Government's Financial Regulations was invoked citing the national security interests as the reason. As a result, the Auditor General was denied access to records and had to be content with only a certification by the President and Minister of Finance as regards defense expenditure. Further, companies in which the Government has significant financial exposure, by way of commitments or government guarantees, are also not covered by public audit (World Bank 2003: 19).
**Problems at the Deliberation Level**

In fact, there are numerous instances where scheduled committee meetings had to be cancelled because of lack of a quorum. This also adds to the backlog of audit reports to be reviewed by the committees. Consequently, there is a tendency to bunch reviews. On review of a COPA agenda for a particular meeting, it was revealed that just over an hour was allocated for reviewing the audit reports of four agencies with expenditure over $11.5 million Rupee (World Bank 2003: 22).

An examination of the records shows that COPA on no occasion had the participation of all of its members. Normally five or six members attend the meeting and even this depleted attendance does not mean that members are there all or even most of the time. The practice has been for the members to walk inside the committee room in order to mark present and remain till the quorum formed; four members of the committee constitute the quorum and thereafter members come and go freely. Finally, the experience shows that it was the chairman and one or two senior members who attended regularly while others attend half or less of the meetings (Warnapala 2004: 115-116).

Lack of secretariat resources serving COPA is another factor affecting the quality of deliberations. There is no research capacity in the secretariat nor experts who can interpret audit reports and provide briefings to the members so as to enable them to engage in meaningful discussions. Another impediment to quality deliberation is the inordinate delays in the committees' examination of audit reports. On average, if an audit report is to be reviewed at all, it is late by at least 5-6 years. As the responsible government officials are most likely to have moved on since then, very often, the budget excesses are retroactively approved and explanations for non-compliances accepted. This negates the value of such an examination.

**Problems at the Implementation Stage**

The committee made some important recommendations to resolve the objections raised by the AG. Typical recommendations by the committee included directions towards the CAO (Chief Accounting Officer)/AO (Accounting Officer) to inquire and investigate irregularities and submit a report within two months or so and no further follow-up action was conducted. Recommendations were made to take stern action against a director of
education department, take action to recover uncollected revenue from survey department and to surcharge errant officials of different departments. Despite, the committee expressed its dissatisfaction repeatedly with the non-implementation of committee directives in previous meetings, the fate of most recommendations were unknown.

In the early phase of parliamentary democracy in Sri Lanka, COPA used to prepare comprehensive reports which included the verbatim reports of evidence as well. This practice has been abandoned now and the committee issues three or four reports within a year where they are referred to the treasury with whom lies the responsibility of financial rectitude of all public offices. The committee on its own has resolved to exclude the minutes of proceedings/evidence from the report and they are kept in parliamentary secretariat (Parliament of Sri Lanka 1995: 25).

The Treasury issues a minute in reply to the observations made by the Public Accounts Committee and sometime makes changes as a result of the criticisms of some procedure or action. The Treasury minutes are not published regularly and this in a way make the recommendations of the committee redundant. In 1990, the COPA in its report made a reference to the commencement of issuing treasury minutes after a lapse of two decades (Parliament of Sri Lanka 1993: 23).

In addition, there is no facility for monitoring, and thus, there is no track of past recommendations and discussions and hardly any follow-up of prior year issues. In two years time COPA came with only one report of 11 pages on Measurements Units, Standards and Services Departments. As in case of many reports tabled in parliament, the report of COPA is not debated in the House and thus its keeps going unnoticed. This was particularly due to the fact that the report comes a few years later after all the interest in a particular year has vanished (Perera 1958: 30). This is one reason why the reports of COPA do not evince much interest from the bureaucracy and the public.

Hence, the COPA in the 5th parliament of Sri Lanka had played a commendable role in ensuring financial accountability of the executive at the initiation and recommendation levels despite numerous limitations. But the impact of COPA operations at the implementation stage– the most important stage of committee involvement in ensuring executive accountability was unknown.
Committee on Public Enterprises (COPE)
COPE is an important financial committee in Sri Lankan parliament. From the available data on the COPE in the 5th parliament (see table 7.2), it was obvious that on an average only 47% of the total members attended the committee meeting. A quorum for committee meeting is 4. Only 4 out of an average of 9 members attended the meeting belonged to the opposition. Decisions in the committee were made on consensus. Average duration of COPE meetings was two hour and a half which was even higher than that of COPA.

Agenda of Deliberation
The committee examined the performance aspects and queries raised by the Auditor-General on activities of public enterprises. The CAOs and AOs were examined in depth on the submission of Annual Reports to parliament, preparation of Annual Budgets, Corporate plans and implementation of such plans.

Apart from the review of performance and audit queries pertaining to different enterprises, COPA also deliberated on follow-up of committee recommendations and deliberation of committee reports by the House, defiance of recommendations by several public enterprises, various financial irregularities and made recommendations. CAO and AO were frequently directed to submit reports on many issues.

Problems at the Initiation level
Since Committee on Public Enterprises (COPE) bases its actions on the reports of the AG, its shortcomings (as we have seen with COPA earlier) have an adverse impact on the performance of the COPE too.

Accounts of all public corporations, except companies, are audited by the Auditor General, who at times uses the services of a private auditor. Audited financial statements, except companies, are reviewed by the parliamentary committee on public enterprises (COPE). Government owned companies (numbering around 35) range from wholly owned to majority owned companies that carry on commercial activities. Government owned companies are expected to comply with the requirements in the Companies Act and are not subject to scrutiny by COPE. These majority owned companies came about when the Government divested or privatized previously state owned enterprises. There is no oversight of companies where the Government has a significant financial interest or
exposure, but has transferred management to a third party. Most notable of these are Sri Lanka Telecom Limited and Sri Lankan Airlines Limited.

In addition, although the Auditor General has considerable autonomy in planning the scope of his audit work, he is not able to carry out value for money audits or to provide material and relevant observations on the performance of these enterprises. Consequently, the COPE too is unable to meaningfully assess the achievements of these enterprises.

The majority of the COPE and COPA members are obliged to the chairmen and directors of the corporations and to other high ranking government officials whose corporations and government accounts are being examined, for various favors extended to them from time to time such as finding employment for the constituents, relations and loyalists and for many other favors. Moreover the corporation chairmen and working directors are frequently defeated candidates or loyalists of the incumbent government and are influential with the Members of Parliament who sit on COPE and COPA. In some instances the Chairmen and the Directors may not be holding office at the time the audit reports are examined as the political parties who appointed them at that time are no longer in power or the directors have fallen out of political favor and as such new directors have been appointed as replacements. As a result hardly any action is taken on the audit reports and consequently the defaulting chairmen and other directors go scot free in spite plundering the assets of the state (The Island, July 15, 2002).

Problems at the Deliberation Level

COPE used to meet frequently and regularly. Within two years time, it held a total of number of 70 meetings. Average frequency of committee meetings was 3 days. In fact the committee used to meet too frequently to get any result. At certain period, it was meeting everyday. The committee met 29 times without giving one calendar day break between two consecutive meetings. On review of a COPE agenda for a particular meeting, it was revealed that COPE, for just one day, summoned 15 corporations. Due to lack of quorum, scheduled COPE meetings were cancelled at least 4 times in the 5th parliament. However, there was a pause of 134 days between the 48th and 49th meeting of COPE in the 1st session of 5th parliament which, manifested the impotence of the committee for long.
Problems at the Implementation Level

The committee made a number of recommendations to resolve the deliberated problems in all the committee meetings. The implementation status of most of the recommendations has remained unknown due to lack of any institutional mechanism to follow-up.

In short, the implication of COPA in ensuring executive accountability at the initiation level and at the deliberation level was is moderate but missing at the implementation stage.

High Post Committee (HPC)

The High Post Committee in Sri Lankan parliament is unique in South Asia and modeled, to some extent, on the US Senate which approves presidential appointments. However, this committee examines the suitability of high government officials only. From the available data on High Post Committee in the 5th parliament (see table 7.2), it was obvious that on an average only 38% (10) of the total members attended the committee meeting. A quorum for committee meeting is 3 meaning only 1/9 of the total memberships is required to hold a meeting. However, decisions in the committee were made on consensus. HPC did not to frequently and regularly. Within two years time, it held a total of number of 27 meetings. Average frequency of committee meetings was 25 days. It spent a surprising average of only 37 minutes per meeting that was the lowest average time spent by any committee in Sri Lanka. At one point, the committee did not hold any meeting and remained inactive for over three months. There was a big pause of 96 days between 24th and 25th committee meeting. Since June, 2003 to February 2004, the committee had met only 4 times (in 7 months and 20 days).

The High Post Committee has no staff of its own let alone having investigative staff. The committee does not conduct its independent investigation into the suitability of a candidate. The committee informs the public through the medium of newspapers that certain persons whose names are given in the notice are to be appointed to the posts mentioned against their names and invites the public, to bring the notice of the committee if they have any cause to object to any appointment, to write to the committee. No anonymous petitions are entertained. Fearing the consequences for exposing officials, people become reluctant to response to committee’s call. Consequently, there is
invariably no response to the advertisement and the candidate get past or through the
High Post Committee without much difficulty. Thus it would appear defeat the purpose
of the committee.

In the 5th parliament, the committee examined the suitability of large number
candidates for appointment to state services and state corporations and found each and
every candidate suitable for higher posts. In the many years of its existence, high post
committee has only rejected one candidate-Mr. Upali Wijewardene, the nominee of the
President himself to the post of chairman and Director General of the Greater Colombo
Economic Commission (GCEC). But Wijewardene held this post for many months after
the committee reported adversely against him. Despite all shortcomings, this committee
has symbolic value. There is an institutional mechanism at least to examine the suitability
of appointments of people in high positions.

**Consultative Committees on Ministries**

**7.3: Nature of Committee Operations (Consultative Committees on Ministries) in
the 5th Sri Lankan Parliament**

<table>
<thead>
<tr>
<th>Name of committee</th>
<th>Number of meetings held</th>
<th>Total number of members</th>
<th>Yearly Average Member turnover (%)</th>
<th>Average Attendance (%)</th>
<th>Average Duration of meeting</th>
<th>Aver. Frequency of meeting</th>
<th>No. of reports presented</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCOPA</td>
<td>10</td>
<td>18</td>
<td>28%</td>
<td>30%</td>
<td>40 mins</td>
<td>50</td>
<td>0</td>
</tr>
<tr>
<td>CCOMOD</td>
<td>8</td>
<td>19</td>
<td>27%</td>
<td>39%</td>
<td>90 mins</td>
<td>70</td>
<td>0</td>
</tr>
</tbody>
</table>


**Consultative Committee on Public Administration Management and Reform (CCOPA)**

From the available data on Consultative Committee on Public Administration (CCOPA)
in the 5th parliament (see table 7:3), it was obvious that on an average only 30% (6) of the
total members attended the committee meeting. A quorum for committee meeting is 3
meaning only 1/6 of the total memberships is required to hold a meeting. However,
decisions in the committee were made on consensus. Within two years time, it held a
total of number of only 10 meetings. The committee is formally required to meet once a month. However, average frequency of committee meetings was 50 days. It spent a low average of only 40 minutes per meeting. At one point, the committee did not hold any meeting and remained inactive for over three months. There was a big pause of 99 days between 5th and 6th committee meeting.

The committee deliberated on many issues including the request of an MP to provide distant education for public officials, amendment of Public Services Management Act, newspaper reports regarding rental for houses given to MPs, recruitment of officials in Sri Lankan Administrative Services, non-use of official quarters by District/Divisional Secretaries and so on. It deliberated a lot of issues and frequently asked the CAO/AO to submit a report on investigation within a given time but did never follow it up. It made innumerable recommendations the implementation status of which is unknown.

Consultative Committee on Ministry on Defense (CCMOD)

Within two years time, the committee held only 8 meetings (see table 7.3). It was irregular and infrequent to meet. Average frequency of committee meeting was 70 days. Average attendance of members in the committee meeting was 39% (7). A quorum for committee meeting is 3 meaning only 1/6 of the total memberships is required to hold a meeting. Decisions in the committee were made on consensus. It spent an average of 1 hour and a half per meeting for deliberation. The committee kept deliberating a large number of issues in a single session. For instance, in the 4th meeting of the committee, it deliberated 36 cases in two hours. No meeting of consultative Committees on Defense on was held since early February 2003 (till early February 2004 when the parliament was dissolved) when the defense ministry was taken over by the President and no Deputy Minister was appointed. The president never attends any committee meeting. In the absence of a deputy minister, the chairman of the committee could not be reappointed. Hence the committee had remained inactive for concluding three months of the 5th parliament.

**Agenda of Deliberation**

Committee deliberation was mainly confined to police services. Major deliberations focused on the appointment of an ASP for Naththandiya division, building facilities for police staff at Kantale area, promotional scheme of police department, transfer of platoon
police, appeals from members of women police with regard to promotions and so on. Most of the agenda were related to routine discussion on administration. The committee deliberated on security issues in the north involving Tamils in several meetings the minutes of which were not made available to the author due to formal restrictions.

Although the members deliberated on a number of defense-related issues (such as providing data with regard to the relocation of Army Camps in the North-East, frauds, corruptions and malpractices at Gemunu Regiment, refilling of used bullet, scool bulding occupied by the army) the attempts yielded no substantial result. The committee made some important recommendations, whose implementation status was unknown.

Air Vice-Marshall [Retired] Harry Goonatilleke describes what it is like appearing before the committee: 'It’s a big laugh, nothing happens. I don’t think any committee meeting has had any successes, and the system is so rotten that it’ll be a waste of time trying to change it.’ Goonatilleke once appeared before the committee to testify over procurement in the air force. 'I turned up, took the oath, and said I knew of certain people involved in profit-making. People's eyes glazed over. I turned to the Chairman and asked in his ear if he'd like me to name names - the son of a very important person was allegedly involved - and he said “No, no, no! We don't want any names” “But if opposition figures are involved”, Goonatilleke adds, “well, then the Committee is interested” (CPSU 2000: 6).

The role of standing committee on Ministry of Defense in ensuring government accountability therefore was mainly confined to the initiation and recommendation stages and unknown at the implementation stage. The committee’s endeavor to ensure transparency and responsiveness of government were thwarted by the government’s denial to provide necessary documents on state security ground.

A consultative committee designed to oversee the administration of a particular branch of the executive is fatally inhibited by the presence of its political head as chairman of the committee. Presently, consultative committees face difficulties in organizing and conducting regular meetings. Members are not sufficiently motivated to attend hearings and put their views on record. Consultative committee meeting are usually marked by poor attendance of members. On many occasions, consultative committee meetings had been cancelled for want of quorum. Parliamentary Affairs Minister A.H.M.
Azwer informed the 5th parliament, “MPs do not attend Consultative Committee meetings when does parliament is not in session. My Ministry Consultative Committee was called recently. I was the only member present on that day” (Daily News, June 5, 2003).

In addition, in the name of oversight of the executive, the committee provided opportunities for the MPs to raise matters pertaining to their constituencies and in the last two decades, interestingly, it was this aspect of constituency needs which dominated the proceedings of most of the consultative committees. In other words, the committee members manifested very little interest on matters of public policy formulation and implementation. On the contrary, constituency-based issues such as the construction of a school, hospital and shortage of teachers for rural school dominate the proceedings of the committee. (Warnapala 2004: 48-49).

Attending committee meetings enable the committee members to come in contact with the ministers and the bureaucracy who are inexorably involved with the public resource distribution system and get the work of the electorate of their constituencies done. In short committee members’ prime task of legislation and administrative oversight is replaced by their constituency interest.

From the preceding discussion on the operations of 2 ministerial committees, it is evident that these committees have not been successful in ensuring government accountability. Their endeavor is half-heartedly confined to initiation and recommendation stages. At the implementation stage their role to ensure government accountability is virtually in despair.

**Conclusion**

The study finds that the formal institutional structure of the political system in Sri Lanka appears seriously disadvantaged in checking the unbridled power and authority of the executive and virtually unable to call the government to account. All the major characteristics of a strong legislature are in practice, absent in Sri Lanka and it plays in the hands of the president who monopolizes power even in time of cohabitation. All the major political institutions including the parliament, (let alone parliamentary committees) the judiciary, the provincial parliaments and the local government units are made captive to the vagaries of the president.
The failure of Sri Lanka’s leadership to continue, retain and develop the Westminster style political system (bicameral-parliament and fast-past-the post electoral system) inherited from the British colonial rulers and replace it with a semi-presidential system that does not suit to Sri Lankan condition for the pursuit of narrow political interest has proved to be ineffective and counterproductive. The semi-presidential system introduced in Sri Lanka in 1978 had not been at all conducive to the emergence of a strong parliament and parliamentary committee system. At least the provision of the president’s power to dissolve parliament after one year of parliament’s life at his/her will or convenience must be abolished in order to keep the parliament alive. This provision has undoubtedly made the parliament vulnerable to the president. In fact, there is a strong public demand to revert to the parliamentary system in Sri Lanka including the switching of electoral system from preferential vote system to first-past-the post or mixed ‘German-type-system”. The current electoral system which prevents any party from garnering two-third majority in the parliament that is a requirement to bring necessary amendments to the constitution has stood the way to take the country forward as well as to dissolve ethnic conflict with the Tamils.

Still within an executive dominated political framework, some institutional arrangements are discernible in Sri Lanka which reflects dispersal of power as well as the incumbent government’s willingness to leave space for the opposition. Instances are numerous. In Sri Lanka the prime minister is not leader of the House. Currently, the speaker and chairman of committees are from the opposition and the deputy speaker is from the government. The High Post Committee which examines the suitability of high officials in Sri Lanka which was earlier headed by the prime minister is currently replaced by the speaker. In terms of chairs and membership selection of committees the leader of the opposition is always consulted with. Chairmanships of COPA and COPE are from the opposition. Elections of major local government institutions have taken place at regular intervals. Provincial parliaments in Sri Lanka provide political space for different political parties to act and be accommodated with the governance system as a whole. Nevertheless, its provincial legislatures have no second chamber in the form of senate or councils of provinces to accommodate regional representations. In addition, there are a good number of institutions such as the Human Right Commission of Sri Lanka, the
The Permanent Commission to Investigate Allegations of Bribery or Corruption and the Ombudsman which may get institutionalized over time and have potential to hold the government to account eventually.

Institutionally, the parliamentary committee system in Sri Lanka is mainly modeled on the Westminster system. In fact, many of the key features of the committee system within the Westminster tradition which at least bear the potentials of checking the monopoly of governmental power and calling the government to account are unfortunately missing in Sri Lanka. Parliamentary committees in Sri Lanka in general are not permanent (nominated annually and have a permanent flavor) and correspond to governmental structure. Formally, their jurisdictions are comprehensive ranging from legislation to oversight to investigation but in reality their role in doing that job is marginal though not insignificant. Formally committees cannot select their chairs and members. Selection and appointment of committee chairs and members are done by the Committee of Selection and the speaker in consultation with the Prime Minster and the leader of the opposition. Committees meet in camera and decide on the basis of majority. Consultative committees are chaired by ministers. COPA and COPE are headed by opposition MPs. Committees cannot set their own agenda and have the power to send for papers, persons and documents with the exception that government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the state. They can consider legislative bills referred to them by the House and do not have any role in budget allocation and demands for grants. The institutional arrangement of committee system in Sri Lanka thus places the government (the major party) in an advantageous position to be the ultimate arbiter on any issue of governance. However, during cohabitation, it is difficult to determine who the executive is. Is it the prime minister and his cabinet or the president? In sum, institutionally Sri Lanka has got a weak parliament and therefore a committee system with marginal scope in ensuring executive accountability.

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2 Sharing committee chairmanship with the opposition on the basis of party representation in the House, exclusion of Ministers from consultative committee chairmanship/membership, regular holding of committee meetings and production of reports, committee involvement in bill scrutiny and budget discussion before plenary deliberation and the presence of a strong PAC are some of the features which are missing in committee system in Sri Lanka.
In terms of ensuring government accountability, the role of committee system in Sri Lanka is confined largely to the initiation and the recommendation stages with unknown implications at the implementation level. Major thrust of all these committees was on regularity and financial propriety. Meetings were held irregularly, and member attendance was poor. Sometimes committees suffered from quorum crisis also. Duration of committee deliberations was short. Committee reports were seldom produced. Minutes are kept secret unless published. The opposition MPs very often had leaked the issues of discussion and the deviated actions of public officials to the media disregarding the formal restrictions to do so and thus played a significant role in making the working of committees more visible. The media in general and the print media in particular had played a significant role in calling the executive to account by exposing divergent cases of malpractices and irregularities to the public and compelled the parliament/parliamentary committees and other anti-corruption agencies to get into actions. The decision of committee is not binding on the government agencies and no mechanisms and initiatives are in place to keep track on the implementation of committee recommendations. No punitive measure is taken on account of non-compliance of committee recommendations. The implementation of the recommendations made by the committee is also contingent upon the willingness of the government of the day.

The policy of government to maintain political stability and territorial integrity of the country inspires it to continue with the strong executive presidency. Parliament is being understood by the ruling regime as a symbol of legitimacy and democratic governance rather a forum for deliberation and resolution of critical issues of national significance and holding the government to account. Minimum understanding between the ruling and opposition parties lies at the heart of a functioning democracy that has been unfortunately on wane in Sri Lanka as time passes away. This adverse relation between the two major parties revolves around two top leaders is eroding over time. The lack of bi-partisanship in Sri Lankan militarized politics is a serious setback for parliament (and its committees) to carryout out its legislative and oversight functions and also to the present military conflict being brought to an end. The rise of majoritarian politics in Sinhalese society accounts for the breakdown of democratic ethnic relations in a plural society and the emergence of a protracted ethnic war.
Thus the sorry state of securing government accountability by parliamentary committees in Sri Lanka can be attributed to the prevailing macro-political context of the country and the weakness of the institutional rules and functional inability of the committee system originating mainly from the political context and shaped by the prevailing hierarchical culture of Sri Lanka. The prospect of the committee system to hold the government accountable deems promising under a changed political system based on consensus approach that is not imminent in Sri Lanka. Hence the prospect of the resolution of Sinhala-Tamil ethnic conflicts in Sri Lanka remains elusive, if not impossible.
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