RESEARCH PAPER

Parliamentary Democracy: Mechanisms, Challenges, and the Quest for Effective Governance

*Dr. Ausaf Ahmad Malik

Associate Professor (Officiating Dean), School of Law, Raffles University, Neemrana, Rajasthan

Abstract

Parliamentary democracy is a governance system where the executive branch derives legitimacy from and is accountable to the legislative branch. This system is characterized by the presence of a parliament that represents the will of the people and holds significant decision-making power. In this system, the Mechanisms include the election process, separation of powers, cabinet system, and parliamentary representation. In the Parliamentary form of government, Challenges encompass political instability, coalition politics, party polarization, and the risk of executive dominance and corruption. The quest for effective governance involves inclusive decision-making, strengthening institutions, electoral reforms, transparency, accountability, civic education, and adaptability to change. Navigating these dynamics is crucial for sustaining a parliamentary democracy that is responsive, accountable, and capable of meeting the diverse needs of its citizenry.

Keywords: *Parliamentary Democracy, Effective Governance, Executive Dominance, Accountability and Parliamentary representation*

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1. Introduction

Parliamentary democracy is a robust system of government that brings together the hopes and desires of a society by facilitating the interaction between elected officials and responsible leadership. Imagine the parliamentary chambers resounding with discussions, resolutions, and the rhythm of a democratic pulse. However, beyond this surface appearance of order, there exists a complex and ever-changing system of mechanisms, difficulties, and a constant pursuit of efficient government. By examining the complex inner workings of parliamentary democracy, we discover both the processes that support its strength and the significant problems that put its durability to the test. This includes the ongoing effort to develop a governing model that effectively meets the requirements of a varied population.

Parliamentary democracy is a type of administration in which the executive authority is obtained from and answerable to an elected legislative body known as the parliament. It serves as the foundation for numerous contemporary governance systems. Within the complex framework of governance, voters exercise their voting rights to select representatives who

subsequently constitute the legislative branch. The prevailing party or coalition that arises from these democratic procedures takes on the task of establishing the government, with its leader assuming the role of the head of government. The essence of parliamentary democracy resides in the intricate equilibrium between elected representatives, their decisions, and the public's agreement, as we explore the methods, obstacles, and unwavering pursuit of efficient governance within this system.

Parliamentary democracy holds profound significance in the realm of representative governance, acting as a linchpin that translates citizen voices into policy decisions. At its core, this system ensures that elected representatives, chosen by the people through democratic processes, wield substantial influence in shaping the nation's trajectory. The parliament becomes a microcosm of diverse perspectives, mirroring the rich tapestry of public opinion.

Through regular elections, citizens exercise their right to choose representatives who not only legislate but also play a pivotal role in forming and dismissing governments. The head of government, often the leader of the majority party in parliament, symbolizes a direct link between the electorate and executive authority. This symbiotic relationship fosters accountability, as the government remains tethered to the parliament, subjecting its actions to scrutiny and approval.

In the intricate dance of parliamentary democracy, the significance lies not only in the separation of powers but in the delicate balance it strikes between popular will and effective governance. As elected representatives engage in debates, negotiations, and decision-making within the parliamentary chambers, they become the conduits through which the aspirations, concerns, and diversity of the populace find expression in the corridors of power. In this context, parliamentary democracy emerges as a vital instrument for translating the ideals of representative governance into the tangible actions and policies that shape a nation's destiny.

2. Historical Background of Parliamentary Democracy

In General

Parliamentary democracy[1] based on the Westminster model has its origins in Britain and is prevalent across the Commonwealth, notably in Canada and British Columbia. How parliament has changed over the years will help us understand it better. Someone once claimed that the British Parliament is so steeped in history that it's impossible to describe its inner workings without touching on some aspect of the past. It was common practice for the early English monarchs to call upon the counsel of nobility on problems of state. People would refer to these get-togethers as "courts" or "great councils."[2]

The Magna Carta,[3] a charter between John of England and his English barons that sought to restrict the king's authority, was sealed on June 15, 1215. By 1275, King Edward I was routinely calling upon knights and burgesses for advice on fiscal affairs, essentially to authorise the distribution of public monies. The foundations of what is now known as the Westminster type of Parliament were laid out during these mediaeval great councils. Managing royal households and achieving military goals historically required substantial financial outlays by the Crown. The early British House of Commons understood its power by the fourteenth century when it became customary to obtain House consent before granting the monarch any monies. The Commons would ask the king to rectify any apparent misconduct if it occurred. Until the injustice was rectified, the Commons would not consent to the king's request for funding. The commoners were able to gain some political clout by the application of this idea, which is still in use today; it is called "redress before supply."[4]

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[1] "The word Democracy is derived from two Greek roots, Demos, which means people and Krata, which connotes rule. So, democracy means rule by the people."

[2] E. George MacMinn, BC Parliamentary History, p.1

[3] Parliamentary Education Office available at https://peo.gov.au/understand-our-parliament/history-of-parliament/history-milestones/a-short-history-of-parliament

[4] *Ibid.*

In the 18th century, political parties started to emerge, replacing the previously common practice of forming temporary coalitions. Additionally, the position of ministers, who were formerly the monarch's closest advisors, began to evolve. Before this juncture, despite their election as commoners, ministers had predominantly demonstrated loyalty to the Crown rather than the House of Commons. A significant portion of this gradual transition occurred during the rule of the Hanover's who displayed less enthusiasm towards the ordinary matters of governance. It appears that certain individuals, such as George I who was originally from Germany, had a limited command of the English language and were not eager to exert their influence or closely supervise the activities of Parliament.

In India

The development of parliamentary democracy in India is a fascinating journey closely intertwined with the nation's struggle for independence and its subsequent efforts to establish a robust democratic framework. Parliamentary democracy reflects a continuous process of experimentation, adaptation, and the pursuit of governance structures that balance authority with representation. The representative of the Indian people in July 1947 took the momentous decision to accept the parliamentary form of government.[5]

With a wealth of administrative and parliamentary experience, India gained its independence in 1947. Indians made up a disproportionately large portion of the administrative, judicial, and defence services. In 1861, the provincial legislature had its rudimentary beginnings, and in 1921, the central assembly was established. It was in the nineteenth century when local self-government began to be restructured. By the middle of the twentieth century, the nation had grown accustomed to democratic procedures and the language and manner of elected legislative bodies. The communication mediums were pervasive. A well-educated middle class existed, and its members were influential. The values and ideals of liberty and democracy were well-known and respected.[6]

India's introduction to parliamentary democracy occurred during the period of British colonial administration when the British Parliament wielded considerable power over Indian matters. Despite being excluded from political governance, Indians were profoundly influenced by exposure to democratic institutions. The Montagu-Chelmsford Reforms in 1919 were a cautious move towards implementing constitutional changes in British India.[7] The implementation of restricted self-governance at the province level established the foundation for representative governance. The Government of India Act 1935 broadened the extent of representative governance in British India. For the first time provision was made to transfer part of federal administration to the Indian representatives responsible to the proposed federal legislature.[8] The implementation of provincial autonomy granted elected representatives an increased level of authority in specific policy domains.

The founding fathers of the Indian constitution commenced their work by embracing these objectives and ambitions of democracy. In December 1946, Jawaharlal Nehru presented a resolution in the Constituent Assembly of India, stating the Assembly's strong and serious determination to declare India as an Independent Sovereign Republic, where all power and authority originate from the people. The resolution explicitly affirms its commitment to federalism, the protection of fundamental rights, the safeguarding of minority interests, and the principles of political, economic, and social fairness. The affirmations are incorporated in the preamble of the Indian Constitution, which encapsulates the ideals and essence of Indian democracy and symbolises the culmination of the thought behind India's fight for independence.[9]

India adopted its constitution on 26th November 1949, and it came into force in 1950 Independent India's commitment to parliamentary democracy is enshrined in its Constitution. The framers of the Constitution meticulously designed a parliamentary system, drawing inspiration from the British model but tailoring it to the unique socio-cultural context of India. The Indian Constitution converted this large, heterogeneous mass of people from subjects of the Empire to citizens

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[5] V. Rao Bhaskara and B. Venlateswarlu (ed.), *Parliamentary Democracy in India: Trends and Issues* 3 (Mittal Publication, New Delhi, 1987).

[6] Dr. L.M. Singhvi, *Parliamentary Democracy in India* 118 (Ocean Books Pvt. Ltd. ISO 9001:2008 Publishers, 2012).

[7] Roy N. L., *The Constitutional System of India* 53 (University of Calcutta, Calcutta, 1937)

[8] Morris-Jones W. H., *Parliament in India* 61 (University of California, Philadelphia, 1957).

[9] *Ibid.*

of independent India and enfranchised them.[10] The first general elections of parliament were conducted in 1952, establishing the world's largest parliamentary democracy. The Indian National Congress, led by Pandit Jawaharlal Nehru, emerged victorious, and Nehru became the country's first Prime Minister. India's journey toward parliamentary democracy reflects a commitment to democratic principles, adaptation to local needs, and the continuous refinement of the system to address the challenges of governance in a diverse and dynamic nation.

Indian Democracy has established deep indigenous foundations over 70 years and is now evolving into a distinct kind of parliamentary democracy specific to India. Currently, the focus is not on the mere existence of Indian democracy, as democracy in India is already well-established. Rather, the concern lies in the calibre of India's democratic politics. Democracy has not yet fully achieved the higher qualities it is commonly linked with, both in theory and in practice. The repercussions of democracy have been gradual and delayed, and the advantages of democratic government have been seized by those firmly established in power. In an era of globalisation, where the principles of liberalism, free market economy, and terrorism pose a danger to democracy, India's predicament lies not only in facing these difficulties but also in preserving democratic values and broadening the scope of its democratic endeavour.[11]

3. Mechanisms of Parliamentary Democracy

Election Process
The election process means members of the parliament are typically elected by the citizens through regular elections. The frequency of these elections can vary by country but is often held at fixed intervals, such as every four or five years. The government formation process refers to the procedure of selecting a prime minister and appointing the other ministers who constitute the government. This commonly transpires after the demise, voluntary departure, or ousting of the preceding prime minister, or in the aftermath of a comprehensive legislative election. The objective of the government formation process is to select and designate a prime minister and a cabinet that has the trust of Parliament and can govern efficiently.[12]

The mechanism of selecting a prime minister differs depending on the country's formal procedures. In certain instances, the leader of a country may be required, either through tradition (e.g. Canada, Norway) or through explicit constitutional regulations (e.g. Bangladesh), to select a prime minister who is likely to have the support of the parliament. The decision of choosing and appointing such an individual is left to the discretion of the leader, based on the results of parliamentary elections. Alternatively, the head of state has the option to propose a candidate for prime minister. This candidate must then obtain the approval of parliament through an investiture vote. This vote can either take place before the appointment is made (as in the case of Spain) or within a set timeframe immediately after (as in the cases of Italy and Croatia). Additionally, there are instances in certain countries where the parliament has the authority to select its desired prime minister through a resolution, such as in Ireland. Alternatively, in some countries like the Solomon Islands, the prime minister is elected by parliament in a competitive election. In these latter scenarios, the head of state's role is restricted to formally appointing the individual chosen by parliament.[13]

Separation of Powers
In a parliamentary democracy, while there is a fusion of powers between the executive and legislative branches, there is still a separation of functions between the head of state and the head of government, and there are mechanisms in place to ensure a system of checks and balances. In classical political philosophy that outlines the separation of powers between the legislature and executive, the authority to make treaties was mostly entrusted to the executive branch. India largely maintained the legal heritage inherited from the British, which supported this position.[14] While parliamentary democracies

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[10] Morris Jones W. H., *Government and Politics of India* 247 (BI Publication, New Delhi 1974)

[11] Sharmila Mitra Dev and M. Manisha (ed.), *Indian Democracy: Problems and Prospects* 12-13 (Anthem Press, Wimbledon Publishing Company, New Delhi, 2009).

[12] Bulmer (ed.), *Government Formation and Removal Mechanisms: International IDEA Constitution-Building Primer 17* 8 (International Institute for Democracy and Electoral Assistance, 2017).

[13] *Ibid.*

[14] Devesh Kapur and Pratap Bhanu Mehta, "The Indian Parliament as an Institution of Accountability" 26 *UNRISD* (2006).

emphasize cooperation between the executive and legislative branches, these mechanisms help prevent an undue concentration of power. The checks and balances within the system are intended to ensure accountability, transparency, and the protection of citizens' rights.

A famous decision of the Privy Council in the case of **Attorney General for Canada v. Attorney General for Ontario**,[15] argued that:

> "Undoubtedly, Parliament possesses constitutional authority over the executive branch. However, it is indisputable that the executive branch exclusively holds the responsibility for creating responsibilities outlined in treaties and giving consent to their terms and conditions."

Cabinet System

The executive branch in a parliamentary democracy is typically composed of a Cabinet, and each member of the Cabinet is responsible for a specific government portfolio. The Cabinet, as the core of the executive branch, plays a crucial role in the governance of the country. It brings together expertise from different areas to ensure a comprehensive and coordinated approach to policymaking and administration. The Cabinet's accountability to the parliament is a fundamental aspect of the checks and balances within a parliamentary democracy.

The fundamental principle of parliamentary democracies is the concept of collective ministerial responsibility. In a parliamentary system, the Cabinet operates as a collective unit, and all members of the Cabinet are collectively responsible for government policies and decisions. This collective responsibility ensures that decisions made by the government are consistent and are presented as the stance of the entire executive branch. It also reinforces the connection between the executive and the legislative branches, as the government must have the confidence of the majority in the parliament to remain in power. The principle of collective ministerial responsibility is a significant element in maintaining accountability and transparency in parliamentary democracies.[16]

Question Hours

Certainly, one of the most essential features of parliamentary democracies is the ability of parliamentarians to challenge the government and consequently critically analyse its policies, actions, and decision-making procedures. The process, which is frequently referred to as "Question Hour" or "Question Period," is essential to enabling legislative oversight. During Question Hour, Members of Parliament (MPs) can ask ministers about government policies and demand that the administration take responsibility for its actions. Some queries need oral responses on the House floor, while others are replied to in writing by the appropriate minister.[17] Parliamentary democracies guarantee that the executive branch stays answerable to the legislative branch and, consequently, to the people by granting members of parliament the power to question government ministers. It encourages openness and responsiveness in governance, facilitates the clarification of government acts, and advances transparency.

Votes of Confidence and No-Confidence

It is one of the fundamental principles of parliamentary democracies is that the government must maintain the confidence of the majority in the parliament to stay in power. This concept is often referred to as "confidence and supply." This system ensures that the government remains accountable to the parliament and, by extension, to the electorate. It also reflects the idea that the government derives its legitimacy and authority from the support of the elected representatives in the parliament. The requirement to maintain confidence helps prevent the government from acting against the wishes of the majority and contributes to the stability and functioning of parliamentary democracies.

No-confidence precisely, is a critical aspect of parliamentary democracies. A vote of no confidence, if successful, can lead to the dissolution of the government, triggering the need for new elections. This process underscores the accountability of

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[15] [1937] UKPC 6.

[16] OECD, *Accountability and Democratic Governance: Orientations and Principles for Development* 112 (2014).

[17] Joyita Ghose, "Parliamentary Oversight of the Executive" 1 *PRSLR* (2014).

the government to the parliament and reflects the principle that the government should have the support of most elected representatives. It acts as a mechanism to prevent the government from continuing in office if it has lost the confidence of the parliament, ensuring that the democratic will of the people is respected.

Representation

The representation of a diverse population through the parliament is considered a fundamental element in parliamentary democracies. The parliamentary framework, characterised by the presence of many political parties representing diverse interests, serves to guarantee the inclusion of varied perspectives, ideologies, and constituents in the deliberative procedures. By reflecting the diversity of the population, parliamentary systems aim to create a government that is more responsive to the varied needs and preferences of citizens. The inclusivity of parliamentary democracies fosters a political environment where different voices can be heard, debated, and considered in the formulation of laws and policies.[18]

4. Challenges of Parliamentary Democracy

Political instability

Political instability refers to a situation in which a country experiences frequent changes in government, uncertainty in political leadership, and disruptions in the normal functioning of political institutions. Several factors can contribute to political instability, and its manifestations can vary widely. To address these challenges, some countries and political systems emphasize stability and continuity through measures such as longer election cycles, institutionalized planning processes, and bipartisan cooperation on significant issues. Striking a balance between responsiveness to public sentiment and the need for stability in policy planning is crucial for fostering sustainable and effective governance.

Coalition politics

Coalition politics refers to a political scenario in which multiple political parties come together to form a government or work together in the legislature. This happens when no single party secures an outright majority in an election.[19] Coalition governments are common in parliamentary democracies, and they bring their own set of dynamics and challenges. This type of politics is a pragmatic response to the diversity of political opinions within a society. While it can provide stability and inclusivity, it also requires effective communication, negotiation skills, and a commitment to shared governance to overcome potential challenges. The success of a coalition government often hinges on the ability of its members to work together in the best interests of the nation.

Party Polarization

Parliamentary systems can experience high levels of party polarization, and this polarization can pose challenges in achieving consensus on fundamental issues. The dynamics of party polarization in a parliamentary context can affect the legislative process, the stability of governments, and the overall functioning of the political system. Addressing party polarization in parliamentary systems often involves efforts to promote dialogue, foster a culture of compromise, and encourage cross-party collaboration. Political leaders and institutions play a crucial role in mitigating the negative effects of polarization and promoting a more constructive and cooperative political environment.[20]

Executive Dominance

Executive dominance pertains to a scenario within a political framework wherein the executive branch, often led by the head of government or head of state, wields substantial influence and power over the remaining branches of government.[21] The disparity might potentially impact the division of powers, the system of checks and balances, and the general efficacy of the democratic framework. To effectively tackle the problem of an unduly dominant executive, it is imperative to demonstrate a steadfast dedication to enhancing democratic institutions, bolstering the rule of law, and

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[18] OECD, *Accountability and Democratic Governance: Orientations and Principles for Development* 112 (2014).

[19] M. Thilakavathy and R. K. Maya (ed.), *Facets of Contemporary History* 51 (MJP Publisher, 2015).

[20] Arthur Benz, *Federal Democracy, and the challenges of political Polarization* 7 (Report Prepared by the Forum of Federations, 2021).

[21] Dr Yogesh Pratap Singh, "Dominant Executive And Compliant Legislature" Last Visited on 31.12.2023 Available at
https://www.livelaw.in/columns/dominant-executive-and-compliant-legislature-163621?infinitescroll=1

safeguarding the autonomy of branches responsible for checks and balances. It requires establishing a culture of transparency, accountability, and respect for democratic norms. The involvement of the international community in examining and endorsing democratic principles can also contribute to the mitigation of excessive exercise of executive power.

Corruption

Corruption is defined as the exploitation of delegated authority for personal benefit, and it can manifest in diverse manifestations across numerous sectors and strata of society. The erosion of fairness, integrity, and transparency presents significant obstacles to the effective functioning of governance, economic progress, and the attainment of social justice. To effectively combat corruption within parliamentary democracies, it is imperative to bolster institutional frameworks, augment transparency and accountability mechanisms, and develop robust systems of checks and balances. The process entails the implementation and enforcement of comprehensive anti-corruption legislation, the cultivation of a societal ethos centred on ethical conduct, and the empowerment of autonomous supervisory entities. Civil society, the media, and international organisations are essential actors in ensuring the accountability of elected officials and fostering the principles of good governance.

Gridlock

Gridlock in the context of politics refers to a situation where the decision-making process is stalled or hindered due to an inability to reach consensus or make progress on essential issues. This phenomenon often occurs when there is a lack of agreement among political actors, leading to a deadlock in legislative, executive, or other governmental functions. Resolving legislative difficulties necessitates the implementation of efficient communication strategies, adept negotiation skills, and a genuine inclination towards seeking areas of mutual agreement. The essential elements for resolving differences and promoting efficient governance are bipartisanship, compromise, and a steadfast dedication to the democratic process.

Gridlock, when it occurs, is often conspicuous, characterised by public posturing and mutual blame between opposing sides, and eventually comes to an end. The cessation of deadlock implies the presence of a self-regulating element; the two political parties do not significantly or persistently deviate from each other.[22] Moreover, the implementation of changes in legislative procedures and the establishment of effective mechanisms for resolving conflicts can significantly enhance the functionality and responsiveness of the government.

5. Quest for Effective Governance

Inclusive decision-making

Inclusive decision-making is a process that involves actively seeking and considering the perspectives, input, and contributions of a diverse range of stakeholders. It aims to ensure that decisions are made with the involvement of individuals who may be affected by those decisions or who bring valuable insights and expertise to the table. Inclusive decision-making is a fundamental aspect of democratic governance and organizational effectiveness.[23] It is not only a moral imperative but also a strategic approach that contributes to better outcomes, stronger relationships, and a more resilient and adaptable decision-making environment. It requires a commitment to diversity, equity, and active engagement throughout the decision-making process.

Strengthening Institutions

Strengthening institutions is a critical aspect of building and sustaining effective governance, promoting the rule of law, and fostering economic and social development. Institutions, which encompass formal organizations, laws, norms, and practices, play a pivotal role in shaping how societies function. Strengthening institutions involves improving their capacity, resilience, and effectiveness. It promotes civic engagement in governance, incorporation in legislative and policy-

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[22] Mayhew David, *Partisan Balance: Why Political Parties Do Not Kill the US Constitutional System* (NJ: Princeton University Press, 2011).

[23] Dr. Alphonse Gelu, *The Quest for Good Governance: A Survey of Literature on the Reform of Intergovernmental Relations in Papua New Guinea* 4 (The National Research Institute, New Guinea, 2008)

making processes, and the responsibility of elected and appointed representatives.[24] This institution is an ongoing process that requires commitment, collaboration, and a comprehensive approach. By focusing on these principles and strategies, societies can work towards building resilient, accountable, and effective institutions that contribute to sustainable development and good governance.

Electoral Reforms

Elections are fundamental to the essence of democracy. Elections serve as how individuals in a democratic society engage in public matters and articulate their desires.[25] Electoral reforms are changes made to the electoral process, rules, and systems to improve the fairness, transparency, and effectiveness of elections. These reforms are crucial for maintaining the integrity of democratic processes, enhancing representation, and addressing challenges or shortcomings in electoral systems. Electoral reforms are essential for adapting electoral systems to the changing needs of society, maintaining public trust in the democratic process, and ensuring that elections are free, fair, and representative of the diverse voices within society. The specific reforms needed may vary depending on the context and challenges faced by each electoral system.

Transparency and Accountability

Transparency and accountability are essential principles in governance that contribute to the effectiveness, legitimacy, and trustworthiness of institutions. These principles ensure that decision-making processes are open to scrutiny, that information is readily available to the public, and that those in positions of authority are answerable for their actions. Striking the right balance between transparency and accountability is key to fostering good governance.[26] By incorporating these principles, institutions can build public trust, enhance democratic values, and contribute to the overall well-being of societies.

Adaptability to Change

The adaptability of parliamentary democracies is crucial for their resilience and effectiveness in responding to evolving challenges. The ability to navigate changing circumstances and address emerging issues is essential for maintaining public trust, ensuring good governance, and fostering the well-being of the citizens. By incorporating these mechanisms, parliamentary democracies can enhance their adaptability and better fulfill their role in representing the interests of the people and responding effectively to the challenges of a rapidly changing world.

6. Conclusion

The exploration of parliamentary democracy unveils a complex tapestry of mechanisms, challenges, and an enduring quest for effective governance. This system, rooted in historical evolution and the principles of representative governance, serves as a dynamic framework for nations seeking to balance the aspirations of their citizens with the demands of effective administration.

The mechanisms of parliamentary democracy, from the electoral process to the separation of powers, create a structured environment where elected representatives are entrusted with the responsibility of shaping policies and overseeing executive actions. Yet, this intricate dance is not without its challenges. Political instability, coalition politics, and the specter of corruption cast shadows that demand constant vigilance to preserve the integrity of democratic ideals.

The quest for effective governance within parliamentary democracy requires a multifaceted approach. Strengthening institutions, embracing transparency, and fostering inclusivity become imperative steps in fortifying the foundations of this governance model. The adaptability to change and the continuous refinement of electoral processes are crucial to ensuring that parliamentary democracies remain resilient in the face of evolving societal needs.

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[24] Good Governance Practices for the Protection of Human Rights (Uniter Nation Publication, New York, 2007)

[25] Smt. Minakshi Sharma, *Electoral Reforms in India* 1 (Lok Sabha Secretariat, New Delhi, 2020).

[26] Smt. Minakshi Sharma, Electoral Reforms in India 7 (Lok Sabha Secretariat, New Delhi, 2020).

As we reflect on the interplay of mechanisms and challenges, it becomes evident that the significance of parliamentary democracy lies not merely in its structures but in its ability to translate the diverse voices of citizens into tangible governance. It is a living system, shaped by history, moulded by the present, and poised for an ever-evolving future. The quest for effective governance within parliamentary democracy is not a static pursuit but an ongoing journey that demands collective participation, vigilance, and a commitment to upholding the principles of democracy for the benefit of all.

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