Review of Literature

Parliamentary Standing Committees are important parliamentary institution in most of the established democracies. The US Congress system is well known and widely referred case. Over the years the committee system have come to occupy significance in non western and post-colonial democracies also although their effectiveness in securing governmental accountability as compared to other established traditions of committee system in the western counterparts is limited. Since the committee system is a well established institution in many of the countries especially the USA, UK, Canada, Australia etc., there is no dearth of literature on the committee system in these cases. These cases are well explored and documented cases. Literature available on these cases is in abundance. Among others, two literatures on comparative perspective deserve special mention. J.D. Lees and M., Shaw eds., Committees in Legislature: A Comparative Analysis is one of the most important sources of understanding the committee system in comparative perspective. This study covers the committee system in eight major countries. The study has brought out many empirical issues in the exploration of the committee system. The second work is by L.D. Longly and A.agh eds., The Changing Role of Parliamentary Committees. This volume provides information on the legislatures, including committee system in around nineteen countries. Besides these volumes on comparative cases, there are numerous studies and literature on the congressional system in the USA, committee systems in other three important cases, namely, UK,
Canada and Australia. These cases have been explored both from theoretical perspectives and country specific context of their working.

Once we come to the Indian case we do not find similar kind of exploration of the committee system and corresponding literature. Most of the literatures on committee system in India are available in the form of articles. Most of them are opinion based or based on reflection. Substantive contribution emanating from in-depth research and published in the form of book is still meager.

Significant contributions of literature on committee system mainly come from the Secretariat of the Parliament of India- both Lok Sabha and Rajya Sabha. Both the Secretariats have produced significant literature on the subject. Some of them are merely a kind of information on the committee system. Others are compilation of articles based on experience and reflection by the members or the officials. Some of the contributions are certainly insightful and well substantiated with data. But these literatures are limited in their scope. Some of the works on committee system primarily focus on rules and procedures.

**M.N. Kaul and S. L. Sakdher** volume, *Practice and Procedure of Parliament*, first published in 1968, is one of the earliest and oft quoted works. The subsequent editions of the work provide comprehensive information about the committees and the procedures of their working. Though the work is significant contribution especially from the viewpoint of information, one cannot expect evaluative perspective from the volume. Similarly, **Subhash C Kashyap** volume on *Parliamentary Procedure: Law, Privileges, Practice and Procedure* first published in year 2000 falls in the similar line. The book contains a major section on the
committee system but the focus of the section is limited to procedural and rules aspect of the committee system. Subhash C Kashyap voluminous work on the History of Parliament is important reference point for understanding the historical context of the committee system.

One of the earliest attempts to understand the committees comes from S.P Maheshwari paper, Informal Consultative Committees of Parliament published in Journal of Constitutional and Parliamentary Studies in 1968. As title suggests the focus of the paper was limited in scope. More substantive contributions come from Subhash C Kashyap in series of his papers published over a period of time. Two papers, Parliamentary Committees in India published by the Institute of Constitutional and Parliamentary Studies in 1993 and another entitled as Committees in the Indian Lok Sabka published in J.D.Lees and M. Shaw edited volume in 1979 are especially important in this regard.

G.C. Malhotra’s edited volume Fifty Years of Indian Parliament published by the Lok Sabha Secretariat in year 2002 contains a number of papers on various dimensions of the parliament and experiences of parliamentary democracy in India. The volume includes a section on the committee system. Though the papers included in the section are very brief and limited in scope, they still become important with regard to the understanding of the committee system. Six papers on the committee system included in the volume provide insight into the problem under study. The paper entitled as Parliamentary Committees- Impact of Recommendations by V.K. Malhotra synoptically presents as to how the recommendations made by the committees have impacted policy making and implementation. This one point that
becomes important for the understanding of the effectiveness of the committee system in India. Vilas Muttemwar in his paper *Role of Parliamentary Committees in Strengthening Accountability Mechanisms* attempts to highlight the role of the committee in securing accountability of the government which is one of the prime intent of creating the committee system in India. The paper on *PAC-strengthening Parliamentary Financial Control* by B.P. Mathur comprehensively presents the working of the Public Accounts Committee- one of finance committees. The other three papers *Partnership Approach in the Committee System-Responsive and Performing Governance* by B.B. Ramaih, *Committee System- Need for Streamlining Procedures* by P. Upendra; and *Standing and Consultative Committee of Parliament* by Raja Ramanna attempt to articulate the concerns of the parliamentary committees.

So far as the literature on the role and performance of the Departmentally Related Parliamentary Standing (DRSCs) Committee is concerned, it is even more limited. Reasons could be various but one of them is late introduction of the DRSCs in the Parliament. Some of the important works need special mention. G.C. Malhotra’s monograph on *Parliamentary Committees with Special Reference to Departmentally Related Parliamentary Standing Committee* published in 2003 by the BPST of the Parliament is significant work on the subject. This provides a detailed account of the DRSCs. Other paper entitled as *India’s Departmentally - Related Committee System* by Melhotra published in a Journal *Parliamentarian* in 1993 was one of the first papers available on the subject immediately after of the introduction of DRSCs in India in 1993. A paper by R.C. Bhardwaj, *Parliamentary
Partners: Departmentally-related Standing Committees in India published in Journal Parliamentarian in 1995 is another important contribution despite the fact that paper is also limited in scope so far as the concern of the present research is concerned. The other important paper comes from A.G Rubinoff, India’s Subject-based Parliamentary Standing Committees published in Asian Survey in 1996. Since the paper was attempted during the initial years of the introduction of the DRSCs the paper has limited scope. It does not provide any significant insight into the working of the committee system. S. Shastri’s paper, Departmentally Related Standing Committees in the Indian Parliament published in Indian Journal of Public Administration in 1998 had specific contextual relevance. It could not touch upon the aspect of the working of the committee system. One of the important contributions on the committee system in general and DRSCs in particular comes from the papers included in K.V Kesevan edited book, Parliamentary Committees in Japan and India published in 2003. The papers in the volumes provide important insights into the working of the DRSCs. Three papers entitled as The Functioning of Departmentally- Related Standing Committees-An Evaluation by Bal Shekhar; Parliamentary Committees and Executive Accountability: A Case Study of Departmentally Related Standing Committees in India by P.P.K. Ramacharyulu; and Financial Committees of Parliament by M. Rajagopalan Nair are specifically important. All the three papers attempt to provide insight into the working of the committees on the one hand their effectiveness on the other. The papers could be considered as one of the earliest attempts to provide evaluative perspective on the subject. A more comprehensive and comparative account of the working of the

It is evident from the above exposition to the literature that there is hardly any exclusive research based full length study on the working of the committee system in India. Most of the literatures are available in the form of papers. Some of the literatures on the subject are descriptive in nature. So far as doctoral researches are concerned there is hardly any study done exclusively from the perspective of evaluation incorporating the variables other than just attendance of the members, frequency of the meeting and production of reports on subject by the concerned committee. Working of the committee in terms of their effectiveness is under explored. This is one of the reasons that we do not find much literature on this dimension.

**Rationale and Significance of the Study**

Needless to add the Committee System has come to occupy a significant place in the working of Parliament/legislative bodies during the last three decades across the polities. It has emerged as an alternative institutional mechanism for offloading the certain specified responsibilities of the Parliaments. In some of the cases they have acquired critical importance due to their assigned role and competence. However, they do not enjoy the same importance and competence in all the countries. The growing importance and expanding role of the committee system in India in particular and in other parts of the in general has invited attention of the scholars and researchers over the years. It is evident from the review of literature that many
studies are available on various dimensions of the committee system especially related to the cases of USA, UK, Canada and Australia. The generic context of the committee system remains, by and large, similar. However, each of the cases has its own specificity. The available literature on this dimension enriches our understanding about the committee system. However, we do not find parallel in-depth studies on the committee system in India. It is also evident from the review of literature that some of the works attempt to provide insights in the system of the committees in the Parliament in India. Most of the studies have attempted to analyse the working of the committees on two parameters- attendance of the members in the committee meetings and frequency of the meetings of the committee in question. There is hardly in work done on the role and working of the parliamentary Standing committee from the perspective of deliberation process in the committee. The present study attempts to fill the research gap and ventures into understanding the role and working of the committee system from this point of view

**Framework of the Study**

The study takes a positive view of the institutional approach. The critics of the study of institutions hardly pay attention to the fact that institutions play important role in a democracy. Many times dismissal of the institutional approach in the study suffers from serious lacunae. Of late importance of institutions is being reaffirmed. As a result institutions are being studied from fresh perspectives. The straitjacketed characterization of institutional approach of study may not appear all convincing but a nuanced understanding of the problem necessitates studies from institutional
perspective also. This is the reason that the present study broadly situates itself within the matrix of the institutional approach.

The study attempts an evaluation of the role and working of the Parliamentary Committees. There could be many variables of evaluating the working of the Committee System which may include: i) attendance of the members in the meetings of the committee; ii) frequency of the meeting; and iii) deliberation in the meetings.

Whereas the first two dimensions are concerned we find reflection on them. The attendance and frequency aspects of the working of the committees are important indicators of the working of the committees but they are not the self-sufficient and independent variables of the working of the committees. One of the most important variables of adjudging the efficient and meaningful working of the Committee System is the aspect of deliberation in the committee. The recommendations of the committees are themselves indicative of the nature of deliberation in the committee.

So far as the effectiveness of the committee is concerned it may be seen and measured in terms of their role in influencing public policies, securing governmental accountability and substantive contributions in the bills referred to them for examination and advice through their recommendations. The focus of the present study is primarily on the aspect of deliberation in the committee. Deliberation in this case implies examination of proposal/Demands for Grants submitted to the Departmentally Related Parliamentary Standing Committee, observation thereon, recommendations of the committee, Report on compliance/ action taken by the concerned department on specific issues. In the second case of deliberation it would
imply in put of the committee on select bills referred to it for examination and advice.

**Methodology of Research**

The present study has followed a mixed method but has mainly employed the qualitative research methodology. The quantitative data has been used for ascertaining both the working and the competence of the committees. Different reports of the committees have been analysed and quantitative data have collected with respect to the number of meetings, frequency of the meetings, attendance of the members, number of recommendations made number of recommendations accepted etc. Indeed qualitative research methodology has been adopted to a larger extent in the study. The preference for qualitative research methodology in this study is strongly grounded in the nature of the study. The study has primarily employed qualitative research method of content analysis. The Reports of Parliamentary Standing Committees provide information about the members of the committees, number of meetings held, span of time taken by the committee for finalizing and submitting the Report to the Parliament. The Report finalization process is itself one of the indicators of the working of the committee. Examination of proposal/demand for grants/ referred bill, recommendations thereon, action taken/ compliance on the decision of the committee are important parameters of adjudging the efficient working of the parliamentary committee. Since the present work is focused on the aspect of deliberation, in-depth analysis of the Reports is the natural corollary.
Method of Data Collection and Sources of Data

The study is based on both primary and secondary sources of data. However, the study has relied mainly on the primary sources of data. Non-participant observation is one of the methods which has been used for getting insights into some of the aspects of the working of the committee. Interaction and conversation with the members and staff of the committees have also been important sources of information for understanding the dynamics of the working of the committees. This is one of the important sources which may not be possible to resource from the data available in the public domain. The interpretative and analytical dimensions of the study are deeply informed by the sources officially quoted and available in the public domain in terms of Report, Document, Status Papers, books etc. The secondary sources of data which include books, articles on the subject have been used for cross references and substantiating the arguments.

Scope and Limitations of the Study

The scope of the study is limited. The study is not about the whole system of parliamentary committees. The study, of course, makes reference to the entire committee system in one exclusive chapter entitled as Committee System in India: Structure, Role and Functions but the focus of the study is mainly on the study of the role and working of the two Departmentally Related Parliamentary Standing Committees – on Health and Family Welfare and on Human Resource Development. Both the committees have been studied and analysed on the basis of their select Reports. Select Reports have been used for in-depth understanding and analysis of the working of the committees. However, the findings and analysis of the working of
these committees can be logically extended to others also. Despite the limitations of confining the study mainly to the select Departmentally Related Parliamentary Standing Committees, the work provides ample space to understand the entire spectrum of the parliamentary standing committees in India. The Chapter II, for instance provides scope for understanding the working of the Financial Committees also besides generic perspective on the working of the committee system in India including the Departmentally Related Parliamentary Standing Committees.

**Chapter Scheme of the Study**

The work is organized into four chapters besides introduction and conclusion. Each of the chapters is linked to other in a way that helps in understanding the context and working of the committee system in India in a more comprehensive manner.

**Introduction** of the work attempts to situate the study in its theoretical, methodological and empirical context. Various dimensions related to study have been touched upon and presented in a manner that provides idea about the study. The statement of the problem under study, objective of study, rationale and significance of the study, Research questions, methodological issues related to study have been spelt out in details.

**The Chapter –I** entitled as *Parliament and Parliamentary Democracy in India* attempts to traverse through the journey of parliamentary democracy in India through the lens of the institution of Parliament. While doing so it examines the structure and composition of the Parliament and functional responsibility on the one hand, and inbuilt system of checks and balance on the other. It also endeavour to analyse as to how the institution of Parliament has worked over the years as the representative
institution of the people of India. The role of Parliament in upholding democracy in India over the past six decades cannot be undermined. One of the submissions of the chapter is that the institution of Parliament in India, despite limitations and shortcomings, has been instrumental in grounding and upholding democracy to a large extent.

**The Chapter –II** entitled as **Committee System in India: Structure, Role and Functions** presents a brief historical account of the committee system in the first case. It also examines the intent of creating the committee system in India. A detailed account of the parliamentary committee system in India, their types, composition of, role and functions of each of the committees has been presented in this chapter. An attempt has been made to glance over the functioning of the Committee system also. For the purpose, two Parliamentary Standing Committees have been specifically examined. These are Financial Committees and the Departmentally Related Standing Committees. The prime objective of presenting a detailed account of the committee system is to understand the entire committee system of the Parliament and situate the Departmentally Related Parliamentary Committee in the context of its contribution in securing governmental accountability on the one hand and legislative process on the other.

**The Chapter –III** entitled as **Parliamentary Committees and Governmental Accountability** examines the role of the parliamentary standing committees in securing governmental accountability. Parliamentary control over the executive and making them accountable is one of principal objectives of the parliamentary committees. How do the parliamentary committees attempt to secure governmental
accountability is the main focus of this chapter. The Departmentally Related Parliamentary Committee on Health and Family Welfare has been taken as a case for in-depth understanding and analysis besides analytical reference to generic cases. For the purpose of analysis the Reports of the committee have been critically examined. The analysis has been done on the basis of the four identified variables - attendance of the members in the meetings of the committee, frequency of the meetings, observations and recommendations made by the committee and their acceptance by the government in terms of action taken; and deliberations in as recorded in the Reports of the committees. For the purpose of ascertaining information on the first three variables 21 Reports of the Committee covering the period between 2004-2005 to 2008-2009 have been analysed. For in-depth understanding, fourteen Reports have specifically been examined. The deliberation in the committee, its recommendations and report on action taken/compliance have been taken into account for analyzing the role of the committee in securing governmental accountability.

The Chapter –IV entitled as Parliamentary Committees and Legislative Process critically examines the role and contributions of the parliamentary standing committees in the process of legislation. The Departmentally Related Standing Committee on Human Resource Development has been taken as a case for critical analysis and in-depth understanding. Evaluation of the role and working of the DRSCs has been done on the basis of four parameters - i) attendance of members of the Committee; ii) number of the meetings of the committee on specific Bill; iii) number of recommendations made, and iv) number of recommendations accepted
and incorporated in the concerned Acts. For in-depth analysis, Reports on five Bills referred to the Committee have been critically examined. The five bills include: i) The Commissions for Protection of Child Rights Bill, 2005; ii) The National Institutions of Technology Bill, 2006; iii) The Central Educational Institutions (Reservation in Admission) Bill, 2006; iv) The Central University Bill, 2008; and v) The Right of Children to Free and Compulsory Education Bill, 2008. The Acts corresponding to the referred Bills have been taken as point of reference to ascertain as to what extent the recommendations of the Committee have been incorporated in the subsequent Acts. The first parameter of evaluation relating to attendance of the members has been applied to determine the seriousness of the members towards the works of the Committee. Though it may not be sufficient basis of determining the seriousness, it is one of the most important indicators of the working of the Committee. Similarly, the second parameter relating to the number of meetings of the Committee to discuss different aspects of the Bill under examination indicates the functioning of the Committee. The frequency of meeting is a significant parameter in this regard. Third parameter has been used to find out the substantive contribution of the committee in terms content, deliberation and recommendation of the Committee on the Bill. Fourth parameter attempts to ascertain as to what extent recommendations of the Committee are incorporated in the Act. This could be one of the indicators of effectiveness of Committee. Though none of the parameters can be absolute basis of determining the actual working and effectiveness, these provide entry point for in-depth examination and evaluation. The chapter has attempted to
understand the same though the process of critical analysis on the above mentioned parameters.

**Conclusion** of the work presents the major findings of the study. The two variables of the study –role and working of the Parliamentary Committee- examined on two critical parameters of securing governmental accountability and inputs provided to the bills referred to the committee constitute the major critical points of the study. The conclusion aims at providing insights on the issue examined in previous chapters. It also makes certain recommendations that may help in strengthening the working of the committee system both in terms of efficiency and effectiveness.