Chapter III

Role of Committees in Parliaments – An Overview

Meaning of the Committee

Need of the Committee

Functions of the Committee

Evolution of the Committee System

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Conclusions
Parliamentary Committees are essential components of any legislature providing various supports in the discharge of responsibilities of the latter.¹ The support includes supervision, control and vigilance, and, above all, sharing the heavy workload of the legislature. The Committee system ensures smooth functioning of the legislature by building consensus on critical issues and examining issues in greater details, which the legislature could not do for want of time and its large size. This chapter discusses the origin, role, meaning, rationale, and structure of the Committees as well as a comparison of Committee system in major democracies.

Meaning of the Committee

The word Committee has been interpreted in several ways. The meaning changes in relation to its origin and context. The word is derived from the Latin phrase ‘cum mittere’ meaning, to mend with.² Another Latin word ‘Committee’ meaning ‘to commit’, explains the source of the word Committee.³ The other explanations include several other meanings; it is a name for a small body of people deputed by a larger body to discharge certain duties.⁴ The meaning again changes in relation to a person or a group. When it refers to a person, it is a body of a person or a number of persons, which has been committed, to or delegated with certain charges or a

¹ Legislatures in democracies are known by different names. So in the thesis, when the reference is made to legislatures in Britain and India, it is used interchangeably with parliament.
particular business. But as it refers to a group, it is a body of persons delegated to consider, investigate, scrutinise, report, and above all act upon a particular matter or business. A Committee can also be a group of people in a particular situation taking a joint decision in behalf of a larger body of which it is a part. The *Social Sciences Encyclopedia* explains a Committee as a group of people in a face to face situation taking decisions on the basis of its members’ opinions.

From the above, it is clear that a Committee conveys a number of images. When something is referred to a Committee, it normally means that a small body has been constituted to assess a problem and report accordingly. So the ideal image of a Committee is that of an investigative and assessorial mechanism, which reports to a higher body. In other words, the powers and functions of a Committee are derived from a larger body and are used on behalf of the larger body to enhance speed, efficiency, and output.

In all, the Committee is explained basically in three different contexts: First, a Committee is a group of persons which is committed with certain function, trust or responsibility; second, it is a body of two or more people appointed, nominated, or elected by a society, corporation, public meeting for a particular functions or business; Thirdly, Committee is used in attributive

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5 P. Manikyamba, n.3, p.2.
and combination sense\textsuperscript{8} when one is referring to Committee chamber, Committee day, Committee meetings and so on. In the thesis, the Committee as a part and smaller body of Parliament takes all the three contexts (functional, compositional, and attributive) into account.

**Need of the Committee**

The main function of the legislatures in any democracy is the determination of the will of the people and to formalise it, legislate to make rules and laws for the conduct of the state, society and citizens, then to supervise the executive to see that the laws are implemented in conformity with the principle, philosophy and provisions of the legislated laws. In order to do all this, legislatures need time, expertise, advice and so on, which are supplied by the Committee system.

Parliament being the apex institution in a democracy deal with a large number of issues concerning the nation -- political, economic, social, national security, foreign policy, science and technology, etc. Hence it is hard for them to deal with various issues of governance with greater detail and comprehension. Committees have been constituted primarily to share the responsibility. Committees have become indispensable in Parliamentary activities as they carry out various functions required for normal and effective functioning of Parliaments. Peter Richards underlining the need for existence of Committees said, "now it is clear that the tradition of nominating Committees developed to deal with specific issues, which can

\textsuperscript{8} P.Manikyamba, n.3, p.2.
exercise intense scrutiny of matters of detail and items of administration in a Parliamentary set up." 9 Besides, the tasks of the executive and the legislatures have increased manifold making the job of Parliament harder. Committees here come to the aid of the Parliament in making Parliamentary control strong and more effective through the use of questions and open debates, and by the help of these, the governmental action can be brought under the scrutiny of Parliament.10

From the above, it is evident that the Committee system was devised to assist the Parliament in two of its basic functions—discussion of public affairs and scrutiny of the administration. Experts on Parliamentary affairs have cited several reasons for the need of the Committee system; 11 Committees allow more detailed and elaborate discussion as compared to the House; more accuracy and comprehension of each subject, treating specific issues in a non-partisan way, allowing more time to the Parliament by sharing its work, providing expert opinion and thorough knowledge of the subject. Committees include members from opposition parties who make it non-sectarian and provide constructive and judicious suggestions, so important for the government. G.V.Mavlankar, a former speaker of the Lok Sabha outlined the principal objectives and explained the need of the Committee system in a speech in 1950. He suggested that the Committee

11 For instance, in a project report to the Parliamentary Fellowship Committee 1980-81, M.Tripathi lists these five reasons as the basis of need of the Committee system. See M.Tripathi, “Committee System in Indian Parliament”. *Journal of Constitutional and Parliamentary Studies* (New Delhi), vol.14, no.4, October-December, 1980, p.443.
system was created (a) to associate with and train a large number of legislators, in order to make them aware of the governmental affairs, (b) to exercise control over the executive, (c) to influence the policies of the Government, and (d) to act as an interface between the Government and the general public. Unerlining the indispensability of the Committees in democratic legislatures all over the world, S.S.More had said: “No legislature can function effectively without the aid of some Committees. Discussion of details is impossible at a large meeting except debating the broad principles. All legislatures therefore elect smaller groups to discuss matters in detail and these bring the result of their discussion back to the larger body for decision”. The Committees are as important as House itself. No wonder, the Committees of Parliament in Britain are called ‘Mini-Parliament’ and that of the American Congress is described variously, as ‘Parliament’s workshops’ ‘laboratories of Congress’, ‘the eyes, ears and brain of the Congress. For effective functioning of the legislatures, the need of the Committee can hardly be understated.

Discussions on the need for Committees in Indian Parliament, time and again the discourse at various levels have underlined that the Committees are for the people if not for the government. A Supreme Court Judge, in one of the cases in 1967, asserted a fundamental aspect that “the people are

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12 G.V.Mavalankar on 18th April 1950 at the First Meeting of the Estimates Committee, 1950, Lok Sabha.

entitled to know whether they have entrusted their affairs to unworthy men". Another judge said in another case that “Committees are a means to maintain the purity and integrity of political administration”.

Functions of the Committee

Committees generally carry out a number of functions covering a wide range of issues, which can be grouped under two broad categories - deliberative, and executive. Yet, another category could be investigative which include scrutiny of the executive actions. While the first two are consultative or facilitative, the third function has lent a special image to the Committee system as the watchdog for transparency and accountability, and furthermore, it links the legislatures with the general public, by reporting on the failures of the government and forcing it to take remedial measures.

The bulk of Parliamentary work involves passing numerous bills on various subjects. The number of bills Parliament handles in its day to day functioning makes it difficult for proper consideration. By using Committees, Parliaments smoothly carry out investigation, scrutiny and control of public accounts. Although majority of bills can be passed by the government by virtue of their majority strength, what is sometimes called the application of guillotine, but if it does so, a proper consideration of bills

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14 Justice Sarkar, *Indian Express* (New Delhi), 13 April 1989.
15 Ibid.
16 Functions of the Committees are recorded in Rule 308 of Rules of Procedure and Conduct of Business in Lok Sabha.
is not possible and the government itself does not like it.\textsuperscript{18} Generally, if the government uses Committees, a greater number of bills can be passed and details of each bill can be looked into. Furthermore, it is usually in the Committees that, members are more interested in discussion with deeper involvement, rather in the House/or in the chamber, as they are occasionally called into, without adequate homework or research on the bills. This has been found by several studies on members’ involvement in the Committees as compared to the House.\textsuperscript{19}

Committees also influence the administrative process in a state. Going beyond their primary legislative functions, they give their views on various aspects of administration, thus providing a link between the law making (legislative) and the law implementing (executive) bodies. The Committees point out the lapses in administration and help maintain a high standard of governance. Harold Laski, in his classic, \textit{Grammar of Politics}, observed: “The Committees not only work as makers of policy, which is essentially a ministerial function, but in part as consultative organs, and in part, as a means of bringing to the legislatures, a competent opinion upon the working of the administrative process”.\textsuperscript{20} Committees thus bring efficiency to the administration. They bring the government under control and at the same


\textsuperscript{19} Ibid., p.3

\textsuperscript{20} Cited in Peter G.Ricahrds, n.9, p.127.
time save it from deterioration, by “letting a breeze of healthy and competent criticism blow through the corridors of the great offices”.  

Another important function of the Committees is to bring in specialised contribution to the functioning of the legislatures. The Committees are constituted by pooling talents and experiences from all parties in the House. Committees, in each aspect of Parliamentary proceedings, tone up the debate and enhance the efficiency. Thus, the Committee system provides a very useful forum for utilising a great deal of varied experience and ability, which may otherwise go waste in the House. Therefore, since the beginning of the century, schemes have been put forward for the establishment of such a system in many democracies that would specialise in particular sectors of public affairs.  

Number of issues comes to the Parliament for discussion and decision. Parliament is not able to handle them all as it gets overloaded. Committees share the workload although they do not directly discuss the matters of policy. The overwork affects the efficiency of the Parliament. It is therefore in the fitness of things that Parliament devolves some of its work to smaller bodies while retaining the privilege of taking major decisions. Besides, before any issue goes to the House for discussion, its technicality and substantive points can be verified by the Committees, making it easier for an informed debate. In fact, to some experts, this is one of the main purposes of  

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21 B.B. Jena, n.18, p.3.
the Committee, which is to provide for the delegation of the responsibility to consider questions of details or of technical nature to representative Select bodies of members. Therefore, Committees are not only convenient for the House, but are in the line of the conventions of the Parliament which ensure that matters of special and technical nature are better considered in detail by smaller bodies, the Committees.

Committees provide a training ground for future ministers, presiding officers, and other members not only in day-to-day administration, but makes them wary of potential problems of governance. In the Committees, detailed discussion takes place on finer points of the issues, backed by research and information gathering, which becomes an opportunity for new and young members to learn from their senior colleagues. In fact, the real business of the House is conducted in small Committees although for the sake of completing formalities of discussion, it is debated in the House, which quite often endorses the decisions already taken in the Committees. Referring to this function, Woodrow Wilson, in 1885, remarked:

The House sits, not for serious discussion, but to sanction the conclusions of its Committees as rapidly as possible. It legislates in its Committee rooms, not by determination of majorities, but by the resolution of specially commissioned minorities so that is not far from the truth to say that the

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Congress in session is Congress in public exhibition while Congress in its Committee rooms is Congress at work\(^{25}\).

Various Committees have therefore specific functions. But, studying their functions, one could identify a common code consisting of: working under the supervision of the speaker; are staffed by the Lok Sabha or House of Commons secretariat; with a chairman nominated by the speaker; they are not open to press or public (in UK there is public exposure); they report to the House; they can send for any paper or document and summon witnesses; they can go on tour for on the spot study; their reports are unanimous; members of the Committees are elected on the basis of proportional representation; and no minister can be a member of any of these Committees.

**Evolution of the Committee System**

The nature of evolution of the Committees determines their structure, role and performance. This section deals with the evolution of Committees in Britain and India, touching upon those periods, which influenced the birth and growth of Committees.

The Committees were born in Britain during the period of Stuarts and Tudors.\(^{26}\) Parliaments then made extensive use of the Committees in the discharge of their responsibilities. Later on, as it was realised by the British Parliament that it could not handle the heavy load of work, it was necessary

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\(^{25}\) R.R. Morarka, n.23.

to delegate responsibilities to Committees. Thus the Committees gained power and came to be established in the British Parliament. In 1882, the Prime Minister, W.E. Gladstone appointed the first two Standing Committees, one for legal, and the other for trade bills. Afterwards, Standing Committees on law and trade were constituted. Bills were considered by the whole House as the questions of privileges, elections, and grievances were dealt by Standing Committees or Grand Committees. In 1912, the Estimates Committee got established by Prime Minister Lloyd George. Initially, the Committees did not enjoy much power, but gradually they gained considerable importance and prestige.

Before the outbreak of the First World War, F.W. Jowett, a Labour Member of Parliament, proposed the constitution of Departmental Parliamentary Committees to be presided over by the respective ministers. In his view, the whole House was to be divided into specialised Committees, all legislative and administrative matters of a particular department should be put to the Committee before they are sent to the House. Besides, all documents and departmental papers should also be placed before the Committee for scrutiny. The idea was that by processing a matter this way, it would be easier to take decision. Many political commentators and leaders cutting across the parties advocated the use of specialist Committees in order

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29 Ibid.
to bring the Parliament closer to various departments. This arrangement did not succeed and there was a need to constitute three other Committees to deal with particular matters - Joint Committees on Indian Affairs, Scottish Grand Committee, and the Select Committee on Nationalised Industries.\(^\text{32}\)

The Committee system thus originated in the 16th century in England. In the seventeenth century, arrangements of the business of the House had been in the hands of the Speaker though Business Committees were sometimes set up to decide priority of business. However, with the passage of the First Reform Act, the House began to reform its procedure by setting up Committees in order to examine particular aspects of Parliamentary business. The recommendations of the Committees became Standing Orders, which grew in numbers during the course of nineteenth century. But the Committees were not fully established and the Parliamentary procedure was not fully modernised, which led Disraeli to remark: "There is another cause alleged for the unsatisfactory state of public business, and that is, the forms of this House-the constitution of this House-which are now discovered to be cumbersome and antiquated, and to offer a great obstacle and barrier to the efficient, satisfactory, and speedy transaction of public affairs."\(^\text{33}\)

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\(^{32}\) Ibid., p.66.

In the nineteenth century, the Committee system, especially the Select Committee was the normal way of doing business in the House of Commons. Professor Crick has elaborated the use of this Committee in nineteenth century Parliaments.\(^{34}\)

In 1979, reforms were brought about to expand the Committees system, making it a landmark year for the Departmental Committees. The Departmental Select Committees included Agriculture, Defence, Education, Employment, Environment, Foreign Affairs, Health, Home Affairs, National Heritage, Northern Ireland, Science and Technology, Scottish Affairs, Social Security, Trade and Industry, Transport, Treasury and Civil Service, Welsh Affairs.

Committee System in the House of Lords

House of Lords in Britain has a very elaborate and effective Committee system. According to Philip Norton, in the 1950s and 1960s, the House of Lords was essentially an amateur, poorly attended and chamber-oriented institution.\(^{35}\) It was meeting in a very relaxed manner, and all scrutiny of the legislation was conducted by the full House.

The House of Lords always had the power to make ad hoc appointment of Select Committees, but never exercised that power in dealing with public legislation. Since 1976, however, Select Committees have been appointed

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which have contributed significantly to the working of the House. Ever since, every year at least one such Committee has been appointed on a range of issues—from sexual discrimination to commodity prices. By 1980, the House of Lords was extensively making use of the Committee system and its Committees had the reputation for being widely respected and effective.\(^{36}\)

In the 1970s, the House of Lords appointed Committees on three distinct areas: Science and Technology, European Community Legislation, and Unemployment in 1979. The first two were appointed on a sessional (regular) basis, as the Committee on Unemployment was like any other ad hoc Committee in order to deal with a specific task. The Committee on unemployment differed from other Ad hoc Committees in length and breadth of its service, and depth of its enquiries. The Committee on Science and Technology took over the work carried out earlier by a Committee on this subject in the House of Commons, which was abolished. These Committees worked well by adding a new dimension to the functioning of the House of Lords, which became the basis for creation of more Committees.\(^{37}\)

In India

The Constitution of India does not make any specific provision on Parliamentary Committees, but mentions them in articles like 105 (clause 3) and 194.\(^{38}\) Article says:

\(^{36}\) Ibid., 115.
\(^{37}\) Ibid., p.116.
\(^{38}\) The Constitution of India (New Delhi: Orient Longman Company, 1997), pp.41 and 75.
The powers, privileges, and immunities of each House of Parliament, and of the members and the Committees of each House shall be such as may, from time to time, be defined by Parliament by law, and, until so defined.

The Committees in India, in their powers, privileges, and immunities are equated with those of British House of Commons. In order to carry out the functions with speed and efficiency, Indian Parliament and Legislatures Assemblies in the states rely on the Committee system.

In the Lok Sabha, the activities got multiplied due to introduction of Five-Year Plans and related welfare functions. Therefore, Lok Sabha had to employ a number of Committees to assist it. But one ought to bear in mind that, as the nature of Indian Parliamentary system is influenced by the British one, the Committee system has its roots in the colonial period, in the pre-Independence Legislative Assemblies, and the Dominion Legislature (1947-50).

To be precise, the Committee system goes back to pre-independence, in 1854. The first Committee was appointed on 20 May 1854, during the first Legislative Council 1854-61. It consisted of 4 members in a House of 12, and its function was to consider the Standing orders of the Council. Since then various Committees have been constituted from time to time for different purposes by the Indian Legislatures. The chief function of this Committee was to discuss financial arrangements and to consider public bills. But it was not possible to get the entire Council to sit as a Committee.

of the Whole House. Although this provision was in use for several years until 1921, the concept of the Committee of the Whole House did not really work. The failure was attributed to British reluctance to run same Parliamentary practices as it existed in the home country.

In addition to the Committee of the Whole House, there existed Standing Committees, which composed of members elected by the legislature and nominated by the Governor General. The purpose of these Committees was to advise the government departments. They were also known as Advisory and Consultative Committees. After India got independence, this practice was discontinued.

From time to time, several Committees were constituted to assist in Parliamentary affairs. They were called Select Committees, some of which are as follows. In 1921, the Public Accounts Committee (PAC) was created at both central and provincial level. In the beginning, it had 12 members, in 1950-54, the membership increased to 15, and since 1954, it became a committee of 22 members, as 7 members of Rajya Sabha joined the Committee. Before independence, the members of this Committee were partly elected and partly nominated. Earlier, the Finance Minister used to be both the ex-officio member and the Chairman of the Committee. Now, a Member of the opposition party in Parliament is the chairman PAC. From 1950, the members were to be elected according to proportional

41 P.Manikyamba, n.3, p.17.
representation with a single transferable vote. The term of the Committee during British time was three years, and now it is one year although, as a convention, the membership is assured for two years.

The functions of the Committee have undergone changes from time to time. Initially, its functions were mainly to check the audited and appropriation accounts of the Governor General-in-Council, bring to the notice of the Assembly the cases of re-appropriation, and of the irregularities, and scrutiny of voted expenditure. In 1920, the Committee could check both voted and non-voted expenditure (except defence expenditure), and in 1947, it acquired powers to scrutinise the defence expenditure also. The Committee derived its powers from the provisions in 1935 Act suggesting that the audit and accounts reports should be placed before the legislatures. Currently, the public Accounts Committee enjoys wide ranging powers, which are discussed in the next Chapter.

The next Committee in evolution was the Petitions Committee, which also dates back to 1921, when a member of the Council of the Sate moved a resolution in the House to examine petitions. Then the matter was examined by a Committee of the government, resulting in the constitution of the Committee on Public Petitions by the then speaker. Later on in 1933, the Committee was renamed as Committee on Petitions. The members were nominated by the President of the House, and the Committee was to be constituted at the beginning of each session. Its function was to examine

42 Ibid.
various petitions referred to it and present its reports to the House. It also considered representations including letters and telegrams coming from individuals and associations. In 1952, Lok Sabha had its Committee on Petitions for the first time. Now Rajya Sabha also has its own Committee on Petitions.

The creation of the Estimates Committee marked the next step towards the setting up of Parliamentary Committees in India. A query was raised way back on 25 August 1937 by a member of the Central Legislative Assembly about the possibility of constituting an Estimates Committee. James Grigg, then Finance Minister, denied that any such proposal existed at the time. The idea got revived in 1949, when a suggestion came from M.N.Kaul, the secretary of the Constituent Assembly and was endorsed by the Speaker, G.V.Mavalankar, and was accepted by the government.\(^{43}\) John Mathai, then Finance Minister, in his budget speech in February 1950, announced the government's decision to constitute an Estimates Committee, which finally came into being same year in April. The primary aim of the Committee is to examine the estimates if they were consistent with the principles of economy, and suggest alternative policies. Until 1960, the Committee used to Select its subjects in the beginning of its term, later on, the practice of Selecting the items by the outgoing Committee started, although the new Committee had to confirm them.

\(^{43}\) Ibid., p.22.
In the post-independent India, in 1950, one of the Committees that came up was the Privileges Committee. Any matter of breaches of privileges was referred to it which presented the findings to the House. While constituting this Committee, care needed to be taken to give fair and adequate representation to both ruling and opposition parties.

The origin of Select Committees on bills goes back to 1954. Even before that, at the time of the formation of the second chamber in the central legislature in 1921 and establishing second chambers in some provinces, the procedure of sending bills to Joint Select Committees existed. The Select Committees were constituted by a simple motion in the Parliament, only the Lower House generally initiated a motion to set up the Joint Select Committee. Their functions were basically to consider in minute details the bills, examine the basis of their origin and more important, if they were consistent with the provision of the law, although the Committees could not kill the Bills.

In 1953, it was felt that a separate Committee was needed to exercise control over the public undertakings. Such a concern was raised by Lanka Sundaram in the Lok Sabha. As a result, in 1957, a sub-Committee of the Estimates Committee was formed to deal with such issues. In 1961, at the behest of the Congress party, then the ruling party, a proposal was unsuccessfully mooted, which was revived and passed in both Houses on 1 May 1964 resulting in

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setting up of the first Committee on Public Undertakings. This Committee dealt with reports and accounts of Public Undertakings, reports of the Comptroller and Auditor General, to examine if the affairs of the Public Undertaking were managed on sound business principles. The first Committee held office for 3 years and since 1967, its tenure is fixed at one year. Initially fifteen members - 10 from Lok Sabha and 5 from Rajya Sabha, constituted the Committee. In the same year, the first Committee on Subordinate Legislation was constituted for the Lok Sabha. The function of this Committee was to examine and to scrutinise delegated legislation, bills seeking to delegate powers.

Committee on Government Assurance was set up on 1 December 1953, in Lok Sabha, at the behest of the Speaker and his Secretary. And, in Rajya Sabha, on 1 July 1972, this Committee came into existence, following the recommendation of the Committee on Rules. While recommending the setting up of such a Committee, the Rules Committee took note of the then existing arrangement with regard to the assurances given by the ministers on the floor of the Rajya Sabha. The procedure was that the Department of Parliamentary Affairs pursued the matter with, and collected necessary information from, the ministries/Departments concerned and the same was laid on the table of the House by the Minister of Parliamentary Affairs in due course. The first statement of action taken on Assurances was laid on the

45 India, Lok Sabha Rule 312(b), Lok Sabha Rules of Procedure and Conduct of Business in Lok Sabha (New Delhi: Lok Sabha Secretariat, 1967).
46 P. Manikyamb, n.3, p.27.
table of the Rajya Sabha on 5 August 1952.\textsuperscript{47} This practice was considered ineffective because it left “the entire thing to the sweet will of the ministries.”\textsuperscript{48}

Hence there was a need for the Committee of the Rajya Sabha. The Committee was constituted for the first time on 22 May 1952, during the life of the First Parliament and its first Chairman was B.Pattabhai Sitaramayya (in Rajya Sabha). Since 1958, the Deputy Chairman is being appointed as the Chairman of the Committee, continuously except in 1969-70 when M.C. Setaivad was appointed the Chairman of the Committee.\textsuperscript{49}

The first Committee on Subordinate Legislation was constituted with 10 members by the Speaker on 1 December 1953 in Lok Sabha. But in 1954, the strength of the Committee was increased to 15. In Rajya Sabha it was constituted for the first time on 30 September 1964.\textsuperscript{50} It also had 15 members nominated by the Chairman. Normally, the Committee was to be reconstituted every year. The recent practice in the Lok Sabha has been to choose a member of the opposition as the Chairman of this Committee in order that the Committee may be free from any temptation to favour Government's side.

\textsuperscript{48} Ibid.
\textsuperscript{49} Ibid.
\textsuperscript{50} India, \textit{Rajya Sabha Bulletin}, Part (II), 30.9.1964 (New Delhi: Rajya Sabha Secretariat).
This Committee's primary role is to scrutinise promises, assurances and undertakings given by Ministers from time to time. The Committee has to assess if those assurances were implemented or not in a given time period, and report back to the House.

Initially, most of the reports were laid on the table of the House after a lapse of years and it had become a general practice that the report of the Commissioner for Scheduled Castes and Scheduled Tribes and those of the Union Public Service Commission for two to three years were taken up together for discussion. 51 However, before taking a final decision on the suggestion, the Rule Committee directed that it be referred to the leaders of various parties and groups in the Rajya Sabha for eliciting their views. 52 As agreed to by the leaders, the Committee recommended that the Rajya Sabha should have such a Committee on the pattern of similar Committee in the Lok Sabha.

The Second Report of the Rules Committee, which contained, *inter alia*, the Committee’s is above mentioned recommendation was presented to the Rajya Sabha on 22 May 1979. For nearly two years, the Report was pending in the House, twice a motion on the list of business, but for one reason or another the Report could not be taken up for consideration and adoption. This specific recommendation of the Committee came up for mention in the House on 22 April 1981, in the context of a point of order raised by a

51 V.S.Rama Devi, B.G.Gujar, n.47, p.659.
52 Ibid.
member (Era Sezhiyan who, incidentally, was the first Chairman of the Committee on Papers Laid on the Table in the Lok Sabha and also later became the first Chairman of the similar Committee of the Rajya Sabha) about an Annual Report of a Government company. Although it was an Annual Report it covered only a period of six months and there was a delay in regard to the auditing of the accounts of the company.

The report of the Rules Committee was adopted on 24 September 1981. The amendments to rules were brought into force with effect from 15 January 1982\(^5\).

In addition to the above mentioned Committees, the Parliament has set up several other Committees, which are: Business Advisory Committee in 1952, Committee on Absence of Members Sitting in the House in 1953, Committee on Private Members Bills, General Purposes Committee, Salary and Allowances Committee, all in 1954, Joint Committee on Office on Profit in 1959, Rules Committee in 1952, Library Committee, Committee on the Welfare of Scheduled Castes and Scheduled Tribes, and so on.\(^5\)

Beginning a new phase in the Committee system in the Parliament, building on the success stories of the earlier Committees, in 1989\(^5\) three Subject Committees were created. They were further expanded into 17

\(^{53}\) Ibid, p.660.
\(^{54}\) M.Tripathi, n.40.
Subject/Departmental Committees in 1993\textsuperscript{56} - Agriculture, Environment and Forests, Science and Technology, Commerce, Home Affairs, Human Resource Development, Industry, Transport and Tourism, Communications, Defence, Energy, External Affairs, Finance, Committee on Food, Civil Supplies and Public Distribution, Labour and Welfare, Petroleum and Chemicals, Railways, Urban and Rural Development. According to some commentators, the Committee system really came into being, with the Department-Related Standing Committees drawn from both Houses.\textsuperscript{57} These Committees are to look very closely into working of each Department/ministry of the Government of India.

The latest entrant to the Committee system in India is the Joint Parliamentary Committee to look into the jurisdictional overlap between the Parliamentary Committees\textsuperscript{58}. This Committee began as a Sub-Committee of the Rajya Sabha's General Purpose Committee. It was then realised that even the Lower House needed to be involved. Therefore, the Chairman of Rajya Sabha, in consultation with the Speaker, set up this Committee, comprising 15 members, 10 from Lok Sabha and 5 from the Rajya Sabha.

At present, the Committee system can be divided into three categories - Standing Committees, Ad hoc Committees and Departmental Committees. The Committees on various Departments are in fact the offshoots of the

\textsuperscript{56} Ibid.
\textsuperscript{57} Ashwani Talwar, "Mother of all Parliamentary Panels", \emph{Times of India} (New Delhi), 29 December 2000.
\textsuperscript{58} Ibid.
Standing Committees. In 1993, to cover Ministries/Departments, Departmental Committees were created. The details of these Committees are discussed in subsequent chapters. Suffice it to mention that Standing/Departmental Committees are constituted in pursuance of the Rules and Procedures of the House, and have some permanence in the sense that they continue in office even if a particular business handled by them is completed. On the other hand, Ad hoc Committees are temporary and terminate after completion of the work assigned to them, nonetheless, they carry out important legislative business. Ad hoc Committees are further classified into regular and incidental. Select and Joint Committees on Bills are included under the former, regular Ad hoc Committees.

Committee System in Major Democracies

Committees are essential part of any constitutional working, although their role differs from country to country, and are different in kinds serving different objectives, but are united in their purpose of helping and guiding the legislatures.

To begin with, in the United Kingdom, the mother of Parliaments, Committees exist in both Houses of the British Parliament. In the House of Commons, the Committees are important auxiliary organs, their primary function being the study of legislative proposals in terms of securing information on the proposals, and its consequences in the event of their
enactment, and considering recommendations on the course of action to be taken on the concerned proposal.\textsuperscript{59}

Patterned on the British model, Indian Parliament has adopted a similar Committee system with the objective of effective discharge of its responsibilities for the sake of smoother governance. The main functions of the Committees include: consideration of demands for grants, bills, long-term national policies, etc.

The Committees in US Congress are quite powerful, doing ninety per cent of the work of the Congress. Underlining the power of Committees, Woodrow Wilson said that there is no better way to describe the American form of government, if one were to describe it in a single phrase, “than by calling it a government by the Chairman of the Standing Committee Congress.”\textsuperscript{60} There is a network of Committees comprising Standing Committee, Special Committee, Joint Committee, Foreign Affairs Committee, the Foreign Relations Committee, Judiciary Committee, Appropriation Committee, etc.

The functions of the Committees are basically to lead the Congress by selecting agenda, and preparing bills for the consideration of the Whole House, and importantly regulating procedures of the House. Interestingly, the Committee system is controlled entirely by the majority party.

The Committees in the US are quite prestigious even outside the Congress, as the members derive considerable political powers out of these. The front-

\textsuperscript{59} B.B.Jena, n.18, p.1.
\textsuperscript{60} R.R.Morarka, n.23, p.379.
runners are the Chairmanship of Committees like Foreign Affairs Committee, Finance Committee, the Appropriation Committee, the Armed Services Committee, and the Ways and Means Committee. The Chairmen enjoy special perks and privileges which include both office and residential accommodation, staff and budget to appoint experts to research and advise respective Committees on a range of issues.

In France, the General Body of the National Assembly appoints the Committees, taking members from each Parliamentary group, in fact the membership is allotted to each group according to proportion of their representation.61 Both the houses, Chamber of Deputies, and the Senate, have Committees. The Chairman of the Committee sets the agenda of the House, appoints staff for the Committees, and the Committees alone examine the budgets and legislation. In all, the Parliamentary Committees possess considerable powers over the government and influence the Parliament as a whole.

Germany too has a powerful Committee system. Important Committees include Committee on Election Validation, on Immunities and Rules of Procedure, Budget Committee, and Committee on Appointment of Judges. All the bills going through the House are examined thoroughly by Committees. Budget Committee has acquired more powers since 1965; all budget proposals are forwarded to the Budget Committee for opinion, the government could introduce changes in the budget, release and use credit

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only with the approval of the Budget Committee. German Committee system has certain special features. One is the Investigation Committee which can be constituted any time on demand by at least 25 per cent of members of the House. This Committee can command co-operations form both judicial courts and administrative authorities and the latter is bound to respond. Second is that Parliamentary Committee is entitled at all times to exchange Committee members or their deputies.62

Canadian Parliament did not initially enjoy a powerful Committee system, which was only indirectly influenced by the British Parliament, seriously developing procedures and practices since 1867. The Committee system in Canada is quite similar to that of the British Parliament. Standing Committees in Canada are constituted by Standing orders. In 1958, the Committee system got an impetus, the role of the Standing Committees were enhanced, the Estimates Committee became a Standing Committee, which could summon witnesses and documents, and in order to make investigation thorough and impartial, excluded ministers from its membership. Besides, an opposition member has to be the chairman of the powerful Public Accounts Committee. This Committee’s task is to examine and comment on reports of the Auditor General.63

62 R.R.Morarka, n.23, p.381.  
63 Ibid., 382.
The Committee system in Australia covers subjects like scrutiny of bills, government estimates, expenditure, road safety, and so on. In Australia, there are at least two peculiar features in the Committee system; one a Joint Committee of both the Houses on Broadcasting of Parliamentary proceedings, and another Joint Committee on Foreign Affairs and Defence. The second Committee deals with the matters referred to by either the Ministry of Foreign Affairs, or of Defence or by resolution passed by both Houses.

The Senate and the House of Representatives have their own Committees on each of the subject mentioned above. One of the important Committees is the Standing Committee on Scrutiny of Bills, which scrutinises and reports on whether Bills introduced into the Senate or Acts of Parliament trespass on personal rights and liberties, make rights, liberties and obligations dependent upon insufficiently defined administrative powers or upon non-reviewable administrative decisions.

In Swedish Parliament, by far the most important Committee is on Constitution. The main function of this Committee is to scrutinise all aspects related to constitutional and legal implications of the government decisions. The other Committees are set up basically to correspond and cover the whole or a part of the activities of a particular Ministry. In the Swedish system, each bill placed before the Parliament has to be referred to the relevant Standing Committee for a thorough scrutiny. They normally give a

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64 Ibid., p.383.
united opinion on the subject, although there is provision for the minority voice to be recorded in the event of a division of opinion.

Conclusions

Taking an overview of the Committee system in the world, it may be noticed that the Indian Committees are not so powerful as their counterparts in United Kingdom, USA, and France. Indian Committees are only auxiliaries although their powers are gradually increasing. Their scope of operation is quite limited in comparison to those in other countries where the Committees have even taken over to some extent the executive functions. For example, in USA, the Committees formulate policy and have interventions in administration, and in France, the Committees have effective control over the policies of the government.

In the last hundred years the importance of the Committee system has increased manifold. The Committee system is found in all democracies now, but are differentiated in their structure and functions. These differences however, only reflect the different patterns of growth of Parliamentary practices, provisions and procedures in different democracies, the common feature being the nature of subordination of the Committees to the legislatures. They function under the overall authority of the legislatures and are accountable to them.65

65 Ibid., p.376.
Given the huge workload of any Parliament, Committees have become essential. The Parliament should discuss the principles and policies and need not be bogged down in details. The Committee should go into the details and present the summary of its findings to the Parliament. Then more bills could be taken up. Furthermore, Committee proceeding could be open to press and public and they may be recorded and circulated to members of Parliament. In such case, duplication of the points can be avoided and the Parliament can discuss the report of an appropriate Committee.

In India, Parliamentary Committees have spawned in last few years covering everything from major ministries to salaries of members of Parliament. On average, Members of the Lower House are associated with about 40 Committees, more less permanent in nature. In addition, there are Ad hoc Committees, which are disbanded after their specific task is over.