CHAPTER V

LEGISLATION AND OVERSIGHT

In this Chapter, the legislative and oversight jurisdictions of the Committee on Human Resource Development in India, in respect of the Departments of Health and Education, shall be discussed in comparison with the equivalent Committees in USA. The Committee on Human Resource Development has the jurisdiction to examine the Bills referred to it pertaining to the Departments under its jurisdiction, besides scrutiny of budgetary allocations. As has also been mentioned, Departments of Health and Education are among the Departments, which are under the Committee’s jurisdiction.\(^1\) In USA, the Committee on Health, Education, and Labour and Pensions of the Senate has the jurisdiction over both the Departments of Health and Human Services and Education,\(^2\) whereas in the House of Representatives, the Committee on Education and Workforce has jurisdiction over the Department of Education\(^3\) and the Committee on Commerce and Energy has the jurisdiction over the Department of Health besides other departments.\(^4\) In Chapter V, attempt will be made to discuss Bills, subjects taken up and considered by the Committee on Human Resource Development and the oversight functions and investigative activities of the related Committees of US Congress, mentioned above.

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1. (i) Rules of Procedure and Conduct of Business in Lok Sabha, Fifth Schedule. Hereafter called Lok Sabha Rules; and  
2. Standing Rules of Senate, Chapter 25.1(m)(1) (Hereafter called Senate Rules). Please see Annexure II for complete jurisdiction.  
4. Ibid, Rule X.1.(f)
The fact that a proposal cannot become a law without consideration and approval by the legislature, whether Indian Parliament or US Congress, is an outstanding virtue of the bicameral legislative system working in both the countries. The most important function of the Parliament is to make laws. No Bill can become law without being considered and passed by both Houses of Indian Parliament or US Congress.

Bills in Indian Parliament are generally distinguished into Government Bills and Private Members' Bills. Government Bills are introduced by the Minister concerned in either House of the Parliament whereas a Private Member's Bill is introduced by a private Member meaning thereby a Member who is not a Minister. Bills by virtue of their content are also classified into original Bills, amending Bills, consolidating Bills, Bills to replace ordinances, Money Bills and Finance Bills. Under the Constitution of India, a Money Bill is introduced in Lok Sabha, and after being passed there, it is transmitted to Rajya Sabha and Rajya Sabha, within fourteen days of the receipt of the Bill should return the Bill to Lok Sabha with its recommendations, if any. Lok Sabha may accept or may not accept the recommendations and if Lok Sabha does not accept the recommendations, the Bill is deemed to have been passed by both Houses of Parliament in the form in which it was passed by Lok Sabha without any amendments proposed by Rajya Sabha. Finance Bills are of two categories – Category ‘A’ and Category ‘B’. Category ‘A’ Bills are those which make provision for any of the matters specified to make a measure a Money Bill, but do not consist solely of those matters; and Category ‘B’ Bills are those which, if enacted and brought into force, would involve expenditure.

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from the Consolidated Fund of India. Category ‘A’ Bills can be introduced in Lok Sabha whereas Category ‘B’ Bills can be introduced in either House. All other Bills can originate in either House.

In US Congress also, Bills may originate in either the House of Representatives or the Senate with one notable exception provided for in the Constitution. Article I, Section 7, of the Constitution of USA provides that all bills for raising revenue shall originate in the House of Representatives but that the Senate may propose or concur with amendments. By tradition, general appropriation bills also originate in the House of Representatives. Further, in US there are two types of bills--public and private. A public bill is one that affects the public generally. A bill that affects a specified individual or a private entity rather than the population at large is called a private bill. A typical private bill is used for relief in matters such as immigration and naturalisation and claims against the United States.6

A typical Bill in the Indian Parliament may generally, contain the following salient features:

Title, Preamble, Enacting Formula, Short Title, Extent Clause, Commencement Clause, Interpretation or Definition Clause, Duration Clause, Declaratory Clause, Rule-making Clause, Repeal and Savings Clause, Schedules, Statement of Objects and Reasons, Notes on Clauses, Memorandum regarding Delegated Legislation, Memorandum Regarding Modifications contained in a Bill to replace an Ordinance, Annexure, Legislative Competence of the House.

Much like the features of Bills in India, Bills in USA have more or less the similar forms, features or components. Generally the following are the main components of a Bill in USA:

Every Indian Bill also contains most of these features.

**Introduction of Bills - Limited Bills in India v. Ocean of Bills in USA.** In Indian Parliament, both Government Bills and Private Members Bills are introduced in either House. A Government Bill can be introduced by a Minister in either House whereas a Private Member’s Bill can be introduced by the Member of the particular House only. During 2001, 92 Private Members’ Bills were introduced in Lok Sabha and at the end of the year 235 Bills were pending and in Rajya Sabha during the same year, 51 Private Members’ Bills were introduced and at the end of the year, 163 Bills were pending. Private Members’ Bills generally do not become laws. Since Independence, only fourteen Bills have been passed by both Houses of the Parliament and they have become Laws. Private Members’ Bills are also generally not referred to the Standing Committees for scrutiny and report. In view of the foregoing, the Private Members’ Bills shall not be discussed.

A Minister introduces a Bill and a Bill can be introduced in either House. Notice of intention to move for leave to introduce a Bill does not lapse upon prorogation of the House and a fresh notice is not necessary if the Bill is sought to be introduced in the next session. For a Bill to be introduced in either House, it has to be included in the List of

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8 Source: (i) *Resume of work done by Lok Sabha during respective sessions of Lok Sabha*; and (ii) *Annual Report of the Rajya Sabha Secretariat for 2001* (New Delhi: Rajya Sabha Secretariat, 2002). Hereafter called Annual Report
10 Lok Sabha Rules, n.1(i), Rule 335.
Business for the day when the Minister proposes to introduce the Bills. Even if the
Minister is absent from the House, his Deputy or any other Minister may move the
motion on his behalf if the Speaker has permitted him to do so on a written request from
the Minister. A Minister moves a motion for leave to introduce a Bill.

In USA introduction of a Bill is different, for, there is no representative of the
executive to introduce a measure in the either Chamber of the House. In the House of
Representatives, any Member, Delegate or the Resident Commissioner from Puerto Rico
can introduce a bill at any time while the House is in session by simply placing it in the
"hopper", a wooden box provided for that purpose located on the side of the rostrum in
the House Chamber. No permission is required to introduce a bill. The Member
introducing the bill is known as the primary sponsor. An unlimited number of Members
may cosponsor a bill. To prevent the possibility that a bill might be introduced in the
House on behalf of a Member without that Member's prior approval, the primary
sponsor's signature must appear on the bill before it is accepted for introduction.
Members who cosponsor a bill upon its date of introduction are original cosponsors.
Cosponsors are not required to sign the bill.

In the Senate, unlimited multiple sponsorship of a bill is permitted. Occasionally,
a Member may insert the words "by request" after the Member's name to indicate that the
introduction of the measure is at the suggestion of some other person or group—usually
the President or a member of his Cabinet. In the Senate, a Senator may introduce a bill
or resolution by presenting it to one of the clerks at the Presiding Officer's desk, without
commenting on it from the floor of the Senate. However, a Senator may use a more
formal procedure by rising and introducing the bill or resolution from the floor. A
Senator usually makes a statement about the measure when introducing it on the floor. In the House of Representatives, it is no longer the custom to read bills—even by title—at the time of introduction. The bill is then referred as required by the rules of the House to the appropriate Committee or Committees by the Speaker, with the assistance of the Parliamentarian.

During the year 2000, 60 Bills were introduced in Lok Sabha and 23 Bills in Rajya Sabha, totalling 83 Bills. Out of this 26 Bills were referred to the Department related Standing Committees. During 2001, out of 71 Bills introduced in both Houses of Parliament putting together, 35 Bills were referred to the Standing Committees. During 2000, 61 Bills became laws where as in 2001, 60 Bills became laws. As Compared to the number of Bills introduced (Government Bills) in India, the number of Bills introduced in USA is very large in number. The number of Bills introduced in US Congress is so large that "the task of narrowing down the thousands of measures introduced in Congress each year is monumental." This is because every year more than 3000 Bills are introduced in both chambers of Congress. The following Table shows number of Bills introduced during the last four years:

<table>
<thead>
<tr>
<th>Year</th>
<th>House</th>
<th>Senate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>3517</td>
<td>1997</td>
<td>5514</td>
</tr>
<tr>
<td>2000</td>
<td>2164</td>
<td>1290</td>
<td>3454</td>
</tr>
<tr>
<td>2001</td>
<td>3610</td>
<td>1891</td>
<td>4501</td>
</tr>
<tr>
<td>2002</td>
<td>2157</td>
<td>1298</td>
<td>3455</td>
</tr>
</tbody>
</table>

11 Resume of work done by Lok Sabha and Rajya Sabha in the respective sessions.
13 Source: Resume of Congressional Activity for the respective Congresses/sessions. Hereafter called Congress Resume.
It would therefore be beyond imagination to think that such monumental load of Bills could be given to the full membership of Congress to scrutinise. In the words of George Goodwin, it is inconceivable.\textsuperscript{14} Congress has therefore, left the major task of examining and scrutinising Bills to Standing Committees.\textsuperscript{15} During 2002, out of 3455 Bills introduced in Congress, only 241 were enacted into law. The following Table shows the number of Bills that became law during the last four years:\textsuperscript{16}

<table>
<thead>
<tr>
<th>Year</th>
<th>House Bills</th>
<th>Senate Bills</th>
<th>Total Bills</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>199</td>
<td>42</td>
<td>241</td>
</tr>
<tr>
<td>2000</td>
<td>279</td>
<td>131</td>
<td>410</td>
</tr>
<tr>
<td>2001</td>
<td>109</td>
<td>27</td>
<td>136</td>
</tr>
<tr>
<td>2002</td>
<td>199</td>
<td>42</td>
<td>241</td>
</tr>
</tbody>
</table>

For the Bills to reach this stage i.e. travel from a huge number to a meagre level, Committees play a significant role. The Committees generally report about 15 percent of the Bills introduced. During 2002, Committees of both Chambers reported 654 reports out of 3455 Bills introduced. The following Table shows the Bills reported by the Committees during the last four years:\textsuperscript{17}

<table>
<thead>
<tr>
<th>Year</th>
<th>Bills reported</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>House</td>
</tr>
<tr>
<td>1999</td>
<td>289</td>
</tr>
<tr>
<td>2000</td>
<td>352</td>
</tr>
<tr>
<td>2001</td>
<td>207</td>
</tr>
</tbody>
</table>

\textsuperscript{14} Goodwin, n.12.
\textsuperscript{15} Ibid.
\textsuperscript{16} Congress Resume, n.13.
\textsuperscript{17} Ibid.
Because of the number of Bills eliminated by the Committees at their stage, they are rightly characterised as "dim dungeons of silence" by Woodrow Wilson.

**Bill Referral**

The year 1993 ushered in a new era in the history of Indian Parliament when 17 Department related Standing Committees were constituted. In addition to dealing with the Demands for Grants, the Committees have also the task of examining the Bills, which are referred to them by the Chairman, Rajya Sabha or Speaker, Lok Sabha. The Committees consider the general principles and clauses of the Bills referred to them and present report on them in the given time. All the Bills referred by the Presiding Officers of the Houses are invariably reported upon by the respective Committees. Ordinances replacing Bills, Appropriations Bills, and Bills of urgent nature are not referred to the Committees, as these are required to be enacted by a target date. For example, the Indian Medicine Central Council (Amendment), Bill, 2002 was introduced on 24.7.2002 and passed on 30.7.2002 in Rajya Sabha and passed by Lok Sabha on 26.11.2002. Though the subject of this Bill falls under the jurisdiction of the Committee on Human Resource Development, it was not referred to the Committee and was passed direct.

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19 (i) Lok Sabha Rules n.1(i), Rule 331E(b); and
(ii) Rajya Sabha Rules, n.1(ii), Rule 270(b).
20 (i) Lok Sabha Rules, n.1(i), Rule 331H; and
(ii) Rajya Sabha Rules, n.1(ii), Rule 273.
21 Source: Kaul & Shakdher, n.18, p.556, footnote 158.
22 Resume of Lok Sabha and Rajya Sabha for the respective sessions.
Bills pertaining to the Departments of Health and Education are referred to the Committee on Human Resource Development, besides those pertaining to other Departments falling under the jurisdiction of the Committee.

Bills, after introduction in the House of Representatives, are referred as required by the rules of the House to the appropriate Committee or Committees by the Speaker, with the assistance of the Parliamentarian.

In Senate also, once a bill has been introduced, it is referred by the Presiding Officer with the advice of the Parliamentarian. The clerk of the Committee enters it upon the Committee's Calendar of Business.

**Multiple Referrals** – Referring of a Bill to more than one Committee is more commonly followed in the House of Representatives. For example, the Bill, H.R. 4 to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes, introduced in 107th Congress, (2001-2002) was referred to the following House Committees:

1. Committee on Energy and Commerce;
2. Committee on Science;
3. Committee on Ways and Means;
4. Committee on Resources;
5. Committee on Education and the Workforce;
6. Committee on Transportation and Infrastructure;
7. Committee on Budget; and
8. Committee on Financial Services.

In Senate, such multiple referral is generally not done. In India this practice is not followed. A Bill is referred to only one Committee.
Bills Scrutiny and Report: The Committee on Human Resource Development has so far been referred 14 Bills, since its inception in 1993 pertaining to all the Departments under its jurisdiction and the Committee has submitted its report on all the Bills. Out of the 14 Bills, 10 Bills pertain to the Departments of Health and Education. A list of the Bills referred to the Committee is enclosed. Of the 10 Bills pertaining to the Departments of Health and Education, only 5 Bills have been passed and enacted. One Bill was withdrawn and reintroduced on the recommendation of the Committee and it was passed later. Therefore, the Committee gets very less legislative activity. However, some Committees get comparatively more number of Bills. For example, the Committee on Home Affairs was referred 9 Bills in 2001 and 3 Bills in 2002.

As regards the Congressional Committees are concerned, the number of Bills referred to the Committee are enormous and out of these, the Committees report very less number of Bills. This is evident from the fact that the Senate Committee on Health, Education, Labour and Pensions was referred 389 Bills pertaining to the health and education and related aspects during the 107th Congress (2001-2002) whereas, the Committee presented 14 reports on the Bills. The Committee effectively thwarted many Bills from being enacted. The following Table depicts the number of Bills referred and reports presented by the three Committees of Senate and House of Representatives dealing with Health and Education Departments:

23 Annexure IV
<table>
<thead>
<tr>
<th>Congress</th>
<th>Committee</th>
<th>Total measures referred</th>
<th>Bills on Health &amp; Education referred</th>
<th>Reports presented</th>
</tr>
</thead>
<tbody>
<tr>
<td>107 2001-2002</td>
<td>House Committee on Education &amp; Workforce</td>
<td>653</td>
<td>360 (Education)</td>
<td>8 (Education)</td>
</tr>
<tr>
<td></td>
<td>House Committee on Energy &amp; Commerce</td>
<td>1133</td>
<td>653 (Health)</td>
<td>29 (Health)</td>
</tr>
<tr>
<td></td>
<td>Senate Committee on Health, Education, Labour &amp; Pensions</td>
<td>488</td>
<td>389 (Health &amp; Education)</td>
<td>14 (Health &amp; Education)</td>
</tr>
<tr>
<td>106 1999-2000</td>
<td>House Committee on Education &amp; Workforce</td>
<td>654</td>
<td>228 (Education)</td>
<td>12 (Education)</td>
</tr>
<tr>
<td></td>
<td>House Committee on Energy &amp; Commerce</td>
<td>1198</td>
<td>715 (Health)</td>
<td>12 (Health)</td>
</tr>
<tr>
<td></td>
<td>Senate Committee on Health, Education, Labour &amp; Pensions</td>
<td>409</td>
<td>311 (Health &amp; Education)</td>
<td>9 (Health &amp; Education)</td>
</tr>
</tbody>
</table>

It would be seen from the above table that a large number of Bills are introduced in the Congress and only a microscopic number of reports are filed on Bills ultimately by the Committees. It is, therefore, the exclusive jurisdiction of the Committee to pick up the Bills and report. As compared to this, the Committee on Human Resource Development reports very far less number of Bills as the number of Bills referred are very less. The Committee has reported on all the Bills that have been referred to it.

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Source: Congressional Records and Committees' Reports. (Total measures in the Table includes Bills and Resolutions. In U.S. Congress, besides Bills, Resolutions introduced in each chamber are also referred to the respective Committees. This practice is not followed in India. Resolutions are dealt directly in the Houses).
Overall work done

The Committee on Human Resource Development has till 2003, presented 147 reports on various topics including Demands for Grants since 1993. During 1993-94, the Committee held 36 meetings and presented 4 reports and in 1994-95 the Committee held 35 meetings and presented 12 reports including Demands for Grants. During 1994-95 the Committee was referred five Bills pertaining to all the Departments under its jurisdiction including Health and Education. On all these Bills, the Committee heard 38 official witnesses and 17 non official witnesses and held 27 meetings to consider the Bills, hear oral evidence and adopt reports. In 1995-96, the Committee held 36 meetings and presented 24 reports including on Demands for Grants. The Committee was referred four Bills and it presented reports on all the Bills. On the four Bills the Committee heard 48 official witnesses and 42 non-official witnesses and held 19 meetings to consider the Bills, hear oral evidence and adopt reports. In 1996-97 the Committee was not referred any Bill and in 1997-98 only one Bill was referred. The Committee held 4 meetings on the bill and heard 14 official witnesses and 6 non-official witnesses. Thereafter, the Committee was referred one Bill in 2000, one in 2001 and two Bills in 2002. It would thus be seen that the Committee remained without any Bill being referred in some years. During 2001 the Committee held 18 meetings, and the 5 Sub-Committees held 25 meetings. In 2002, sixteen reports were presented and both main Committee and Sub Committee held 20 hearings including on one Bill. The Committee presented 16 reports out of which one report was on a Bill. In 2002, the Committee held 26 meetings (including sub-Committee meetings) and 12 hearings were held out of which six hearings
were on a Bill. During the year, the Committee presented 11 reports out of which two reports were on Bills.²⁵

Now the overall work of the Committee on HRD will be compared with that of the Congressional Committees. For this, the three Committees mentioned in the preceding paragraphs shall be discussed for two congresses each.

**Senate Committee on Labour and Human Resources**
*(Now Committee on Health, Education, Labour and Pensions)*
*103rd Congress 1993-94*

During the 103rd Congress, the Senate Committee on Labour and Human Resources was referred 299 bills and resolutions. During this Congress, 34 Committee legislative initiatives were passed by the Senate, and 19 of them were enacted into law. The Committee reported 36 bills. Another interesting function of the Senate Committees is to scrutinise and report appointments and nominations made in the high positions of the executive. During this period, 1,169 nominations, including appointees to high offices in the Government and a number of nominations and promotions in the U.S. Public Health Service Corps, were referred to the Committee. Of these, the Committee reported 1,137 to the Senate and Senate confirmed them. One nomination was withdrawn and 31 were returned to the President at the adjournment of the 103rd Congress. The Committee and its Subcommittees conducted 155 days of public hearings.²⁶


During the 104th Congress (1995-96) a total of 205 bills and resolutions were referred to the Committee on Labor and Human Resources. Thirty-six legislative initiatives, which were under the jurisdiction of the Committee, were passed by the Senate and out of them 28 were enacted into law. The Committee filed reports on 28 bills, including conference reports. The Committee was referred 437 nominations, including appointees to high offices in the Government and a number of nominations and promotions in the U.S. Public Health Service Corps. Of these, 404 were reported to the Senate and the Senate confirmed 388. Six nominations were withdrawn and 43 were returned to the President at the adjournment of the 104th Congress. The Committee and its sub-committees conducted 85 days of public hearings.

House Committee on Education and Work Force
105th Congress (1997-98)

House Committee on Education and Workforce was referred 525 bills and resolutions in the 105th Congress. A total of 30 public laws resulted on issues within the Committee's jurisdiction. The Full Committee and its five Subcommittees conducted 168 legislative and oversight hearings. The Full Committee held 17 of these hearings. Finally, the Full Committee and its Subcommittees held a total of 39 days of mark-up sessions in the consideration of legislation with 28 of these being Full Committee mark-up sessions.

Members of the Committee participated in 14 conferences as Members of the Committee.28

106th Congress

In the 106th Congress 654 bills and resolutions were referred to the Committee. A total of 31 public laws resulted on issues within the Committee's jurisdiction. The Full Committee and its five Subcommittees conducted 139 days of hearings on legislation under consideration and on oversight and administration of laws within the jurisdiction of the Committee. The Full Committee and its Subcommittees 31 days of mark-up sessions in the consideration of legislation with 23 of these are Full Committee mark-up sessions. The Committee and Subcommittees ordered reported 43 bills and resolutions.29

House Committee on Commerce (Now Committee on Energy and Commerce) 106th Congress

During the 106th Congress, 1,198 bills and resolutions were referred to the Committee on Commerce. The Full Committee reported 58 measures to the House (not including conference reports). Fifty measures regarding issues within the Committee's jurisdiction were enacted into law. Days of Hearings held by the Committee were 205 and this includes four hearings held by the full Committee.30

During the 107th Congress, 1131 bills and resolutions were referred to the Committee on Energy and Commerce. The Full Committee reported 52 measures to the House. Forty-one measures regarding issues within the Committee's jurisdiction were enacted into law. Days of Hearings held by the Committee including the Sub-Committees were 162 out of which the main Committee held 4 hearings.\footnote{Report 107-802 on the activity of the House Committee on Energy and Commerce for 107th Congress, (Washington: U.S. Government Printing Office, 2003) January 2, 2003. Hereafter called Report 107-802.}

In comparison to the work done by the Congressional Committees, it would be seen that the Committee on Human Resource Development has lesser Bills referred, less number of reports filed. It is, however, pertinent to mention that the Committee also deals with Demands for Grants with which it remains busy from February to April. The Committee does the other work only thereafter. Whereas, the Congressional Committees mentioned above do not have appropriations work. But the Congressional Committees also deal with Resolutions, which are referred to them by the respective chambers. In addition, the Senate Committees also deal with confirmation of executive appointments referred to them by the Senate. It is an exclusive function of Senate and the Senate Committees. The Indian Committees do not have any of these. Confirmation of executive appointments is not with the House of Representatives Committees also.

**Action on Bills:**

After a Bill is referred to the Department related Standing Committees in Indian Parliament, the Committees scrutinise it, hold hearings, and consider the relevant material.
and propose/recommend amendments. The Committee cannot amend the Bill on its own when the Bill is reported to the Parliament. It only proposes amendments. After the report is presented, if Government wants to incorporate the recommended amendments in the Bill, it has to bring forward official amendments to the Bill. This is a big constraint in the working of the Department related Standing Committees. The Government generally accepts most of the recommendations on the Bills. For example, all recommendations made by the Committee on the Dr. B.R. Ambedkar University Bill, 1994 were accepted when it was passed.³²

As against this, the Congressional Committees (Committees of both the House and the Senate), are free to act as they see fit on most legislation that has been referred to them.³³ But the Committees do not act on many of the Bills referred to them. It is evident from the preceding paragraphs and the Tables. The Committees can recommend that the Bill be passed or also that it be rejected. The Senate Committee on Health, Education, Labour and Pensions was referred total 488 Bills and Resolutions during 107th Congress (2001-2002) out of which 389 were Bills on health and education. The Committee presented 17 reports out of which 14 were on health and education. But the interesting factor is that out of the 17 reports 16 were on Bills, and all the Bills were sponsored by the Members of the Committee. Out of 16 Bills, only one was sponsored by the Republican, and 15 were sponsored by Democrats. It would be pertinent to mention that during 107th Congress, Democrats were in majority in Senate. A similar picture is obtained in the Committee of the House of Representatives also. The House

Committee on Education and Workforce was referred 360 Bills on education during the 107th Congress and the Committee presented 7 reports on education related Bills. The sponsors of all the 7 Bills were Committee Members and were Republicans. During the 107th Congress, Republicans were in majority in the House of Representatives. This would make one understand that the Congressional Committees pick and choose Bills for reporting according to the majority view. Bills originate in Committees. The Committees can give their own Bills, which are called original Bills. In India when Private Members’ Bills are not referred to the Committees, and the Committees can act only on the Government Bills, the question of Committees selecting Bills does not arise.

Scrutiny of Bills – Reports:

The Dr. B.R. Ambedkar University Bill, 1994, which was referred to the Committee by the Chairman, Rajya Sabha, was considered by the Committee and the report thereon was presented to the Parliament on 19.8.1994. The Committee heard 21 witnesses including educational experts and the officers of the Ministry of Human Resource Development. After hearing views of various people, the Committee suggested several changes in the Bill, and recommended that the Bill, as amended be passed. The Government accepted all of the recommendations made by the Committee and the Bill was passed incorporating the suggestions of the Committee.34 The Bill provides for establishment of Dr. B.R. Ambedkar University.

34 11th Report, n.32(i).
The Committee thereafter, presented its report on the Yoga Undertaking (Taking over of Management) Bill, 1994, in December, 1994. The Committee suggested a few amendments and agreed with the remaining provisions of the Bill. The Bill, however, is still pending in Rajya Sabha. The Committee heard the views of various people including the Secretary, Ministry of Health and Family Welfare. The other Bills, on which the Committee on Human Resource Development has presented its report, and that have been passed by the Parliament and enacted are – Assam University (Amendment) Bill, 1994; the Maulana Azad National Urdu University Bill, 1995; and the Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya Bill, 1995. The later two Bills pertain to establishment of two new Universities and the Committee agreed to the proposals. In regard to the establishment of the Maulana Azad National Urdu University, the Committee, recommending that sufficient funds should be provided, reported the Bill for being passed. The Committee felt that “in view of the nature of the distribution of the Urdu-speaking people in the country and the Central Government’s commitment to help educationally backward minority groups and also keeping in mind the long-standing demand for teaching technical subjects through Urdu medium in an open University system, ...the Bill be adopted...” The Bill passed the Parliament in December, 1996 and was enacted in 1997. Another Bill mentioned above provided for setting up of Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya. Keeping in view the status of Hindi as the official and link language in the country, and in view of the commitment

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already made by the Government and the long-cherished desire of the Hindi-loving people in India and abroad, the Committee approved the Bill and recommended that it be passed. The Committee, however, observed that the Union Government had a responsibility to develop other languages also, and recommended that the Central Government should extend all possible help/assistance to such existing or new Universities so as to remove any sense of discrimination and promote national integration. The Bill passed the Parliament in December, 1996, and was enacted in 1997.

The Committee dealt with the Delhi University (Amendment) Bill, 2000 in its 97th report. The Bill provided for deletion of Section 5(2) of the Delhi University Act, 1922 in order to facilitate the affiliation of institutions and colleges with the Indraprashtha Vishwavidyalaya or any other university that may be set up in Delhi. The Committee after a detailed discussion on the various aspects connected with the proposed deletion of section 5(2) of the Delhi University Act, 1922 recommended that section 5(2) of the Delhi University Act, 1922 should not be deleted so as to prevent the loss of control of the Central Govt. in regulating the establishment of self-financing/private institutions in Delhi which may seek affiliation to the Indraprashtha Vishwavidyalaya or any other university within or outside the National Capital Territory of Delhi. The Committee also recommended the addition of the following proviso to section 5(2) of the Delhi University Act, 1922 so as to obviate the need for Central

Govt. orders in case of institutions/colleges seeking affiliation to the Indraprashtha Vishwavidyalaya:

'Provided that the provision of the above sub section shall not apply in the case of Guru Gobind Singh Indraprashtha University incorporated by the Government of NCT of Delhi.'

Finally, the Committee recommended that the Bill be passed subject to the recommendations made above. The Committee also recommended that a fresh Bill may be introduced in Parliament, incorporating the above-cited proposed changes. In accordance with the wish of the Committee, the Bill was withdrawn on 13.3.2002 and a fresh Bill was introduced on the same day. The new Bill contained incorporation of the proviso recommended by the Committee. This is a positive achievement of the Committee's effort and establishes the fact that the Committees have a significant influence over the executive.

Further, The Committee was referred the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Bill, 2001. The Committee received 55 memoranda containing suggestions and comments on various provisions of the Bill from a number of interested individuals, organisations, institutions, associations etc. Representatives of a number of associations, trade unions, and also NGOs, ex-MPs, appeared before the Committee to air their views and also apprehensions on various aspects of the Bill. Besides hearing the views of the Department of Health, the Committee also held interactions with representatives of all the Departments/Ministries. The Committee, in the report,

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recommended that, the definition of "public place" may also include Railway Waiting Room. Indication of specified warning has been made compulsory on every package of cigarettes or any other tobacco products. The Committee recommended that besides written warning, some symbol like skull, cross bones or any suitable pictorial depiction may also be given specially for the convenience of illiterate or semi literate consumers. The Committee further recommended that printing of nicotine and tar contents as well as maximum permissible limit thereof on packets and cartons of all tobacco products, and not just cigarettes, as provided in the Bill, be made compulsory. The Government accepted all these recommendations and the final Act included all these suggested propositions.

The Standing Committees of the Congress, except the Appropriations Committees and the Budget Committees, are called the authorising Committees. This is because they authorise programmes and/or agencies for funding for particular periods. The following are some cases where authorisation was agreed to by the Committees of both the Chambers:

The Senate Bill, Elementary and Secondary Education Act Restructures the largest single source of Federal education funding, providing over $60 billion for schools over 5 years was reported by the Senate Committee on Labour and Human Resources.


The Bill targets funding to the middle-income and low-income communities that need it most and reforms Federal educational programs to cut red tape; increase flexibility for local schools to carry out their own school reform programs; encourage high standards for all students; encourage teacher development; and support local initiatives to increase the use of technology in schools and prevent violence and drug abuse among students.41

The Senate Committee reported the Bill and it was passed by both the Houses. Another Bill introduced in Senate, i.e. Technology for Education Act of 1993, also became a part of the above Law. The Bill modernises education and prepares students for the workplace of the 21st century by putting more computers in classrooms and training teachers to take full advantage of them. These Bills were referred to the Senate Committee on Labour and Human Resources and the Committee reported them. The equivalent Bill in the House Committee on Education and Work Force was Improving America's Schools Act of 1993, H.R. 6 and the House Bill finally was enacted.42

The Committees sometimes consider a measure which was vetoed by the previous President. The Committee considered the National Institutes of Health Revitalisation Act and reported and the Bill was passed. In the previous Congress, President Bush vetoed the Bill. The Bill makes women's health issues such as breast and cervical cancer, osteoporosis, and heart disease a priority at NIH. Increases NIH's emphasis on diseases that strike children. Lifts the ban on foetal tissue research to advance innovative and potentially life-saving treatment for Parkinson's disease, diabetes, and Alzheimer's disease. Reauthorise National Cancer Institute and National Heart, Lung and Blood

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42 Ibid.
Institute to continue the fight against cancer and other serious diseases. Creates Office of AIDS Research to seek an end to the epidemic.\textsuperscript{43}

Ryan White Care Act is a Bill reported by the Senate Committee on Labour and Human Services during 104\textsuperscript{th} Congress, which provides for reauthorization of the programme. This legislation amends the Public Health Service Act to revise and extend programs established pursuant to the Ryan White Comprehensive AIDS Resources Act of 1990.\textsuperscript{44}

The Committee also consolidates various programmes into one. The Committee considered and reported the Health Centres Consolidation Act of 1996 which also reauthorises, consolidates into one authority, and streamlines the four Federal health centre programs: community and migrant health centres, health care for the homeless, and health care for residents of public housing. In this respect, Indian committees cannot consider Bills on their own. Whatever Bills that are introduced by government and referred to them can only be considered.

The Committees generally report Bills with favourable recommendation. The House Committee on Education and Workforce reported 12 Bills during 107 Congress and all the Bills were reported favourably. During 106\textsuperscript{th} Congress the Committee reported 26 Bills ordered all the Bills favourably reported.\textsuperscript{45}

Many Bills are also created or made in the Committee. It may also be stated that Bills emanate after sufficient ground work made by the Committees. No Child Left Behind Act (H.R. 1) is an example of this. It is a comprehensive overhaul of the 1965

\textsuperscript{43} Ibid.
\textsuperscript{44} Report 105-5, n.28.
\textsuperscript{45} (i) Report 106-1040, n.29.
Elementary and Secondary Education Act (ESEA) built on principles of accountability for results; local control and flexibility; expanded parental choice; and funding for what works. President Bush, during his first week in office, unveiled his education reform blueprint, entitled 'No Child Left Behind,' and urged Congress to work in a bipartisan fashion to pass it. The Republican leadership in the House set aside the designation 'H.R. 1' for the President's education plan to symbolise the priority status the No Child Left Behind reforms was being given. To lay the groundwork for H.R. 1, the House Committee on Education and Workforce embarked on quick, focused series of field hearings around the nation. Full Committee field hearings were conducted at schools in Bradenton, Florida; Marietta, Georgia; and Chicago, Illinois. Hearings were also conducted in Washington, D.C. Education Secretary Rod Paige, Pennsylvania Governor Tom Ridge (R), Georgia Governor Roy Barnes (D), and U.S. Senator Thomas Carper (D), a former governor of Delaware, were among those who testified before the Committee through this process. On March 22, 2001, the No Child Left Behind Act was formally introduced in the House and given the 'H.R. 1' designation. On December 13, 2001, the House approved President George W. Bush's education reform legislation, the No Child Left Behind Act (H.R. 1). Thus, after sufficient ground work was done, the Committee Chairman and others introduced the Bill and the Committee presented its report favourably to the House. Before introduction of the Bill, the Committee collected information and then the Bill was introduced. Thereafter, the Committee reported the Bill and it was ultimately passed by both Houses.


46 Ibid.
The Committee some times reports Bills without hearings. The Committee on Commerce, to whom was referred the bill (H.R. 2018) to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, New York, having considered the same, reported favorably thereon with an amendment and recommend that the bill as amended do pass. Section 1903 (m)(2)(a)(ii) of the Social Security Act requires that Medicaid beneficiaries constitute less than 75 percent of the membership of any prepaid health maintenance organisation. H.R. 2018 extends an existing waiver of Section 1903(m)(2)(A)(ii) granted to Better Health Plan, Inc. operating in the State of New York through December 31, 1998. The waiver expired on June 30, 1997. The Committee on Commerce has not held hearings on the legislation. H.R. 2018, a Bill to waive temporarily the Medicaid enrolment composition rule for the Better Health Plan of Amherst, New York, was introduced on June 24, 1997, by Congressmen Paxon, Towns, Engel, Lazio and Manton (All are from New York). All these Members were members of the Committee on Commerce. On Wednesday, June 25, 1997, the Full Committee met in open mark-up session and ordered H.R. 2018 reported to the House, as amended. 47

Problem -Legislative solution

The Congressional Committees effectively use the forum for finding legislative solution to the problems in implementation of laws or for any other problems. The House Committee on Education and Workforce stated that they were very disappointed that the Department suspended the Direct Loan Consolidation Program, which initially left more

than 84,000 students without the ability to consolidate their student loans. Without consolidation, these students would incur not only additional interest costs but also considerable difficulty in meeting their current loan payments. According to the Committee, H.R. 2535, 'The Emergency Student Loan Consolidation Act of 1997', intended to amend the Higher Education Act of 1965 to allow the immediate consolidation of loans made under the Federal Family Education Loan Program and the William D. Ford Federal Direct Student Loan Program, and to make certain technical corrections to Part F of Title IV of the Higher Education Act of 1965. The Committee believed that immediate enactment of H.R. 2535 would help the students. On September 18, 1997, the Subcommittee on Post-secondary Education, Training and Life-Long Learning held a hearing on the Shutdown of the Consolidation Loan Process in the William D. Ford Direct Student Loan Program. On September 24, 1997, the Chairman of the Committee alongwith others introduced H.R. 2535, 'The Emergency Student Loan Consolidation Act of 1997.' The Committee adopted the bill as amended by a recorded vote of 43-0. Due to the urgency of getting this legislation enacted, H.R. 2535 became part of the Fiscal Year 1998 Labor, Health and Human Services, and Education Appropriations Bill (H.R. 2264), which was signed into law by the President on November 13, 1997. It is now P.L. 105-78.48

Similarly, Senate Committee on Health, Education, Labour and Pensions felt that despite dramatic increases in behavioural and biomedical research funding from Congress for the National Institutes of Health (NIH) since 1998, significant opportunities for rare

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48 Report 105-836, n.28.
disease research remained unmet. Therefore the Bill was introduced by the Chairman of the Committee and the Bill was reported by the Committee during the 107th Congress.\textsuperscript{49}

The House Committee on Education and Workforce was very concerned about the findings of the NAEP 1994 Reading Report Card that 40 percent of students in the fourth grade were below the basic level of reading achievement. In an effort to determine the best way to address the reading difficulties of young children, the Committee held three hearings to explore this issue. Based on the information provided at Committee hearings, Chairman Bill Goodling (R-PA) introduced H.R. 2614, the Reading Excellence Act, on October 7, 1997. The purpose of H.R. 2614 was to assist States, local school districts and parents in accessing the latest scientific research in reading instruction and to train teachers in research-based reading practices in areas of the country where illiteracy is the highest. H.R. 2614 was ordered reported (as amended) by the Committee on October 22, 1997, by voice vote. The House passed the bill (as amended) on November 8, 1997.\textsuperscript{50}

As a matter of fact a Bill or legislation is passed only for problem resolution. But the point to be noted is that the Committee selects bills for reporting where according to it, problem resolution is required. In view of the independence of the Committees in picking up the Bills, and reporting, with or without amendment, Bill selection and reporting will be an effective instrument for the Committees to ensure that law is properly implemented or in a modified manner as suggested by the Committee. Unlike the US


\textsuperscript{50} Report 105-836, n.28.
committees, Indian committees cannot find legislative solutions, but make suggestions when a legislative solution (Bill) comes before it after being referred.

Committees also use the forum effectively to either accept the proposals of the executive or reject. In his 1997 State of the Union address, President Clinton proposed federally sponsored national tests in 4th grade reading and 8th grade mathematics. The House Committee on Education and Workforce felt that "almost all States have their own State assessments that measure student academic achievement." In addition, there are already two federally funded tests: (1) the National Assessment of Educational Progress (NAEP), also known as the 'Nation's Report Card,' which consists of random sample testing of 4th, 8th, and 12th graders in several subject matter areas to determine how America's students are performing academically; and (2) the Third International Mathematics and Science Study (TIMSS), which is an international random sample mathematics and science assessment in 4th, 8th, and 12th grades." The Subcommittee on Early Childhood, Youth and Families held three hearings on the President's proposal and issues related thereto. Chairman Bill Goodling (R-PA) introduced H.R. 2846 on November 6, 1997. H.R. 2846 would amend the General Education Provisions Act to clarify that there can be no federal tests unless specifically and explicitly provided for in authorising legislation enacted into law. The bill provided exceptions for: (1) limited test development activities pursuant to P.L. 105-78, the FY 1998 Labour, Health and Human Services, and Education Appropriations Act; and (2) the Third International Math and Science Study (TIMSS) or comparable international assessments administered to representative samples of students pursuant to section 404(a)(6) of the National Education Statistics Act of 1994. The National Assessment of Educational Progress
(NAEP), which is currently specifically and explicitly authorised in sections 411-413 of
the National Education Statistics Act of 1994, would be unaffected by this legislation.
The Committee on Education and the Workforce ordered H.R. 2846 to be reported on
January 28, 1998 by a vote of 23-16 and it passed the House on February 5, 1998 by a
vote of 242-174.\textsuperscript{51}

The same Committee, during 107\textsuperscript{th} Congress, embraced the education reforms of
the new President and drafted and reported a Bill that ultimately was enacted. During his
first week in office, President Bush unveiled his education reform blueprint, entitled 'No
Child Left Behind,' and urged Congress to work in a bipartisan fashion to pass it. The
Republican leadership in the House set aside the designation 'H.R. 1' for the President's
education plan to symbolise the priority status the No Child Left Behind reforms was
being given. To lay the groundwork for H.R. 1, the Committee embarked on quick,
focused series of field hearings around the nation. Full Committee field hearings were
conducted at schools in Bradenton, Florida; Marietta, Georgia; and Chicago, Illinois. Full
Committee action on the No Child Left Behind Act began in early May 2002 and
concluded on May 9, 2001, as H.R. 1 was reported out by the Education and the
Workforce Committee. On December 13, 2001, the House approved President George W.
Bush's education reform legislation, the No Child Left Behind Act (H.R. 1). The measure
was a comprehensive overhaul of the 1965 Elementary and Secondary Education Act
(ESEA) built on principles of accountability for results; local control and flexibility;
expanded parental choice; and funding for what works.\textsuperscript{52}

\textsuperscript{51} Ibid.
\textsuperscript{52} Report 107-797, n.45(ii).
These are cases which can overwhelmingly reinforce the premise that the Committees have unarguably a pervading influence over executive. The executive and its agencies have to be accountable to the Committees to get their support for implementing or initiating policies. Executive needs the support of the Committees. This kind of situation is not obtained in India. However, the suggestions given by the Committee would give right direction to the Government

**Amendments**

There are two types of amendments. One is amendments to a Bill at the Committee stage and amendments on the Floor of the Chamber. In regard to the amendments made in the Committee, the system is the same in India and USA. Approving amendments suggested, while a Bill is being considered by a Committee, is within the control of the Committee. However, when amendments are approved by the Indian Committee, they go as suggestions of the Committee and the Bill, originally introduced in the House is considered. However, in the case of select/joint Committees appointed on bills, the bill as reported by the Committee is considered and this does not apply to the Department related standing parliamentary Committees. If the Government desires to bring amendments, accepting the suggestions of the Committee, official amendments are brought and the Bill is passed as amended. For example, as already mentioned earlier, the Committee suggested some amendments in Dr. B.R. Ambedkar University Bill and the Government accepted most of the amendments and the Bill was passed as amended. In the University of Delhi (Amendment) Bill, the Committee suggested an amendment and also recommended that the Bill be withdrawn and a fresh Bill be introduced. Accordingly, the Government withdrew the Bill and introduced
another Bill, incorporating the suggestion made by the Committee and the Bill was passed.

In the Congressional Committees, Committees sometimes report Bills as it is and sometimes report as amended. The Senate Committee on Health, Education, Labour, and Pensions, to which was referred the Bill (S.1379) to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes, having considered the same, reported favourably thereon with an amendment and recommended that the Bill (as amended) do pass. The House Committee on Commerce and Energy considered the Bill (H.R.4013), (similar Bill to the Senate Bill mentioned above), reported favourably thereon without amendment and recommend that the Bill do pass. The Bill reported by the two Committees was ultimately passed by the two houses without amendments.

The Committee on Education and the Workforce reported on June 24, 1998, as amended, by a 19-18 vote, a Bill H.R. 3248, the Dollars to the Classroom Act, which would consolidate 31 elementary and secondary education programs into one grant program, and send more dollars to the classroom and on September 14, 1998, the Committee filed its report (H. Rept. 105-710) with the House. The Bill passed the House on September 18, 1998, as amended. Thus there are many occasions when the Bills reported by the Committees are amended by the respective Houses.

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53 Report 107-129, n.49.
55 Source: Congressional Records - Bill Summary & Status for the 107th Congress.
56 Report 105-836, n.28.
The House Committee considered a Bill H.R. 2614, the Reading Excellence Act. The purpose of H.R. 2614 was to assist States, local school districts and parents in accessing the latest scientific research in reading instruction and to train teachers in research-based reading practices in areas of the country where illiteracy is the highest. The Committee ordered reported (as amended), on October 22, 1997, by voice vote. The House passed the bill (as amended). 57

On a comparison, it would be seen that the amendments made by the Indian Committee and the reporting of a bill by the congressional Committees can be considered to be of the similar impact and influence over the executive. Amendments to a Bill is the most important and the only contribution by the Indian committee, whereas, Amendments in a bill by the Congressional Committees are inconsequential as selection of a bill for reporting is in their hands and an amendment in the bill can be considered as a part of the selection of the bill and both will have combined effect on the executive, in case it is passed by either chamber of the Congress.

Selection of subjects/oversight

**SELECTION OF SUBJECTS BY THE COMMITTEE ON HUMAN RESOURCE DEVELOPMENT**

One of the functions of the Department related Standing Committees is to consider annual reports of the Ministries/Departments and to make reports thereon. 58

Exercising this function, the Committee has so far taken up, examined and presented reports on 21 subjects/programmes. The Committee also presented Action Taken Reports on some of the reports given by it on the subjects selected. The system and nature of

57 Ibid.
58 (i) Lok Sabha Rules, n.l(i), Rule 331E (c); and
(ii) Rajya Sabha Rules, n.l(ii), Rule 270 (c).
action taken reports has already been discussed in Chapter IV. The Committee has given action taken reports on 14 reports presented by the Committee on the subjects selected. The main source of information and activity for the Committee is oral evidence. The Committee heard 11 persons on medical education and 15 persons on Technical education. Besides this, the Committee held discussions with a large number of persons across the country.

Central Government Health Scheme (CGHS) was the first major single health scheme taken up by the Committee and reported on. The Committee made a detailed examination of the CGHS and held hearings across the country and submitted report. The Committee besides receiving several written memoranda, also visited some dispensaries, and also heard the views of some beneficiaries, officers of some dispensaries, and officers of the Department of Health. The Committee made a wide ranging recommendations on improving the work culture, improving the quality and supply of drugs, formulary, and many other aspects. The Committee also recommended that the Government may examine/explore alternatives for replacing CGHS with health insurance cover, initially starting with senior citizens and later on extending it to serving employees as well. It was also suggested that Government may also examine whether the on-going CGHS could be converted from purely departmental activity into a more manageable quasi-Governmental set-up managed by trust or trusts. The Committee considered the action taken by the Government and presented its action taken report.

the action taken report, the Committee has treated that 46 recommendations made by it in
the report were accepted by the Government and the Committee has given further
recommendations on the other 38 recommendations as the Committee was not satisfied
with the action taken by the Government. In regard to the recommendation for
considering alternative schemes, the Government has stated as under:

The issue of the introduction of a comprehensive Health Insurance Scheme is
already before the 5th Pay Commission. The Ministry has examined a Medical
Insurance Scheme framed by the Postal Deptt. And sent its comments to the Pay
Commission. In the meanwhile numerous Medical Insurance Schemes have
already been brought out by the General Insurance Company (GIC), which aim to
meet the needs of different categories of beneficiaries.

The Committee, concerned about the way syringes were being used in the dispensaries,
recommended for use of disposable syringes. Accepting recommendation, Government
have stated that they have issued instructions to all the dispensaries to use disposable
syringes.

Another subject taken up by the Committee relating to health, in which a detailed
examination was made was the functioning of Central Government Hospitals. The
Committee examined All India Institute of Medical Sciences (AIIMS), New Delhi, and
six other hospitals/institutes and made recommendations. The Committee touched
upon general issues such as overcrowding, facilities, co-ordination amongst the hospitals,

61 Ibid
62 31st Report of the Committee on Human Resource Development on the functioning of Central
63 The Hospitals and Institutes examined by the Committee are:
   1. All India Institute of Medical Sciences (AIIMS), New Delhi;
   2. Post-Graduate Institute of Medical Education and Research (PGIMER), Chandigarh
   3. Jawaharlal Institute of Post-Graduate Medical Education and Research (JIPMER),
      Pondicherry;
   4. All India Institute of Physical Medicine and Rehabilitation (AIIPMER), Bombay;
   5. Safdarjung Hospital, New Delhi;
   6. Dr. Ram Manohar Lohia Hospital, New Delhi; and
   7. Lady Hardinge Medical College and Associated Hospitals, New Delhi, (Kalawati Saran
      Children’s Hospital and Smt. Sucheta Kripalani Hospital).
maintenance etc. and also issues relating to individual hospitals and Institutes. The Committee particularly emphasised the restoration of referral character of AIIMS, and to establish linkages between AIIMS and Safdarjung Hospital. For reducing overcrowding in all the Government hospitals, the Committee recommended that the Government should pay immediate attention to improve and expand facilities for medical care at the primary and secondary levels so that only those patients needing specialist care and attention, are referred to the tertiary level hospitals located in the Metro cities.\(^{64}\) The Committee, in this report was also concerned about inadequate facilities for treatment of poor patients for major illness, especially those involving various complicated procedures. The Committee, therefore, suggested that if a mechanism can be set up, such as a National Catastrophic Illness Assistance Fund, then resources can flow from all sources, including private charities and international agencies and organisations.\(^{65}\) As regards the suggestion of creation of a fund, the Government had accepted the recommendation and proposed to set up National Illness Assistance Fund with an outlay of Rs.30 crores. The Committee, examining the Demands for Grants for 1996-97 felt happy to note this and desired that the scheme should be given wide publicity to make people aware of the scheme.\(^{66}\) The Committee considered the action taken by the Government on its recommendations contained in the 31\(^{st}\) Report on the functioning of Central Government Hospitals and treated that 55 recommendations were accepted by the Government and made further recommendations on 61.\(^{67}\) On the recommendations

\(^{64}\) 31\(^{st}\) Report, n.62.  
\(^{65}\) Ibid.  
for reducing the overcrowding and waiting time in the hospitals, the Ministry have stated that they agree with the suggestions.68

The Committee in its 73rd Report dealt with dreaded diseases and made recommendations for effective treatment.69 The Government has accepted 9 of its recommendations made in the above report and the Committee has not accepted the action taken by the Government on 8 other recommendations.70 In one of the recommendations the Committee recommended for laying emphasis on improving counselling service to HIV/AIDS infected people. The Government has accepted this recommendation. The recommendation and the action taken are as under:

**Recommendation**

3.7 The Committee is given to understand that care, support and medicines for people living with HIV/AIDS is very inadequate. This is particularly in view of the social stigma attached with this infection and the affected persons being treated as social outcast by the community as a whole. Infected persons are also required to be counselled to ensure that they take all precautions to avoid any further infection to others. For this, the Committee feels, highly skilled and efficient counselling and education are required. The Committee has the evidence to note that very few counselling centres are existing in the country. This counselling should have been started much earlier and the Committee is pained to note that much effort has not been done in this direction. Therefore, much more emphasis should be laid on this aspect and also on educating the general populace about their behavioural pattern with the infected people. Similarly, as already recommended earlier, medicines to the infected people should be regularly ensured and Government should provide sufficient budget for this purpose and assistance from foreign agencies may be obtained, if need be.

The Government has accepted the above recommendation of the Committee. It was stated that NACO was setting up counselling services across the country on a top

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68 Ibid.
priority basis to provide information about HIV/AIDS and related issues, and to provide psychological support to those already infected.\textsuperscript{71}

The Committee examined the functioning of National Institute of Mental Health and Neuro Sciences (NIMHANS), Bangalore, and made recommendations in the 54\textsuperscript{th} Report. Government has accepted 4 recommendations made by the Committee. When the Director of the Institute informed the Committee that they propose to increase the number of seats in some of the courses, the Committee supported and recommended that the proposal may be finalised as early as possible, and for increasing the seats, the staff strength is also required to be increased. Government accepting this recommendation stated that “Medical Council of India has agreed to increase the number of seats as proposed by the Director, NIMHANS, Bangalore and the Institute has also increased the M.Phil Clinical Psychology and M.Phil in PSW as proposed.”\textsuperscript{72}

One of the significant recommendations accepted by the Government was relating to providing sufficient funds for purchasing equipment. Accepting the recommendation, the Government has stated that the Government of India has released the entire funds and the equipment has been purchased by the Institute.\textsuperscript{73} Government has thus acceded to the recommendation of the Committee for release of funds for infrastructure.

The Committee took up Adult Education programme for a detailed examination. Observing the necessity of campaign according to region specific demands, the

\textsuperscript{71} Ibid
\textsuperscript{72} 98\textsuperscript{th} Report of the Committee on Human Resource Development on Action Taken by Government on the Recommendations/Observations contained in the 54\textsuperscript{th} Report on National Institute of Mental Health and Neuro Sciences (NIMHANS), Bangalore (New Delhi: Rajya Sabha Secretariat, 2001). Hereafter called 98\textsuperscript{th} Report
\textsuperscript{73} Ibid.
Committee recommended advertisements and posters in the area language to attract higher participation. Accepting the recommendation, the Government has stated that it was included in the 9th plan document.\textsuperscript{74} In the Action Taken report, the Committee has not accepted the action taken by the Government in 8 recommendations and made further recommendations.

Under-utilisation of funds is one aspect that has bothered the Committee on several occasions. While examining adult education programme, the Committee found similar malady and recommended that the Department should impress upon the States for effective implementation of Adult Education Programme and that the role of bureaucracy should recede and involvement of people should increase the ownership level of the programme. Strategy for this will have to be worked out, the Committee observed. The Committee was not happy with the action taken by the Government on this Government and made further recommendation in the Action Taken Report which is as under:

Despite the fact that the actual fund made available was less than that of allocated funds under 8th Five Year Plan, the Committee finds that even the available fund was not utilised upto the optimum level. In Committee's view, major portion of allocation of funds under the programme is either wasted or misused. The Committee, therefore, feels that remedial steps need to be taken in this direction. Decentralisation of administrative and financial powers to the State Literacy Mission Authorities (SLMAs) is a step in the right direction. The Committee, however is of the view that the composition of SLMA should be made in accordance with requirement of the state and elected representatives should be involved in its activities. Besides, the monitoring of the programme in any state should be done at the level of Chief Secretary periodically and the D.C./D.M. be made responsible for proper implementation of programmes under this scheme in his/her district.\textsuperscript{75}

\textsuperscript{74} 109\textsuperscript{th} Report of the Committee on Human Resource Development on Action Taken by Government on the Recommendations contained in the 72\textsuperscript{nd} Report on Adult Education (New Delhi, Rajya Sabha Secretariat, 2001). Hereafter called 109\textsuperscript{th} Report.

\textsuperscript{75} Ibid.
A scrutiny of the subjects taken up and reported upon would reveal that the Committee has selected major programmes such as CGHS, and adult education or major institutes such as Central Government Hospitals, and National Institute of Mental Health and Neuro Sciences, Bangalore, etc. The Committee has taken up and reported upon the following major programmes/institutes pertaining to the Department of Health:

- National Health Programmes
- Functioning of Central Government Health Scheme (CGHS)
- Functioning of Central Government Hospitals
- Functioning of National Institute of Mental Health and Neuro Sciences, Bangalore
- Functioning of All India Institute of Speech and Hearing, Mysore
- Dreaded Diseases
- Medical Education

The Committee has taken up the following programmes pertaining to both the Departments of Education:

- Problem of drop-outs
- Adult education
- Vocational education
- Value-based education
- Technical education
- Implementation of elementary education schemes of the Department of Elementary Education and Literacy

**OVERSIGHT MANDATE OF CONGRESSIONAL COMMITTEES:**
The Congressional Committees have not only the lawmaking functions, but also have the responsibility or the power to oversee implementation of the laws made by the Congress. This function is more or less on the same lines of the function of Indian Department related Standing Committees to select subjects from annual reports of the Ministries/Departments for detailed examination. The Indian context has already been explained above. Both the Committees have a free hand in the selection of topics. However, whereas Congressional Committees have the compulsion to announce their
oversight plans at the beginning of each Congress, there is no compulsion on the part of Indian Committees.

As the activities of federal Government has grown, the need of the Congress to oversee the administration of laws by the executive has also grown.76 Walter Oleszek speaks of the oversight as "...the continuing review by congress of how effectively the executive branch is carrying out congressional mandates."77 The oversight responsibility of the Congress was not officially recognised until enactment of the 1946 Legislative Reorganisation Act. Under this law, the standing Committees of both the Chambers exercise "continuous watchfulness of the execution by the administrative agencies" of any laws under their jurisdiction.

The rules of each Chamber provide for the oversight functions of the Standing Committees.78 Oversight is an effective instrument used by the standing Committees to review the executive agencies. The main ways of exercising oversight are the hearings and obtaining of reports from various agencies. The authorising Committees conduct the oversight hearings and hold investigations whereas for Committee on Appropriations, consideration of appropriations measures provides a good opportunity for oversight.

Generally every Standing Committee selects topics for oversight at beginning of each Congress and the Chamber is informed accordingly. A similar system is in vogue in

78 (i) House Rules, n.3, Rule X 2, 3 & 4 deal with the oversight responsibilities of the Committees.
(ii) Senate Rules, n.2. The Rules providing for jurisdiction of each Committee also provides a proviso on oversight responsibility. Chapter 25.1(m)(2) provides that the Committee on Health, Education, Labour and Pensions shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.
India, where the Department related Standing Committees selects topics every year after reconstitution and make detailed examination and presents reports thereon.

The oversight activity is generally intended to maintain a watch on the expenditure of funds and implementation and enforcement of laws. In the words of the subcommittee on Oversight and Investigations of the Committee on Commerce it was “committed to maintaining a vigilant watch in the 105th Congress on the expenditure of Federal funds by all of the departments and agencies under its jurisdiction. The subcommittee also intends to continue monitoring closely the implementation and enforcement of the various laws under the Committee's jurisdiction to determine where reforms may be needed to eliminate unnecessary or burdensome regulations.”

The oversight hearings are many a time made use of to find out the effectiveness of the implementation of the programmes and suggest suitable improvements there if necessary. On February 6, 1996, the National Governors Association (NGA) unanimously adopted a bipartisan proposal to restructure the Medicaid Program. The NGA proposal would replace current Medicaid law with a new flexible program that would allow States a combination of increased Federal funding and enhanced operational and administrative flexibility to implement new ideas and management techniques for providing those below the income poverty level with adequate and efficient health care. The Full Committee held two oversight hearings on the NGA Medicaid Restructuring Proposal. The first hearing was held on February 21, 1996. Witnesses included Governors of the States of Michigan, Florida, Utah, Nevada, Wisconsin, and Colorado.

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The purpose of the hearing was to examine the process by which the Governors reached consensus and the manner in which their bipartisan proposal would enable them to improve the effectiveness and quality of their Medicaid programs. The Full Committee held a follow-up hearing on the NGA Medicaid Restructuring Proposal on March 6, 1996. Witnesses at the second hearing included the Secretary of Health and Human Services, various health industry officials, and representatives of non-profit organisations as well as beneficiaries. The purpose of this hearing was to receive testimony from the Administration and those in the health care industry concerning the NGA's Medicaid Restructuring Proposal.  

The Committees hold oversight hearings to find out the position about the implementation of a law even after just one year of passage. On October 7, 1998, the House Committee on Commerce held a hearing on the Implementation of the Food and Drug Administration Modernisation Act of 1997 (Modernisation Act) (Public Law 105-115). This hearing was held to mark the one year anniversary of the House passage of the Modernisation Act, and primarily considered the following questions: (1) what impact the Modernisation Act has had on the pharmaceutical, medical device, and biotechnology industries; (2) whether FDA has implemented the Modernisation Act's mandates consistent with Congress' intent; and (3) what impact the Modernisation Act has had on the way FDA is able to face the challenges of rapid product innovation to ensure the safety and quality of the medicines taken and the medical devices used.  

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81 Report 105-846, n.79.
The Committees also hold oversight hearings to find out fraud waste and abuse. The Oversight subcommittee of the Committee on Commerce has closely reviewed the Health Care Financing Administration's (HCFA) efforts to fight Medicare waste, fraud and abuse. The subcommittee examined HCFA's efforts to enhance Medicare's pre-payment detection capabilities with Commercial Off-the-Shelf (COTS) software, and its efforts to develop an integrated Medicare Transaction System (MTS), an automated claims processing system that would have consolidated HCFA's eight different automated information systems into a single Medicare claims system. With respect to MTS, the Committee's efforts disclosed that HCFA had made payments of almost $80 million in total with over $50 million going to the MTS contractor--more than double the original projected cost for the entire contract--with virtually nothing to show for it. The subcommittee heard testimony by officials from the General Accounting Office, the Office of the Inspector General at the Department of Health and Human Services, and from HCFA. The witnesses all testified to the enormous amount of waste occurring in the Medicare system, as well as to the issues surrounding HCFA's efforts to develop the MTS system and the efforts to implement COTS software. With respect to the COTS software issue, the Committee brought attention to the fact that HCFA's efforts have been far from adequate in fighting waste, fraud and abuse on all fronts. The Committee held two more hearings of the officers during which, the Committee found that HCFA had substantially reduced its savings.82

Executive is expected to take action on the oversight and investigative activities of the Committees. Ultimately, either executive has to act and if necessary the

82 Ibid.
Committee tries to find a legislative solution. In June of 1996, the Department of Health and Human Services Office of the Inspector General (HHS OIG) initiated an audit (known as Physician at Teaching Hospitals or PATH audits) of the billing practices at the nation's 125 teaching hospitals to determine if they were improperly billing Medicare Part B for services that were performed only by a resident when a teaching physician was not present. Under Medicare Part B, a teaching physician is allowed to bill Medicare only if the physician is physically present during the administration of the medical services.

The PATH audits sparked heated resistance from both the American Medical Association (AMA) and the Association of American Medical Colleges (AAMC), as well as some Members of Congress, who called for suspension of the audits. The HHS General Counsel undertook a review of the matter and standards for billing and issued a letter on July 11, 1997, in which she concluded that the standards for reimbursing teaching physicians under Part B had not been consistently and clearly articulated over the years. Some expressed concern that the General Counsel's letter, which was issued and released during an ongoing IG audit, may have undermined the IG's efforts by re-defining the scope of the criteria for the PATH audit initiative. Of the 49 audits that were already underway at the time, 16 of the audits were terminated as a direct result of the General Counsel's review. Being very troubled by the HHS General Counsel's letter during an ongoing OIG audit initiative, the Chairman of the Committee wrote to Secretary Shalala on September 16, 1997, about the General Counsel's July 11 letter requesting an explanation and requested a number of documents pertaining to the circumstances and facts that provided the basis for the July 11 letter. Additionally, Committee staff had several meetings with representatives from HHS OIG and HHS General Counsel's office,
as well as the AAMC to discuss their respective involvement with the PATH initiative, as well as the genesis of the July 11, 1997 letter. As a result of the Committee's oversight efforts, the Department and the HHS OIG have made a concerted effort to ensure that a similar situation will not arise in the future. 83

In a similar case, in February 2001, the Committee on Energy and Commerce launched an inquiry into possible administrative procedure violations by the Office of Research Integrity (ORI) within the Department of Health and Human Services. ORI had issued a final policy that imposed new requirements on the nation's research institutions for all research funded by the Public Health Service, but neither the proposed policy nor the final policy were published in the Federal Register as required by the Administrative Procedure Act. As a result of the concerns raised by the Committee, ORI withdrew the final policy. 84

During the 105th Congress the subcommittee on Oversight of the House Committee on Education and Workforce, conducted the first comprehensive congressional review of federal education programs to determine what is working and what is wasted. This review was known as the 'Education at a Crossroads' project. 85 To accomplish this, the subcommittee conducted extensive research and field hearings around the country. The project began in the 104th Congress when the subcommittee asked the U.S. General Accounting Office to examine the elements of successful schools. During the 105th Congress, the subcommittee listened to people whose voices are not often heard in Washington by holding 17 hearings around the country to examine what works and does not in federal education programs. Six additional hearings were held in

83 Ibid.
84 Report 107-802, n.31.
Washington on issues such as teacher training, school safety and drug-abuse prevention programs. Based on this systematic review, the subcommittee found that successful schools and school systems are not the product of federally designed programs, but instead are characterised by (a) parents involved in the education of their children; (b) local control; (c) emphasis on basic academics; and (d) dollars spent on the classroom, not bureaucracy and ineffective programs. The subcommittee issued the report *Education at a Crossroads: What Works and What's Wasted in Education Today*. During the 106th Congress, the subcommittee continued to look beyond the crossroads toward states, districts, and schools that have emerged as shining examples of excellence over the last two decades. It found that the key to success in all levels of education is putting student performance first. The subcommittee compiled its findings gathered from hearings and oversight activities held in 1999 and 2000 and issued *Education at a Crossroads 2000: The Road to Excellence* ('Crossroads 2000'). From the 104th Congress through the 106th Congress, the subcommittee on Oversight and Investigations (subcommittee) of the Committee on Education and the Workforce conducted a comprehensive Congressional review of the federal role in education to determine 'what is working and what is wasted.' This review was known as the 'Education at a Crossroads' project. The purpose of the project was to identify the steps that lead in the direction of either educational excellence or failure in order to develop a positive vision for making the federal role in education more effective in helping children learn.

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85 Report 105-836, n.28.
86 Ibid
87 Ibid
88 Report 106-1040, n.29.
Oversight leading to legislative solution

Finding legislative solutions is one of the outcomes of the oversight activities. This is in quite contrast to the system obtaining in India, where Committees cannot find legislative solutions as they are not authorised to. But the Committees give their report and ensure implementation of the recommendations made therein and also give action taken Reports thereon.

On the basis of the oversight findings of the sub-Committee on oversight and investigations of the Committee on Education and Workforce "on Education at Crossroads", the Bills, Charter Schools Amendments Act, HR.2616 and H.R. 3248, the Dollars to the Classroom Act were introduced and were passed by the House. On May 5, 1998, the Committee on Education and the Workforce held a hearing in Washington, D.C. on H.R. 3248, the 'Dollars to the Classroom Act. On August 26, 1998, the subcommittee on Oversight and Investigations held a hearing in Manchester, Tennessee as part of the Committee's 'Education at a Crossroads: What works? What's wasted?' project. As with previous Crossroads hearings, the overall focus of this hearing was to look at what's working and what's wasted in education. This hearing also focused on the issue of sending more dollars to the classroom, as well as which local education activities and programs are actually improving learning and academic achievement. On February 24, 1998, Representative Joseph Pitts (R-PA) introduced H.R. 3248, the Dollars to the Classroom Act, a bill which would consolidate 31 elementary and secondary education programs into one grant program, and send more dollars to the classroom. The Committee on Education and the Workforce ordered H.R. 3248 to be reported on June 24, 1998, as amended, by a 19-18 vote and on September 14, 1998, the Committee filed
its report (H. Rept. 105-710) with the House. H.R. 3248 passed the House on September 18, 1998, as amended.\textsuperscript{89} This is another Bill introduced after the Committee completed its ground work including hearings. Then the Bill was introduced and reported. The oversight hearings have been used for legislation.

In June 1999, the House Committee on Commerce began a review of the National Practitioner Data Bank (NPDB) to evaluate the effectiveness of the NPDB in protecting patients from questionable health care providers and improving the quality of health care. On March 1, 2000, the subcommittee on Oversight and Investigations held a hearing on granting public access to the Data Bank and a second hearing on March 16, 2000. As a result of this investigation, the Chairman determined that the benefits of public access to a revised NPDB outweighed any arguments against it. On September 7, 2000, he introduced H.R. 5122, the Patient Protection Act of 2000, which would allow the public free Internet access to information in the NPDB concerning physicians (doctors and dentists).\textsuperscript{90}

**Oversight a continuing process:** The Standing Committees of Congress conduct oversight investigations on a continuing basis. The House Committee on Education and Workforce held oversight hearings on the Corporation for National Service (CNS) during 104\textsuperscript{th} and 105\textsuperscript{th} Congress. The Corporation for National Service (CNS) was created in 1993 under the direction of President Clinton. Its premier program is Ameri Corps, which enables 18-24-year-olds to provide a year of volunteer service in exchange for a living allowance and a higher education stipend. Significantly, when President Clinton proposed the legislation creating CNS, he said that it `would be run like a private venture capital

\textsuperscript{89} Report 105-836, n.28.
\textsuperscript{90} Report 106-1047, n.30
outfit, not like a bureaucracy.' During the 104th Congress, the subcommittee on Oversight and Investigations conducted two oversight hearings on CNS, discovering that the Corporation was unable to produce auditable books in its first attempt at doing so. On July 24, 1997, (105th Congress) the subcommittee conducted a hearing to determine if CNS was any closer to transforming itself into an entity resembling a private-sector venture capital group. It was not, the Committee stated. It was further stated that auditors testifying at the hearing reported that 25% of the 99 weaknesses found in the original CNS audit still existed. The agency's books were still unauditable. In September 1998, the Committee learned that, after five years; CNS still cannot produce auditable books. It also learned, from the CNS Inspector General, that CNS does not have accurate information concerning how many service hours its volunteers have put in, or how many of these individuals have accumulated enough hours to qualify for educational awards. 91

During the 105 Congress, the sub-Committee on oversight and investigations of the House Committee on Education and Workforce held 52 hearings including 11 field hearings. The oversight was conducted on the following aspects:

- EDUCATION AT A CROSSROADS
- AMERICORP
- NATIONAL EDUCATION ASSOCIATION
- DIRECT LENDING
- ENSURING FAIRNESS IN FEDERAL CONTRACTING: THE CLINTON ADMINISTRATION'S PROPOSED 'BLACKLISTING' REGULATIONS
- YEAR 2000 COMPLIANCE

In addition to the above items, the Committee held special investigations into two issues. 92 During 106th Congress also the Sub-Committee continued its oversight on the Education at a Cross roads. Besides this, the Sub-Committee held oversight hearings on

91 Ibid
92 Source Ibid.
various other issues, some of which were also taken up in 105th Congress. During 106th Congress, the Sub-Committee held 37 oversight hearings.

The oversight activity is a huge and voluminous task undertaken by the Congressional Committees. The House Committee on Appropriations and its Sub-Committees, during 103rd Congress, held 548 days of oversight hearings, took testimony from 9,955 witnesses and published 180 volumes of hearings. In 104th Congress, the Committee conducted 457 days of hearings, receiving testimony from 6,999 witnesses and in the process, 170 volumes of hearings were generated. The Committee gets investigations conducted on the topics selected by its Surveys and Investigations Staff. The Committee got 63 reports from the Staff and had underway or completed an additional 191 reports from the General Accounting Office during the 104th Congress. The Senate Committee on Appropriations also conducts such investigations and receives a large number of reports. Besides the Appropriations Committees, the other legislative Committees also conduct oversight on the subjects within their jurisdictions. The substantial number of reports required by Congress and Committees has triggered some complaints within both the executive branch and Congress that legislative Committees are attempting to “micromanage” administrative details. The Committee makes use of the information thus received in finalising Appropriations Bill and the report thereon whereas the Indian Committees present formal reports to the Parliament.

The House Committee on Commerce held oversight hearings, alongwith the subcommittee on oversight and investigations on 11 subjects relating to health during 105th Congress and held investigation on 9 issues, whereas in 106th Congress the Committee held hearings on 12 health issues and conducted investigation on 4 matters.
The Committee on Energy and Commerce (earlier Committee on Commerce) held hearings on health issues in 107th Congress on 11 topics and investigated on 5 issues. The House Committee on Education and Workforce and its subcommittee on Oversight and Investigations held oversight hearings on 11 issues during 105th Congress and in 106 Congress on 24 issues on the education related issues. Comparatively, it would be seen that Indian Committee on Human Resource Development has so far (during the last 10 years) selected 21 subjects and given its reports thereon out of which 13 are on education and health. This is far less as compared to the Congressional Committees.

From the topics on which oversight hearings were held, it would be seen that the Committees have taken up minute issues and topics for examination and oversight. Some of the topics are as under:

- Medicare waste, fraud, and abuse
- Medicare billing: Savings through implementation of commercial software
- Physicians' comparability pay
- Cervical cancer
- Internet pharmacies
- President Clinton’s education initiatives
- National testing
- Excellence in teaching
- Academic achievement for all
- Education at cross roads – what works, what is wasted
- Drop out prevention
- Success of charter schools

In comparison to this, the programmes taken up by the Committee on Human Resource Development are a macro study. Drop outs and Dreaded diseases only were taken as issues/problems for a micro study. Similarly, the number of topics taken up by the Indian Committee are very less as compared to the Congressional Committees.

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93 How Congress Works, n.76, p99.
A comparison of the examination of subjects selected by the Committee on Human Resource Development and the oversight function of the Congressional Committees reveal that the purpose for both is the same. The Committees have tried to examine the subjects, taken up, in a very detailed manner and find solutions thereto. For example, the Committee on Human Resource Development has found that overcrowding is ailing the CGHS dispensaries and the central Government hospitals and recommended for certain measures. On the other issues also the Committee made recommendations for solving the problems found by it during the course of the examination. In the action taken reports, the Committee found that some of its recommendations were accepted by the Government and wherever the Committee was not satisfied with the action taken, it made further recommendations. The Congressional Committees have tried to find legislative solutions for the problems found by them in the oversight hearings. Some of the oversight activities were continuous and such continuous examination would put the agency on alert.