CHAPTER VI

CONCLUSIONS

Modern legislatures have been found to be multifunctional institutions. They are no more mere law making bodies. Besides law making, it was found that the legislatures perform varied functions, which include, overseeing executive, ensuring administrative and executive accountability, approving policies, redressing people’s grievances and the like. Of all the functions, control of executive, through executive accountability is the important one. The myriad functions performed by either Indian Parliament or US Congress would make it impossible for the legislature to adequately scrutinise legislative proposals and oversee administrative action. In view of many functions performed, modern legislatures are handicapped in effective overseeing of the administration. Here the legislative committees have been found to have got a vital role, both qualitatively and quantitatively.

It would be essential to understand what a committee is and what are its functions. A committee was found to be a branch or an offshoot of a body, discharging the duties entrusted to it by the creator. A committee gives advice, inquire, negotiate, administer and scrutinise and control.

It was found that a legislative committee consists of the members of the legislature, which has created it, examines legislative proposals and other issues referred to it and submits its report to the legislature alongwith its findings thereon. The pressure

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1 Dr. Subhash C. Kashyap, Our Parliament (New Delhi: National Book Trust, 1996), p.51. Dr. Kashyap has stated that "Parliament today is not a law-making body only. It has become more and more a multifunctional institution performing a variety of roles—many of these interrelated and often meshing into one another." Hereafter called Kashyap.

2 Ibid. P.177.

of time and the increasing volume of work with large number of bills, were found to have
necessitated the creation of legislative committees. Because of the large size and the
party politics involved in the chambers of the legislature, the kind of informal discussion
that is required for detailed examination of the bills and particularly for overseeing the
executive, was not found to be possible in the larger legislatures. It was here that the
place of committees was found to be appearing.

The legislative committees were seen to be of different categories. One Category
is tenure/composition based under which Indian Committees are called Standing and
Select Committees and the US Committees are called Standing, Select, Joint and
Conference Committees and the Committees of the Whole. Functionally speaking,
Indian Committees were found to be classified as Financial Committees, Departmentally
related Standing Committees, House Committees, Inquiry Committees, Scrutiny
Committees and Service Committees, whereas US Committees were classified as
National Issue Committees, Clientele Oriented Committees and House Keeping
Committees. However, under whichever category the committees are considered and
called, ultimately they perform functions according to the system in which they are
created and functioning. The legislative committees, wherever they exist, perform the
following functions:

- Expedite law making
- Acquiring information
- Forming judgement
- Advising the executive on the implementation of policies
- Reviewing the administrative action
- Advising the legislatures
- Examining the budgetary proposals

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4 Kashyap, n.1, pp.180-181,
5 George Goodwin, Jr. The Little Legislatures-Committees of Congress (Massachusetts: The University of
All these functions are performed by the committees in Indian Parliament and the US Congress. There may be many more functions performed by the committees, the above mentioned functions are considered to be the significant ones.

Committees were found to have many advantages. The first and the foremost advantage is division of labour. It is obvious that the committees reduce the work load of the legislature by sharing the responsibility and the legislature can devote on the broader aspects. It would also be seen the committees are useful for informal discussions, and specialisation and expertise. Committees also get oral evidence of the executive and the public at large, which is not possible in the legislature as such.

Though parliamentary committees are in existence in the real sense of the term since independence, but the roots of the committee system can be traced back to the ancient India when the king used to appoint a committee of one or two ministers or close confidants as his advisors. The committees in the western corollary can trace their roots to the Montague Chelmsford Reforms. But these committees cannot be treated as the real parliamentary committees because they did not have the independence as required and did not get executive accountability. Since independence, committees have become a part of the parliamentary system in India. It was found that though constitution of India does not provide for the parliamentary committees, it very well recognises the committees and it is an indication that a committee is a part and parcel of and an essential organ of the parliament.

The Committees of Indian Parliament have the history of just over 50 years at par with the life of the Parliament of India. The committees in India function within the parliamentary system adopted for India. As against this, the Congressional committees
function within the presidential system adopted more than 200 years ago. In USA, committees have acquired a significant position; because of the system in which they have grown.

In India, Parliament provides a meeting ground between the executive and the Members of Parliament. The executive is made accountable to the legislature through the system of majority party in the parliament forming the government. But this does not happen in USA. It was found that the only official forum available for the congressmen to meet the executive heads and officers within the Congress is the Committees and, therefore, committees are made best use of in this regard in USA.

During the last 50 years, Indian Parliament has seen several committees of different types. Whereas the Business Advisory Committee looked after the business of the respective Houses, the Rules Committee came into existence to frame and amend rules. There are servicing committees such as House Committee, Joint Committee constituted under the Salary, Allowances and Pensions, of Members of Parliament Act, 1954 etc. Financial Committees deal with the estimates of the government, accounts of government expenditure and the public sector undertakings. There are also committees to look after the public petitions, subordinate legislation and the government assurances. But it was found that none of the standing committees functioning in India has had the legislative jurisdiction until 1993. There were, however, ad-hoc committees which dealt with bills. It was found that there were committees appointed from time to time on the bills. Such committees were appointed only on a few bills. But in Congress, from the early stage of committees, bills were being referred to committees on a regular basis.
This is evident from the fact that in the Third Congress itself, 350 committees were created.

Committee system in India and USA have been shaped and buffeted by the changing circumstances and requirements. This is evidenced from the way committees have grown in USA, they have seen the peak point and then have stabilised in the early 20th century. Earlier, committees were appointed for specific purpose and later this practice changed to automatic reference of Bills to committees. Committees grew much faster in the House of Representatives. As compared to this, the committees of the individual chambers of the Indian Parliament have grown almost on parallel lines with a difference of a few years. It was also seen that there is exception of only a few committees which exist in Lok Sabha and do not exist in Rajya Sabha such as Committee on Private Members Bills.

It was found that until 20th century both the chambers of US Congress favoured creation of committees rather than abolition, reason being perhaps loss of a chairmanship meant a loss of prestige, staff, and often office space and also the loss of a committee meant the loss of specialised treatment of particular problems, often desired by different groups. It would be seen that the practice of abolition of any standing committees in Indian Parliament has not yet started. The day may, however, not be very far when the traditional committees without legislative jurisdiction, may see abolition, if not all at least a few, and in the process the Department related Standing Committees may proliferate with creation of more.

Though it took more than 40 years for the Department related Standing Committees
to enter into the arena of the committee system in India, but the subject committees started getting established in 1795 itself in USA when the Committee on Commerce and Manufactures was set up.

It was found that the setting up of the Department related Standing Committees has heralded a new era in the committee system in India. New opportunities have arisen for the committees to scrutinise the budgetary allocations, which was not there until 1993. A set of committees are now available to which the bills are referred on a regular basis. A more organised accountability to Parliament through committees is available. The committees set up earlier had limited jurisdiction of executive accountability and thus had limited influence over executive.

After the initial establishment of committees in Indian Parliament, setting up of the Department related Standing Committees can be considered as the first major reform in the Indian parliamentary committee system. As compared to this the Congressional committees grew and stabilised in different stages. But the major overhaul of the Congressional committees was undertaken with the passing of Legislative Reorganisation Act, 1946. One significant achievement of this act is that the committees were charged to exercise continuous watchfulness over the implementation of laws by the executive branch. A function similar to this performed by Indian committees is selection of subjects and consideration, from the annual reports of the respective departments under the concerned committee’s jurisdiction.

It was found that the Congressional Budget and Impoundment Control Act passed in 1974 brought a new dimension to budget and its passage in Congress. Under this Act, a budget process was created and was added to the existing committee structure,

along with a new Budget Committee in each chamber. As far as the Indian Parliament is concerned, it was found that such a budget process does not exist in India. The reason is simple. In India there is executive in the Parliament, which takes care of the budget and ensures that it was passed in the Parliament. Such an arrangement does not exist in US Congress, and to offset the difficulties faced in the process, the Budget Act has given a well-laid out mechanism.

Committees of Indian Parliament and US Congress have been found to be drawing their existence from the rules of the respective chambers. The Constitutions of both the countries do not provide for the establishment of the committees. It would, however, be seen that even though the Constitution of India does not provide for committees, it recognises the likely existence of committees. It gives rise to the presumption that the framers of the Constitution took Parliamentary committees for granted and left to the House to make provision for them.7

Standing committees in India have been found to be of different types. Each committee has a different type and nature of functions and the only exception are the seventeen Department related Standing Committees. All the Department related Standing Committees have similar nature of work with different jurisdictions.

It was seen that in terms of functions performed, the standing committees in Indian Parliament can be divided into inquiry committees, scrutinising committees, advisory committees, servicing committees, financial committees and Department related Standing Committees. Inquiry committees look into specific complaints received by the Parliament whereas scrutinising committees control the executive through the scrutiny of subordinate legislation, government assurances etc. Advisory committees are concerned
with the day to day business of the House whereas the servicing committees deal with the house keeping activities of the Parliament. It was found that the advisory committees and servicing committees are exclusively concerned with the affairs pertaining to the Houses of parliament. Business Advisory Committee recommends business to be taken up by the House, whereas Rules Committee examines amendments to the Rules of Procedure and conduct of business of the House concerned. House Committee in each House looks after services and amenities to the members and General Purposes Committee considers matters, which do not fall under the category of any other committee. It was further found that all other committees except the advisory and servicing committees deal with the issues pertaining to the executive/government. For example the committee on Petitions deal with the public petitions and ultimately there will be some department/ministry which is responsible for the issues raised in the petitions. The committee examines the concerned department before arriving at the conclusions. Whether it is petitions, assurances or papers laid, ultimately the responsible agency is the concerned department of the government of India.

It was found that until the setting up of the Department related Standing Committees, it was the three financial committees that used to undertake the scrutiny of the governmental spending and performance, thereby securing the accountability of the administration to the Parliament. The Estimates Committee examines annual budget estimates and reports on effecting economies, improvements in organisation, and efficiency whereas the Committee on Public Accounts examines the accounts of the government of India to find out whether the grants given by the Parliament was spent for

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7 Kashyap, n.1, p.179
the purpose it was granted. The Committee on Public Undertakings examines the working of the public undertakings. It was however found that these committees do not have the legislative jurisdiction and to scrutinise the budgetary allocations of the departments.

The Department related Standing Committees have expanded the horizon of the committee system of Indian Parliament. It was found that the functions of all the 17 Department related Standing Committees encompass the functioning of the entire government establishment. The Committees consider the demands for grants of the Ministries/Departments falling under their respective jurisdiction. The biggest achievement of these committees is reference of bills to them on a regular basis, and consideration of budgetary allocation of all the departments of government of India every year. It is the Department related Standing Committees that have brought the Indian committee system closer, with identical features, to the US Committee system particularly in respect of ensuring executive accountability and scrutiny of executive policies/programmes. As far as the composition is concerned, it would be seen that the Indian Department related Standing Committees are joint committees whereas the standing committees of USA are committees of each House.

It is interesting to find that the Committee on Appropriations, which is a financial committee deals with appropriations of all the departments of the executive. They have jurisdiction over all appropriations. Appropriation of the revenue for the support of the government is their main jurisdiction. It is in contrast to the system obtaining in India. Whereas in US Congress, Committee on Appropriations in each chamber deals with appropriations of the entire executive, the Department related Standing Committees deal
with demands for grants, the budgetary allocations in India, pertaining to the department under their respective jurisdictions. However the interesting similarity is that the Committee on Appropriations of the House of Representatives/Senate deals with the appropriations of all the departments through 13 sub-committees and thus 13 appropriation bills. But the fact is that both the committees deal with the budgetary allocations proposed by the executive and this similarity would not have been possible had there not been Department related Standing Committees in India. Just as 13 sub-committees deal with the appropriations of the departments, the 17 Department related Standing Committees deal with the demands for grants of the ministries/departments of the government of India.

It was found that the authorising committees have legislative jurisdiction over specified departments and related agencies and programmes which is on the similar lines of the legislative and financial jurisdiction of Department related Standing Committees.

Besides the Department related Standing Committees, the house keeping committees were also found to have similar features. House keeping committees in India are not a part of Department related Standing Committees. Though similarity existed, the content of executive accountability and control do not exist in either committees. It was also found that US Congress has less number of House keeping committees i.e. two in the House of Representatives and one in Senate and one Joint Committee (Library Committee), whereas Indian Parliament has a host of advisory/house keeping committees which perform the functions similar to that performed by the house keeping committees in USA. Indian Parliament is only 50 years old and it would be too early to sit on judgement over the necessity or otherwise of the number of house keeping committees.
But now a stage has come for a overall review of the committee system and the revision because the world is moving fast and we cannot afford to wait anymore.

On the appointment of committees in both the countries, some interesting features of comparison have come to light. It was found that different methods are adopted for appointing different types of standing committees in India whereas in USA all the standing committees are appointed by one method and at one go. Though Congressional committees are elected but it is just a formality and the committees are elected through a resolution whereas in India, in the case of election of members to a committee, election does take place if necessary and in the case of nomination, the Presiding Officer of the concerned chamber nominate members to the respective committees. But the method of appointment of committees is immaterial. Whether it is in India or USA, it is the respective parties that play a vital role in the selection of members of the committees. Therefore, ultimately, it is the parties that decide as to who shall be in which committee. Systems may differ and methods may differ between the two countries, but this is the most striking similarity between the two countries.

In regard to the number of committees to which one can be appointed to, one striking contrast has been found between the two systems. In India, there is no bar under the rules and one can be appointed to any number of committees whereas in US Congress, rules of either chamber put a cap on the number of committees to which members of either House can be appointed. As regards the number of members to be appointed to a committee, in India, it was found that rules provide a number for each committee and in Senate also a similar provision is there in the rules and the the House does not put a cap on the number of members in a committee. Even though all the
committees may not have the same size, it is desirable that the size is defined by the rules.8

Every committee, whether in India or USA, has to have a chairman. The striking difference between the two systems is that in India chairmanships of all the committees are shared by all the parties according to their ratio in each House of the Parliament. But US Committees have chairmen always from the majority party in each chamber. This system has been in existence in USA right from Jefferson’s time and the system has worked there very well. When committees are chaired by members from majority party only, there may be one single policy followed in all the committees. Though the system of multi-party chairmen in committees has been working quite well since independence, the system may undergo change in due course of time.

Sub-committees play an effective role in sharing the responsibility of the main committees. In India, standing committees do not appear to have caught up with the sub-committees. It was found that during 2002, out of 17 Department related Standing Committees, only seven committees appointed sub-committees. As against this, all the standing committees except three in the House and four in the Senate appointed sub-committees, and the House Rules prescribe a limit on the number of sub-committees that can be appointed by a committee. It needs to be mentioned that a sub-committee helps in in-dept study and examination of the subjects and more issues can be taken up by a

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8 In this connection attention is invited to the observation made in the Second Report of the Renewing Congress Project, which reads that “committee sizes should be set in the House rules as they are in the Senate and were in the House until 1975. In current House practice, there is no limit, and the party caucus may add members for pro forma floor ratification, without limitation unless the other party wishes to require a floor vote.” Thomas E. Mann and Norman J. Ornstein, Renewing Congress – A Second Report of the Renewing Congress Project (Washington D.C.: The American Enterprise Institute and The Brookings Institution, 1993), pp.19-20.
committee through sub-committees. In this respect, the Department related Standing Committees may take a cue from the standing committees of USA.

The most striking similarity between the Indian and US committees is that the both committees hold hearings. Hearings are the nerve centre of the committee activities. Hearings are an effective instrument used by the committees for information dissemination and also ensuring the executive accountability. It was however, found that meetings and hearings of the committees in India are not open to public and they are always closed sittings. Proceedings of the meetings/hearings of the committees are not made public except in rare cases. In contrast to this, it was found that in USA, generally all meetings and hearings of committees are open to public and the media also can attend the meetings. However, while in open session, a committee can decide to close all or part of the remainder of the meeting or hearing on that day for – disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade or incriminate any person or otherwise would violate a law or rule of the House. Closure of a hearing in USA is more an exception than a rule and generally hearings are open to public. Today, the society is going through a fast communication and information explosion and by touch of a button, information around the world is right in front of us. Things are getting more and more open and transparent. In such a scenario, it would be more desirable and practical to open up committee meetings/proceedings to public. Committee system in India may take a pragmatic step in this direction in due course of time.

Consideration and scrutiny of budgetary allocations is the main function of the standing committees of USA and Department related Standing Committees in India. To
understand the different approaches of the committees in dealing with budgetary allocations, similarities and differences, and the manner in and the extent to which the committees influence executive or ensure executive accountability, committees dealing with the departments of health and education were chosen for an in-depth study. It was found that the Committee on Human Resource Development deals with the demands for grants of seven departments belonging to three different ministries and gives seven reports and the Departments of Health and Education are among the seven departments. In USA, one of the reports presented by the Committee on Appropriations in either House deals with the appropriations of the Departments of Health and Education.

As regards the time available to consider and report on budgetary allocations, it was found that Indian committees get less time as compared to US committees. It was found that US Committees got sufficient time to report on the Appropriations Bills pertaining to the Departments of Health and Human Resources, Education and Labour. Perhaps a revision in the system of budget presentation, pre-poning it by at least a month and reducing the number of departments under the jurisdiction of each committee may give sufficient time to them to deal with the demands for grants.

While examining the reports of both the committees of India and USA, it was found that there exists a basic procedural difference between the two systems. In India, the Committee on Human Resource Development (of course all the Department related Standing Committees) considers the demands for grants and gives its views in the report thereon. The report, however, is not accompanied by the appropriation bill. On the contrary, it was found that the reports of the Committee on Appropriations are
accompanied by the appropriation bills and the Committee could be considered as the pilot of the appropriation bill.

In regard to the allocations to the departments of Health and Education, it was found that the Committee on Human Resource Development has generally recommended for higher allocation. Even though, every year there is a general increase in the overall allocations to the Department of health, it was found that the Committee was not satisfied and recommended for increase in the allocation. It was seen that the Committee observed in 2003-2004 that the health of the people was of extreme importance and that there should be an increase in the budgetary allocation every year, commensurate with the size of the population, and the requirements, in respect of infrastructure, medication etc., which should provide adequate health care to people. It was also noticed that the committee desired that expenditure on education should reach 6% of GDP and this always remained a distant dream for the committee and it successively recommended for higher allocation. The committee, besides recommending higher allocation, also took serious view when there was under utilisation. It shows the committee’s commitment to full utilisation of funds so that the health and education sectors could provide a better living to the people. It would be seen that the committee kept a strict watch on the expenditure and desired more allocation and tried to ensure that allocation and expenditure matched. It was also seen that the Committee did not recommend for reduction in the allocation. It sows that the committees in India took a more pragmatic approach.

The major difference that was found between the Indian Committee on Human Resource Development and the Committee on Appropriations was that Indian Committee
only recommended for higher allocation and it had no authority to alter or change the allocations proposed by the government, whereas the US Committee on Appropriations makes its own allocations, changing the allocations proposed by the executive/president. Though the committee keeps in view the proposals of the executive, ultimately it makes its own allocations in the bill and report the bills to the House. In US the system has given this authority to the committees.

It was seen from the allocations since 1996 that the Committee reduced allocation to both the departments from 1996 to 2001 below the President’s request. The only exception was 1998 when the Committee increased allocation over and above the President’s proposal. It was found that until 2001, the Committee stated that it had rejected President’s hastily formulated and thinly justified new program initiatives and favoured existing programmes. Thus by reducing and refusing funds, the Committee effectively tried to influence the functioning of executive. But since 2002, the Committee increased allocation to both the departments and embraced Presidential reforms process outlined in the budget request. It is pertinent to mention that from 1993 to 2000, the President belonged to Democratic Party whereas the House of Representatives had Republicans in majority. Republicans continued to be in majority in the House thereafter too i.e. 2001 onwards when Republican President came to office. Contrary to this, the Indian Committee on Human Resource Development maintained a balanced approach and recommended for higher allocation.

Both the Committees have given special importance to hospitals and institutes. The Committee on Human Resource Development recommended for higher allocation and also observed for optimum utilisation of funds. The committee on Appropriations
increased allocation to National Institutes of Health over President’s request from 1996 to 2000 and 2001 onwards maintained the same budget request level. This is a special area for both the committees. While Committee on Human Resource Development laid stress on proper expenditure of funds allocated to the Health Programmes and recommended for steps for fuller utilisation of funds, the Committee on Appropriations expressed its concern about the growth in administrative expenditure in the Centres for Disease Control and Prevention. Thus both the Committees are concerned about the way in which expenditure is incurred and how and where the executive is faltering. The Committees have thus, tried to streamline the expenditure by the executive and have given a proper direction to them.

Committee on Human Resource Development has not taken very lightly the practice of making allocation to a scheme and not taking up the scheme later. Sarva Siksha Abhiyan Scheme was a classic case for this. The Committee was of the view that budgetary allocation for a scheme should be made only when the scheme has been finally approved. It was seen that in similar cases, the Committee on Appropriations rejected funding to hastily initiated schemes. Thus, the ultimate goal of both the Committees is the same i.e., to ensure proper implementation of schemes and preventing unnecessary expenditure. Such methods of the Committee would keep the executive on its toes.

It was noticed that the Committee on Human Resource Development has given priority to higher education. The Committee made a special observation on University Grants Commission (UGC) that full requirements of UGC should be met so that higher education was not affected. As against this, Committee on Appropriations made reduced allocation from 1996 to 2001 from the requested level except in 1998 when it was
marginally increased. It is an indication that the Indian Committee gave priority to higher education in view of the overall social and economic backwardness in the country. But both the Committees have in their own ways given anxious moments to the executive. However, the Committee on Human Resource Development took a critical note of the spending spree at the end of the financial year, thus making the administration avoid unnecessary expenditure.

It would be interesting to see that the Committee on Appropriations rejected several proposals of the executive for funding or not funding or termination. Classic example is Education Block Grant. But the Committee on Human Resource Development has not taken the extreme step of rejecting proposals of the executive.

In the final passing of the budgetary allocations, the committees' recommendations will have to be approved in either country. It would be seen that whether in USA or India, committees only make recommendations and ultimately the Parliament or the Congress, as the case may be, will have to pass the Appropriation Bills.

Committees in both the countries use the examination of budgetary allocations as an important opportunity to review, oversee and supervise the executive and the implementation of various programmes. It was found that the committees tried to find out drawbacks and suggest remedial steps while examining budgetary allocations. By reviewing the programmes every year, the committees kept an effective watch on the implementation of the programmes. The recommendation of the Committee on Human Resource Development that the non-formal education programme totally failed in their objective and there was no point in further continuing it, is an example to reveal the depth of review undertaken by the Committee. Similarly, the Committee on Appropriations
recommended that for meeting the needs of an ageing population, Human Resources and Services Administration should improve the training of all health professionals in geriatrics. Since the Committees review the programmes every year, the executive has to ensure proper implementation. Despite the differences in both the systems, the committees have made effective use of the budgetary process to keep a watch on the executive, on the implementation of the programmes. The committees have effectively ensured executive accountability through the process and controlled the executive to the extent necessary.

Though the committees in both the countries deal with budgetary allocations and reviewed the programmes in the process, it was found that the Committee on Appropriations examined the programmes and the allocations thereto in a more detailed manner as compared to the Indian counterpart. Every programme was dealt under many sub-programmes and divisions and in this regard generally the Committee on Human Resource Development dealt with major programmes. It could be an effective oversight if the programmes are dealt in a more detailed manner.

As already stated, the major difference between the Indian Committee on Human Resource Development and the US Committee on Appropriations is that Indian Committee only makes recommendations for increase or decrease in the allocation. But the Committee on Appropriations has the authority derived from the system to make its own allocations in the accompanying Bill. Indian Committee is not on a strong wicket in this regard. The committee’s recommendations do not reflect in the final allocations passed by the Parliament. Time constraint comes in the way and this needs to be considered.
It would, however, be seen that the executive gets an opportunity to act upon the Committee’s recommendations after the demands for grants are passed. The action taken reports given by the Committee is an instrument used by the Committee on Human Resource Development to find the extent of implementation of its recommendations. When government accepts and acts upon the recommendations of the Committee, it is a direct influence and impact of the Committee on the executive. It was found that during 1994-95, government accepted 42 recommendations on education and in 2003-04, 27 were accepted. The Committee also made further recommendations on some of its earlier recommendations when it was not satisfied with the action taken by the government. This further recommendation is actually forcing executive to act upon its recommendation the way it wants. Government accepts recommendations and sometimes more funds are provided at Revised Estimate level. Therefore, the action taken report given by the committee tantamount to further review of the executive in the same year. Action taken report is thus, an effective instrument used by the committee to make executive act. It was found that the concept of giving action taken reports does not exist in USA. The reason, perhaps being that the committee makes allocations, reports its own Appropriation Bill on which only Congress has to act. But it was also seen that the committee received action taken notes from executive agencies on the observations made by the committee on review during the course of budget process. This is sufficient to show that executive is accountable to the committees and through them to the Congress.

For legislative and oversight jurisdiction also the committees having jurisdiction over the Departments of Health and Education were chosen for a detailed study. The Committee on Human Resource Development has the legislative and oversight
jurisdictions and from US Congress, Committee on Health, Education and Labour and Pensions has the jurisdiction over the two departments in the Senate whereas in the House of Representatives, it is the Committee on Energy and Commerce which has jurisdiction over the Department of Health and the Committee on Education and Work Force having jurisdiction over the Department of Education.

It is an accepted fact that a legislative proposal cannot become a law without consideration and approval by the Parliament in India or Congress in USA, and this is an outstanding virtue of democratic system and particularly the bicameral legislative system working in both the countries. The features of a bill are to a large extent similar in both the countries. Bills can originate in either House in both the countries with the exception of Money Bills and Finance Bills in India and the Appropriation Bills in USA, which can be introduced in Lok Sabha in India and the House of Representatives in USA.

It would be seen that the number of Bills (Government Bills) introduced in Indian Parliament are far less as compared to the number of Bills introduced in US Congress. 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." In 2000 while 83 Bills were introduced in Indian Parliament, 3454 Bills were introduced in US Congress. Similarly it was also found that whereas 61 Bills became laws in India in the same year, 410 Bills became laws in US Congress. In view of the enormous number of Bills, Congress has left the major task of examining and scrutinising Bills to standing committees. In India though private member Bills are also introduced, they generally do not get passed to become laws.

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9 Goodwin, n.5, p.172.
10 Ibid.
In the Congress, standing committees play a significant role in the elimination of a large number of Bills. In both the countries, the committees can take up Bills for consideration only after their referral to them, and in India all bills are not automatically referred to the committees. In some cases Bills are passed by the Parliament without being referred to the concerned department related standing committee. In the Congress, a Bill after being introduced, is required to be referred to the concerned committee in either chamber. It was also found that a system of referring a Bill to more than one committee is in vogue in the House of Representatives whereas this is not followed very regularly in the Senate and in India there is no such system.

Committee on Human Resource Development reports all the Bills referred to it. However, the number of Bills referred is very less as compared to the number of Bills referred to the Congressional Committee. Congressional Committees do not report all the Bills referred to it. The number of reports is negligible as compared to the number of Bills referred. For example during 106th Congress, 715 Bills were referred to the House Committee on Energy & Commerce on the health and related aspects and the Committee presented 12 reports. Therefore the Congressional committees can be considered to have an upper hand over the Indian committees.

In comparison to the work done by the Congressional committees, it was found that the Committee on Human Resource Development has lesser Bills referred, less number of reports filed. It would however, be 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 appropriation work. But the Congressional
committees also deal with the 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.

Indian committees have no authority to amend the Bills. It was considered as a big constraint in the functioning of the committees. It was however, seen that government generally accepts most of the recommendations on the Bills. As compared to this, the Congressional committees pick and choose Bills for reporting according to the majority view. Bills originate in committees and committees can give their own Bills. In this scenario, the Indian committees are less powerful as compared to the Congressional committees as the system does not give more authority. The only consolation is that the government accepts the most of the recommendations of the Committee on Human Resource Development.

The Congressional committees report Bills authorising funding for the programmes and some times they also consolidate programmes into one. Indian committees cannot consider Bills on their own. Only those Bills that are introduced by government and referred to them can be considered.

The Congressional committees do the necessary groundwork before a Bill is introduced. Public hearings and official hearings are held and the committee collects necessary information. Thereafter the Committee Chairman and/or the members of the committee introduce the Bill. Thereafter the Committee presents its report favourably to the House.
Congressional committees effectively use their forum for finding legislative solution to the problems in implementation of laws or for any other problems. 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 Committees, Indian committees cannot find legislative solutions, but make suggestions when a legislative solution (Bill) comes before it after being referred to it. The Indian committees cannot go beyond it and they have to be satisfied with whatever Bills that are referred to them. But for making the committees more effective, all the government Bills that are introduced in the Parliament could be referred to the committees, may be with or without the exception of appropriation bills. In this regard it would also be advisable to refer the private member Bills, and the committees may select a few and report. Thereafter government may consider bringing out its own version of the bill and otherwise the same Bill could also be passed if all the parties agree.

Committees also use the forum effectively to either accept the proposals of the executive or reject. By doing so, it overwhelmingly reinforces that the committees have unarguably a pervading influence over executive. 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.

Committees of both the countries make amendments to the Bills. Amendments to a Bill by Indian committees is the most important and the only significant contribution, 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.

Besides legislative jurisdiction, the committees (whether Department related Standing Committees in India or the standing committees in US Congress) also perform the function of overseeing the executive programmes. One of the functions of the Department related Standing Committees is to consider annual reports of the Ministries/Departments and to make reports thereon. Exercising this function, the Committee on Human Resource Development selects subjects and gives its reports. The Committee, since inception, examined and presented reports on 21 subjects pertaining to the departments of Health and Education. Out of the 21 subjects 7 pertain to the Department of Health and 6 pertain to the Department of Education. The Committee also presented 14 action taken reports.

In the reports on the subjects taken up, the Committee has made a detailed examination and made recommendations. The government submitted its action taken report and not being satisfied with the action on some of the recommendations, the Committee made further recommendations in the action taken reports. It would be seen that the Committee considered that in majority of the recommendations, the government acted and in other cases the Committee had to make further recommendations in majority of the recommendations. On the functioning of Central Government Health Scheme (CGHS), 46 recommendations were accepted by the government and the Committee made further recommendations on 38 recommendations, whereas on the functioning of Central Government Hospitals, 55 recommendations were accepted by the government.
and the Committee made further recommendations on 61 recommendations. The Committee does not leave any recommendation until it is fully implemented and the Committee is fully satisfied. The government accepted the recommendation for the use of disposable syringes in CGHS dispensaries and reducing overcrowding in the hospitals. When the Committee recommended for laying emphasis on improving counselling service to HIV/AIDS infected people, government accepting the recommendation, stated that National Aids Council(NACO) was setting up counselling services across the country. Thus government would generally accept the recommendations of the Committee and where the Committee was not happy, further recommendation was made.

Just as the Indian committees, Congressional committees have also 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. It was found that 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 such compulsion on the part of Indian committees. It would be too early to sit on judgement in this regard and the Indian committees are just about 10 years old and perhaps, in due course of time, the committees may have to announce the oversight plans at the beginning of each year. However the Committee on Human Resource Development selects the subjects at the beginning of the year and the appointment of sub-committees is notified.  

Hearings are an important aspect for the committees in both the countries for overseeing the executive. The Committee on Human Resource Development took evidence from official and non official witnesses for consideration of the subjects selected. For the Congressional committees, oversight hearings are the final action on every oversight activity. The committees make use of the hearings to find out the effectiveness of the programmes and suggest suitable improvements, and also to find out the position about the implementation of a law. The oversight hearings are also used to find out fraud, waste and abuse. It is necessary to mention here that the Congressional committees do not give reports on the oversight hearings unlike the Indian committees. Then a doubt may arise as to what happens after the oversight hearings. Executive is expected to take action on the oversight and investigative activities of the committees. In a case of audit related issue, on the initiative by the Committee on Commerce (now Committee on Energy and Commerce), the Department of Health and Human Resources made a concerted effort to ensure that a similar situation would not arise in the future. Similarly, the Office of Research Integrity (ORI) of the above Department issued a policy violating the norms, the Committee on Energy and Commerce made an inquiry and the ORI had to withdraw the policy. It would thus be seen that the executive has to act upon the observations either made in the report (in the case of Indian Committee on Human Resource Development) or made during the course of oversight hearings (in the case of congressional committees.)
The Congressional committees mainly use the oversight hearings and findings therein to find the legislative solution. Most of the reports given by the congressional committees are on the Bills introduced by the Chairman or the members of the same Committee. Bills are introduced on the basis of the oversight hearings. In fact the oversight activity of the congressional committees is a continuous process. It would be seen that the oversight activities are used to find legislative solutions, and oversight hearings are held to find out the proper implementation of the laws. This is a legislative-oversight circle. Indian committees are lagging behind in this respect but they have a strong weapon in the form of the action taken reports to ensure that their recommendations are implemented.

The Congressional committees take up very small topics for oversight hearings/investigation. The topics are as small as Physician’s compatibility pay, cervical cancer, and internet pharmacies. On the one side the number topics on which oversight hearings/investigations are held is large and on the other, even smaller topics are taken up. As compared to this, the Committee on Human Resource Development has so far taken up major programmes/institutes. But the Department related Standing Committees have just started functioning and in course of time, the committees may go into the depth of the issues.

Ultimately it would be seen that the committee systems in both the countries differ in certain respects. But it is the similarities between the Department related Standing Committees of India and the standing committees of US Congress that have brought both the systems closer. Within the respective systems, the committees are performing their functions well in respect of ensuring the executive accountability and
influencing the executive. But the Department related Standing Committees have brought a sweeping reform in Indian committee system. Though the committees are just 10 years old, as compared to more than 200 years old Congressional committees, the committees have done a remarkable job in ensuring the executive accountability. Though committees in both the countries scrutinise budgetary allocations, Indian committees do not enjoy the systemic advantage that is available to the Congressional committees. But within the system, some slight changes could be made by pre-poning the budget presentation, giving at least 10 days after presentation of the reports of all the committees and the voting of Demands for Grants so that the government may get sufficient time to act on the recommendations and make necessary alterations in the Demands for Grants, if necessary. Right now the purpose is not effectively being served and if a time table is prepared and adhered to, the Department related Standing Committees will no doubt do much better than the US committees.

It is also necessary that all the Bills introduced are referred to the committees, however, smaller and urgent they are so that the committees may play more encouraging role. The committees can also be more active making more detailed examination of Demands for Grants and by taking up minutest topics for examination. Sub-committee system should also take effective role to share the responsibilities of the main committees particularly in respect of the Demands for Grants, wherever necessary. For making the presence of the committees felt more and more in the outside world, the meetings and the hearings of the committees should be thrown open to public and media. The Congressional Committees also should give reports at least on some topics taken up
for oversight if not all, so that necessity of further laws to ensure implementation of laws may get reduced.

These observations and suggestions, if implemented, may go a long way, in making the committees in both the countries more relevant and vibrant in the respective legislatures.