PREFACE

Modern legislatures perform various functions besides law making. They oversee executive, ensure administrative accountability, and approve budget etc. Legislatures thus have become now multi-functional institutions\(^1\) performing a variety of roles. The time available to them for discharging the myriad functions and responsibilities is limited, and they have to do much in too less a time available to them. In view of the varied and many functions performed, modern legislatures find themselves severely handicapped in effectively overseeing the administration. The legislatures with a great variety of business coming before them, from time to time, are unable, when sitting as a whole, sufficiently to discuss and investigate many subjects on which they are obliged to act.

Here comes the role of Legislative committees/Parliamentary committees/Congressional committees. In the modern legislatures, committees play a vital role performing a variety of functions, as many as the legislature performs and may be more in quality and quantity. With the increasing number of problems, the number of legislations to be made by the Parliament/Congress have become enormous. It is an admitted fact that the volume of legislation has increased all over the world.\(^2\)

Besides examining the legislative proposals, the committees also examine the government’s policies. The committees effectively advice the government or the executive in the formulation of policies. The recommendations made by the committees, after in-depth examination of the issues, are helpful to the government for knowing the pulse of the legislature, legislators and the people in general. Another important function

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of the committees is the review of administrative action. The committees examine how administration is implementing the policies and programmes and the laws passed by the Parliament. This function or the power is also known as the oversight function and this function has acquired particular significance in U.S.A.

Committees in Parliament of India transact much of its business, which mainly relate to examination of Bills and other matters taken up by them for consideration and report to the House as provided under the rules. The system of Parliamentary Committees has been found very useful during last 50 years. They deal with the matters, which are required to be considered in detail and in a calmer manner by a small number of members, which is not possible in the House. Though the concept of Committee system existed even in ancient times in a different shape, modern Committee system, is new. Parliament and the Constitution of India are just about 50 years old and the modern Committees in Indian Parliament thus, are less than one-fourth younger to the Congressional Committees.

Standing Orders of the Central Legislative Assembly, constituted in 1921, provided for three Committees, namely, Committee on Petitions relating to Bills, Select Committee on Amendments of Standing Orders, and Select Committee on Bills. The Indian Legislative Rules, prior to independence, provided for the constitution of two Committees viz., a Joint Committee on a Bill and the Committee on Public Accounts.

Besides these Committees of the Central Legislature, there were also Advisory Committees attached to various Departments of the Government of India. The main role of these Committees was only to give advise and they functioned under the control of the Government.
After India became independent, a comprehensive Constitution was drafted by the founding fathers. After the Constitution came into force, the Parliament – the Lok Sabha and the Rajya Sabha – became the federal legislature in the place of erstwhile Central Legislative Assembly and the Council of State. Committee system too underwent transformation. Not only did the number of Committees increase but their functions and powers were also enlarged. A large number of Committees were appointed over a period of time. The latest addition to the Committee system in India are Department related Standing Committees which were set up in 1993. The Department related Standing Committees have heralded a new era in the committee system in Indian Parliament. For the first time the entire administrative machinery has been brought under the jurisdiction of the committees and the horizon of committees' control over the executive has expanded, which was hitherto unknown in Indian Parliamentary system.

In U.S. Congress, Committees have been in existence right from the beginning. During the early days, the Committees were mostly ad-hoc bodies. After examining the Bills, they reported back to their chambers on specific bills. The Committees started taking a firm shape by early 19th century. Initially a system was proposed to be evolved by which all legislative proposals were required to be referred to the executive. Secretary of Treasury, Alexander Hamilton nearly succeeded in establishing this system. However, Republicans got majority in the House and they wanted an independent legislature. This resulted in the establishment of a system of standing Committees. Interestingly in the initial stages all matters were not referred to the Committees. Only routine matters were referred. However slowly, many complex bills were started to be referred to

Committees. This began to take place as early as 1795. At first legislative measures were referred to the Committees only after the discussion. This practice changed to automatic reference of bills. The Legislative Reorganisation Act of 1946, is a landmark legislation so far as the consolidation of Committees of U.S. Congress. The important accomplishment of the Act was that the number of standing Committees was reduced from thirty-three to fifteen in the Senate, and from forty-eight to nineteen in the House. The other changes that were brought in the system were that a clear definition of jurisdiction, (the Act also codified Committee jurisdictions) and the Committees were provided oversight powers.

Though in India Parliamentary system functions and in USA the presidential form of system works, which are wide apart from one another in regard to systemic functions are concerned, committees working in both the countries have made the comparison more relevant. Particularly, after the Department related Standing Committees have been established in India, both systems have come much more closer, making a study more easier and more relevant.

Broadly, this work is an attempt to trace the similarities and differences between the committees in both the countries. Attempt has been made to study the overall committee systems functioning, as it is more essential for making any specific study. The study also tries to find out the extent of control the committees wield over the executive. This will also reveal the accountability of the executive to the Parliament in India and Congress in USA through Committees in each country.

Committees in India are still untouched by the researchers. Further, ever since, the Department-related Standing Committees were started in Indian Parliament in 1993,
no study has been made on the success and achievements made by these Committees and the way the Committees have been exercising the supervisory role on the executive. Therefore, for the specific study of the Department related Standing Committees, the Committee on Human Resource Development in respect of its jurisdiction over the Departments of Health and Education has been chosen. Ten years are over since the Department related Standing Committees were set up, a study on these Committees in India will reveal their effectiveness and the extent to which the objective of ensuring executive accountability has been achieved. This is also another primary reason for selecting this topic for doctoral research.

Needless to say now that there is no comparative study on the Committee System that exists in US Congress and Indian Parliament. India and USA are the two largest democracies in the world and India’s Constitution is one of the longest written Constitutions. A comparative study of the Committees in both the countries would therefore reveal the necessity and effectiveness of the Committees in a modern Democracy, and bring out the similarities that exist between the Committees of the two countries. Hence the selection of the comparative study of the Committees in USA and India for doctoral research.

The study proposes to highlight certain aspects, which are of academic and Parliamentary interest. The study of US system would enable better suggestions for the Indian system particularly in the light of the experience of US system in the last more than 200 years.
**Hypothesis**

Though the Indian committees, particularly, the Department related Standing Committees are very young as compared to Congressional committees, they are playing an important role in Indian Parliamentary set up.

Even though there are systemic and procedural differences in some respects, between the committee systems of the two countries, the Department related Standing Committees have the most striking similarities with the Congressional committees, and these committees have brought Indian committee system more closer to US committee system.

Despite procedural differences, the Committee on Human Resource Development (one of the Department related Standing Committees) and the Committee on Appropriations, Committee on Health, Education, Labour and Pensions (Senate), Committee on Education and Workforce and Committee on Energy and Commerce (House of Representatives), have played an effective role in ensuring executive accountability.

Due to systemic and procedural constraints, the Indian Department related Standing Committees are not able to play the role effectively, that is expected of them, in ensuring executive accountability and controlling administration. The committees can still become much more active and aggressive by adopting micro-level study and details in effecting influence over administration, comparable to the US system.

The following questions arise in the formulation of the hypothesis:

1. What are the different types of committees functioning in both the countries?

2. Whether there are committees having similarities in both the countries?
3. What are the systemic and procedural similarities and differences between the two committee systems?

4. Whether there are committees in both the countries having jurisdiction over the overall administrative set up of the executive, with each committee having jurisdiction over one or more Departments/Ministries? If so, how it is done in both the countries?

5. Whether committees in both the countries deal with the budgetary allocations? If so what is the procedure adopted in both the countries?

6. In what manner the committees influence executive/administration during the process of scrutinising budgetary allocations? To what extent the committees in both countries have ensured executive accountability through the process of scrutiny and examination of budgetary proposals?

7. Whether there are committees in both the countries to scrutinise Bills on a regular basis? If so in what manner the committees, having jurisdiction over the Departments of Health and Education, have exercised this function?

8. What are the similarities and differences in the selection and examination of Bills by committees in both the countries?

9. Whether committees exercise control over executive and ensure executive accountability by examining and reporting Bills? If so, how the committees in charge of Departments of Health and Education have exercised this function?

10. Whether committees oversee the executive agencies to monitor the implementation of programmes/policies and the laws? If so, how the
committees in-charge of the Departments of Education and Health have exercised this function and what are the similarities and differences?

11. Whether the oversight responsibility is similar in both the countries and how the committees have exercised this function?

12. Whether Indian Department related Standing Committees have achieved the objective and how do they compare with the US committees?

13. Whether Indian Department related Standing Committees control over executive and ensure the executive accountability the extent to which US committees do? If not how do they differ?

**Chapterisation**

In Chapter I, descriptive method has been used. Secondary sources were utilised. Chapter I deals with the introduction, definition of committees and legislative committees, their functions and relevance. This Chapter is basically about what a legislative committee is and what the committees are doing in India and USA.

In Chapter II, descriptive and comparative methods have been used. Secondary sources have been made use of in this Chapter. This Chapter deals with historical evolution of committees in Indian Parliament and US Congress.

Descriptive and analytical methods have been used in Chapter III. Comparative method was also used. Primary and secondary sources were used in this Chapter. Chapter III deals with organisation and functions of various committees in India and US. Over all structure of the committees has been discussed in this Chapter. It was discussed as to which committees in both the countries have comparative and similar characteristic
features. Attempt has also been made to bring out similarities and differences, both systemic and procedural.

In Chapter IV, analytical and comparative methods have been used. Basically, primary sources were used, though at places, secondary sources were referred to in this Chapter. This Chapter deals with the examination of budgetary allocations to the executive Departments/Ministries. For a detailed study, the committees having the jurisdiction of Departments of Health and Education in the both the countries have been chosen and discussed. In India, Committee on Human Resource Development (one of the Department related Standing Committees), has the jurisdiction over both the Departments, whereas, in USA, Committees on Appropriations in both the Chambers have jurisdiction over both the departments alongwith all other departments of the executive. In this Chapter, efforts were made to bring out similarities and differences in regard to the process of dealing with budgetary allocations, the reports and their content and the ultimate effect. The ultimate purpose proposed to be achieved was to bring out the extent to which the committees ensure executive accountability, and influence them.

Analytical and comparative methods have been used in Chapter V. Primary sources have been used in this Chapter. In this Chapter, legislative jurisdiction of the committees in both the countries has been discussed. For a detailed study, the committees having jurisdiction over the Departments of Health and Education have been discussed. In India the same Committee on Human Resource Development has the jurisdiction, In USA, the Committee on Health, Education, Labour and Pensions (Senate) has jurisdiction over both the Departments of Health and Education, and Committee on Education and Workforce, and Committee on Energy and Commerce (House of
Representatives) have jurisdiction over Education and Health respectively. In this Chapter, efforts have been made to bring out similarities and differences in regard to dealing with Bills, procedural as well as functional, and also as to how the committees influence executive and ensure accountability. Efforts were also made to discuss the oversight responsibility of the above mentioned committees in both the countries.

Chapter VI deals with the observations and suggestions made after the study. Though the committee systems in both the countries differ in certain respects 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 was suggested that all the Bills should be referred to the Department related Standing Committees. It was also felt that the meetings of the Committees in India should be open to public.

The Jawaharlal Nehru University has been kind enough to grant me field trip to United States of America. The field trip has been very useful, though of short duration, in getting more information and in getting acquainted with the committee system functioning there. During the trip, I met Congressmen, officers and staff of committees and other branches of Congress, and also academicians of the George Washington University, George Mason University, American University, and University of Washington. The field trip has helped me in immensely enriching my knowledge and thereby the dissertation and for this I thank the Jawaharlal Nehru University for giving this opportunity to me.

During the course of this study, internet facility has been very useful. Internet facility has been utilised for downloading information including reports of the committees, both Congressional and Parliamentary. Though the study could have been possible without the use of internet, but the internet has certainly reduced the burden of procuring various documents including committee reports. Thus revolution in communication and technology has brought researchers more closer to information sources, and I thank the technological advancement for this.

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