CHAPTER II

COMMITTEES IN INDIA AND USA

A Historical Perspective

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 in dealing with matters, which are technical or special in nature, and require to be considered in detail and in a calmer manner by a small number of members, which is not possible in the House. The Committees save the valuable time of the House, which can be devoted for the discussion of other important issues. The concept of Committee system is not new to India; it had in fact worked even in ancient times when kings are known to have referred important matters to be decided by one or two of his advisors for considering and report to him. Modern Committee system, however, is as old as the Parliament. 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.

The roots of Committee system in India can be traced back to the advent of the Montague-Chelmsford Reforms and the Government of India Act, 1919. But those days, Committees were not free from governmental control and interference; they in fact  

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1 For a detailed account in this regard see Emergence of Second Chamber in India ed. R.C. Tripathi, New Delhi: National, 2002)
acted as advisory bodies. They had no powers and privileges; and they even could not frame rules for their own internal working.²

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.

However, the Committee on Public Accounts of the Central Legislative Assembly, which was the Lower House of Indian Parliament before Independence, was not a Parliamentary Committee in the strict sense of the term. The Committee did not work under the control of the House or the Speaker and the Finance Member of the Governor General’s Council, was the Chairman of the Committee.

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 advice 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.

Indian Parliament has been modelled on the British parliamentary system, mainly because of the historical ties with British government for over two centuries. The parliamentary administration inherited from the British has thus, helped and necessitated establishment of a parliamentary system in India. The leadership of the majority party in the Lower House of the Parliament takes control of the House. In other words, the majority party leader becomes the chief executive of the government i.e. the Prime Minister and his existence in office depends on the support of the majority of the members in the Lower House. All legislative proposals as well as the policies emanate from the government and the discussions and debates thereon in the Parliament are held between the government and the opposition. While the government has his way, the opposition has its say in this system. In other words, government has total control over the legislative and other proposals brought before the House. It is the responsibility of the government to ensure that these Bills, as introduced in the Parliament, were passed. In regard to Money Bills, the Lower House i.e. Lok Sabha has a overriding power over the upper house i.e. Rajya Sabha. Be that as it may, government headed by the Prime Minister has always remained central to the discussions in and running of the Parliament.

The Congress in USA runs on a different footing. Though some legislative proposals originate and emanate from the executive, it is the members of the either chamber, i.e. the House of Representatives and the Senate, belonging to either party that take control of the proposals. Unlike the Indian Parliament, U.S. Constitution has given almost equal powers to both the chambers. In both the houses, the leaders of the parties
propose the policies of the nation, but their influence is much modified by the
independence of the representatives of the union’s fifty states; and the national electoral
process may well relegate the members of the president’s party to the minority in each
house of the congress.\(^3\) If we look at the opposition party(ies) in Indian Parliament and
their (its) status, it would be difficult to term any party in U.S. Congress as opposition
party in the strict sense of the term.

**History and Background**

In this Chapter the history of Committees in India and U.S.A shall be discussed.
The earliest Committee constituted in Indian Parliamentary system was the Committee on
Public Accounts, created in 1921, under the Montague Chelmsford reforms. Another
Committee created in pre-independence era, which is still existing, is Railway convention
Committee. After Independence the Committees have been constituted at regular
intervals. Two types of standing Committees were being constituted, (1) standing
Committees of each House; and (2) the Joint standing Committees which contained
members from both the Houses. In 1952, there were 6 Committees in Lok Sabha, which
increased to 11 in Lok Sabha in 1954. Up to 1975, there was only one addition. In Rajya
Sabha there were 5 Committees in 1952 and there were only three additions; one each in
1964, 1972 and 1982 respectively. Then there are a host of joint Committees, which are
standing Committees by virtue of their continuity, starting with Committee on Public
Accounts. As already explained, Committee on Public Accounts and Railway
Convention Committee are a legacy derived from the British rule, which are still
continuing. After 1952, several joint standing Committees were constituted at regular

interval. The following statements give a complete status of the history of Committee system in India:

Table 1
YEARS WHEN STANDING COMMITTEES OF EACH HOUSE CONSTITUTED

<table>
<thead>
<tr>
<th>Committees</th>
<th>Lok Sabha</th>
<th>Rajya Sabha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Advisory Committee</td>
<td>1951</td>
<td>1952</td>
</tr>
<tr>
<td>Committee of Privileges</td>
<td>1950</td>
<td>1952</td>
</tr>
<tr>
<td>Committee on Private Members Bills</td>
<td>1953</td>
<td></td>
</tr>
<tr>
<td>Committee on Papers Laid on the Table</td>
<td>1975</td>
<td>1982</td>
</tr>
<tr>
<td>Committee on Petitions</td>
<td>1924</td>
<td>1952</td>
</tr>
<tr>
<td>Committee on Subordinate Legislation</td>
<td>1953</td>
<td>1964</td>
</tr>
<tr>
<td>Committee on Government Assurances</td>
<td>1953</td>
<td>1972</td>
</tr>
<tr>
<td>House Committee</td>
<td>1927</td>
<td>1952</td>
</tr>
<tr>
<td>Rules Committee</td>
<td>1950</td>
<td>1952</td>
</tr>
<tr>
<td>General Purposes Committee</td>
<td>1954</td>
<td>1957</td>
</tr>
<tr>
<td>Committee on Absence of Members</td>
<td>1954</td>
<td></td>
</tr>
<tr>
<td>Committee on Estimates</td>
<td>1950</td>
<td></td>
</tr>
</tbody>
</table>

Table 2.
YEARS WHEN STANDING JOINT COMMITTEES CONSTITUTED

<table>
<thead>
<tr>
<th>Committees</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee on Public Accounts</td>
<td>1921</td>
</tr>
<tr>
<td>Committee on Public Undertakings</td>
<td>1964</td>
</tr>
<tr>
<td>Library Committee</td>
<td>1950</td>
</tr>
<tr>
<td>Joint Committee on Salary Allowances and Pension of Members of Parliament</td>
<td>1954</td>
</tr>
<tr>
<td>Joint Committee on Offices of Profit</td>
<td>1959</td>
</tr>
<tr>
<td>Committee on the Welfare of Scheduled Castes and Scheduled Tribes</td>
<td>1968</td>
</tr>
</tbody>
</table>

called Bradshah & Pring.

4 Sources: (i)Records of Lok Sabha and Rajya Sabha; and (ii).Kaul &Shakdhar, n.1.
The above statements show the years when each existing standing Committee was set up.

Having said this, it is necessary to mention that none of these standing Committees had or has the legislative jurisdiction. They have different jurisdiction and different functions unrelated to examination of bills. By making this statement, it is not to say that there were no Committees before 1993, which dealt with bills. There were Committees appointed from time to time to examine legislative proposals. But these Committees were ad-hoc Committees, each Committee specifically appointed for the particular bill. There were both select Committees of each House and joint Committees appointed for examining bills. But such select/joint Committees were not appointed on all the bills. The select/joint Committees were appointed only on certain bills, which considered scrutinised, examined the Bills in detail and reported.

Committee system in India as well as in USA have been shaped and buffeted by changing circumstances and reform processes. New Requirements enabled creation of Committees and increase in the number of members.

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5 Some of the Joint/Select Committees appointed are: Joint Committee on the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Bill, 1991 in the Parliament on 16th/17th September, 1991; Select Committee of Rajya Sabha on Chit Funds Bill, 1982; and Select Committee of Lok Sabha on Women’s and Children’s Institutions Licensing Bill, 1953.
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. Committees, such as those on Interstate and Foreign, Commerce and Ways and Means were the most familiar and important Committees. So ultimately the system had evolved with permanent standing Committees getting shaped up which also provided continuity. Members also started gaining expertise on the subject matter dealt by their Committee.

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.

In the early stage Senate or the House of Representatives as the case may be considered the legislative proposals in the respective chambers. Thereafter, Committees were appointed for the specific purpose and after the report was given, the Committee dissolved. About 350 such Committees were created during the third Congress alone.

Right from the early stages the practice of control of Committees by majorities in the Congress was established.

Thomas Jefferson's Manual of Parliamentary Practice states in part:

"Matters of great concernment are usually referred to a Committee of the Whole House, where general principles are digested in the form of resolutions, which are debated and amended until they get into the shape which meets the approbation of

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a majority. These being reported and confirmed by the House are then referred to one or more select 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. In the first fifty days of the 8th congress, ten measures were discussed in the Committee of the whole prior to reference to Committee; in the same period in the 20th congress none was discussed before being referred to the Committee.

On a comparison of the growth of Committees in the House and Senate, it can be seen that the Committees developed much faster in the House than in the Senate. This can be seen from the following table (It may be noted that original name of the Committee is first noted and in bracket is given the equivalent Committee presently existing):-

Table 3

<table>
<thead>
<tr>
<th>HOUSE</th>
<th>SENATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1789 Enrolled Bills (House Administration)</td>
<td>1789 Enrolled Bills (Rules &amp; Administration)</td>
</tr>
<tr>
<td>1795 Commerce &amp; Manufacturers</td>
<td></td>
</tr>
</tbody>
</table>

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8 Sources: (i)Johnson, n.7; pp.413-460.
(ii)Goodwin, n.6, pp.4-5;
<table>
<thead>
<tr>
<th>Date</th>
<th>Committee/Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>1795</td>
<td>Ways &amp; Means</td>
</tr>
<tr>
<td>1805</td>
<td>Public Lands</td>
</tr>
<tr>
<td></td>
<td>(Resources)</td>
</tr>
<tr>
<td>1808</td>
<td>Post Office &amp; Post Roads</td>
</tr>
<tr>
<td></td>
<td>(Government Reform)</td>
</tr>
<tr>
<td>1808</td>
<td>District of Columbia</td>
</tr>
<tr>
<td></td>
<td>(Government Reform)</td>
</tr>
<tr>
<td>1813</td>
<td>Judiciary</td>
</tr>
<tr>
<td>1813</td>
<td>Pensions &amp; Revolutionary Claims</td>
</tr>
<tr>
<td></td>
<td>(Veterans' Affairs)</td>
</tr>
<tr>
<td>1816</td>
<td>Expenditures in Executive Department (Government Reform)</td>
</tr>
<tr>
<td>1816</td>
<td>Commerce &amp; Manufactures (Commerce, Science &amp; Transportation)</td>
</tr>
<tr>
<td></td>
<td>District of Columbia (Government Affairs)</td>
</tr>
<tr>
<td>1816</td>
<td>Finance</td>
</tr>
<tr>
<td>1816</td>
<td>Foreign Relations</td>
</tr>
<tr>
<td>1816</td>
<td>Judiciary</td>
</tr>
<tr>
<td>1816</td>
<td>Military Affairs (Armed Services)</td>
</tr>
<tr>
<td>1816</td>
<td>Naval Affairs (Armed Services)</td>
</tr>
<tr>
<td>1816</td>
<td>Post Office &amp; Post Roads</td>
</tr>
<tr>
<td></td>
<td>(Governmental Affairs)</td>
</tr>
<tr>
<td>1816</td>
<td>Public Lands &amp; Survey (Energy and Natural Resources)</td>
</tr>
<tr>
<td>1820</td>
<td>Agriculture</td>
</tr>
<tr>
<td>1822</td>
<td>Foreign Affairs</td>
</tr>
<tr>
<td>1822</td>
<td>Military Affairs (Armed Services)</td>
</tr>
<tr>
<td>1822</td>
<td>Naval Affairs (Armed Services)</td>
</tr>
<tr>
<td>1825</td>
<td>Agriculture (Agriculture Nutrition &amp; Forestry)</td>
</tr>
<tr>
<td>1837</td>
<td>Public Buildings &amp; Grounds (Transportation and infrastructure)</td>
</tr>
<tr>
<td>1837</td>
<td>Public Buildings &amp; Grounds (Environment and Public Work)</td>
</tr>
<tr>
<td>1842</td>
<td>Expenditures in Executive Departments (Governmental Affairs)</td>
</tr>
<tr>
<td>1865</td>
<td>Appropriations</td>
</tr>
<tr>
<td>1867</td>
<td>Banking &amp; Currency (Financial Services)</td>
</tr>
<tr>
<td>1867</td>
<td>Appropriations</td>
</tr>
</tbody>
</table>
The following Table shows the number of Standing Committees created and existed at different periods since inception:

<table>
<thead>
<tr>
<th>HOUSE OF REPRESENTATIVES</th>
<th>SENATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1789</td>
<td>1</td>
</tr>
<tr>
<td>1794</td>
<td>2</td>
</tr>
<tr>
<td>1795</td>
<td>6</td>
</tr>
<tr>
<td>1810</td>
<td>10</td>
</tr>
<tr>
<td>1862</td>
<td>34</td>
</tr>
<tr>
<td>1900</td>
<td>58</td>
</tr>
<tr>
<td>1925</td>
<td>61</td>
</tr>
<tr>
<td>1947</td>
<td>19</td>
</tr>
</tbody>
</table>
As may be seen from the above tables, during the first ten years six Committees were created in the House of representatives. The table shows only those Committees, which are existing still now in some form or other. Ways and Means, Commerce and manufactures Committees were created in 1795. The standing Committees of the present nature and the present powers were created by the mid 19th century. After mid nineteenth century and till the early twentieth century the number of standing Committees jumped from thirty-four to fifty-eight. Interestingly, twentieth century has not seen creation of many Committees. Un-American Activities (1945), Science and Astronautics (1958), and Standards of Official Conduct(1968), all post-war, are the only ones that continued in existence at the end of the period under consideration. This period has, however, also seen the abolition of many Committees. Many redundant or obsolete Committees were abolished. Six Committees were dropped in 1909 and in 1927 sixteen Committees were abolished.

Many important amalgamations, consolidations took place in post 1st World War period. The Appropriations Committee was given its functions, which were performed by nine Committees till 1920. The eleven expenditure Committees were merged into one in 1927. The Legislative Reorganisation Act passed in 1946 brought a lot of changes in the Committee system. The number of House Committees were reduced from forty-eight to nineteen, under the Act.

However in the Senate, the growth of Committees was much slower. The reasons could be that the small size of Senate might not have called for creation of smaller groups or Committees. Only Enrolled Bills (1789), Engrossed Bills (1806), and Contingent Expenses (1807) were created until 1816, which were of house keeping nature. In 1816,
twelve standing Committees were created. Towards the mid nineteenth century about 25 Committees were appointed in the Senate. Later, Committees were formed at regular intervals and by 1900 the Senate had fifty Committees and the House fifty-eight. In the year 1922 the number of Committees in Senate came down from seventy-four to thirty-four. Under, the Legislative Reorganisation Act, the number of Committees was further reduced to fifteen.

Both the House and the Senate had always favoured creating Committees rather than abolishing till the early 20th century. The reasons are obvious. The 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 interest groups.9

The Legislative Reorganisation Act of 1946, is a land mark legislation so far as the consolidation of Committees of U.S. Congress. This Act was the result of a Joint Committee on the Organisation of Congress. This was the first joint Committee of the Congress in an effort to modernise and ready the Congress for the post war era. 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 the Senators could serve only on two Committees, a clear definition of jurisdiction, provision of professional and clerical staff for all Committees. The Act also brought the following important procedural changes: 1. Committees were directed to establish regular meeting days; 2. witnesses should submit written statements in advance of hearings; 3. Chairmen should

9 Goodwin N.6, p.13.
report to the House/Senate as the case may be on all bills approved by their Committees and they should also ensure rapid floor consideration. The Act also codified Committee Jurisdictions. The Committees were provided oversight powers and also to enable the Committees to function well, permanent staffs were provided to each Committee.

Against this backdrop, if the Committees in US Congress are looked at, ideologically Congressional Committees seem to have a different footing. Executive accountability was not the main criteria for which Committees were created in US. Congressional Committees are the ones where the bulk of legislative work is done, where policies incubate, where most legislative proposals are written or refined, where many necessary compromises are made.  

The role of Committees is further made clear by Cannon’s procedure in the House of Representatives. According to this, Committees are not infallible, but they have had long familiarity with the subject under discussions and have made an intimate study of the particular Bill before the House and after mature deliberation have made formal recommendations, and other considerations being equal, are entitled to support on the floor.  

In view of the special legislative role of the Committees, an eminent scholar termed the Committees as Little Legislatures.  

Committees of US Congress have seen a longer life with a history of more than 200 years. The Committees that started as ad-hoc Committees to assist the congress in passing legislations have now come to occupy a central place in Congressional working. In the early stage members were very less and the workload was very less. Ad-hoc

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10 Congress, n.8(iii), p.73.
11 Ibid
12 Goodwin n.6.
Committees were sufficient to meet the requirements. With the growth of the nation, Congress had to develop expertise and mechanisms to deal with the changing world and therefore, from a haphazard arrangement of ad-hoc Committees evolved a highly specialised system of permanent Committees.\textsuperscript{13}

In view of the long history of the Committees, it would not be appropriate to explain the evolution through reforms in only one phase. Therefore, it may be divided into different phases. The earliest phase can be considered to be from 1789 to 1810 when the system was only evolving. At this stage, temporary Committees were used by both the House and Senate to examine the Bill once it was discussed on the floor. During this period, the Committees were chosen by the chamber meaning thereby the rule established by the House in 1789 gave power to the House to choose the membership of all Committees. However this rule was changed in 1790 by which this power was delegated to the Speaker. During this phase, important matters were examined in the Committee of the whole. Committee of the whole is a parliamentary tool, which enables discussion through a Committee in which members of the entire chamber are members. This device was existing in British Parliament as well. But Indian Parliament has avoided this device. As discussed earlier, this was the phase when the first standing Committees were constituted, though very few in number.

In the next stage i.e. 1811 to 1865 Committees started institutionalised. By 1860 there were 39 permanent standing Committees in the House and 22 in the Senate. The standing Committee system became the standard vehicle for consideration of legislative business and the Committees were able to report the bills without prior approval, which

\textsuperscript{13} Congress n.8(iii), p.73.
was the case earlier. Most of the House Committees were appointed by the Speaker. However, in Senate, until 1823, members used to exercise vote to elect members of the Committees. In 1823, Senate authorised its presiding officer to appoint members to the Committees. Members were not satisfied with this system and in 1846, the system of voting was introduced. Since then the system of electing members to the Committees has been in vogue in some form or the other.

The Committee system in USA started expanding after 1860s. In fact it was in this period that the system had seen the zenith. As has been explained earlier, the House has reached a peak of 60 Committees and Senate 74. This was the period when the sub-Committee system was started particularly by those Committees, which had the appropriations responsibility. Rules Committee became very powerful with the power to determine the agenda of the House. Once the Committees reached the peak stage, it was obvious that their consolidation was necessary. Initially consolidation of the house Committees was started in 1909 with the dropping of six Committees which were superfluous in nature. In 1911 six more House Committees were abolished and this set the pace for the consolidation of the Committees. In 1921 Senate took a drastic step of bringing down the number of Committees from 74 to 34. House tried to trim down its Committees again in 1927. During this entire process, most of the Committees that were abolished were defunct ones such as Committee on Revolutionary claims.

The major overhaul of the Committees was undertaken with passage of Legislative Reorganisation Act, 1946. Under this Act, minor Committees were dropped, some Committees were merged and the Act brought the number of Committees to 18 in Senate and 29 in the House. The jurisdictions of all the Committees were also defined.
The Committees were also charged to exercise "continuous watchfulness" over the implementation of laws by the executive branch. Since the number of Committees was reduced and fixed under the Act, members found sub-Committees as an effective means to gain power and the only alternative. The number of sub-Committees grew gradually reaching more than one hundred in the House and more than 80 in the Senate by 1964.

Reforms of the Committee system did not end with the 1946 Act. In 1965 the Second Joint Committee on the Organisation of Congress was created to consider and suggest wide ranging organisational reforms such as procedures and organisation, staff, legislative research support etc. The recommendations of the Joint Committee could only become into a law 1970. After the Act, it became necessary to make public the votes recorded by the members and majority of members were allowed to call meetings and Committees were encouraged to hold open hearings and meetings. Thus the Legislative Reorganisation Act of 1970 was a milestone effort in the Committee reforms. Under this Act, the Committee chairs lost some of their powers in regard to structural and procedural changes. Reforms continued even after this during the entire 70s. In 1974 a Budget Committee was created in each chamber under the Congressional Budget and Impoundment Control Act of 1974. Under this Act, a budget process was created and was added to the existing Committee structure. This provided new mechanisms for integrating the work of appropriations, revenue and authorisation Committees and has also ensured producing of a congressional budget for each fiscal year.¹⁴ This was an important initiative of the Congress and its effect on the Committees particularly the appropriations Committees, authorising Committees and the

revenue Committees has been substantial. The appropriations Committees have become
the claimants of the purse and the authorising Committees have been oriented more
towards the oversight. Revenue Committees are playing an active role in tax policy.\textsuperscript{15}

The last phase of reforms have taken place since 1995. In 104\textsuperscript{th} Congress the
Representatives took charge of the House under the “Contract with America”, a ten
point platform masterminded by House Republic Whip Newit Gingrich. The major
changes that have taken place under this reform process are fixation of six year term
limit for Committee and sub-Committee chairmen, term limit for the Speaker of the
House, elimination of three standing Committees etc. The major changes that have
occurred in the 104\textsuperscript{th} Congress are mentioned in the following table. Changes have also
taken place in Senate.

\begin{table}
\centering
\caption{REFORMS OF THE 104\textsuperscript{TH} CONGRESS(1995-1996)}\textsuperscript{16}
\begin{tabular}{|l|l|}
\hline
\textbf{HOUSE OF REPRESENTATIVES} & \textbf{SENATE} \\
\hline
Term of the Committee and sub-Committee
chairs was limited to 6 years (3 terms).
Eliminated three standing Committees.
Sub-committees of most of the Committees
(except Appropriations, Government Reform
and Oversight and Transportation) limited to
five.
No joint referrals of Bills. Speaker gains
enhanced authority over split and sequential
referrals, including authority to designate and
lead Committee with deadline for reporting.
Rolling quorums prohibited.
Proxy voting prohibited in Committees.
Majority party leaders gain more powers over
Committee chair selection.
Membership limited to two full Committees & Committee chairs limited for a Six year
term.
Senators prohibited from reclaiming
seniority upon return to a Committee on
which they previously served.
Secret ballot elections for Committee
chairs in Committee and party conference;
majority leader can nominate chair in case
of conference rejection.
GOP to adopt a formal legislative agenda
prior to beginning of each Congress and
prior to selection of Committee chairs.
\hline
\end{tabular}
\end{table}

\textsuperscript{15} Ibid
\textsuperscript{16} Source: (i) Ibid, p.49; and
(ii) Steven S. Smith, The American Congress (Boston: Houghton Mifflin Company, 1999),
p.218. Hereafter called Smith.
and four sub-committees.  
Verbatim record of hearings and meetings required.  
Members Committee votes to be published.  
Committee staff slashed by one-third and placed under the full Committee Chair.  
Motion to recommit with instructions

<table>
<thead>
<tr>
<th>44</th>
</tr>
</thead>
</table>
| After various reforms that have impacted the Committee system in the Congress through centuries, Committees still look glittering in the U.S. Committee system. But after the Republican reforms in 104th Congress, some feel that the Committees have lost much of their power. Christopher J. Deering and Steven S. Smith have felt that power in Committees reached its lowest ebb since the beginning of the century during the first 100 days of the 104th Congress.¹⁷ There is also a feeling that the ‘developments affecting Committee assignments, bill referrals, floor debate, conferences, and the budget process have reduced Committee autonomy.’¹⁸ But such inferences give only a narrow point of view. Legislators still devote most of their law making energies to their Committees and Committees still have the gatekeeping power.¹⁹ And most of the legislation come from a single Committee in each chamber, and generally there are no amendments in the chamber.

In the journey during the last more than 200 years, the Standing Committees have seen several amalgamations, changes in the nomenclatures and creations. All the Committees in both the chambers do not have identical jurisdictions though there are some that have similar jurisdictions. Committees that have similar jurisdictions and some that have different

| 17 Deering and Smith, n.14, p. 225  
18 Smith, n.16(ii), p.235.  
jurisdictions, will be discussed about their journey. The succeeding paragraphs, therefore, shall
discuss the journey of some of the Standing Committees in U.S. Congress and India.

The Journey of Individual Committees

Indian Committees

Business Advisory Committee: From the very beginning, ever since Lok Sabha
and Rajya Sabha came into existence, the need for a Business Advisory Committee was
felt. The circumstances under which the Committee was first constituted are very
interesting. The then Speaker of Lok Sabha was very much interested in constituting a
mechanism by which the House could be run in an orderly manner. However he felt that
the British system was not quite good and was cumbersome and he was in favour of
constituting a some kind of steering Committee. This resulted in the constitution of the
Business Advisory Committee.

Committee on Petitions: The Committee on Petitions is one of the oldest
Committees of the Indian Parliament. A Committee on Public Petitions was constituted
on 20 February, 1924 in pursuance of a resolution passed on 15th September, 1921, in the
Central Legislative Assembly of the pre-independence era. This Committee later came to
be known as Committee on Petitions. This Committee has continued to exist till date in
Lok Sabha. In Rajya Sabha also a similar Committee was constituted in 1952.

Committee on Public Accounts: The Committee on Public Accounts was one of
the first Committees set up in Indian Parliamentary history. It was constituted in 1921
and had 12 members, out of which 8 were elected by the non-official members of the

\[20\] For more information on the history of individual Committees, please see (i) Kaul & Shakdhar, n.2, pp
729-904; and
(ii) V.S. Rama Devi & B.G. Gujjar, Rajya Sabha at Work (New Delhi: Rajya Sabha Secretariat,
Central Legislative Assembly. Out of the elected members, half would retire at the end of first year and others after second year. The Members were eligible for re-election. Three members were nominated by the Governor General and the Finance Member was the Chairman of the Committee. However, after the Constitution came into force, all the members of the Committee were elected. Up to 1954-55, it was a Committee of Lok Sabha as it consisted members of Lok Sabha only and since 1954-55 it was made a joint Committee consisting of members from both Houses and thus a joint Committee.

**Committee on Estimates** : The Committee on Estimates came into existence after independence. Efforts for constituting the Committee were started in pre-independence period itself. In 1937, a clarification was sought in the Central Assembly about the possibility of constituting a Committee on Estimates in India on the lines of a Select Committee on Estimates existing in U.K. The then Finance Member did not accede to any such suggestion and repeated efforts to have such a Committee went futile. After independence, in 1949, the efforts were revived to have such a Committee. The government agreed to the proposal and on April 10, 1950, the Committee on Estimates was constituted for the first time. This Committee is not a joint Committee and is only a Lok Sabha Committee nor does a similar Committee exist in Rajya Sabha.

**Committee on Private Members Bills** : The Committee on Private Members Bills in Lok Sabha was not there right from the beginning. This Committee was constituted in 1953 as it was felt that such a Committee was necessary to examine all bills tabled by Private Members and to categorize them. Accordingly, a suggestion was made in Lok Sabha on 15.3.1953 and a Committee was constituted on 1.12.1953 with an initial membership of 10. The membership was increased to 15 in 1954 and the jurisdiction of
the Committee was also extended to Private Members Resolutions and the Committee was called Committee on Private Members Bills and Resolutions. However, there is no such Committee in Rajya Sabha as the necessity of such a Committee has not been felt in Rajya Sabha.

Committee on Papers Laid on the Table: Similarly in both Houses of Parliament several reports, notifications etc. are presented. Due to paucity of time, most of these papers used to go unattended until the constitution of the Committee on Papers Laid on the Table in Lok Sabha. A necessity was felt to have a Committee to attend to such papers. Accordingly the Committee on Papers Laid on the Table was constituted in June, 1975 in Lok Sabha and a similar Committee was constituted in Rajya Sabha in 1982.

Committee on Public Undertakings: The Committee on Public Undertakings was also not in existence right from the day one. After independence, with several initiatives taken by the government and the adoption of the Industrial Policy Resolutions by the Parliament, public enterprises were being established by the government. Several companies with huge governmental investment have been set up. With the establishment of large enterprises making huge investment, a need arose for a parliamentary control over such enterprises. The issue was raised for the first time in Lok Sabha in 1953 and a suggestion cropped up for constituting a separate Committee to look into the affairs of all types of central public sector undertakings. However the suggestion did not see the light of the day in view of the reluctance of the then government. The suggestion was revived in 1956 but without any result. The matter was again considered by a Sub-Committee of the congress party in the Parliament and this sub-Committee, appointed in 1958, endorsed
the suggestion for appointment of a Committee. All these efforts resulted in the appointment of the Committee on Public Undertakings in 1964 with the members from both the Houses of Parliament.

**Committee of Privileges**: Wherever and whenever there is a legislature, there are bound to be privilege issues. Therefore, to address the privilege matters relating to the House of People i.e. Lok Sabha, on 1st April, 1950 the Committee on Privileges was constituted and after the first Parliament was constituted, a similar Committee was set up in Rajya Sabha in 1952.

**Committee on Subordinate Legislation**: Right from 1950 onwards efforts were being made for constitution of a Committee to deal with the delegated legislation/subordinate legislation. Though Rules for the Committee were framed in 1951, the Committee on Subordinate Legislation was actually constituted on 1st December 1953. The Committee on Subordinate Legislation was constituted in Rajya Sabha in 1964.

**Committee on Empowerment of Women**: Standing Committee on Empowerment of Women is another Committee that has grown out of the need of the hour. Empowerment of women stems from Article 15(3) of the Constitution, which empowers the state to make any special provisions for women on an overriding basis. Considering the growing need for empowerment of women and their uplift, both the Houses passed resolutions to constitute a standing Committee for improving the status of women and accordingly the Committee was constituted on April 29, 1997.
Committee on Government Assurances: Committee system of Indian Parliament has made an innovation in the Committee system. As is well known, the Ministers make various promises on the floor of the House in their replies to questions asked by Members during the course of discussions. Promises, assurances and undertakings are given by ministers to consider a matter, take action or to furnish information to the House later. It was felt that some mechanism was required to see that the assurances and promises made on the floor of the houses of the Parliament are implemented. Accordingly Lok Sabha constituted a Committee on Government Assurances in 1953. However it took 20 years for constituting such a Committee in Rajya Sabha in 1972. Till the constitution of the Committee in Rajya Sabha, the Department of Parliamentary Affairs used to pursue the matter and lay the information on the Table of the House by the Minister of Parliamentary Affairs.

General Purposes Committee: A need was felt for constituting the General Purposes Committee. Such a mechanism became necessary so that the Speaker could hold informal discussions with the leaders of various parties and groups for finding solutions on various issues relating to running of the House and matters connected therewith. Accordingly the Committee was constituted on 26th November, 1954. In Rajya Sabha also, the General Purposes Committee was constituted on 22nd May, 1957.

House Committee: The history of House Committee goes back to pre-independence era. The Members of the Central Legislative Assembly were not satisfied

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with the facilities provided to them particularly the housing. Though a Committee was appointed in 1927 to consider the matter, after the Committee submitted its report, the Legislative Assembly Department took over the work. Later after representation by about 50 members, the House Committee was constituted on 22nd February, 1932 and since then continued to exist in Lok Sabha. House Committee is one of the first four Committees constituted in Rajya Sabha, in 1952.

**Department related Standing Committees:** The reform process in Indian Committee system can be considered to have culminated in the setting up of department related standing Committees in 1993. This was the time when 17 Committees were set up at one stroke with an enlarged, enhanced scope and jurisdiction of Committees and effectively strengthening their control over executive. Notwithstanding this development, the Committee system continued to grow even after 1993 with the setting up of a few more Committees such as Committee on Empowerment of Women as explained earlier. But with the onset of Department related Standing Committees, the referral of Bills to these Committees on a regular basis has taken off. As explained, prior to setting up of Department related Standing Committees, Bills, when considered necessary, used to be referred to select/joint Committees. It was only selective and important Bills and not all that were referred.

The Committees that have been in existence in Indian Parliament until 1993 were mostly of limited nature and specific object. The most significant of them were Committee on Public Accounts and Committee on Estimates. However, as there were no standing Committees to which Bills could be referred on a regular basis, the existence of experienced council of Ministers took care of the Bills. But parliamentary scrutiny and
examination of Bills was not existing. But in U.S. the need for Committees to examine bills was felt right from the beginning. When the U.S. Congress first met, there were no governmental representatives or official members and as such lacked the experience of Ministers to put forth the achievements of the executive so that Bills are passed. In the circumstances, the gradual growth of small bodies capable of doing the groundwork, called Committees became necessary.

The onset of Department related Parliamentary Standing Committees in 1993 has brought the Committee system in India closer to US system. These Committees are a great innovation in India’s parliamentary history. The functions, constitution and jurisdiction of these Committees are more or less closer to the standing Committees of USA and therefore are the right ones comparable.

Committees have thus evolved in stages in India though the evolution is very slow. Up to 1993 not much change has taken place. The reform process of the Committees in Indian Parliament started in 1988 only which finally culminated into setting up of Department related standing Committees.

The Department related Standing Committees came into existence in the backdrop of enormously increasing governmental activities and the less amount of time available to parliament and its Committees hitherto existing. Executive accountability was not being exercised effectively and this is very well evident in the discussion on the Demands for Grants of the Ministries/Departments on the Floor of the House. The Demands for Grants of only three or four Ministries used to be discussed on the floor of the House. In 1989 the Demands for Grants of only three Ministries/Departments were discussed in
Lok Sabha and the Demands for Grants of about 34 Ministries/Departments were guillotined.

The issue drew the attention of many and became a matter of discussion. It was discussed in the conference of Presiding Officers of the Houses of Parliament and State Legislatures in 1978 and in 1984. Interestingly the matter was also discussed in the Third Regional Commonwealth Parliamentary Association Seminar held in Delhi in 1984. At this stage a proposal was mooted before the Lok Sabha Rules Committee for setting up 9 Ac-hoc Committees for pre-voting scrutiny of the Demands for Grants. The Rules Committee considered the proposal but no final decision was taken. However, the issue did not die down. The proposal of strengthening the Committee system and ensuring administrative accountability was again considered by the Rules Committee of Lok Sabha in 1989. Thereafter, three subject Committees were set up. The three Committees were as under:

1. Committee on Agriculture;
2. Committee on Science and Technology; &

The rules were made and the Committees were constituted w.e.f. 18th August, 1989. It was the beginning of the new Committee system and these Committees consisted of 22 Members. They were Joint Committees with 15 members from Lok Sabha and 7 members from Rajya Sabha. The main functions of these Committees were: to examine the activities of the concerned ministries/departments and to report as to what economies, improvements in organisation, efficiency or administrative reforms consistent with the policy approved by Parliament might be effected. Apart from the other functions, these
Committees were to examine the annual reports and plan projects/activities of the concerned ministries/departments.

Though the above three Committees were joint Committees, but the initiative had emanated from Lok Sabha and the Committees were constituted consequent upon the Rules adopted in Lok Sabha. Another initiative was made before the Rules Committee of Rajya Sabha and the Committee considered a proposal to set up three new Committees i.e.:

1. Committee on Human Resource Development;
2. Committee on Industry; and
3. Committee on Labour.

The above Committees were proposed to be constituted on the same lines of the Committees functioning earlier. Rajya Sabha adopted the proposal contained in the Report of the Rules Committee on the 20th August, 1992. When the matter stood there, a joint meeting of General Purposes Committee and Rules Committee was held in which the entire issue of setting up the Committees was discussed.

When the things were going on thus in Rajya Sabha, similar developments were taking place in Lok Sabha also. After examining the experience gained from the subject Committees set up in 1989, an idea was brewing for setting up full-fledged Committees covering the entire gamut of the government of India. During the tenth Lok Sabha, the matter relating to department related Parliamentary Standing Committees was again considered by the General Purposes Committee and the Rules Committee. The Committees felt that a full-fledged system of departmentally related standing Committees be created bringing under their jurisdiction all the ministries/departments of the
government of India. After this, a joint meeting of the Rules Committees Lok Sabha and Rajya Sabha was held on 11th March 1993. During the discussions, an agreement was reached to set up the standing Committees called Departmentally related Parliamentary Standing Committees to consider Demands for Grants, bills, national long term policies framed by the government and the annual reports of the concerned department/ministry. Ultimately the standing Committees were constituted w.e.f. 8th April, 1993. While inaugurating the Committees, the then Vice-President of India and the Chairman of Rajya Sabha described the system as:

"a new phase in the evolution of our parliamentary system....to ensure the accountability of government to parliament through more detailed consideration of measures in these Committees....The intention is not to weaken or criticise the administration but to strengthen it by investing it with more meaningful parliamentary support."22

Congressional Committees

Committees on Agriculture: Agriculture in the early 19th century was certainly intertwined with other great issues of commerce and the economy. Agricultural trade occupied an important segment of the American economy from the earliest colonial years. In fact, one reason for the colonisation of the New World by Europeans had been to obtain a fresh source of raw materials and agricultural products, while developing new markets for manufactured goods. Trade was integral to the growth of the American colonies and, as early as the 1770s, colonists were debating free versus projectionist trade policies.

Upon introduction of a resolution to create the House Committee on Agriculture April 29, 1820:

"Gentlemen, say that there are, in this country, three interests, the agricultural, commercial, and manufacturing. And how happens it, sir, that the agricultural, the

22 Rama Devi & Gujjar, n.20(ii), pp.57-58
great leading and substantial interest in this country, has no Committee --- no organised tribunal in this House to hear and determine on their grievances?
"If the commercial or manufacturing interests are affected, the cry resounds throughout the country; remonstrances flow in upon us; they are referred to Committees appointed for the purpose of guarding them, and adequate remedies are provided.
"But, sir, when agriculture is oppressed, and makes complaint, what tribunal is in this House to hear and determine on the grievances?"

Committee on Agriculture was established in the House with 7 Members in 1820.
In 1880 the subject of forestry was added to its jurisdiction, and the Committee was conferred authority to receive estimates of and to report appropriations. However, on July 1, 1920, authority to report appropriations for the Department of Agriculture was transferred to the Committee on Appropriations.

Though agriculture's place in the economy was not in dispute, in 1825 its potential place in the Senate's standing Committee system was a matter of considerable debate. The Committee on Agriculture was created during debate on dividing the Committee on Commerce and Manufactures. On December 9, 1825, the Senate, by a vote of 22-14, approved a resolution creating a standing Committee on Agriculture.

Committee on Appropriations: On March 2, 1865, the House of Representatives separated the appropriating and banking and currency duties from the Committee on Ways and Means, which was first established in 1789, and assigned them to two new Committees - the Committee on Appropriations and the Committee on Banking and Currency. Until 1865, all "general" appropriations bills had been controlled in the House by the Committee on Ways and Means - also in charge of revenue measures and some other classes of substantive legislation. In 1885, a portion of the bills were distributed to other Committees. In 1920, the Committee again was given jurisdiction over all appropriations.
At the beginning of the Fortieth Congress in March 1867, Senator Henry B. Anthony of Rhode Island offered a Senate resolution providing for the creation of "...a Committee on Appropriations, to consist of seven members." His purpose was "to divide the onerous labors of the Finance Committee with another Committee" by separating the tax-writing and appropriating processes. The House had already established an Appropriations Committee two years earlier. Without further discussion, Anthony's resolution was considered by unanimous consent and agreed to, giving birth to the Senate Committee on Appropriations on March 6, 1867.

**Budget Committees**: In early 1970's, there was a strong wave calling for changes in the budget and appropriations process. The "impoundment" of funds in fiscal year 1974 by the President was the most important factor contributed for bringing about changes. This was, in effect, a line item veto of funds for programs that were initiated or increased by the Congress. Many Members of Congress and certain special interest groups were outraged and extremely frustrated by the impoundments. Numerous court suits on various impoundments had been filed and were in the process of being heard.

Another important reason for bringing about budget reform the widely held belief that the budget was out of control. Deficits were mounting; so-called "uncontrollable" spending was climbing; and "back door" spending, i.e. spending provided other than through the Appropriations Committee, was increasing. It was also becoming clear that there was little, if any co-ordination between raising and spending revenues. Additionally, there was a feeling among some Members of Congress that there needed to be other or additional ways to change the priorities of Federal spending. Because of these
and other concerns, formal work was begun on improving the congressional budget process through the establishment of the Joint Study Committee on Budget Control.

The work of this Committee, the House Rules Committee, the Senate Committee on Government Operations, and the Senate Rules Committee eventually resulted in the adoption of the Congressional Budget and Impoundment Control Act of 1974. The budget process created by the 1974 act was added to the existing Committee structure by creating House and Senate Budget Committees.

Judiciary Committees: A standing Committee on the Judiciary was established by the House of Representatives on June 3, 1813 to consider legislation relating to judicial proceedings. Under the Legislative Reorganisation Act of 1946, the Committee on Revision of Laws, Patents, Immigration and Naturalisation, Claims and War claims were combined with this. One of the Senate's original standing Committees, the Committee on the Judiciary was first authorised on December 10, 1816.

Senate Committee on Commerce, Science, and Transportation: Throughout the history of the United States Senate, a number of Committees have held the jurisdiction currently given to the Committee on Commerce, Science, and Transportation. Indeed, many separate Committees simultaneously shared the jurisdiction held by today's Committee. The progenitor Committees are: Committee on Commerce and Manufactures (1816-1825); Committee on Commerce (1825-1946, 1961-1977); Committee on Manufactures (1825-1855, 1864-1946); Committee on Interstate Commerce (1885-1946); Committee on Inter-oceanic Canals (1899-1946); Committee on Interstate and Foreign Commerce (1946-1961); Committee on Aeronautical and Space Sciences (1958-1977).
**House Committee on Education and the Workforce:** The current House Committee on Education and the Workforce was established on January 7, 1997. The first Committee of this jurisdiction, the Committee on Education and Labour, was established on March 21, 1867 in the aftermath of the Civil War and the growth of American industry. On December 19, 1883, the Committee on Education and Labour was divided into two standing Committees: Committee on Education and Committee on Labour. On January 2, 1947, the Legislative Reorganisation Act again combined the Committees, renamed the Committee on Education and Labour. On January 4, 1995, the Committee was renamed the Committee on Economic and Educational Opportunities. On January 7, 1997, the Committee was again renamed the Committee on Education and the Workforce.

**House Committee on Science:** The Committee on Science has its roots in the intense reaction to the Soviet launch of Sputnik on October 4, 1957. Early in 1958 Speaker Sam Rayburn convened the House of Representatives, and the first order of the day was a resolution offered by Majority Leader John McCormack of Massachusetts. It read, "Resolved that there is hereby created a Select Committee on Astronautics and Space Exploration...". The Select Committee performed its tasks with both speed and skill by writing the Space Act creating the National Aeronautics and Space Administration and chartering the permanent House Committee on Science and Astronautics, now known as the Committee on Science, with a jurisdiction comprising both science and space. The Science and Astronautics Committee was the first standing Committee established in the House of Representatives since 1946. It was also the first
time since 1892 that the House and Senate acted to create a standing Committee in an entirely new area.

The House Committee on Energy and Commerce: For 206 years, the Committee on Energy and Commerce, the oldest legislative standing Committee in the U.S. House of Representatives, has served as the principal guide for the House in matters relating to the promotion of commerce and to the public's health and marketplace interests. The Committee was originally formed as the Committee on Commerce and Manufactures on December 14, 1795. Prior to this, legislation was drafted in the Committee of the Whole or in special ad hoc Committees, appointed for specific limited purposes. However the growing demands of the new nation required that Congress establish a permanent Committee to manage its Constitutional authority to “regulate Commerce with foreign Nations, and among the several States.” From this time forward, as the nation grew and Congress dealt with new public policy concerns and created new Committees, the Energy and Commerce Committee has maintained its dominant and central position as Congress’s monitor of our nation’s commercial progress—a focus reflected in its changing jurisdiction, both in name and practice.

In 1819, the Committee’s name was changed to the Committee on Commerce, reflecting the creation of a separate Manufacturers Committee and also the increasing scope of and complexity of American commercial activity, which was expanding the Committee’s jurisdiction from navigational aids and the nascent Federal health service to foreign trade and tariffs. In 1891, in emphasis of the Committee’s evolving activities, the name was again changed to the Committee on Interstate and Foreign Commerce—a title
it maintained until 1981. In that year, the Committee assumed what is now its present name i.e. Committee on Energy and Commerce.

**Senate Committee on Governmental Affairs:** While elements of the Committee on Governmental Affairs can be traced back into the 19th century, the Committee had its immediate origins in the creation of the Committee on Expenditures in the Executive Departments which was created and organised on April 18, 1921. The Committee on Expenditures in the Executive Department was renamed the Committee on Government Operations in 1952. The Committee on Government Operations was reorganised as the Committee on Governmental Affairs in 1978.

**Senate Committee on Energy and Resources:** The roots of the Committee on Energy and Natural Resources go back to one of the first standing Committees appointed by the Senate -- the Committee on Public Lands. Although the chronology reflects a succession of name changes, the jurisdiction of the original Committee on Public Lands has been in continuous existence for over 170 years. In 1921, following a Senate Committee consolidation, the Committee on Public Lands acquired the jurisdiction of the Committee on Geological Surveys and was retitled Committee on Public Lands and Surveys. A quarter of a century later, following the Legislative Reorganisation Act of 1946, the Committee on Interior and Insular Affairs assimilated the jurisdiction of the Committee on Public Lands and Surveys and of the following other Committees: Indian Affairs, Territorial and Insular Affairs, Mines and Mining, and Irrigation and Reclamation. In the 2nd Session of the 80th Congress (1948), the Committee was renamed the Committee on Interior and Insular Affairs.
On January 4, 1977, in the 1st session of the 95th Congress, Committee System Reorganisation Amendments of 1977 were introduced. That resolution was based on a 1976 study and report of the Select Committee on Committees, which they had co-chaired. On February 4, 1977, the Senate adopted S. Res. 4, and the Committee on Energy and Natural Resources was created. Its jurisdiction included most of the functions of the Committee on Interior and Insular Affairs in addition to the new areas of natural gas pricing and regulation, energy regulation, energy research and development of all forms of energy, coal production, hydroelectric power and non-military development of nuclear energy. The Committee's responsibility for Indian Affairs ended upon Senate approval of S. Res. 4, when a Temporary (now permanent) Select Committee on Indian Affairs was established.

Committee On Rules: On 2 April 1789, the second day of the First Congress, the House of Representatives voted to establish a select Committee of eleven members to prepare and report such standing rules and orders of proceedings as may be proper to be observed in the House. For ninety years, the Rules Committee remained a temporary, select Committee, appointed at the beginning of each Congress. In some Congresses it was not even established and in others it made no reports. On 16 June 1841, the House adopted a resolution extending the rules of the previous Congress for the balance of the first session but also giving the Rules Committee "leave to report at all times," rather than once, in the usual single report. In the 31st and 32 Congresses (1849-1853), the Committee status was elevated to that of a Standing Committee, and in 1858, when the House created a special rules revision Committee, it included the Speaker as one of its members. A year later, the Speaker was made the chairman of the select Committee on
rules. In 1880, the Committee on Rules was designated as one of the Standing Committees with jurisdiction over all proposed action touching on the rules and the joint rules. Moreover, the Speaker retained the authority to chair the newly permanent Rules Committee and to appoint the chairmen and members of other standing and select Committees. Between 1880 and 1910, the modern Rules Committee emerged as the Speaker's Committee and the legislative scheduling agent for the House.

Mr. Jefferson wrote in his Manual of Parliamentary Practice that whether the rules "be in all cases the most rational or not, is really not of so great importance. It is much more material that, there should be a rule to go by, than what that rule is; that there may be an uniformity of proceeding in business, not subject to the caprice of the Speaker, or captiousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body." 23

The first Senate understood this and on the next day after a quorum of the Senators appeared and took their oath of office, a special Committee was created to "prepare a system of rules for conducting business."

Thereafter, special Committees were created from time to time until April 17, 1867, to revise or re-examine the Senate rules, and to recommend changes therein. From 1789, when the first Committee was appointed, until 1867, the Senate created nine special Committees to revise the rules of the Senate. On April 17, 1867 a Committee of three Senators was appointed "to revise the rules of the Senate, and to report thereon early in the next session." This Committee became known as the Select Committee on the Revision of the Rules and as such was a continuous Committee until December 9, 1874,

23 Johnson, n.7, Section I, p123.
when it was designated as standing Committee to be known as the Committee on Rules. This later came to be known as Committee on Rules and Administration.

**Committees on Small Business**: The Senate established the Special Committee to Study and Survey Problems of Small Business Enterprises (also known as the Special Committee to Study Problems of American Small Business) on October 8, 1940. On February 20, 1950, this Committee was terminated, and its functions transferred to the Select Committee on Small Business. The Select Committee was terminated on March 25, 1981, when it became a standing Committee.

Similarly in the House, a Select Committee was first established in 77th Congress and was reconstituted each Congress thereafter by resolution reported from the Committee on Rules. In the 92nd Congress it was made a Standing Committee.

**Senate Committee on Indian Affairs**: In 1977, the Senate re-established the Committee on Indian Affairs, making it a temporary Select Committee. The Select Committee was to disband at the close of the 95th Congress, but following several term extensions, the Senate voted to make the Committee permanent on June 6, 1984. Until 1946, when a legislative Reorganisation act abolished both the House and Senate Committees on Indian Affairs, the Senate Committee on Indian Affairs had been in existence since the early 19th century. After 1946, Indian affairs legislative and oversight jurisdiction was vested in sub-committees of the Interior and Insular Affairs Committees of the House of Representatives and the Senate.

There was included within Senate Resolution of February 4, 1977, the Committee System Reorganisation Amendments of 1977, a provision to establish a Select Committee on Indian Affairs with full jurisdiction over all proposed legislation and other matters
relating to Indian affairs. With the commencement of the 96th Congress, the Select Committee on Indian Affairs was to expire and jurisdiction over Indian matters was to be transferred to the Senate Committee on Labour and Human Resources.

Senate Resolution 405, to make the Select Committee on Indian Affairs a permanent Committee of the Senate, was introduced on February 22, 1978. The measure was amended by the Rules Committee to extend the life of the Committee for two years until January 2, 1981, and was agreed to by the Senate on October 14, 1978. In the 96th Congress, Chairman of the Select Committee, introduced S. Res. 448 to make it a permanent Committee. The Resolution had 28 cosponsors, and was reported by the Rules Committee with an amendment to extend the select Committee to January 2, 1984, and to expand the membership to seven members commencing in the 97th Congress. S. Res. 448 was adopted by the Senate on December 11, 1980. On April 28, 1983, Chairman of the Select Committee on Indian Affairs in the 98th Congress, introduced S. Res. 127 to make the Committee a permanent Committee. This Resolution had 28 cosponsors. On November 1, 1983, the Committee on Rules and Administration voted unanimously to report the Resolution without amendment, and the Resolution was so reported on November 2, 1983 (S. Rept. 98-294). On November 18, the last day of the first session of the 98th Congress, the Senate agreed to an extension of the select Committee to July 1, 1984, in order to allow time for later debate. By the time the Resolution was brought to the floor for consideration there were 60 cosponsors. On June 4, 1984, the Select Committee on Indian Affairs was made a permanent Committee of the Senate. In 1993, the Select Committee on Indian Affairs was redesignated as the Committee on Indian Affairs.