CHAPTER III

COMMITTEE ORGANISATION

Committees of both Houses of Parliament of India are not provided for in the Constitution of India. Chapter II (Part-V) of the Constitution only deals with the Parliament. Article 79 of the Constitution of India and the other Articles in this chapter deal with all other aspects relating to the Parliament of India. However, the Constitution recognises the existence of Committees in the Parliament. Articles 88 and 105 of the Constitution give the same sanctity to the Committees as that of the House. However, these two Articles cannot be considered to have provided for the constitution of Committees in the Parliament. It can be construed that the framers of the constitution took Parliamentary Committees for granted and left it to the Houses to make provisions for them under their rules of procedure. The rules of both Houses of the Indian Parliament provide for constitution of several Committees. There are Committees in each House and also Joint Committees. Committees in Indian Parliament can be defined and identified as those that are nominated by the Speaker of Lok Sabha or the Chairman Rajya Sabha as the case may be, or those elected or appointed by either House, and the

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1 Article 79: There shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as the Council of States and the House of the People.
2 Article 88: Rights of Ministers and Attorney-General as respects Houses—Every Minister and the Attorney-General of India shall have the right to speak in, and otherwise to take part in the proceedings of either House, any joint sitting of the Houses and any Committee of Parliament of which he may be named a member, but shall not by virtue of this article be entitled to vote.
3 Article 105(2) No Member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any Committee thereof, ........
   (3) In other respects the powers, privileges and immunities of each House of Parliament, and of the Members and the Committees of each House, shall be such as may from time to time be defined by Parliament by law, and until so defined, shall be those of that House and of its Members and Committees.
ones that work under the direction of the Speaker or the Chairman and present reports to either House or the Speaker or the Chairman as the case may be. Parliamentary Committees have been sufficiently defined in the earlier chapter.

**Categorisation**

The Parliament of India has a fairly well organised Committee system with elaborate rules. The rules specify the appointment of Committees, term and the procedure to be followed. The Committees in Indian Parliament can be classified into two categories: (1) Standing Committees and (2) Ad-hoc Committees. The Standing Committees are permanent in nature and are elected/appointed from time to time as provided in the rules. The functional nature of the standing Committees categorises them into several types. Both the Committees of each House and the Joint Committees, fall under the category of Standing Committees. Each standing Committee (Committee of the either House or the Joint Committee) has a different type and nature of functions. The only exceptions are the seventeen Department related standing Committees that have similar nature of work with different jurisdictions.

Before discussing about the organisation of the Committees, it is necessary to understand the Committees that are presently functioning in both Houses of Parliament. At present the following Committees are functioning in the Indian Parliament:

<table>
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<th>Table 6</th>
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<tbody>
<tr>
<td>STANDING COMMITTEES</td>
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<tr>
<td>COMMITTEES OF EACH HOUSE</td>
</tr>
</tbody>
</table>
### Lok Sabha
- Business Advisory Committee
- Rules Committee
- General Purposes Committee
- House Committee
- Committee of Privileges
- Committee on Petitions

### Rajya Sabha
- Business Advisory Committee
- Rules Committee
- General Purposes Committee
- House Committee
- Committee of Privileges
- Committee on Petitions

### Committee List

#### Lok Sabha
- Committee on Subordinate Legislation
- Committee on Papers Laid on the Table
- Committee on Government Assurances
- Committee on the Absence of Members from the sittings of the House
- Committee on Estimates
- Committee on Private Members Bills
- And Resolutions

#### Rajya Sabha
- Committee on Subordinate Legislation
- Committee on Papers Laid on the Table
- Committee on Government Assurances

### JOINT COMMITTEES
- Committee on Public Accounts
- Committee on Public Undertakings
- Committee on the Welfare of Scheduled Castes and Scheduled Tribes
- Joint Committee on Salaries, and Allowances of Members of Parliament
- Joint Committee on Offices of Profit
- Library Committee
- Committee on the Empowerment of Women

### DEPARTMENT RELATED PARLIAMENTARY STANDING COMMITTEES
- Committee on Agriculture
- Committee on Commerce
- Committee on Defence
- Committee on Energy
- Committee on External Affairs
- Committee on Finance
- Committee on Food, Civil Supplies and Public Distribution
- Committee on Home Affairs
- Committee on Human Resource Development
- Committee on Industry
- Committee on Information Technology
- Committee on Labour and Welfare
- Committee on Petroleum & Chemicals
- Committee on Railways
- Committee on Science & Technology, Environment & Forests
- Committee on Transport and Tourism
- Committee on Urban and Rural Development
Table 7

AD-HOC COMMITTEES

<table>
<thead>
<tr>
<th>COMMITTEES OF EACH HOUSE</th>
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<tbody>
<tr>
<td><strong>LOK SABHA</strong></td>
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<tr>
<td>Committee on Provision of Computers for Members of Parliament, Offices of Political Parties and Officers of Lok Sabha Secretariat</td>
</tr>
<tr>
<td>Committee on Member of Parliament Local Area Development Scheme</td>
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<tr>
<td>Committee on Ethics</td>
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</table>

**JOINT COMMITTEES**

Railway Convention Committee (Committee to review the rate of dividend payable by Railway Undertakings to General Revenues)
Joint Parliamentary Committee on the functioning of Wakf Boards
Joint Committee on Installation of Portraits/Statues of National Leaders and Parliamentarians in Parliament House Complex
Committee on Security in Parliament House Complex

In the above statements Committees have been shown under two categories i.e.
Standing and Ad-hoc Committees. The Committees will now be discussed under a different category. A mention was made about the functional categorisation in Chapter I. Now this categorisation and the Committees falling under this would be discussed. In terms of the functions performed, standing Committees in Indian Parliament can be divided into the following categories:

1. Inquiry Committees: Committee on Petitions and Committees on Privileges (exist in each House);
2. Scrutinising Committees: Committees on Subordinate Legislation; Committees on Government Assurances;(These two Committees exist in both the Houses); Committee on the Welfare of Scheduled Castes and Scheduled Tribes; and the Committee on Empowerment of women;(Joint Committees)
3. Advisory Committees: Business Advisory Committees; Rules Committees; (exist in both the Houses); Committee on Absence of Members from the sittings of the House; and Committee on Private Members Bills and Resolutions (last two Committees are in Lok Sabha only);
4. Servicing Committees: House Committees; General Purposes Committees;(exist in each House) Library Committee; Joint Committee on the
Salary, Allowances and Pension of Members of Parliament (Joint Committees);
5. Financial Committees: Public Accounts Committee; Committee on Public Undertakings; (Joint Committees); and Committee on Estimates; (Lok Sabha only) and
6. Department-related Parliamentary Standing Committees (Joint Committees)

I. Inquiry Committees: These Committees look into specific complaints received by the Parliament. Committee on petitions examines the petitions given by the general public on issues of general public importance. Any citizen can give petition to either House of Parliament through a Member of Parliament and the petition then is presented to the House concerned. Both the Houses of Parliament have separate Committees on Petitions. The Committees, after going into the details of the matter, present report to the concerned House. The petition, before being presented to the House, needs to be countersigned by the member of the either House as the case may be.4

Committee of Privileges is another Committee of Inquiry. It is very widely known that Parliament of India or for that matter any legislature has got certain privileges. Similarly, both the Houses of Indian Parliament, Members of both the Houses and the Committees thereof have certain privileges. Without these privileges, it is difficult for the Parliament to discharge the functions entrusted to it by the Constitution.5 Whenever there is any question of breach of privilege, the concerned House may examine the issue and take a decision. The House may instead refer and generally refers such issues to the Committee of privileges.6 The Committee examines the matter so referred,

4 (i) Rules of Procedure and Conduct of Business in Lok Sabha, Rules 306 & 307. Hereafter called Lok Sabha Rules; and
5 Kaul & Shakdhar, n.5, p.847
6 (i) Lok Sabha Rules, n.4(i), Rule 226; and
(ii) Rajya Sabha Rules, n.4(ii), Rule 191.
to find out whether there is any breach of privilege and makes recommendations if necessary.

II. Scrutinising Committees: Scrutinising Committees are those Committees, which control the executive through scrutiny. Parliament delegates some powers to the executive to frame rules under the laws enacted by it. The Committee on Subordinate Legislation scrutinises and reports to the respective Houses as to whether the powers to make rules, regulations, bye-laws etc., conferred by the constitution, or delegated by the Parliament are being properly exercised or not. The Committee shall consider whether the order (Rule, Regulation, bye-law, scheme or other statutory instrument etc.), laid in the House: -

i) is in accord with the general objects of the Constitution or the Act pursuant to which it is made;
ii) contains matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament
iii) contains imposition of any tax
iv) directly or indirectly bars the jurisdiction of the courts
v) gives retrospective effect to any of the provisions in respect of which the constitution or the act does not expressly give any such power
vi) involves expenditure from the Consolidated Fund of India or the public revenues
vii) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made
viii) there appears to have been unjustifiable delay in its publication or in laying it before Parliament; and
ix) for any reason its form or purport calls for any elucidation.

This Committee exists in both the Houses.

The Committee on Government Assurances, appointed in both the Houses, acts as a watch dog over the Government to ensure that the executive does not go back on its

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7 Ibid. n.4(i) Rule 317; and n.4(ii), Rule 204.
8 Ibid. n.4(i) Rule 320; and n.4(ii), Rule 209.
assurances. The Committee scrutinises the assurances, promises, undertakings etc. given by the Ministers on the floor of each House. The Committee also examines the extent to which the assurances are implemented and also whether the assurances are implemented within the stipulated time.\footnote{Ibid. n.4(i) Rule 323; and n.4(ii), Rule 212A.} Committee on Papers Laid on the Table, which exists in both the Houses, scrutinises the papers laid on the Table of each House.\footnote{These papers include the Annual reports of the central public sector undertakings, autonomous organisations and commissions, their audited accounts and such other papers.} The Committee examines whether the papers laid on the Table are as per the provisions of the Statute/Rules/Constitution as the case may be, and shall find out whether there was any delay in laying the papers. The Committee also scrutinises whether in case of delay any statement has been laid explaining the reasons therefor.\footnote{(i) Lok Sabha Rules, n.4(i), Rule 305B; and (ii) Rajya Sabha Rules, n.4(ii), Rule 212H.} In this way Parliamentary control over executive/administration is ensured.

Another scrutinising Committee is the Committee on the Welfare of Scheduled Castes and Scheduled Tribes. It is a Joint Standing Committee. The Committee considers the reports of the National Commission for the Scheduled Castes and Scheduled Tribes and makes recommendations thereon. The Committee also examines the steps taken by the central government to ensure that sufficient representation is given to the Scheduled Castes and Scheduled Tribes in the government services.\footnote{Ibid. n.4(i), Rule 331 A.}

The Committee on the Empowerment of Women examines the reports of the National Commission for Women, and makes recommendations on the measures to be taken for improving the status and condition of women. The Committee also examines...
the steps taken by the central government for securing equality, status and dignity to women in all respects.  

III. Advisory Committees: These Committees deal with the day-to-day business of the Houses. The Business Advisory Committees, existing in both the Houses, recommend for time being allocated to the government Bills and other business. After the Committees have recommended time for the business, the recommendations are reported in the respective Houses. The Business Advisory Committee in Rajya Sabha is also empowered to allocate time to the Private Members Bills. In Lok Sabha, there is a separate Committee to deal with the Private Members Bills, i.e. Committee on Private Members’ Bills and Resolutions. The Committee examines all the Constitution Amendment Bills, given notice of by the Private Members, before introduction. The Committee also allocates time to the Private Members’ Resolutions. Rules Committee is another Committee that plays the advisory role. All matters of procedure and conduct of business in each House are examined by the Committee on Rules of the respective Houses. If any amendments are to be made in the Rules, Rules Committee first considers and gives its recommendations and thereafter the House gives its stamp of approval. Lok Sabha has got another Committee to advise in the running of its business, i.e. Committee on Absence of Members from the sittings of the House. Under the Constitution, if a Member is absent for 60 days without the permission of the House, the member may lose the seat and the seat may be declared vacant. The Committee

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13 Lok Sabha Rules, n.4 (i), Rule 331P.
14 Ibid. n.4(i), Rule 288; and n.4(ii), Rule 33.
15 Ibid. n.4(i), Rule 294.
16 Ibid. n.4(i), Rule 329; and n.4(ii), Rule 216.
17 Article 101(4), Constitution of India.
considers all the requests made by the Members for being absent from the sittings of the House, and also such cases where Members are absent without permission. After examining the case, the Committee recommends whether the absence should be condoned or not and the Speaker seeks the pleasure of the House on the recommendation of the Committee. In Rajya Sabha, there is no such Committee and this function is performed by the Chairman and the Council (Rajya Sabha).

**Servicing Committees:** Servicing Committees can be better explained as the House keeping Committees. These Committees look after the services, amenities provided to each House and the Members thereof. The General Purposes Committee is a high profileservicing Committee, constituted in each House, chaired by the Speaker/Chairman as the case may be. The rules provide that that the Committee shall consider all such matters concerning the affairs of the chamber as may be referred to it by the Speaker/Chairman as the case may be. This Committee considers generally such matters that do not fall within the purview of any other Committee. Another Servicing Committee is House Committee, which exists in each House. This Committee considers matters relating to residential accommodation of Members of the respective Houses and also supervises accommodation, food, medical and other facilities provided to the Members. Library Committee considers matters relating to Parliament Library and suggests improvements in the running of Library. This is a Joint Committee. Under the category of the servicing Committees, there is a statutory Committee constituted under

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18 Lok Sabha Rules, n.4(i), Rule 326.
19 Rajya Sabha Rules, n.4(ii) Rule 214.
20 (i) Lok Sabha Rules, n.4(i), Rule 2, General Purposes Committee, Appendix II; and (ii) Rajya Sabha Rules, n.4(ii), Rule 281.
21 Ibid. n.4(i), Rule 3, House Committee, Appendix II; and n.4(ii), Rule 212U.
the provisions of the Salary, Allowances and Pension of Members of Parliament Act, 1954. This is a Joint Committee and it makes rules on the matters relating to various allowances, medical and other facilities and pension to Members of Parliament.22

Financial Committees: Until the setting up of the Department related Standing Committees, it was only the three financial Committees that used to undertake the scrutiny of governmental spending and performance, thereby securing the accountability of the administration to the Parliament in the financial matters. The Estimates Committee makes a detailed examination of the annual budget estimates and reports what economies, improvements in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates, may be effected. The Committee also suggests alternative policies in order to bring about efficiency and economy in administration and examines whether the money is well laid out within the limits of the policy implied in the estimates. The Committee further suggests the form in which the estimates shall be presented to the Parliament.23 This Committee is only a Lok Sabha Committee and the Rajya Sabha Members are not associated with this Committee. Unlike this, The Committee on Public Accounts is a Joint Committee. Public Accounts Committee is generally considered to be the twin sister of Estimates Committee. The Public Accounts Committee examines the accounts showing the appropriation of the sums granted by the Parliament for the expenditure of the government of India to find out, whether the grant authorised by the Parliament was spent for the purpose it was granted.24 The Committee also examines the excess expenditure if any. The Committee on Public Undertakings

23 Ibid. Rule 310.
24 Ibid. Rule 308.
examines the working of the Public Undertakings mentioned in Fourth Schedule. The Committee examines the reports and accounts of the undertakings besides examining the audit reports of Comptroller & Auditor General on the public sector undertakings. The Committee also examines whether the affairs of the undertakings are being managed with sound business principles and prudent commercial practices.

**Department-related Standing Committees:** Now come the Department-related Standing Committees, which are seventeen in number and joint in composition. The functions of these Committees are to:

1. Consider the Demands for Grants of the related Ministries/Departments and report thereon. The report shall not suggest anything of the nature of cut motions;
2. Examine Bills, pertaining to the related Ministries/Departments, referred to the Committee by the Chairman or the Speaker, as the case may be, and report thereon;
3. Consider the annual reports of the Ministries/Departments and report thereon; and
4. Consider national basic long term policy documents presented to the Houses, if referred to the Committee by the Chairman or the Speaker, as the case may be, and report thereon.

Each Committee is given jurisdiction of one or more Ministries/Departments. The jurisdiction of all the Department-related Standing Committees is provided in the Fifth Schedule to the Lok Sabha Rules and Third Schedule to the Rajya Sabha Rules. For example the Committee on Human Resource Development has the jurisdiction of the Ministries of Human Resource Development, Youth Affairs and Sports, and Health and Family Welfare. After the Budget is presented to the Parliament, the Demands for Grants

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25 Ibid. Rule 312A. Fourth Schedule to the Rules specifies certain Public Sector Undertakings and the Committee can consider only those undertakings under Rule 312A.
26 (i) Lok Sabha Rules, n.4(i), Rule 331E; and
(ii) Rajya Sabha Rules, n.4(ii), Rule 270.
27 Statement showing jurisdiction of all the Department-related Standing Committees is at Annexure I
of all the Ministries/Departments stand referred to the concerned Committees. Each Committee considers the Demands for Grants of the Ministry/Departments under its jurisdiction and gives report to the Parliament before the Demands for Grants are considered in Lok Sabha. After the Budget is presented, both Houses adjourn for a recess to enable the Committees to consider the Demands for Grants. The Committees are supposed to consider the Demands for Grants within this period and give their reports thereon and not ask for more time. The recess period available for the Committee ranges between three to four weeks. In 2003, both the Houses of the Parliament adjourned on 13th March, to meet again on the 7th April and in 2002 the Houses adjourned on 22nd March to meet again on the 15th April. In 2001 the Houses adjourned on 23rd March, to meet again on the 16th April. Within this period the Committees have to obtain the written information from the Ministry/Department concerned and take oral evidence of the concerned officers and present/lay the reports when the Houses re-assemble.

Now the Committee organisation obtaining in U.S. Congress will be discussed. The Committees that are functioning in U.S. Congress are as under:

Table 8

<table>
<thead>
<tr>
<th>COMMITTEES IN US CONGRESS</th>
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<tbody>
<tr>
<td><strong>STANDING COMMITTEES</strong></td>
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<tr>
<td><strong>HOUSE OF REPRESENTATIVES</strong></td>
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<tr>
<td>Committee on Agriculture</td>
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<tr>
<td>Committee on Appropriations</td>
</tr>
</tbody>
</table>

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28 Lok Sabha Rules, n.4(i), Rule 331G.
29 Sources: Rajya Sabha Bulletin Part I Nos. 4369, 4284, and 4208 dated 13.03.03, 22.03.02, and 23.03.01 respectively and Lok Sabha Bulletin Part I Nos.296, 210, and 133 dated 13.03.03, 22.03.02, and 23.03.01 respectively.
<table>
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<tr>
<th>Committee on Armed Services</th>
<th>Committee on Armed Services</th>
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<tr>
<td>Committee on Budget</td>
<td>Committee on Banking, Housing, and Urban Affairs</td>
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<tr>
<td>Committee on Education and the Workforce</td>
<td>Committee on Budget</td>
</tr>
<tr>
<td>Committee on Energy and Commerce</td>
<td>Committee on Commerce, Science, And Transportation</td>
</tr>
<tr>
<td>Committee on Financial Services</td>
<td>Committee on Energy and Natural Resources</td>
</tr>
<tr>
<td>Committee on Government Reform</td>
<td>Committee on Environment and Public Affairs</td>
</tr>
<tr>
<td>Committee on House Administration</td>
<td>Committee on Finance</td>
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<tr>
<td>Committee on International Relations</td>
<td>Committee on Foreign Relations</td>
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<tr>
<td>Committee on the Judiciary</td>
<td>Committee on Government Affairs</td>
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<tr>
<td>Committee on Resources</td>
<td>Committee on Health, Education, Labor and Pensions</td>
</tr>
<tr>
<td>Committee on Rules</td>
<td>Committee on Judiciary</td>
</tr>
<tr>
<td>Committee on Science</td>
<td>Committee on Rules and Administration</td>
</tr>
<tr>
<td>Committee on Small Business</td>
<td>Committee on Small Business and Entrepreneurship</td>
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<tr>
<td>Committee on Standards of Official Conduct</td>
<td>Committee on Veterans Affairs</td>
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<td>Committee on Veterans Affairs</td>
<td>Committee on Veterans Affairs</td>
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<tr>
<td>Committee on Ways and Means</td>
<td>Committee on Standards of Official Conduct</td>
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**JOINT COMMITTEES**

<table>
<thead>
<tr>
<th>Joint Committee on Printing</th>
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<tbody>
<tr>
<td>Joint Committee on Taxation</td>
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<tr>
<td>Joint Committee on the Library</td>
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<tr>
<td>Joint Economic Committee</td>
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</tbody>
</table>

**SPECIAL, SELECT, AND OTHER COMMITTEES**

**HOUSE OF REPRESENTATIVES**

- House Permanent Select Committee
- Select Committee on Homeland Security

**SENATE**

- Select Committee on Indian Affairs
- Select Committee on Ethics
- Select Committee on Intelligence
- Select Committee on Aging
In the above statements, the Committees are shown under two categories i.e. Standing and Ad-hoc. All the permanent Committees of each chamber i.e. the House of Representatives and the Senate are the Standing Committees. Functionally speaking, Standing Committees in U.S. Congress can be categorised under the following categories:

1. Financial Committees- Committees on Appropriations and Budget Committees;
2. Authorising Committees – Committees having jurisdiction over individual Departments of the Executive;
3. House Keeping Committees.

Financial Committees: In the process of the allocation of resources of the Federal Government in U.S.A. there are three stages followed in the Congress. First, there is an authorisation process, under which Federal programs are created in response to national needs. Second, there is an appropriation process under which funding is provided for those programs. Finally, there is a Congressional budget process that annually establishes an overall fiscal policy of spending and revenues and that institutes a complex web of procedures to enforce those budgetary decisions. Until 1974, the Congress lacked a comprehensive uniform mechanism for establishing priorities among its budgetary goals. Responsibility for the budget remained fragmented throughout the Congress. The size of the budget, and the size of the surplus or deficit, were not subject to effective controls. To address these problems, both Houses enacted over President Nixon’s veto, the Congressional Budget and Impoundment Control Act of 1974.30

Financial Committees play a crucial role in the Budget Process and are an essential ingredient. The Budget Act created the Budget Committees in both the Senate and the House of Representatives for implementing the congressional budget process. The Budget Committees are authorised to draft the concurrent resolution on the budget. Whereas the Appropriations focus on the individual Federal Departments, the Budget Committees focus on the Federal budget as a whole and on how it affects the national economy. The Budget Committees have jurisdiction over matters relating to the congressional budget, and concurrent resolutions on the budget, measures on budget process, enforcement of budget controls and other matters referred to the Committee. The Budget Committees draw their authority from the statute and not mere the Rules of the respective Houses unlike the other Committees.

Committees on Appropriations are another most important financial Committees in both Houses of the Congress. Federal government is funded by the appropriation acts through 13 regular appropriation bills. The subjects of these bills are determined by and coincide with the subcommittee jurisdictional structure of the Committee on Appropriations. The appropriation bills can be identified as under:

- Agriculture, Rural Development, and related agencies.
- Commerce, Justice, State, and Judiciary and related agencies.
- Defence Department.
- District of Columbia.
- Energy and Water Development.

31 (i) Rules of the House of Representatives, Rule X .1.(d). Hereafter called House Rules; and (ii) The Standing Rules of the Senate Chapter 25.1.(e). Hereafter called Senate Rules. For exact text of the jurisdiction please see Annexure II
• Interior Department and related agencies.
• Labour-Health and Human Services-Education Departments and related agencies.
• Legislative Branch.
• Military Construction.
• Transportation Department and related agencies.
• Treasury, Postal Service, and General Government.
• Veteran Affairs, Housing and Urban Development, and Independent Agencies.\(^\text{32}\)

The Committees on Appropriations have jurisdiction over appropriations pertaining to all the Departments including general appropriations bills. Appropriation of the revenue for the support of the Government is their main jurisdiction including transfer of unexpended balances and amount of new spending authority to be effective for a fiscal year.\(^\text{33}\) Though the Indian Committees i.e. Department related Parliamentary Standing Committees have jurisdiction over the budgetary allocations which are called Demands for Grants in the Indian parlance, the comparison is a bit contrasting. The jurisdiction and functions of the Committees on Appropriations of U.S. Congress are shared by all the Department-related Standing Committees in Indian Parliament.

**Authorising Committees:** Authorising Committees are all the other Committees, which form part of the authorisation process under which Federal programs are created, amended, and extended in response to national needs. In the process of authorisation, legislative Committees (Committees other than Budget Committees and Appropriations Committees and the House keeping Committees) establish program objectives and may

\(^{32}\) Brown & Johnson n.30, pp.78-79.

\(^{33}\) (i) House Rules, n.31(i), Rule X.1.(b); and (ii) Senate Rules, n.31(ii), Chapter 25.1.(b).
set dollar ceilings on the amounts that may be appropriated. Once this authorisation process is complete for a particular programme or department, the Committee on Appropriations recommends the actual level of "budget authority," which allows Federal agencies to enter into obligations. Each Authorising Committee has legislative jurisdiction over some specified Departments and the related agencies and programs. For example, the Committee on Education and Workforce in the House of Representatives has jurisdiction over the Departments of Education and Labour whereas the Committee on Armed Forces has jurisdiction over the Department of Defence and the related agencies. However, all Committees in the House and the Senate do not have identical jurisdictions. For example, the Senate Committee on Health, Education, Labour and Pensions has the jurisdictions of Health in addition to the jurisdiction of the Committee on Education and the Workforce of the House of Representatives. It would thus be found that each chamber of US Congress has its own standing committees, of all nature as financial, authorising and House keeping. The committees similar to Department related Standing Committees of India are financial and authorising committees in USA existing in each chamber, whereas, in India they are joint committees.

**House Keeping Committees:** House Keeping Committees deal with the affairs of the concerned chamber. Rules Committee in the House of Representatives is an important House keeping Committee. A procedural Committee known as the Committee

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For exact texts of the jurisdiction please see Annexure II

34 Brown & Johnson, n.30, p.77.

35 (i) House Rules, n.31(i), Rule X.1; and
(ii) Senate Rules, n.31(ii), Chapter 25.1. For complete text of jurisdictions of all the Committees, please see Annexure II
on Rules has jurisdiction over "the rules and joint rules... and order of business of the House," and authority "to report at any time" on such matters. The authority of the Rules Committee to amend the standing rules of the House is its original jurisdiction. The great paradox of the Rules Committee is that while it was originally created to develop a set of standing rules and uniform order of business for the House, its principal role now is to devise special rules that depart from the standing rules and regular order. The House Committee on Rules has jurisdiction to report special resolutions called "special order of business" or "special rule". These resolutions give privilege to the measure to be considered and specify the manner in which a measure is to be taken up and the procedures to be followed during its consideration. The jurisdiction of the Rules Committee can be compared to the jurisdiction of the Business Advisory Committee and Rules Committee in both Houses of Indian Parliament rolled into one. In India, as already explained earlier, the Business Advisory Committee deals with the order of business of the House concerned whereas the Rules Committee deals with consideration of amendment of Rules. The Rules Committee of the House of Representatives performs both these functions.

The Committee on House Administration is another House keeping Committee of the House of Representatives. The Committee has jurisdiction over a host of issues concerning the administration of the House and matters connected therewith. The Committee has jurisdiction over measures relating to the House Restaurant, parking

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36 Ibid. n.30(i), Rule X, clause 1[q]; and Rule XI, clauses 4[a] and [b].
37 Ibid. n.31(i), Rule X, clause 1[i].
facilities of the House, campaign contributions to candidates for the House and 
compensation, retirement and other benefits of Members, officers, and employees of 
Congress. The Committee has jurisdiction over resolutions authorising Committees to 
employ additional professional and clerical personnel, and has supervisory authority 
over the House barbershops, beauty shops, House Information Resources, and the Office 
of Placement and Management. The Senate Committee on Rules and Administration 
has the jurisdiction over the issues, which are under the jurisdiction of Committee on 
Rules and Committee on House Administration in the House. But the Senate Committee 
does not have much role to play in the order of the business of the Senate. However, if 
this scenario is compared to that in India, it may be stated that the functions performed 
by the House Keeping Committees and the Advisory Committees mentioned earlier in 
this chapter, are all performed by one Committee in Senate and two in House of 
Representatives.

Appointment of committees

Committees in India are appointed or constituted in three different methods. 
Members are either appointed or elected by the House on a motion moved in the House 
and adopted or nominated by the Speaker or the Chairman. Select or Joint Committees 
on Bills are appointed on a motion moved and adopted by the House. When a select 
Committee on a bill is to be appointed, a motion for reference of a Bill to a Select 
Committee is adopted by the Lok Sabha or Rajya Sabha, as the case may be, and the 
motion contains the names of the Members also. In the case of a Joint Committee, the 
motion is adopted by one House with its Members and is concurred by the other House 
with the Members of the concurring House. Select and Joint Committees on matters
other than Bills are also appointed and the same procedure is followed in their
appointment, though there are exceptions such as Joint Committee on Wakf Boards in
which Members are nominated by the Chairman/Speaker, as the case may be. There is
another category of Committees in which Members are elected by each House of the
Parliament such as Members of the Committees on Public Accounts, Public Undertakings
and the Committee on the Welfare of Scheduled Castes and Scheduled Tribes. The
Members of the Committee on Estimates are also elected from amongst the Members of
the Lok Sabha. Members to these Committees are elected through proportional
representation by means of single transferable vote. The object of holding elections
according to the principle of proportional representation by means of single transferable
vote is that every party or group may, as far as possible, get representation in the
Committee in proportion to their numerical strength in the House. Members of all other
standing Committees (Committees of each House) are nominated by the
Speaker/Chairman, as the case may be. In the Department-related Standing Committees
also, Members of both the Houses are nominated.

For nomination, the Secretariat prepares a quota for each party in each
Committee. For example, in Rajya Sabha the Secretariat prepares a statement in respect
of various Committees indicating the seats available, and present representation of
various parties. Quota is prepared by dividing the effective strength of the House by the
number of seats available. Certain Committees are grouped together. Business Advisory
Committee, Committee of Privileges and Committee on Rules are grouped as one and

38 Lok Sabha Rules, n.4(i), Rules 309(1), 312B(1), 331B(1).
39 Ibid
687-688. Hereafter called Ramadevi & Gujjar.
House Committee, Committee on Petitions, Committee on Government Assurances, Committee on Subordinate Legislation and Committee on Papers Laid on the Table are grouped into another. The quota so arrived at is then informed to the various parties requesting the leaders to suggest the names of Members.\footnote{Ibid} As far as possible, different parties and groups are represented on a Committee in proportion to their respective strengths in the Houses.\footnote{Kaul and Shakdhar, n.S, p.737.} In the Department related Standing Committees also, Members are nominated in the same method. All the Department related Standing Committees are constituted at one time and the date is different from the other standing Committees. The seats available in these Committees are 510 for the Members of Lok Sabha and 255 for the Members of Rajya Sabha. After excluding Ministers in both Houses, the effective strength is not sufficient in each House to fill all the vacancies. Therefore, often a few vacancies are there in some Committees. For example when the Department related Standing Committees were constituted w.e.f. 1.1.2003, the Committee on Commerce had five vacancies from Lok Sabha and one vacancy from Rajya Sabha. Similarly, Committee on Industry had three vacancies from Lok Sabha. Sometimes, one Member gets more than one Committee Membership from among the Department related Standing Committees. For example Shri Parameshwar Kumar Aggarwalla, a Rajya Sabha Member, is a member of Committee on Commerce and Committee on Defence where as Shri A.K. Patel, a Lok Sabha Member, is a member of Committee on Railways and Committee on Agriculture, during 2003. There is no bar in the Rules for the number of Committees that one can become Member of.
Committees in US Congress are appointed at the commencement of each Congress. In this regard, Senate Rules provide that the Standing Committees shall be appointed at the commencement of each Congress and shall continue and have the power to act until their successors are appointed. The House Rules provide that the standing Committees shall be elected by the House within seven calendar days after the commencement of each Congress. Standing Committees in the House are ordinarily established with the adoption of the Standing Rules on the opening day for a Congress. They may also be established by a simple resolution reported from the Committee on Rules, usually by way of amendment to the House Rules. Thus different methods are adopted for appointing different standing committees in India, whereas, in USA all the standing committees are appointed in one method and at one go.

Select Committees are normally established by a resolution reported from the Committee on Rules in the House. Besides this, special Ad-hoc Committee may be appointed by the Speaker of the House with the approval of the House for the specific purpose of considering a matter. Joint Committees are constituted by law or by concurrent Resolution.

**Tenure & size**

Committees in Indian Parliament have different tenures and sizes. Standing Committees of each House, Financial Committees, Committee on the Welfare of Scheduled Castes and Scheduled Tribes and Department related Standing Committees are

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43 Senate Rules, n.31(ii), Chapter XXIV .1.
44 House Rules, n.31(i), Rule X.5.(a)(1).
45 Holmes & Brown, n.30, p.237.
46 Holmes & Brown n.30, p.238 & 239
constituted for one year. Here there is a difference in regard to continuance in office. The Standing Committees of each House may continue after one year until they are reconstituted. But the other Committees will have to be reconstituted before the date of expiry of their term of one year. The Joint Committee on Office of Profit and the Committee constituted under the Salary, Allowances and Pension of Members of Parliament Act, 1954, and the Railway Convention Committee are constituted for the term of the Lok Sabha. In fact all Joint Committees including the Department-related Standing Committees cease to exist on the dissolution of Lok Sabha, as is the case with the Committees of Lok Sabha. But the Standing Committees of Rajya Sabha continue even after the dissolution of Lok Sabha. 47

The size of the Committees is not common to all the Committees and it varies from Committee to Committee. Common strength has not been provided for the Committees except the Department related Standing Committees. But the strength of each Committee has been provided in the Rules pertaining to each Committee. Only in the case of Department related Standing Committees, each Committee consists of 45 Members. Rules pertaining to each Committee provide for the number of Members to be nominated/elected to them. In the Joint Committees, the ratio of Members from each House is 2:1. For example, the rules pertaining to Department related Parliamentary

47 The term of Members of each Committee is provided in the rules of each Committee. For example, Rule 309 (1) of the Lok Sabha Rules provides that the term of Members of the Committee on Public Accounts shall not exceed more than one year. Similarly, the term of the Committee on Public Undertakings and the Committee on the Welfare of Scheduled Castes and Scheduled Tribes is also provided in the rules pertaining to each Committee in Lok Sabha Rules. The term of standing Committees of each House are provided pertaining to the rules of each Committee in the Rules of each House. But the term of Department related Standing Committees is provided in Rule 331D(4) of the Lok Sabha Rules and Rule 269(3) of the Rajya Sabha Rules. The Joint Committees on Offices of Profit, Joint Constituted under the Salary, Allowances and Pension of Members of Parliament Act and the Railway Convention Committee are not governed by any rules of either House. The Joint Committee on Offices of Profit is constituted on a motion adopted by Lok Sabha and concurred by Rajya Sabha and the motion provides for the term. The
Standing Committees provide that the Committees shall consist of not more than 45 Members, 15 Members nominated by the Chairman from amongst the Members of the Rajya Sabha, and 30 Members nominated by the Speaker from amongst the Members of Lok Sabha.¹⁸

Standing Committees of U.S. Congress, once constituted at the beginning of the Congress, remain in office for the term of the Congress. As regards the numerical strength of the Standing Committees, the Rules of House of Representatives put a cap on the size of only one Committee i.e. Committee on Standards of Official Conduct. There is no limit on the size of other Committees. The sizes of the Committees are negotiated by the majority and minority leaders at the direction of the respective parties.⁴⁹ Therefore, the size of each Committee is ultimately determined by the number of Members elected to each Committee pursuant to rule X clause 5(a). Senate rules determine the strength of each Committee. Though all the Committees do not have the same size, but the size of each Committee is defined unlike the House Committees.⁵⁰

**Members, chairmen and party ratios**

Even though the Members to the Committees in the Indian Parliament are appointed on a Motion/elected/nominated as the case may be, in the ultimate analysis it is the Parliamentary parties that play a vital role. In the case of election, the Secretariat prepares a quota for each party in each Committee. When election programme is notified, each party generally ensures that nominations from their party are given only as

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¹⁸ (i) Lok Sabha Rules, n.4(i), Rule 331D(1); and
(ii)Rajya Sabha Rules, n.4(i), Rule 269(1).


⁵⁰ Senate Rules, n.31(ii), Chapter 25.2 & 25.3.(a),(b) & (c).
per their quota. Although, the seats are required to be filled by election by proportional representation by means of single transferable vote, unanimity is generally brought about, particularly in Rajya Sabha, by taking recourse to the procedures of informal consultation and working out of quota and election does not become necessary. In the case of nominations, even though rules provide that it is the Speaker or the Chairman who makes nominations officially, parties are requested to submit names of Members for each Committee from their party and each party submits its names and thereafter the formal order nominating Members to Committees is notified.

In the Rules of either House of Indian Parliament, there is no limit on the number of Committees a Member may be appointed to or on the number of terms a Member may serve on one Committee. There is an un-written rule that the leaders of the parties, while suggesting names of Members to Committees, generally keep in mind that as far as possible a member does not serve on a Committee for more than two consecutive terms, but this is not strictly followed. Members of the Committees serve in a particular Committee depending on their interest. Shri Ramdas Agarwal, was the member of the Committee on Industry right from 1993 except during 1996-97 and he became Chairman of this Committee in December 1999, and he remained as Chairman of the Committee until his retirement from Rajya Sabha in 2002. Similarly, Shri Bolla Bulli Ramaiah, has been the Member of Committee on Industry right from 1993 except during 1996 to 1999.

Chairmanship of a Committee is as important as the Committees themselves and sometimes it is the stature of the Member heading a Committee that brings prominence to

51 Ramadevi & Gujjar, n.40, p.622.
52 Sources: Parliamentary records
a Committee. For example, the present Prime Minister, Shri Atal Bihari Vajpayee was heading the Committee on External Affairs and he brought great name to the Committee by virtue of his stature. The Business Advisory Committee, Rules Committee and General Purposes Committee in both the Houses of the Parliament are headed by the Speaker and the Chairman of Lok Sabha and Rajya Sabha respectively. The chairmanships of other Committees are shared by the ruling and opposition parties in each House in proportion to their numerical strength even though under the rules, the Speaker/Chairman, as the case may be, nominate the Chairmen of the Committees. The Chairmen of the Committees are nominated in consultation with the leaders of the Parties/Groups of the House concerned. However, customarily, the Committee on Public Accounts always gets chairman from the opposition party in Lok Sabha. The following were the last three Chairmen of the Committee:

1. Shri Buta Singh
2. Shri N. Janardhana Reddy
3. Shri Narayan Dutt Tiwari

This is not provided for in the Rules and it is purely an informal arrangement strictly followed since 1967. All the Standing Joint Committees except the Department related Standing Committees have the Chairmen from among the Members of Lok Sabha. As

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53 (i)Lok Sabha Rules, n.4(i), Rules 287, 330 & Rule 1 (Appendix II); and (ii) Rajya Sabha Rules, n.4(ii), Rules 30(2), 217(2), and 279(1).
54 In Lok Sabha Rules there is a general provision for appointment of Chairmen to Committees. Rule 358(1) reads: The Chairman of a Committee shall be appointed by the speaker from amongst Members of the Committee. In the Rajya Sabha Rules, chairmanship is provided in the rules pertaining to each Committee. For example, Rule 269 of the Rajya Sabha provides for the appointment of chairmen of the Department related standing Committees which reads: the chairman of each of the Committees specified in part I of the third schedule shall be appointed by the chairman of the council from amongst Members of the respective Committees, and the chairman of each of the Committees specified in part ii of the said schedule shall correspondingly be appointed by the speaker.
55 Kaul and Shdkdhar n.5, p.814.
regards the 17 Department related Standing Committees is concerned, six Committees get their chairmen from among the Rajya Sabha Members whereas the remaining 11 Committees get chairmen from among the Members of the Lok Sabha.  

Because modern Standing Committees in U.S. Congress often determine the fate of legislation, their composition is important. Until 1911, the Members and the Chairman of the Standing and Select Committees were generally appointed by the Speaker in the House of Representatives. Now the Standing Committee Chairmen and Members are elected by the House. In the Senate, Committees are appointed by the Chamber by resolution.

At the commencement of each Congress, seats in the Committees are filled up on the recommendations from each party. For example House Rule X5(a) states that 'all vacancies in Standing Committees shall be filled by election by the House from nominations submitted by the respective party caucus or conference.' For achieving this the House and the Senate have separate Committees on Committees which make Committee assignments. In the first step, for example in the House, a selection Committee – sometimes called a Committee on Committees or Steering Committee – of each party recommends candidates for Committee assignments. In 1997-1998, the Parties’ Committee Assignment Committees, were as under:

*House Democratic Steering Committee* had twelve regionally elected Members and twelve top party and four top Committee leaders who sit as ex officio Members. Each of the Members had one vote.

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56 (i)Lok Sabha Rules, n.4(i), Rule 331D (3); and (ii) Rajya Sabha Rules, n.4(ii), Rule 269 (2).

57 Steven S. Smith, The American Congress(Houghton Mifflin Company, Boston, 1999) p.205

58 House Rules, n.31(i), Rule X.5.(a).
The House Republican Steering Committee had eight Members from the party leadership, four Committee leaders, ten regional representatives, a representative of the sophomore class, and three representatives of the freshman class. The Speaker had three votes (five, if he makes no appointments), the majority leader had two votes, and the others one vote.

The Senate Democratic Steering and Co-ordination Committee was appointed by the floor leader. Each of the twenty-five Members had one vote.

The Senate Republican Committee on Committees was appointed by the floor leader. Each of the eight Members had one vote. 59

There is however, an exception to this process. The Rules of the Democratic caucus and Republican Conference prescribe different nomination procedures for assignments to the Committee on Rules and House Administration. (Speaker or the Leader of the Minority Party recommends Members to those Committees directly bypassing the steering Committees). 60 Another exception is that the composition of the Committee on Budget in the House is subject to the dictates of Rule X5.(a)(2). 61

Resolutions electing Members to Standing Committees have traditionally been offered

59 Source Smith, n.57, p.206
60 Holmes & Brown, n.30, p.240.
61 Rule X5.(a)(2) of the Rules of the House of Representatives provides that:
(A) The Committee on the Budget shall be composed of Members as follows:
   (i) Members, Delegates, or the Resident Commissioner who are Members of other standing Committees, including five from the Committee on Appropriations, five from the Committee on Ways and Means, and one from the Committee on Rules;
   (ii) one Member from the elected leadership of the majority party; and
   (iii) one Member from the elected leadership of the minority party.
(B) Except as permitted by subdivision (C), a member of the Committee on the budget other than one from the elected leadership of a party may not serve on the Committee during more than four congresses in a period of six successive Congresses (disregarding for this purpose any service for less than a full session in a Congress).
(C) In the case of a Member, Delegate, or Resident Commissioner elected to serve as the chairman or the ranking minority member of the Committee, tenure on the Committee shall be limited only by paragraph ©(2) of this clause.
from the floor. Each party’s resolution, if adopted, elects en-block those Members from that particular party to the various Standing Committees. In the House there is a restriction on the number of Committees that can be served by a Member at one time simultaneously. No member may serve simultaneously as a member of more than two standing Committees or four sub-Committees unless approved by the House on recommendations of the caucus.

Senate Rules restricting Membership on Committees are a bit complicated. The Rules divide the Committees into different categories. In the first category are grouped 12 Committees out of which a Senator can serve on two Committees. In the second and third category of Committees containing four and five Committees respectively, a Senator can serve only on one at one time. Similarly, a Senator may sit on three sub-Committees only of each Committee out of the first category and two sub-Committees in the second and third categories.

Memberships in the Committees are allocated according to the proportion to the size of the parties in each House. In the House the allocation of Majority party and minority party representation on Committees is normally determined through negotiations between the majority and minority leadership. Historically, the party ratios on most standing Committees have tended to reflect the relative Membership of the two

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63 House Rules, n.30(i), Rule X5(b)(2).
64 The three categories of Committees are provided by Chapter 25.2 and 3 of the Standing Rules of Senate. First Category of Committees are: Agriculture, Nutrition, and Forestry; Appropriations; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Government Affairs; Judiciary; and Health, Education, Labour and Pensions. The Second Category are: Budget; Rules and Administration; Veterans’ Affairs; and Small Business. The Third category are: Aging; Intelligence; and Joint Economic Committee.
parties in the House as a whole. During the negotiations, the majority leaders have the upper hand because of their ability to win a floor vote on the resolutions that provide for Committee sizes and party ratios. This is the reason why, in certain Committees, exceptionally, (House Appropriations, Budget, Rules, and Ways and Means Committees) the majority party reserves a larger than proportionate number of seats for themselves. The following statement shows the party-wise Membership of the Committees:

Table 9
STANDING COMMITTEES

<table>
<thead>
<tr>
<th>HOUSE OF REPRESENTATIVES</th>
<th>Membership (Majority+Minority)</th>
<th>SENATE</th>
<th>Membership (Majority+Minority)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee on Agriculture</td>
<td>51(27+24)</td>
<td>Committee on Agriculture, Nutrition, And Forestry</td>
<td>21(11+10)</td>
</tr>
<tr>
<td>Committee on Appropriations</td>
<td>65(36+29)</td>
<td>Committee on Appropriations</td>
<td>29(15+14)</td>
</tr>
<tr>
<td>Committee on Armed Services</td>
<td>61(33+28)</td>
<td>Committee on Armed Services</td>
<td>25(13+12)</td>
</tr>
<tr>
<td>Committee on Budget</td>
<td>43(24+19)</td>
<td>Committee on Banking, Housing, and Urban Affairs</td>
<td>21(11+10)</td>
</tr>
<tr>
<td>Committee on Education and Work</td>
<td>49(27+22)</td>
<td>Committee on Budget</td>
<td>23(12+11)</td>
</tr>
</tbody>
</table>

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65 Holmes & Brown, n.29, p.242.
66 Smith. n.57, p.204.
67 Ibid.
<table>
<thead>
<tr>
<th>Force</th>
<th>Committee on Commerce, Science &amp; Transportation</th>
<th>Committee on Energy &amp; Natural Resources</th>
<th>Committee on Environment and Public Works</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee on Commerce</td>
<td>57(31+26)</td>
<td>23(12+11)</td>
<td></td>
</tr>
<tr>
<td>Financial Services</td>
<td>70(37+33)</td>
<td>23(12+11)</td>
<td></td>
</tr>
<tr>
<td>Committee on Governmental Reform</td>
<td>44(24+20)</td>
<td>19(10+9)</td>
<td></td>
</tr>
<tr>
<td>Committee on House Administration</td>
<td>9(6+3)</td>
<td>21(11+10)</td>
<td></td>
</tr>
<tr>
<td>Committee on International Relations</td>
<td>49(26+23)</td>
<td>19(10+9)</td>
<td></td>
</tr>
<tr>
<td>Committee on Judiciary</td>
<td>37(21+16)</td>
<td>17(9+8)</td>
<td></td>
</tr>
<tr>
<td>Committee on Resources</td>
<td>52(28+24)</td>
<td>21(11+10)</td>
<td></td>
</tr>
<tr>
<td>Committee on Rules</td>
<td>13(9+4)</td>
<td>19(10+9)</td>
<td></td>
</tr>
<tr>
<td>Committee on Science</td>
<td>47(25+22)</td>
<td>19(10+9)</td>
<td></td>
</tr>
<tr>
<td>Committee on Small Business</td>
<td>36(19+17)</td>
<td>19(10+9)</td>
<td></td>
</tr>
<tr>
<td>Committee on Standards of Official Conduct</td>
<td>10(5+5)</td>
<td>Committee on Veteran Affairs</td>
<td>15(8+7)</td>
</tr>
<tr>
<td>Committee on Transportation &amp; Infrastructure</td>
<td>75(41+34)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Committee on Veteran Affairs</td>
<td>31(17+14)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Committee on Ways and Means</td>
<td>41(24+17)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 10
SPECIAL, SELECT, AND OTHER COMMITTEES

<table>
<thead>
<tr>
<th>HOUSE OF REPRESENTATIVES</th>
<th>Membership</th>
<th>SENATE</th>
<th>Membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Select Committee on Intelligence</td>
<td>20(11+9)</td>
<td>Select Committee on Indian Affairs</td>
<td>15(8+7)</td>
</tr>
<tr>
<td>Select Committee on Homeland Security</td>
<td>50(27+23)</td>
<td>Select Committee on Ethics</td>
<td>6(3+3)</td>
</tr>
<tr>
<td>Select Committee on Intelligence</td>
<td>17(9+8)</td>
<td>Select Committee on Aging</td>
<td>21(11+10)</td>
</tr>
</tbody>
</table>

From the above Table, it would be seen that in certain Committees in the House such as Committees on Appropriations, Armed Forces, Budget, etc. the ratio is more whereas in some Committees such as Committee on Science and Committee on Small
Business it is less. In the Senate, the ratio is the same in all the Committees. However, in the case of Committee on Standards of Official Conduct in the House and the Committee on Ethics in the Senate, the Membership is equally divided between the majority and minority parties, where, perhaps, bipartisan deliberations are considered essential.

Unlike the system obtaining in Indian Parliament, Chairmen of the Committees in U.S. Congress are always from majority party. One of the Members of each standing Committee shall be elected by the House on the nomination of the majority party caucus or conference as Chairman thereof. Both the majority and minority parties designate a formal leader for each Committee and sub-Committee. The majority party names the chair of each Committee and sub/Committee, and the minority party appoints a ranking minority member for each Committee and sub-Committee. The House rule limits the chairs of same Committees and same sub-Committees to three consecutive terms (six years). In Senate the chairmanship is limited to one Committee at one time. Accordingly, after the nominations are given by the majority party caucus, one member from among the Members of the Committee is elected as the Chairman. The nominations

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68 These figures pertain to the current Congress i.e. 108th Congress. Source: Congressional records.
70 House Rules, n.31(i)Rule X.5©.
71 Ibid
72 Senate Rules, n.30(ii), Chapter 25.4.(c)(2).
for chairman are submitted to the House and Senate for approval in the election resolution. Generally the chairman’s nomination is part of the resolution, electing all majority Members to the Committee.

Sub-committees.

The system of sub-committees is not formally recognised or endorsed by the Rules of either House of the Parliament in the Rules specifically meant for Department related Standing Committee. However, general rules applicable to all Committees in general provide that a Committee may appoint one or more sub-Committees referred to them. All the Department related Standing Committees have not adopted the practice of appointing sub-Committees. Some Committees have appointed sub-committees on a regular basis and some on issues when necessity arose. The Committee on Energy appointed the following sub-Committees on the basis of the Departments during 2001 and 2002, 2003:

1. Sub-Committee ‘A’ on Atomic Energy.
2. Sub-Committee ‘B’ on Power.
3. Sub-Committee ‘C’ on Hydel Power.
4. Sub-Committee ‘D’ on Non-Conventional Energy Sources
5. Sub-Committee ‘E’ on Coal.
6. Sub-Committee ‘F’ on Action Taken Reports.

The Committee on Human Resource Development has appointed issue based sub-Committees. During the 2001 and 2002, the Committee has appointed the following sub-Committees:

2001
1. Sub Committee on Medical Education
2. Sub Committee on the Functioning of Central Social Board
3. Sub Committee on the Functioning of Navodaya and Kendriya Vidyalayas
4. Sub Committee on Implementation of Elementary Education Schemes

(i) Lok Sabha Rules, n.4(i), Rule 263; and
(ii) Rajya Sabha Rules, n.4(ii), Rule 78.
5. Sub Committee on Technical Education

2002

1. Sub Committee on University and Higher Education
2. Sub Committee on Navodaya and Kendriya Vidyalayas

During 2002, out of all the 17 Department related Standing Committees, only 7 Committees appointed Sub-Committees. The number of sub-committees appointed by each Committee is as under:

1. Committee on Commerce 3
2. Committee on Energy 4
3. Committee on Human Resource Development 2
4. Committee on Industry 4
5. Committee on Information Technology 1
6. Committee on Petroleum and Chemicals 3
7. Committee on Urban and Rural Development 2

It may be seen from the above that all the Department related Standing Committees have not adopted the system of sub-committees. However, some committees such as the Committee on Human Resource Development have been appointing sub-committees.

In U.S. Congress, sub-committees became more important for many Committees after the Legislative Reorganisation Act of 1946 consolidated Committee jurisdiction and reduced the number of standing committees in both chambers. House Rules limit the number of sub-Committees to five, the only exceptions being the Appropriations Committee which can have upto thirteen; Committee on Government Reform which can have upto seven and those which maintain sub-committee on oversight may have six sub-committees.\(^{74}\) Sub Committee Membership is also limited to four sub-Committees for a

\(^{74}\) House Rules, n.31(i), Rule X.5.(d).
member in the House at one time. During 105th Congress (1997-1998), the House had 86 sub-Committees, whereas it has 88 sub-Committees in 108th Congress (2003-2004) in all the Standing Committees.

The Senate does not have formal Rules on the number of Sub-Committees a Standing Committee may have. But Senate puts limits on the number of sub-Committee assignments that the individual Senators may hold. In 1985, in compliance with the limits on sub-Committee assignments, the number of sub-Committees were reduced by ten. In 105th Congress (1997-1998), Senate had 68 sub-Committees and the same number continued in 107th Congress (2001-2002) and the 108th Congress (2003-2004). The sub-committees of the Standing Committees in both the Senate and the House of Representatives during 108th Congress (2003-2004) are as under:

Table 11

**SUB-COMMITTEES IN US CONGRESS**

**STANDING COMMITTEES**

<table>
<thead>
<tr>
<th>HOUSE OF REPRESENTATIVES</th>
<th>SENATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committees</td>
<td>Committees</td>
</tr>
<tr>
<td>No of Sub-Committees</td>
<td>No of Sub-Committees</td>
</tr>
<tr>
<td>Committee on Agriculture</td>
<td>Committee on Agriculture, Nutrition And Forestry</td>
</tr>
<tr>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>Committee on Appropriations</td>
<td>Committee on Appropriations</td>
</tr>
<tr>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>Committee on Armed Services</td>
<td>Committee on Armed Services</td>
</tr>
<tr>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Committee on Budget</td>
<td>Committee on Banking, Housing, and Urban Affairs</td>
</tr>
<tr>
<td></td>
<td>5</td>
</tr>
</tbody>
</table>

75 Ibid ,Rule X.5.(b).
| Committee on Education and Work Force | 5 | Committee on Budget |
| Committee on Energy and Commerce | 6 | Committee on Commerce, Science and Transportation |
| Committee on Financial Services | 5 | Committee on Energy and Natural Resources |
| Committee on Governmental Reform | 7 | Committee on Environment and Public Affairs |
| Committee on House Administration | | Committee on Finance |
| Committee on International Relations | 6 | Committee on Foreign Relations |
| Committee on Judiciary | 5 | Committee on Government Affairs |
| Committee on Resources | 5 | Committee on Health, Education, Labour & Pensions |
| Committee on Rules | 2 | Committee on Judiciary |
| Committee on Science | 4 | Committee on Rules and Administration |
| Committee on Small Business | 4 | Committee on Small Business and Entrepreneurship |
| Committee on Standards of Official Conduct | | Committee on Veterans' Affairs |
| Committee on Transportation & Infrastructure | 6 | |
| Committee on Veteran Affairs | 3 | |
| Committee on Ways & Means | 6 | |

It would be seen from the above table that except a few, most of the Standing Committees of US Congress appoint sub-Committees and the Rules provide and put a limit on the sub-Committees. As compared to this, the sub-committees system is yet to
evolve and take a firm shape in the Indian system. Of all Standing Committees of US Congress, three Committees in the House and four Committees in the Senate do not have sub-committees, whereas out of 17 Department related Standing Committees, only seven Committees had appointed sub-Committees. It would thus be seen that the committees in India, particularly, Department related Standing Committees have not yet caught up with the sub-committee system.

**Meetings/hearings/testimony**

Committees in Indian Parliament hold sittings when the Parliament is in session. But there is no bar as to holding the meetings during the recess, which is otherwise known as inter-session. When the Houses are in session, the Committees do not meet after the sitting of the House has commenced and before 1500 hrs. The reason for fixing this restriction is to ensure quorum in the House and to enable the Members to participate in the proceedings of the Houses. While the meeting of a Committee is going on, in case Members' presence is required in the House for lack of quorum or for division on a Bill, when a division bell is ringing, the meeting of the Committee is to be adjourned to enable the Members to attend the House. The Chairman of the Committee fixes the meetings and in his absence, the Secretary General may fix the meeting.

The work done by the Committees include consideration of matters under their jurisdiction including Bills if any, making decisions for future course of action, adopting reports and hearing witnesses. For example, the Committee on Human Resource Development, during 2002, held 22 meetings, in which the Committee adopted reports in some

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76 Direction 51, Directions of Speaker, Lok Sabha
77 Kaul & Shakdar, n.5, Foot Note.108, p.746.
78 Lok Sabha Rules, n.4(i), Rule 269.
79 Ibid Rule 265.
meetings, heard oral evidence of witnesses on various issues including Demands for Grants and also appointed sub-committees. Meetings of the Committees are held in private and the proceedings are not open to the public. No outsider or any media representative is allowed to sit in the meeting.

Proceedings in the Committees are largely conducted in the same manner as in the House, but an element of informal atmosphere prevails in the Committee meetings. Members can speak on a number of occasions on an issue and generally decisions are taken unanimously, though under the rules all questions at the sitting of a Committee are decided by a majority of votes of the Members present and voting. However, where there is a dissenting opinion, the minute of dissent is appended with the report.

The proceedings of the Parliamentary Committees are confidential and they are not supposed to be divulged to any body outside. This includes the Members of the Committee or anybody who may have access to the proceedings or documents of the Committee. However, in exceptional circumstances permission is granted for limited briefing to the media by the chairman of the Committee. In the case of Joint Committee to enquire into irregularities in Securities and Banking Transactions, the Committee decided that in view of the widespread public interest, the Chairman should brief the press about the deliberations of the Committee. As the motion adopted by the House provided that the Committee might, if need arises, in certain matters, adopt a different procedure with the concurrence of the Speaker, the Speaker accorded the necessary

80 Rajya Sabha Committees-A Profile (2002) (Standing Committees and Department-related Parliamentary Standing Committees), (New Delhi: Rajya Sabha Secretariat, 2003), PP.42-44.
81 Lok Sabha Rules, n.4(i), Rule 266.
82 Kaul and Shakdhar, n.S, p.750.
83 Ibid., p.751.
84 12th report of the Committee on Human Resource Development (New Delhi: Rajya Sabha Secretariat, 1994)
approval and the Chairman briefed the press at the end of each meeting of the Committee. 85

A Parliamentary Committee may take oral evidence of any person concerning the matter under its consideration. Every Committee has this power to call for papers, persons and records. 86 The Committee can take oral evidence of private persons and officials of the Government of India. The Committee on Human Resource Development took the oral evidence of the Secretary, Department of Health and other officers of the Department and agencies under it in connection with the examination of Demands for Grants of the Department of Health, Ministry of Health and Family Welfare for the year 2003-2004. 87 The evidence of a private person or representatives of an organisation can be taken on the request of the persons/organisations concerned or by the Committee suo motu. The Committee on Commerce heard the oral evidence of the representatives of the CII, ASSOCHAM, AND FIEO, while considering the Demands for grants of the Departments/Ministries under its jurisdiction every year. 88 The Committee on Human Resource Development heard the views of a large number of sports persons and the representatives of sports associations and organisations when the Committee considered the performance of Indian sports persons in international events. 89

Witnesses are called before the Committees for tendering evidence by sending a letter. In cases where investigation is of a judicial character, summons can also be

85 Kaul & Shakdhar, n.5, p.752.
86 Lok Sabha Rules, n.4(i), Rule 270.
89 34th Report of the Committee on Human Resource Development on India’s performance in International events (New Delhi: Rajya Sabha Secretariat, 1995)
issued. If a witness fails to appear before a Committee when summoned or called by a letter or a person refuses to produce any document when so required by a Committee, his conduct constitutes contempt of the House and may be reported to the House by the Committee. A Committee may administer oath or affirmation to witnesses appearing before the Committees. However, the Committees have generally not followed this procedure. The Committee on Human Resource Development has not administered oath to any witness in the evidence taken so far. An oath or affirmation is administered to a witness only where the investigation is of a judicial or quasi-judicial nature and the truth of the facts has to be ascertained. The copies of the evidence tendered before the Committee is always treated as confidential and no part of the evidence can be divulged or shown to anyone until it is laid on the Table of the House. If any body divulges such evidence or any portion thereof, it is a breach of privilege. The Committee can treat any evidence as secret or confidential and in such cases it is not published along with the report nor is it laid on the Table of the House when the report is laid. The Committee on Human Resource Development has neither published the evidence along with the reports nor has it laid on the Table. The Committee on Human Resource Development along with its 5 sub-committees in 2001 held 43 meetings out of which 19 were hearings and in 2002, the Committee along with its 2 sub-committees held 36 meetings out of which 12 were hearings.

Standing Committees in both Houses of U.S. Congress should have regular meeting days. These meeting days may be on a weekly biweekly, or monthly basis but

90 Lok Sabha Rules, n.4(i), Rule 269(1).
91 Ibid. Rule 272(1).
92 Kaul & Shakdhar, n.5, p.756.
93 Lok Sabha Rules, n.4(i), Rule 275(2).
must be at least once a month.\textsuperscript{94} Chairman of the Committee fixes the additional meetings as may deem necessary. There is a special procedure provided in both the Senate and the House which allows a majority of the Committee to require that a special meeting be held to consider a particular measure or matter.\textsuperscript{95}

The Committees hear extensively for considering the enactment of a measure into law and to provide a forum where information and opinions on the measure can be presented; to inform the House as to activities that may call for legislation; and to invoke the investigative powers of the House as overseer of Federal programs and operations. Chairman of the Committee announces the hearing at least one week in advance, although the chairman and ranking minority member acting jointly, or the Committee by majority vote with a business quorum present, may determine that there is good cause to begin the hearing sooner.\textsuperscript{96}

Generally all meetings and hearings of the Committees are open to public and the media also can attend the meetings. However a Committee, while in open session can decide to close all or part of the remainder of the meeting or hearing on that day.\textsuperscript{97} The reasons given by the rules for closing a meeting/hearing to public and have it in executive session are stated to be – 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.\textsuperscript{98} During 2001-2002 (107\textsuperscript{th} Congress) the Committee on Education and

\textsuperscript{94} House Rules, n.31(i), Rule XI.2(B).
\textsuperscript{95} (i) House Rules, n.31(i), Rule XI.2(c); and (ii) Senate Rules, n.31(ii), Chapter 26.3.
\textsuperscript{96} Brown & Johnson, n.29, p. 272.
\textsuperscript{97} House Rules, n.31(i), Rule XI.2.(g); and (ii) Senate Rules, n.31(ii), Chapter 26.5.(b).
\textsuperscript{98} Ibid
Workforce of the House of Representatives held 89 hearings including those held by the sub-committees and 14 mark-up meetings. Similarly, the Committee on Appropriations held 429 hearings and in 1997-1999, the Committee held 315 hearings. If it is further elaborated, the 429 hearings in 2001-2002 led to testimony from 4,916 witnesses by the Appropriations Committee and its Sub-Committees and in 1997-1998, the 315 hearings led to testimony from 5,928 witnesses.\footnote{99 Sources: Reports 105-835 and 106-1039 of the Committee on Appropriations, House of Representatives (Washington: US Government Printing Office, 2000); and Report 107-797 of the Committee on Education and Workforce, House of Representatives (Washington: US Government Printing Office, 2002).}

Witnesses are summoned before a Committee pursuant to authority conferred on it by the each House of Congress to send for persons or papers. Rule XI clause 2(m) of the Rules of the House of Representatives permits Committees and subcommittees to issue a sub-poena when authorised by a majority of the Members voting, a majority being present.

It would thus be seen that the Congressional Committees hold more hearings as compared to Indian Committees. Indian Committees hold closed door meetings/hearings whereas Congressional Committees hearings/meetings are open to public.