

## Chapter – 3

### COMMITTEE SYSTEM IN PUNJAB

Democracy is not merely a form of government; it is a way of life, an act of faith in the dignity and freedom of the individual. In a parliamentary system of government, it is now accepted that one of the important function of the Parliament and state legislature is to control the executive. Parliament derives its power to control the executive from the Constitution or, as in the case of the United Kingdom, their long established customs, usage and convention. No legislature can function effectively without the aid of some committees. The Committees are very suitable instruments for fulfilling the objectives of the legislative control over administration. Whatever, may be the nature of an Assembly, the Committees are present to aid and assist the legislature in discharging its duties and carrying on its functions efficiently and effectively. Discussion of details is impossible at a large meeting which is too unwieldy to debate anything but broad principles. For this reason all democratic legislatures elect smaller groups to discuss matter in detail and these bring the result of their discussion back to the larger body for decision.<sup>1</sup> Committees make parliamentary work smooth, efficient and expeditious. It provides a certain expertise to the deliberations of Parliament and also enables the Parliament to feel the pulse of the public proposals of legislation

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<sup>1</sup> S.S. More, *Practice and Procedure of Indian Parliament*, Thacker and Co. Ltd., Bombay, 1960, p.512.

that are introduced for its consideration. The committee function on behalf of the House and critically examine the working of the executive. Any increase in the importance of committees would have proved a challenge to the ministerial responsibility which is the basis of parliamentary system.

In this chapter, an attempt has been made to examine the committee system in Punjab. The committee system in Punjab was initially the outcome of the Punjab Legislative Council Rules, framed under the Government of India Act, 1919 which is known as Montague Chelmsford Reforms Act, whereby a Standing Committee in the Legislative Council of the Government of Punjab, for the first time was created. The Act proposed to associate more members with administration with a view to achieve two objectives. One was to provide more opportunities to the members of the Assembly as a training ground for the newly established parliamentary institutions in the country and the other was to give responsible character to the government under the Act of 1919.<sup>2</sup> Section 33 of this Act provided for the Constitution of another Committee on Public Accounts consisting of such members as directed by the Governor, of whom not less than two-thirds members were to be elected by the non-official members of the council, according to the principle of proportional representation by means of single transferable vote.

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<sup>2</sup> Uprati Nandini, *Provisional Parliament of India*, Educational Publishers, Agra, 1975, p.143.

Government of India Act, 1935, marked the beginning of the Provincial Autonomy. This Act aimed at providing a federal structure and provided for the establishment of a second chamber at the centre. The rules framed under the Government of India Act, 1935, provided for the Constitution of following committees:<sup>3</sup>

- (i) Public Accounts Committee<sup>4</sup>
- (ii) House Committee<sup>5</sup>
- (iii) Petition Committee<sup>6</sup>
- (iv) Select Committee on Bills<sup>7</sup>

In post-independent India, Article 168 of the Indian Constitution provides for the creation of state legislatures. These legislatures consist of Governor and Legislative Assembly and Legislative Council. In case, a state is unicameral, its legislature is bipodal, i.e., the Governor and the legislative Assembly. The first legislature in Punjab under the Constitution came into existence in May 1952 and at that time it was a tripodal body,<sup>8</sup> i.e., Legislative Assembly, Legislative Council and Governor. After April 1952, a number of committees had been constituted after making requisite amendments in the Rules of Procedure from time to time. The Rules of Procedure

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<sup>3</sup> Rules made by the Punjab Legislative Assembly under sub-section (1) of Section 84 of the Government of India Act, 1935, for regulating the procedure and conduct of business in the Assembly.

<sup>4</sup> *Ibid.*, Rule 139.

<sup>5</sup> *Ibid.*, Rule 141.

<sup>6</sup> *Ibid.*, Rule 146.

<sup>7</sup> *Ibid.*, Rule 147.

<sup>8</sup> Added in the Rules of Procedure and Conduct of Business; Notification No. 5, published in Punjab Government Gazette, June 10, 1952.

provided for the constitution of Select Committee and the Joint Select Committees. With the abolition of the Legislative Council in January 1970 in Punjab, the provision for the Joint Select Committee ceased to exist.<sup>9</sup> Some committees were constituted by the Rules of Procedure under the Government of India Act, 1935, while some more were added during the term of first Punjab Legislative Assembly (1952-57) through amendments. These committees were as follows:

- (i) The Committee on Privileges, June 1952<sup>10</sup>
- (ii) Library Committee, November 1952<sup>11</sup>
- (iii) Rules Committee, 1954<sup>12</sup>
- (iv) Committee on Government Assurance, 1954<sup>13</sup>
- (v) Business Advisory Committee, 1955<sup>14</sup>
- (vi) Committee on Subordinate Legislation, 1956<sup>15</sup>

During the second term of Punjab Legislative Assembly (1957-62), some new committees were added like:

- (i) The Punjabi Regional Committee<sup>16</sup>
- (ii) The Hindi Regional Committee<sup>17</sup>
- (iii) The General Purpose Committee<sup>18</sup>

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<sup>9</sup> C.K. Jain, *The Union and State Legislature in India*, Allied Publishers, New Delhi, 1993, p.672.

<sup>10</sup> Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha, Notification No. 5, June 10, 1952.

<sup>11</sup> *Ibid.*, Notification No. 30, November 18, 1952.

<sup>12</sup> *Ibid.*, Notification No. LA-54/23, October 1, 1954.

<sup>13</sup> *Ibid.*, Notification No. LA/58, October 11, 1954.

<sup>14</sup> *Ibid.*, Notification No. CB/26, October 7, 1955.

<sup>15</sup> *Ibid.*, Notification No. CB/47, August 20, 1956.

<sup>16</sup> *Ibid.*, Notification No. 34/LA-59/50, July 6, 1957.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*, Notification No. 52/LA-60/22, April 1, 1960.

Committee on questions was also constituted by Punjab Legislative Assembly in 1958. There are various committees framed in the Punjab Legislative Assembly, but their composition, procedure and working has been changing from time to time.

A Committee of the Assembly means that it is a name given to a small body of persons deputed by a large number of persons to discharge certain duties on their behalf. The persons in the committee are delegated with the power and authority to consider, investigate, deliberate and draw conclusion and to recommend through report to the larger body on a matter or business referred to it.<sup>19</sup>

The Legislative Committees can be classified into two categories:

- (i) Adhoc Committee like Select and Joint Committee on Bills, Railway Convention Committee,
- (ii) Standing Committee.<sup>20</sup>

Another basis of classification is whereby Standing Committees can be divided into following two categories also:

- (A) Financial Committees
- (B) Non-Financial Committees

(A) Financial Committees

Financial Committees perform a most valuable function in that they direct and searchlight public scrutiny, supervision

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<sup>19</sup> K.V. Kesavan, *Parliamentary Committees in Japan and India: Their Functions and Relevance*, Manak Publications, New Delhi, 2003, p.72.

<sup>20</sup> Subhash C. Kashyap, *Our Parliament*, National Book Trust, New Delhi, 1989, p.140.

and criticism upon government/departmental working and estimates.<sup>21</sup> The very fact that such independent bodies examine and report upon the functioning of the powerful bureaucracy provide a degree of check upon the ministries.<sup>22</sup> These Committees keep a close watch over the affairs of the government in order to provide a responsible and accountable financial administration to the people.<sup>23</sup> There are three types of Financial Committees in Punjab Vidhan Sabha:

- (1) Public Accounts Committee,
- (2) Estimates Committee, and
- (3) Committee on Public Undertakings.

(B) Non-Financial Committees

Non-Financial Committees are generally dealing with non-financial areas or matters. There are various types of non-financial committees at present.<sup>24</sup>

- (1) Committee on the Welfare of Scheduled Castes, Scheduled Tribes and Backward Classes
- (2) Committee on Government Assurances
- (3) Committee on Subordinate Legislation
- (4) Business Advisory Committee
- (5) Committees on Paper laid/ to be laid on the Table

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<sup>21</sup> S.B. Patil, "Role of Public Accounts Committee in Maharashtra", *The Indian Journal of Public Administration*, January-March 1988, p.99.

<sup>22</sup> S.L. Shakdher, *The Constitution and the Parliament in India*, National Publishing House, New Delhi, 1976, p.381.

<sup>23</sup> S.R. Maheshwari, *Indian Parliamentary System*, Education Publishers, Agra, 1981, p.15.

<sup>24</sup> Amar Nandi, *The Constitution of India*, Bookland Private Limited, Calcutta, 1959, p.151.

- (6) Rules Committee
- (7) Committee on Petitions
- (8) Committee of Privileges
- (9) General Purposes Committee
- (10) House Committee
- (11) Library Committee
- (A) Financial Committees

The Financial Committees cover the entire gamut of financial administration of the legislative Assembly. Financial control and executive accountability are the essence of every parliamentary democracy. It is based on the principle that there can be no taxation without the people's consent and no public expenditure without people's authority.<sup>25</sup>

#### Public Accounts Committee

The Public Accounts Committee is the oldest committee among the Financial Committees. The committee generally examines cases involving losses, nugatory expenditure and financial irregularities. The Public Accounts Committee plays an important role in enforcing public accountability in the financial transaction of government and in exercising a healthy check on the government expenditure.<sup>26</sup> It is difficult for the legislature to examine in detail the accounts which are complex and technical. It cannot spare the time required for such

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<sup>25</sup> R.R. Morarka, "Parliamentary Control over Public Expenditure", quoted in Phul Chand, *Indian Parliament*, The Institute of Constitutional and Parliamentary Studies, New Delhi, 1984, p.69.

<sup>26</sup> Third Lok Sabha 1962-67, *A Souvenir*, Part I, Lok Sabha Secretariat, New Delhi, March 1967, p.1.

examination. This task of detailed examination has been assigned to Public Accounts Committee for the purpose of dealing with the audit and other matters, as the finance department may refer it to the committee. The control of expenditure exercised by the House cannot be made effective simply by voting of grants. There must be some agency to ensure that amounts voted by the assembly are spent within the scope of the grants and with efficiency and economy.<sup>27</sup>

### Composition

The first Punjab Legislative Assembly was constituted in April 1952, after the general elections under the new Constitution. The Rules of Punjab Vidhan Sabha (1952) made provision for the Constitution of Public Accounts Committee consisting of nine members elected by the Assembly from amongst its own members through proportional representation by means of single transferable vote.<sup>28</sup> The Committee on Public Account is constituted under the provisions of Rule 225.<sup>29</sup> The Committee is constituted every year after the commencement of the first session of the Vidhan Sabha. At present the committee consists of 13 members and the tenure of the committee shall be one year.<sup>30</sup> The Chairman of the committee is appointed by

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<sup>27</sup> *Brief Note on the Working of the Public Accounts Committee*, Punjab Vidhan Sabha, Chandigarh, p.2.

<sup>28</sup> Rule 170 of the Punjab Vidhan Sabha Rules, 1952, published vide Notification No. 2, Punjab Government Gazette, May 2, 1952.

<sup>29</sup> Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha, Rule 225, Punjab Vidhan Sabha Secretariat, Chandigarh, 2005, p.124.

<sup>30</sup> Rule 225(3), (4) of the Internal Working Rules of Committee on Public Accounts, April 2003, p.10.

the Speaker from amongst the members of the committee. The Chairman of the committee, the real guide and guardian of its rights, occupies a pivotal place in the committee.<sup>31</sup>

A minister is not eligible to be elected as a member of the committee, and if a member, after his election to the committee, is appointed to hold such an office, he ceases to be a member of the committee from the date of such appointment.<sup>32</sup>

The quorum of the committee has been fixed as one-third of the total members of the committee, to constitute a sitting of the committee.<sup>33</sup>

#### Functions

The function of the committee is to examine the accounts showing the appropriation of the sums granted by the Vidhan Sabha assembly to meet the expenditure of the government of Punjab and such other accounts laid before the Vidhan Sabha as the committee may think fit.<sup>34</sup> Apart from the Reports of Comptroller and Auditor General of India<sup>35</sup> on Appropriation Accounts of the Government of Punjab, the committee examines the various Audit Reports of the Comptroller and Auditor General on revenue receipts, expenditure by various

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<sup>31</sup> M.P. Shrivastava and Kanchan Parsad Shrivastava, *Parliament and Financial Committees*, Anmol Publication, New Delhi, 1999, p.29.

<sup>32</sup> *Handbook for Member*, Punjab Vidhan Sabha Secretariat, Chandigarh, 2007, p.79.

<sup>33</sup> N. Jayapalan, *Indian Administration, Vol. II*, Atlantic Publishers, New Delhi, 2001, p.445.

<sup>34</sup> Op. cit., n 9, p.673.

<sup>35</sup> Op. cit., n 25, p.1.

departments of government, and accounts of autonomous bodies. While doing so the committee has to satisfy:

- (a) that the money shown in the accounts as having been disbursed was legally available for and applicable to the service or purpose to which they have been applied or charged;
- (b) that the expenditure conforms to the authority which govern it; and
- (c) that every re-appropriation has been made in accordance with provisions made in this behalf under the rules framed by competent authority.<sup>36</sup>

The committee has also to examine the accounts of trading. Manufacturing and profit and loss accounts and balance sheets as the Governor may have required to be prepared to provide that the committee shall not exercise its functions in relations to such public undertakings as are allotted to the Committee on Public Undertakings by these Rules or by the Speaker.<sup>37</sup>

The committee also considers the report of the Comptroller and Auditor General in cases where the Governor may have required him to conduct an audit of any receipts or to examine the accounts of stores and stocks.<sup>38</sup> The committee examines that the money granted by the assembly has been

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<sup>36</sup> R.N. Aggarwala, *Financial Committees of the Indian Parliament*, S. Chand and Co., Delhi, 1966, p.180.

<sup>37</sup> Op. cit., n 1, p.525.

<sup>38</sup> M.P. Shrivastava, *Parliamentary Accountability and Supervision over Public Enterprises*, Deep and Deep Publications, New Delhi, 1992, p.84.

spent by the government within the scope of the demands. The functions of the committee extend beyond the formality of expenditure to its wisdom, faithfulness and economy. The committee thus examines cases involving losses nugatory expenditure and financial irregularities.<sup>39</sup> When any case of proved negligence resulting in loss or extravagance is brought to the notice of the committee, it calls upon the ministry/department concerned to explain what action, disciplinary or otherwise, it had taken to prevent a recurrence. If any money has been spent on a service in excess of the amount granted by the House for the purpose, the committee examines with reference to the facts of each case, the circumstances leading to such an excess and make such recommendations as it may deem fit. Such excesses are therefore required to be brought up before the House by government for regularisation, in the manner envisaged in Article 115 of the Constitution. The committee also suggests various ways and means to control or check loopholes.<sup>40</sup> The committee is not concerned with the questions of policy, it is concerned with the execution of the policy laid down by legislature.

The work of the committee is normally confined to the various matters referred to in the Audit Reports and the

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<sup>39</sup> B. Goswami, *The Indian Parliamentary Scene*, Pointer Publishers, Jaipur, 1994, p.85.

<sup>40</sup> Subhash C. Kashyap, *Parliament of India: Myths and Realities*, National Publishing House, New Delhi, 1988, pp.194-195.

Appropriation Accounts, its functions starts normally after the Comptroller and Auditor General presents his Audit Reports on the accounts of government. When the committee is constituted, it selects paragraphs from the Reports of Comptroller and Auditor General for examination during its term of office.

The committee may appoint one or more sub-committees to examine any political matter.<sup>41</sup> The Chairman of the committee shall be the ex-officio Chairman of the sub-committee. The quorum to constitute a meeting of a sub-committee, shall be one-third of the total number of members of the sub-committee. A number of working groups are constituted by the committee for detailed examination of matters. The working groups do not present any report on its working to the committee as it works purely in an informal manner. The committee undertakes on the spot study tours of various departments connected with the subjects taken up for examination. Each study tours are undertaken with the approval of the Speaker. All discussions held during tour by the committee with the representatives of department, ministries are treated as confidential and no one having access to the discussion directly or indirectly is to communicate to the press or any unauthorised person, any information about matters taken up during the discussion. On the basis of the

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<sup>41</sup> Balram Jakhar, *The People, The Parliament and The Administration*, Metropolitan Book Co., New Delhi, 1982, p.52.

material/information obtained from the ministry on points arising out of evidence, the committee finalise its reports. After presentation of the reports, are forwarded to the ministries/ departments concerned for taking action on the recommendations contained therein. Government take action on the recommendations of the committee and submit action taken notes to the committee. The committee then presents an Action Taken Report after considering the views of the government. Normally, almost all the recommendations of the committee are implemented by the government. The recommendations of the government are not treated lightly by departments.

The legislative control over public finance is exercised in two stages. The first stage is that when the government comes forth with a proposal for estimated income and expenditure for the legislature's approval. The government must get the financial sanction from the legislature to give effect to its policies and programmes and it is the stage where the Estimates Committee comes into picture. The second stage relates to the control of money spent.<sup>42</sup> The Public Accounts Committee comes into picture<sup>43</sup> when money has already been spent and the accounts have been closed.<sup>44</sup>

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<sup>42</sup> G.C. Malhotra, "Ensuring Executive Accountability, India's Public Accounts Committee", *The Parliamentarian, Journal of Parliaments of the Commonwealth*, Vol. LXXXI, April 2000, p.179.

<sup>43</sup> Sahib Singh and Swinder Singh, *Public Personnel and Financial Administration*, New Academic Publishing Co., Jalandhar, 1995, p.194.

<sup>44</sup> R.B. Jain, *Legislative Process in Development*, Gitanjali Publishing House, New Delhi, 1985, p.228.

## Estimates Committee

The Estimates Committee has devoted much greater attention to the improvement of the administrative machinery than to effecting of mere economy. Economy is necessary but it should be consistent with efficiency as also the policy underlying the estimates. The Estimates Committee is charged with the responsibility of detailed examination of budget estimates. The Estimates Committee is not concerned with the policy of the government, its business is to ensure that within the framework of the policy laid down by the government and the House, only the minimum expenditure needed for the purpose of fulfilling the objectives of the government would be incurred.

The Estimates Committee of Punjab Vidhan Sabha was for the first time constituted in 1952, under Rule 172 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha. It consisted of 7 members including the then Deputy Speaker as the Chairman.<sup>45</sup> After the general elections of 1957, the membership was raised to twelve. After the abolition of Punjab Legislative Council on January 7, 1970; the membership of Estimates Committee was reduced to 9. At present, the strength of Estimates Committee is 13.<sup>46</sup> The members of Estimate Committee are elected every year from amongst the members of Punjab Vidhan Sabha according to the

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<sup>45</sup> *A Brief Note on the Working of Committee on Estimates of the Punjab Vidhan Sabha*, p.2.

<sup>46</sup> *Op. cit.*, n 31, p.81.

principle of proportional representation by means of single transferable vote.<sup>47</sup> The Chairman of the committee is appointed by the Speaker from amongst its members<sup>48</sup> provided that if the Deputy Speaker is a member of the committee, he automatically becomes the Chairman.<sup>49</sup> The tenure of the committee is one year.<sup>50</sup> The quorum required for a committee's meeting is 4. If a member, after election to the committee, is appointed as a minister, he ceases to be a member of the committee from the date of such appointment.<sup>51</sup> The committee may appoint a sub-committees consisting of such members as it deem fit. At the beginning of its term every year; the committee selects a department/ departments for examination of budget estimates. It is not incumbent on the committee to examine the entire estimates of all department of the government within one year.

#### Committee on Public Undertakings

The Committee on Public Undertakings assumes importance as the most effective instrument of parliamentary control and supervision over public sector undertakings.<sup>52</sup> The introduction of the phase of planned economic development in the state and the adoption of various policy in (1948 and 1956)

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<sup>47</sup> Op. cit., n 28, Rule 227(2).

<sup>48</sup> *Parliamentary Procedures Abstracts Series*, Parliamentary Committees, Lok Sabha Secretariat, New Delhi, 1985, p.2.

<sup>49</sup> A.T. Philip and K.H. Sivaji Rao, *Indian Government and Politics*, Sterling Publishers, Jullundhur, 1981, p.129.

<sup>50</sup> P.B. Rathod, *Indian Administration Dynamics and Dimensions*, Commonwealth Publishers, New Delhi, 2005, p.132.

<sup>51</sup> Op. cit., n 19, p.152.

<sup>52</sup> Op. cit., n 28, p.57.

resolutions by the state legislatures led to a steady growth of various enterprises, which are controlled and managed by the state government.<sup>53</sup> Several statutory corporations and boards involving large investment of capital funds thus came into being. The performance of such public undertakings and the boards became alive subject for discussion in the state legislature. The money required to finance such corporations/ boards are appropriated from the consolidated fund of the state, it was naturally deemed appropriate that the legislature should have adequate control over their affairs through its independent organ. The process of planned economic development, in which a dominant role has been assigned to the public sector, has led to a phenomenal growth of public sector commercial and industrial enterprises which are statutory corporations incorporated under the Companies Act, 1956.

In Punjab, the Committee on Public Undertakings was constituted for the first time in 1971. Prior to this period the control over the working of corporations/ boards was exercised by the Committee on Public Accounts in so far as the Reports of Comptroller and Auditor General of India relating to such corporations/ boards was concerned and by the Committee on Estimates in so far as the general working was concerned. After the formation of the Committee on Public Undertakings, both these roles were assigned to this committee. The committee had

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<sup>53</sup> Op. cit., n 25, p.15.

to deal with the companies with government participation and registered under Company's Act, 1956 and public sector corporations established under special enactments of the legislature.<sup>54</sup>

### Composition

The Committee on Public Undertakings constituted under Rules 228 and 229. The Committee on Public Undertakings consists of 13 members elected by the Assembly from amongst its members according to the principle of proportional representation by means of single transferable vote.<sup>55</sup> The term of the office of members of the committee does not exceed one year. The Chairman of the committee is appointed by the Speaker from amongst the members of the committee. When the time is short, the Speaker is authorised by the House to nominate the member of this committee and this committee, as such, has also been nominated by the Speaker.<sup>56</sup>

### Functions

The Committee on Public Undertakings examines the working of the public undertakings. The main function of the committee is to examine the reports and accounts of the Punjab Undertakings specified in Schedule II. The committee also examines the reports of the Comptroller and Auditor General on

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<sup>54</sup> Rules of Procedure and Conduct of Business of Punjab Vidhan Sabha, Punjab Vidhan Sabha Secretariat, Chandigarh, 2003, Rules 228 and 229.

<sup>55</sup> Op. cit., n 39, p.199.

<sup>56</sup> *Brief Note Regarding Working of the Committee on Public Undertakings*, p.3

the Public Undertakings.<sup>57</sup> It examines in the context of the autonomy and efficiency of public undertakings, whether the affairs of public undertakings are being managed in accordance with sound business principle and prudent commercial practices.<sup>58</sup> The examination of public undertakings by the committee is generally in the nature of an evaluation of the performance of an undertaking covering all aspects like implementation of policies, programmes and financial working, etc. The influence of the committee in the ultimate analysis lies in the fact that it creates awareness among the officials of undertakings and the administrative ministers that their decisions and policies are accountable to the committee.<sup>59</sup>

(B) Non-Financial Committees

Besides financial committees, there are non-financial committees in the Punjab Vidhan Sabha. These committees are as under:

(i) Committee on the Welfare of the Scheduled Castes, Scheduled Tribes and Backward Classes

The Scheduled Castes, Scheduled Tribes and Backward Classes comprise more than twenty-three percent of the population.<sup>60</sup> The Constitution of India provides several safeguards for the Scheduled Castes and Scheduled Tribes. An independent machinery had been envisaged to investigate

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<sup>57</sup> Op. cit., n 37, p.93.

<sup>58</sup> Op. cit., n 9, p.675.

<sup>59</sup> R.B. Jain, *Contemporary Issues in Indian Administration*, Vishal Publications, Delhi, 1976, p.301.

<sup>60</sup> O.P. Dwivedi and R.B. Jain, *India's Administrative State*, Gitanjali Publishing House, New Delhi, 1985, p.155.

continuously all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution.<sup>61</sup> These safeguards include reservation of posts in public jobs, allotment of land, etc.<sup>62</sup> Scheduled Castes and Scheduled Tribes are downtrodden people of our society. They suffer from economic exploitation and are worst victims of social discrimination. They are forced to live outside the villages and are also deprived of social amenities and are led to live a poor and miserable life. Besides reservations in legislature, a great care has been taken towards protection and all round development of the people of these weaker sections of society. Various provisions have been incorporated in the Constitution for the social, educational and economic advancement of the depressed classes. There has been a provision made under Article 335 of the Constitution for considering the claims of Scheduled Castes and Scheduled Tribes. The committee was formed in 1973 at centre level. The tenure of the committee is one year.

#### Composition

For the first time a committee was formed on welfare of Scheduled Castes, Scheduled Tribes and Backward Class on 30<sup>th</sup> March 1973. A resolution was passed on this regard by Punjab Vidhan Sabha on 21<sup>st</sup> March 1973. Its primary name was “Committee on the Welfare of Scheduled Caste”. A

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<sup>61</sup> M.N. Kaul and S.L. Shakhder, *Practice and Procedure of Parliament*, Metropolitan Book Co., New Delhi, 2004, p.879.

<sup>62</sup> Op. cit., n 38, p.88.

resolution was again passed by Punjab Vidhan Sabha in 1974-75 for constituting a committee for the year 1974-75 and its name was changed to the “Committee on the Welfare of Scheduled Castes and Scheduled Tribes”.

House approved the resolution on 30<sup>th</sup> January 1985 for constituting the Committee in 1975-76 and its name was again changed to Committee on Scheduled Castes and Backward Classes. During 1973-74 to 1978-79 the strength of committee member was 9 but the strength was increased to 13 during year 1979-80.

The Committee on the Welfare of Scheduled Castes, Scheduled Tribes and Backward Classes is constituted under Rule 251-A. The Committee consists of 13 members who are elected by the House every year from its members according to the principle of proportional representation by means of the single transferable vote system.<sup>63</sup> The tenure of the Committee is one year. The Chairman of the Committee is appointed by the Speaker from amongst the members of the Committee.<sup>64</sup> A minister cannot be a member of the committee and if a member after his election to the Committee is appointed to such an office, he ceases to be a member of the committee.<sup>65</sup>

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<sup>63</sup> Internal Working Rules of the Committee on the Welfare of Scheduled Castes, Scheduled Tribes and Backward Classes, Punjab Vidhan Sabha Secretariat, Chandigarh, 1995, Rule 251-A.

<sup>64</sup> S.C. Kashyap, *Parliamentary Procedure Abstracts Series*, Lok Sabha Secretariat, New Delhi, 1985, p.3.

<sup>65</sup> L.M. Singhvi, *Parliamentary Committees in India*, The Institute of Constitutional and Parliamentary Studies, New Delhi, 1973, p.46.

## Functions

The functions of the Committee on the Welfare of Scheduled Castes, Scheduled Tribes and Backward Classes of Punjab State, as laid down in the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha, are as follows:

- (1) The main function of the Committee is to consider and examine the recommendations contained in the reports of the Commissioner for Scheduled Castes and Scheduled Tribes, Government of India, in so far as the Punjab state is concerned and which fall within the purview of the State government and to report to the House as to the measures that should be taken by the state government.
- (2) To report to the House on the action taken by the government on the measures proposed by the committee.
- (3) To examine the measures taken by the government to secure due representation of Scheduled Castes, Scheduled Tribes and Backward Classes in services and posts under its control including appointment in Public Sector Undertakings, Statutory and Semi-Government Bodies having regard to the provisions of Article 335 of the Constitution.
- (4) To report to the House on the working of the welfare programmes for the Scheduled Castes, Scheduled Tribes and Backward Classes.

- (5) To report such other matters as may be specifically referred to it by the House or by the Speaker.<sup>66</sup>

The Committee also used different methods to get the required information. The Committee also made on the spot studies. Each spot study is undertaken with the approval of the Speaker.

(ii) Committee on Subordinate Legislation

The chief instrument through which Parliament exercise control over the delegated legislation in India is the Committee on Subordinate Legislation.<sup>67</sup> The Committee on Subordinate Legislation is one of the most important committees of the House. The scope of legislation in a modern state has enormously increased as a result of the unprecedented increase in state activity.<sup>68</sup> Parliament lays down broad principles in a legislative measures, it leaves to the Executive to frame rules inconformity with those principles, formal and procedural details about that measures in the form of rules, regulations, etc.<sup>69</sup> It is impossible for any body of legislators to deliberate upon, discuss and approve every little rules, regulation which may be essential for the purpose of administering the various laws, schemes, etc. This committee is entrusted with the responsibility of seeing whether the authority delegated by the

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<sup>66</sup> Op. cit., n 53, Rule 251(B).

<sup>67</sup> Phul Chand, *Indian Parliament*, The Institute of Constitutional and Parliamentary Studies, New Delhi, 1984, p.59.

<sup>68</sup> M.V. Pylee, *Constitutional Government in India*, Asia Publishing House, Bombay, 1960, p.404.

<sup>69</sup> G.C. Malhotra, *Practice and Procedure of Parliament*, Metropolitan Book Co., New Delhi, 2004, p.852.

state legislature in the statutes has been properly exercised by the Executive to the extent permissible and in the manner envisaged. The legislature provides for broad principles in the Act which may be called a skeleton. The legislature does not have sufficient time for the minutest details in the Acts. It delegates the power to frame rules to carry out the purposes of the Act. These rules may be described as flesh and blood which when added to the skeleton make the legislation complete and effective.

### Composition

In Parliament the first Committee on Subordinate Legislation was established on 1<sup>st</sup> December 1953 and in Rajya Sabha in 1964.<sup>70</sup> In Punjab Vidhan Sabha, the first Committee on Subordinate Legislation was nominated by the Speaker on 31<sup>st</sup> August 1956.<sup>71</sup> The committee shall consist of not more than thirteen members who shall be nominated by Speaker under Rule 240 and the Advocate General shall be one of them.<sup>72</sup> The Chairman is appointed by the Speaker. The tenure of the Committee is one year.

### Functions

There shall be a committee to scrutinise and report to the House whether the power to make regulation, rules, sub-rules,

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<sup>70</sup> Bangendu Ganguly, *Administrative Legislation in Modern India*, S.C. Sarkar and Sons, Calcutta, 1968, p.164.

<sup>71</sup> *Brief Note on the Scope and Functions of the Committee on Subordinate Legislation*, p.2.

<sup>72</sup> *Rules of Procedure and Conduct of Business in Punjab Vidhan Sabha*, Punjab Vidhan Sabha Secretariat, Chandigarh, 2002, Rule 240, p.121.

bye-laws, etc, conferred by the Constitution or delegated by legislature are being properly exercised within such delegation and consider such other matters as may be referred to it by the Speaker.<sup>73</sup> Each regulation, rule, sub-rule and bye-law, etc. framed in pursuance of the provisions of the Constitution or the legislative functions delegated by the legislature to a subordinate authority and which is required to be laid before the House. The Committee particularly consider whether it is in accordance with the general objects of the Constitution or the Act pursuant to which it is made, whether it contains matters which in the opinion of the committee should more properly be dealt within the Act of legislature, it directly or indirectly bars the jurisdiction of the courts.<sup>74</sup> The Speaker may issue such directions as he may consider necessary for regulating the procedure in connection with all matters connected with the consideration of any question of subordinate legislation either in the Committee or in the House.

Subordinate legislation is a very active body of the House. The role of the committee is not only critical but also preventive. It contains a lot of interesting and instructive information and throws light on the way, the institution of delegated legislation functions in Punjab.

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<sup>73</sup> P.L. Pande, *Legislator and Legislative Process*, Anamika Publishers and Distributors (P) Ltd., Delhi, 1996, p.85.

<sup>74</sup> *Internal Working Rules on Committee on Subordinate Legislation of Punjab Vidhan Sabha*, Punjab Vidhan Sabha Secretariat, Chandigarh, 2004, pp.10-11.

(iii) Committee of Privileges

The Government of India Acts of 1919 and 1935 conferred certain privileges, but none of the House appointed any committee of privileges. The provisional Parliament and after it, the present Parliament have framed rules for appointing such committee and defining their functions and procedures. Article 105 of the Constitution deals with the power, privileges and immunities of the House of Parliament, their members and committees thereof. Each House of legislature collectively and its member individually, enjoy certain privileges, i.e., certain rights and immunities without which the House and its members cannot discharge the functions entrusted to them by the Constitution. The purpose of these privileges is to safeguard the freedom, the authority and the dignity of the House, its committees and members. No member of the legislature of a state shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the legislature or any committee, and no person shall be liable in respect of the publication by or under the authority of a House of such a legislature of any report, paper, votes or proceeding.<sup>75</sup>

Composition

The Committee of Privileges was nominated under Rule 233 of the Rules of Procedure and Conduct of Business in the

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<sup>75</sup> P.M. Bakshi, *The Constitution of India*, Universal Law Publishing Co., Delhi, 2002, p.159.

Punjab Legislative Assembly.<sup>76</sup> The Privilege Committee of the Punjab Vidhan Sabha was constituted on 16 June 1952, soon after its institution in the Lok Sabha, which was in May 1952. At the commencement of the Punjab Vidhan Sabha or from time to time, the Speaker nominates the committee consisting of not more than 12 members.<sup>77</sup> The term of committee is one year. The Chairman of the committee is appointed by the Speaker from amongst the members of the committee. The Deputy Speaker presides, when a member of the committee, function as the Chairman of the committee. The quorum required for committee's meeting is four.<sup>78</sup>

#### Functions

The main function of the Committee of Privilege is to examine questions involving breach of privileges of the House or of the members or of any committee thereof referred to it by the House.<sup>79</sup> Besides, the Speaker may also refer any question of privilege to the committee for examination, investigation or report. In such cases, the committee presents its report to the Speaker who may direct that the report be laid on the table. It is the duty of the committee to examine every question of privileges, and determine with reference to the facts of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it and make

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<sup>76</sup> Op. cit., n 71, Rule 233.

<sup>77</sup> Op. cit., n 9, p.677.

<sup>78</sup> Brief Note on the Scope and Functions of the Committee of Privilege.

<sup>79</sup> Op. cit., n 23, p.153.

such recommendations as it may deem fit. Whenever a question of privilege is referred to it, the committee shall meet from time to time. The House has not fixed any time/date for the presentation of the report, the report shall be presented within one month of the date on which the reference to the committee was made. If any member desires to record a minute of dissent on any matter he shall hand in his minute to the Chairman.

(iv) Committee on Petitions

The Committee on Petitions has played a vital role in securing redress of public grievances, whether contained in petitions presented to the House or in the representation relating to personal or individual cases. It is unique phenomenon because it serves as a link between aggrieved citizen, administration and legislature. Any citizen who feels that he has a grievance against the administration which has not been redressed through their channels, can approach to the legislature directly.<sup>80</sup> If his grievance or suggestions affects a matter of public importance his petition is received by the legislature and sent to the committee for examination and report. In a Parliamentary Democracy, it is the right of the people to present petitions to the legislature with a view to ventilating grievances and seeking redressal thereof and offer suggestions on matters of public importance.<sup>81</sup> In Lok Sabha, the Committee on Petitions is one of the oldest committee of the

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<sup>80</sup> Verinder Grover, *Government Structure, Political Process and Administration in India*, Deep and Deep Publications, New Delhi, 1994, p.528.

<sup>81</sup> Op. cit., n 20, p.195.

House. It owes its origin to a resolution moved by members in the Council of States on 15<sup>th</sup> December 1921. The committee was known as the “Committee of Public Petitions” until 1933 when its name was changed to Committee on Petitions. In Punjab, prior to the year 1973, the Committee on Petitions of the Punjab Vidhan Sabha was not an effective committee.<sup>82</sup>

### Composition

The Committee on Petitions is constituted under Rule 250 of the Rules of Procedure and Conduct of Business of the Punjab Vidhan Sabha. At the commencement of the Vidhan Sabha or from time to time, as the case may be, the Speaker shall nominate a committee called “The Committee on Petitions”.<sup>83</sup> It consists of not more than 13 members nominated by the Speaker. Prior to 1973, the strength of the Committee was 5 and the Deputy Speaker used to be ex-officio chairman of the committee. The Committee is constituted for each session.

### Functions

The Committee examine every petition referred to it by the Speaker and if the petition complies with these Rules, the Committee may direct that it be circulated in summary form. Where circulation of the petition has not been directed, the Speaker may at any time direct that the petition be circulated.

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<sup>82</sup> *Internal Working Rules on Committee on Petitions of Punjab Vidhan Sabha*, Punjab Vidhan Sabha Secretariat, Chandigarh, 2008.

<sup>83</sup> *Rules of Procedure and Conduct of Business in Punjab Vidhan Sabha*, Punjab Vidhan Sabha Secretariat, Chandigarh, 2004, Rule 250.

It is the duty of the committee to report to the House on specific complaints made in the position referred to it after taking such evidence as it deems fit and to suggest remedial measures either in the concrete form.<sup>84</sup> The report of the committee which contained recommendations presented before the House, after this the copies are forwarded to the ministries concerned. The Ministries are required to submit to the Committee reports on how many recommendations have been implemented or not.<sup>85</sup>

(v) Committee on Government Assurances

The Committee on Government Assurances was an auxiliary body. It reminded the government of the overlooked assurances and pointed out the inadequacy of implementation.<sup>86</sup> The creation of this committee on 1<sup>st</sup> December 1953 was in fulfilment of a strongly felt need to devise some effective mechanism which would ensure that government did not make use of such assurances for evading criticism by members.<sup>87</sup> The objective of the Committee on Assurances has helped not only to keep a vigil on the administrative efficiency but also helped in removing many of the defects inherent in the previous system. The ministers are very careful in giving promises, assurances and the

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<sup>84</sup> *Ibid.*, Rule 251.

<sup>85</sup> A.R. Mukherjea, *Parliamentary Procedure in India*, Oxford University Press, London, 1983, p.284.

<sup>86</sup> Udai Narain, *Parliamentary Control of Public Administration in India*, Chugh Publications, Allahabad, 1981, p.409.

<sup>87</sup> *Op. cit.*, n 59, p.150.

administration is prompt enough to take action of the promises given.<sup>88</sup>

### Composition

The Committee on Government Assurances was constituted on 11 November 1954 in the Punjab Vidhan Sabha.<sup>89</sup> The Committee consists of not more than thirteen members who are nominated by the Speaker.<sup>90</sup> The tenure of the Committee is one year. The Chairman is appointed by the Speaker. No minister is nominated to this Committee.<sup>91</sup>

### Functions

The main functions of the committee is to scrutinise the assurances, promises and undertakings given by the ministers from time to time on the floor of the House,<sup>92</sup> during question hours or during the discussion on bills, resolution, etc. and reports on:

- (a) the number and kind of assurances given and the names of the ministers and the departments to which they relate;
- (b) the extent to which such assurances have been implemented; and

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<sup>88</sup> N.N. Mallya, *Indian Parliament*, National Book trust, New Delhi, 1970, p.181.

<sup>89</sup> *Punjab Legislative Assembly Debates*, Vol. II, No. 6, November 11, 1954, p.2.

<sup>90</sup> *Op. cit.*, n 71, Rule 238.

<sup>91</sup> Anup Chand Kapur, *Select Constitutions*, S. Chand and Company, New Delhi, 1999, p.163.

<sup>92</sup> L.M. Sighvi, *Parliament and Administration in India*, Metropolitan Book Co., New Delhi, 1972, p.27.

(c) where implemented whether such implementation has taken place within the minimum time necessary for the purpose.<sup>93</sup>

The Committee makes comments on delays in implementing the assurances and also on the inadequacy of action taken and government officers have to satisfy the Committee that the delay was inevitable and they have to make apology to the Committee or the House. The government departments have to be mindful that the undertakings given by their ministers are fulfilled. If the Committee is not satisfied with the information, it summons the secretaries of the various departments to appear before the committee for clarification as to why the assurances have not been implemented.<sup>94</sup> After making a thorough study of the records mentioned in the evidence of officers, the committee arrives at conclusion and these conclusions are included in the forms of a report of the committee and presented to the House.

(vi) Business Advisory Committee

The legislature is overburdened with work and it is necessary to plan the business of the House within the time available for discussion.<sup>95</sup> The need to allocate time for the transaction of various items of business by the House was greatly felt by Speaker Mavalarkar. In the absence of such allocation the task of curtailing a debate and in accepting a closure motion, would fall on Speaker and put him in a delicate

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<sup>93</sup> Op. cit., n 23, p.153.

<sup>94</sup> Op. cit., n 87, p.181.

<sup>95</sup> Op. cit., n 1, p.652.

position. For this purpose, a Business Advisory Committee was first constituted since 14 July 1952.<sup>96</sup> It represents all sections of the House and its decisions are generally unanimous. It aims at objectivity and displays reasonableness and modernisation in its discussion.<sup>97</sup> This committee is also an essentially Indian innovation.<sup>98</sup>

### Composition

The Business Advisory Committee of the Punjab Vidhan Sabha was established in 1955.<sup>99</sup> The Business Advisory Committee is constituted under Rule 208 of the Rules of Procedure and Conduct of Business in Punjab Vidhan Sabha.<sup>100</sup> It consists of six members including the Speaker, who is the ex-officio chairman.<sup>101</sup> It is nominated by the Speaker at the commencement of the Vidhan Sabha or from time to time. No term of committee is laid down but the committee holds office till a new committee is constituted.<sup>102</sup> The quorum required for meeting is three. If the Speaker is for any reason unable to preside over a sitting of the committee, he shall nominate Chairman for that sitting.<sup>103</sup>

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<sup>96</sup> Mangal Chandra Jain Kagzi, *The Constitution of India*, Metropolitan Book Co., Delhi, 1975, p.195.

<sup>97</sup> M.N. Kaul, *Parliamentary Procedure since Independence in First Parliament, A Souvenir*, p.32.

<sup>98</sup> S.L. Shakdher, *Glimpses of the Working of Parliament*, Metropolitan Book Co., New Delhi, 1977, p.27.

<sup>99</sup> Information collected through interview.

<sup>100</sup> Op. cit., n 71, Rule 208.

<sup>101</sup> *Committees 1966-67 (upto 28-2-67): A Review*, Punjab Vidhan Sabha Secretariat, Chandigarh, 1967, p.19.

<sup>102</sup> Jeevan Nair and U.C. Jain, *Indian Parliament Privileges, Powers and Functions*, Pointer Publishers, Jaipur, 2000, p.21.

<sup>103</sup> *Rule 209 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha*, Punjab Vidhan Sabha Secretariat, Chandigarh, 1979.

## Functions

The committee prepares the time table of the House<sup>104</sup> and decides as to how much time is to be given to any particular Bill or other matters to be discussed in the House.<sup>105</sup> The main function of the committee is to recommend the time that should be allocated for the discussion of the stage or stages of such government Bills and other business as the Speaker in consultation with the leader of the House, may direct for being referred to the committee.<sup>106</sup> The Committee perform such other functions as may be assigned to it by the Speaker from time to time. In the work of this committee, the leader of the House as well as the leaders of various parties and groups actively participates in order to run the business of the House smoothly, efficiently and with the support of all sections of the House.<sup>107</sup> The Committee, on its own initiative, also recommend to the government to bring forward particular subjects to discussion in the House and recommended allocation of time for such a discussion. The decisions reached by the committee are always unanimous in nature and representative of the collective view of the House. Before the commencement of each session the government sends a temporary programme to be transacted during that session to

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<sup>104</sup> A.T. Philip and K.H. Sivaji Rao, *Indian Government and Politics*, Sterling Publishers, Jullundur, 1981, p.131.

<sup>105</sup> V.D. Mahajan, *The Constitution of India*, S. Chand and Company, New Delhi, 1978, p.195.

<sup>106</sup> Op. cit., n 63, p.8.

<sup>107</sup> Op. cit., n 68, p.398.

the Secretary, Punjab Vidhan Sabha and after the nomination of the committee the same is placed before it. A report of the Committee which consists mainly of the recommended time table for Bills and other business is presented to the House by the Speaker and if adopted operates as the time allocation order of the House itself.<sup>108</sup>

(vii) General Purpose Committee

There are many matters which do not fall within the purview of any committee but are important for improving the work of House. The General Purpose Committee was for the first time appointed by the Speaker on 26<sup>th</sup> November 1954,<sup>109</sup> with the object that the Speaker might take into confidence and have informal consultations with the representatives of various parties and groups in the House in order to bring about efficiency.

Composition

The General Purpose Committee was constituted for the first time in April 1960 under Rule 245 of the Rules of Procedure and Conduct of Business in Punjab Vidhan Sabha. The Speaker, the Deputy Speaker, the Members of the Panel of Chairman, the Chairman of all Committees of the House, leaders of recognised parties and groups in the Vidhan Sabha and such other members as may be nominated by the Speaker,

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<sup>108</sup> Op. cit., n 28, Rule 212.

<sup>109</sup> Rules of Procedure and Conduct of Business of Lok Sabha, p.125.

are members of this committee.<sup>110</sup> The tenure of the committee is one year or until a new committee is constituted. The Speaker is the ex-officio chairman of the committee.<sup>111</sup>

#### Functions

The committee considers and advices on such matters concerning the affairs of the House as may be referred to it by the Speaker from time to time.<sup>112</sup> The committee does not present any annual report but the committee may send for persons, papers and records as also carry out an on the spot study of any matter under its consideration. The committee may appoint one or more sub-committees for the detailed examination of matter.

#### (viii) House Committee

House Committee is constituted under Rule 249 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha. The Committee consists of nine members including the Deputy Speaker, who is the ex-officio chairman of the Committee. It is nominated by the Speaker at the commencement of each financial year.<sup>113</sup>

#### Function

The main function of the committee is to deal with all questions relating to residential accommodations for members of Vidhan Sabha and to exercise supervision over facilities for

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<sup>110</sup> Op. cit., n 28, Rule 245.

<sup>111</sup> *Ibid.*, Rule 246.

<sup>112</sup> *Ibid.*, Rule 247.

<sup>113</sup> *Ibid.*, Rule 249.

accommodation, food and medical aid to members in hostels of Punjab Vidhan Sabha.<sup>114</sup> It also allots accommodation to the members in the hostels during the session of the Vidhan Sabha. It does not present any annual report.

(ix) Rules Committee

Under Article 118(1) of the Constitution of India, each House of Parliament is empowered to make rules for regulating its procedure and conduct of its business.<sup>115</sup> The Rules Committee has been constituted in pursuance of this provision. A Rules Committee was first set up in May 1952 by the Speaker “to advise him whenever modifications and adaptations are required to be made in the Rules of Procedure and Standing Orders of the legislature of the Dominion of India in their application to the proceedings of the House.”<sup>116</sup>

Composition

Rules Committee was first constituted in 1954 under Rule 230 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha. The Indian Constitution lays down that each House of legislature shall have the right to make rules, subject to provisions of the Constitution for regulating its Procedure and Conduct of Business.<sup>117</sup> The members of the committee are nominated by the Speaker. It consists of ten members including the Speaker who shall be its ex-officio

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<sup>114</sup> Op. cit., n 72, p.83.

<sup>115</sup> Article 118(1) of the Constitution of India.

<sup>116</sup> Op. cit., n 95, p.194.

<sup>117</sup> Article 208 of the Constitution of India.

chairman.<sup>118</sup> It holds office for a period of one year or until a new committee is nominated.

### Functions

The function of the Committee is to consider matters of Procedure and Conduct of Business in the House and to recommend any amendments or additions to the Rules of Procedure and Conduct of Business that may be deemed necessary. The recommendations of the Committee are laid on the Table of the House in the form of a report.<sup>119</sup> Any member can within a period of five days beginning with the day on which these are so laid, give notice of an amendment to any such recommendation.

If no notice of any amendment is received within five days, the recommendations of the Committee are deemed to have been approved by the House and on the expiry of the said period, the amended rules are notified in the gazette under the order of the Speaker. The committee does not present any annual report.<sup>120</sup>

#### (x) Library Committee

The Library Committee is an informal committee. The Library Committee was first constituted by an announcement made by the Speaker in the provisional Parliament on 21<sup>st</sup> November 1950.<sup>121</sup> The committee in a way acts as a liaison between the members of the legislature and the library.

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<sup>118</sup> Op. cit., n 71, Rule 230.

<sup>119</sup> Op. cit., n 31, p.88.

<sup>120</sup> Information collected through interview.

<sup>121</sup> Op. cit., n 60, p.875.

## Composition

The Library Committee is nominated by Speaker under Rule 248 for each financial year. It consists of nine members. Its Chairman is appointed by the Speaker from amongst the members.<sup>122</sup>

## Functions

The functions of the Library Committee are as follows:

- (a) to consider and advice on such matters concerning the library as may be referred to it.
- (b) to consider suggestions for improvement of the library.
- (c) to assist members in fully utilising the services provided by the library.

The Committee shall meet from time to time as directed by the Chairman of the Committee or the Speaker. The Library Committee also made on the spot study in order to bring efficiency and in the improvement in the library's working.<sup>123</sup> The committee does not present any annual report.

## Committee on Papers Laid/ To be Laid on the Table

Papers are laid on the Table in order to supply authoritative facts and information with a view to preparing ground for discussion pertaining to various matters. Papers are laid either in compliance with specific provisions contained in the Constitution, various statutes and rules of procedure or in

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<sup>122</sup> Op. cit., n 71, Rule 248.

<sup>123</sup> Brief Note on the Scope and Functions of the Library Committee.

pursuance of the directions issued by the speaker from time to time.

It has been observed that in a number of cases, annual reports/ financial statements of statutory/ autonomous bodies etc., which are statutorily required to be laid on the Table, are actually so laid after the lapse of considerably long periods. In some cases, these are not laid for long years together.

A considerably large number of papers are laid on the Table of the House, but many of these are not available in advance due to which it is not always possible for the members to exercise vigilance in respect of all the aspects of papers so laid. Further the House by itself, is not in a position to closely scrutinize each and every document so laid on the table. Therefore a need to check the tendency of avoidable delay in laying such reports/ financial statements on the Table of the House and to ensure that the will of the legislature as embodied in various enactment or requirements in various Rules/ Regulations is carried out in letter and spirit.<sup>124</sup>

### Composition

The Committee on Paper laid was first time constituted in 1979 under Rule 251(c).<sup>125</sup> It consists of not more than ten members.<sup>126</sup> The Committee shall be nominated by the speaker

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<sup>124</sup> Brief note on the Scope and Functions of the Committee a paper laid/To be laid on the Table.

<sup>125</sup> *op. cit.*, n. 25, Rule 251(C).

<sup>126</sup> *op. cit.*, n. 115, p. 93.

and the tenure of the Committee is one year.<sup>127</sup> The Chairman is appointed by the Speaker.

### Functions

The functions of the Committee shall be to examine all paper laid on the table by ministers and to report to the House on:

- (a) Whether there has been compliance of the provisions of the Constitution Act, Rule or Regulation under which the papers has been laid.
- (b) Whether there has been any unreasonable delay in lay the paper
- (c) If there has been such delay, whether a statement explaining the reasons for delay has been laid on the Table and whether those reasons are satisfactory.<sup>128</sup>

The Committee also performs such other functions in respect of the paper laid on the Table, as may be assigned to it by the speaker from time to time. The Committee has the power to examine and report on such cases, where the papers have not been laid on the Table within the time prescribed by the relevant Act, rule, regulation etc. or where the papers required to be laid have not been so laid on the Table within a reasonable period of time. A provision has also been made in the rules that a member wishing to raise any of the matters which come within the functions of this Committee shall refer it

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<sup>127</sup> Hans Raj, *Constitution of India*, Surjeet Publications, New Delhi, 2004, p.318.

<sup>128</sup> *op. cit.*, n. 25, Rule 251 (D).

to the Committee under Rule 251-A and not to raise it in the House.<sup>129</sup>

Committees are an important feature of modern legislature and legislature sanctions money for expenditure. It lays down the specific purposes for which the money shall be spent. Committees are in a better position to provide a more objective solution to a question. Their decisions are likely to be free from any political bias. Committees are undoubtedly a means of legislature control over the executive. The advantage of committees like financial as well as non-financial enjoys in its functioning over the House is that it can work more calmly because they are not under the pressure of other work and gave attention to the subjects under consideration. It provides the best hope of securing economy and efficiency in the administration. It is true that administration could be paralysed without legislative authorization of expenditure. Without financial and non-financial committees, legislature cannot perform their functions efficiently because the work done by the House is not only varied in nature but also considerable in volume. These committees are acting as watch dogs.

Financial committees deal with scrutiny, supervision and control of fiscal policies and budgetary spending on the Executive Administrative accountability in financial matters are ensured through the instrument of financial committees. Non-

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<sup>129</sup> *Ibid.*

financial committees are appointed to review the administrative action and the examination of various legislative proposals. These committees help the legislature in making enquiries and scrutinizes various types of cases.

The Financial Committees ensure financial disciplines both in expenditure and in revenue. It control the purse of the state where Public Accounts committee examines the expenditure of different departments, the Estimates committee examines the estimates of different departments. Public Undertakings Committee taken care of the working of public undertakings. These committees suggest different ways and means for proper utilization of public funds.

The Non-Financial Committees also play a vital role in legislature. They scrutinize different types of cases through committee on petitions, committee on privileges, committee on government assurances and committee on subordinate legislation. With the help of Assurance Committee, the House is able to pull up those ministers who want to escape fulfilment of their assurances given on and advise of the routine matter is taken care by Business Advisory Committee and Rules Committee. Library committee helps in providing facilities to members in different matters, which is also a function of the House Committee. So these committee functions on behalf of the House and play very effective role in the House.