

Parliamentary Committee System in India: An Introduction

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Abstract

India is an important country and the largest democracy in the world. In order to carry on a systematic study of the Committee system, the Committees were classified in various groups keeping in view the nature of duties and functions assigned to each Committee. They included Committees on Public Accounts, Committee on estimates, Committee on public Undertakings, etc. The other group included relevant rules and procedures of the Assembly and we to examine some petition and committee of privileges to examine question of privilege involved in the complaint. The committee in the subordinate or delegated legislation was studied to see how it scrutinizes every statutory rules, regulations, orders made by the delegated authority to satisfy it that there have been no executive excesses in the exercise of its rule making power. Similarly, the Committee of the Government Assurances keeps track on the assurance given by the Ministers on the floor of the House and follows them till their implementation. The Committee on petition has considerable potential as it examines petitions presented by its Members to ventilate public grievances. The legislature is looked upon with great reverence; which enjoys sanctity which no institution can have. It is the life and soul of the people of the State. It is the sovereign body and it is the duty of every the duty of every individual to protect the sovereignty of this institution.

Keywords: Committee System, Privileges, Parliamentary Institutions

Introduction

Indian parliament consists of a bicameral legislature, the Lok Sabha (House of the People—the lower house) and the Rajya Sabha (Council of States—the upper house). Parliament's main function is to pass laws on those matters that the constitution specifies to be within its jurisdiction. Among its constitutional powers are approval and removal of members of the Council of Ministers, amendment of the constitution, approval of central government finances, and delimitation of state and union territory boundaries. The president of India has a specific authority with respect to the function of the legislative branch. The president is authorized to convene Parlia-

ment and must give his assent to all parliamentary bills before they become law. The president is empowered to summon Parliament to meet, to address either house or both houses together, and to require attendance of all of its members. The president also may send messages to either house with respect to a pending bill or any other matter. The president addresses the first session of Parliament each year and must give assent to all the bills passed by the parliament.

According to our constitution, India is a «sovereign, socialist, secular, democratic republic.» India has a federal form of government. However, the central government in India has greater power in relation to its states, and its central govern-

ment is patterned after the British parliamentary system. The government exercises its broad administrative powers in the name of the president, whose duties are largely ceremonial. The president and vice president are elected indirectly for 5-year terms by a special electoral college. Real national executive power is centered in the Council of Ministers, led by the prime minister. The president appoints the prime minister, who is designated by legislators of the political party or coalition commanding a parliamentary majority. The president then appoints subordinate ministers on the advice of the prime minister. Although technically the president appoints the prime minister but the president has hardly any choice. He should appoint a person as the prime minister who commands the majority otherwise there will be a constitutional crisis. In a way, his hands are fettered

People's problem grows with the growth of population. Hence, a Legislature should be a developing institution. Hence, a legislature should be a developing institution. Whatever may be its defects and draw backs, it will have to grow from year to year and from decade to decade. It has been accommodating increased number of members with their new ideas at the interval of every five years. Legislature has to discuss and deliberate upon all problems and find out solutions on the basis of a minimum program of work. The executive will frame their policies and the House will approve them. It will be the responsibility of the legislature to see that the plans and programs are properly implemented. The Legislatures must supervise the implementation of policies. If the sovereignty of the people and the Legislature to be made supreme, then the Legislature must supervise the implementation of Government policies through various Committees which are the only instruments of control. Only then the system of parliamentary democracy can be made more effective and fruitful. People are losing faith in Bureaucracy and in Parliamentary institutions because the promises made have not been fulfilled, laws passed are flouted, The Executive as well as the Legislators are charged for adopting corrupt practices. Therefore, it is

absolutely necessary that moral discipline must be enforced to remove cynicism of the people and to capture the moral spirit. And this can be done through the Committee system because the Committee system ensures fuller discussion of issues on merit and plays its crucial role in affording and gathering consensus. We have learned that whenever an attempt is made in the House to refuse a vote, or later an account, it will be foiled by setting the party machinery to work. But this is not so in Committees. In a Committee members forget party consideration and decide matters on merit. It accommodates each other's view, this is possible because in a Committee the heads of the Government do not hesitate to disclose the truth or actual position of matter. The deliberations of the Committee system can serve the back-benchers and opposition members from the feeling of frustration by involving them in planning process and by according opportunity to participate in decision making process. The very high percentage of implementation of the recommendations of the Committees by the Government is a great testimony to the usefulness of the Committee system.

The Committee on Public Accounts has toned up the financial administration of our state by recommending measures to bring about improvement on the standard of budgeting. It has impressed upon the effect officials to accord sanction to different schemes or projects in time so that the same can be implemented within the financial year. It has also recommended the Government for delegating increased financial powers to the Administrative Departments and the Government has accepted the same in principle. Further, at the instance of the Public Accounts Committee, the financial Advisors have been attached to many development and expanding departments for the preparation and submission of the plan schemes. The Public Accounts Committee found out that almost all the departments had failed in the matter of reconciliation of departmental figures with the Accountant General's book. It has also revealed large number of cases involving uncovered excesses, un-surrendered savings and irregular re-appropriations. The Committee

has therefore, recommended that all controlling as well as Administrative Departments of Government should maintain a liability register in which particulars furnished in the monthly statement should maintain a liability register in which particulars furnished in the monthly statement should be the chief problem of modern democratic parliamentary government. To offset the possibility of growing bureaucratization consequent upon the assumption of more and more powers by the government many new and specialized committees have been created. The legislature has found it necessary to set committees in proportion to the growth of governmental activities and the creation of new ministerial departments. But in Great Britain, the growth of the Committees has not been smooth sailing. The extension of the power of the Committees as well as the increase in their number has been only in the teeth of severe opposition from the critics from many circles including Ministers like Herbert Morrison. In India, fortunately, particularly at the center, the development of the Committees and the extension of their powers have not been fought with such controversies. It seems, three things have contributed towards this, first, charged with the responsibility of transforming a traditional country to a modern one rapidly and through a parliamentary government the growth of governmental power has never troubled the Parliamentarians. But the increasing volume of governmental work has necessitated delegating more and more powers to the Committees. In second place, committed to follow the parliamentary path carved by the House of Commons the Indian parliament has been able to assess more objectively the need of the growth of the Committees. And thirdly, the Indian parliament has so far been ruled by a party commanding an overwhelming majority in the parliament except for a brief period when Janata Party was in power. The Government, therefore, has not been very much sensitive about the creation of new committees since it never expected any encroachment in ministerial powers and responsibilities by the Committees.

On the whole, the Committee in the Indian Parliament should, however, point out to certain serious drawbacks. Whereas the Select Committees on Bills and committees which help the Houses in the maintenance of internal discipline, such as committees of privileges, the business advisory committees and house committees which are to restrict and control administrative lapses have not been equally successful. The blame should not lie with the committees themselves. The Committees, such as the public accounts committee, committee on estimates, committee on government assurance and committee on public undertakings are producing a huge volume of reports each year on administrative lacunae and irresponsibility. But in the absence of either any specific rule or convention on binding the government to accept these reports and work accordingly, the labor, time and money spent for producing them are going waste. There should be radical reorientation of the attitude both on the part of the legislators and the executives towards the appreciation of committee work.

Sometime, legislature has introduced several new Committees. The Committees on government assurances were formed earlier. But could do effective work only after some time. Recently, some more committees on subordinate legislation, the Committee on Public undertakings and the Committee on the welfare of scheduled Castes and Scheduled Tribes have been introduced. This shows that we are coming up with the central legislature in the number of committees. But the increase in the number of the committees does not signify an all-round improvement. The Legislature should evolve ways and means by which it can make the Committees reports, once they are accepted by the House, binding on the Government. Otherwise the whole purpose of the Committee would be lost. Sometimes, the findings of the Committees and the strictures given in the Committee reports are disregarded by the Government departments with impunity. Earlier, when the Public Accounts Committee and the estimates committee have pointed out gross irregularities and numerous administra-

tive lapses, they have not been able to sufficiently rouse the government to take remedial measures. The piling up of "Action Taken" reports of the Public Accounts committees and the estimates committee shows that on many occasions government⁵ could not justify its inaction. This is high time that this problem is taken up seriously at all hands.

Continuous proliferation of governmental responsibilities has increased the danger of more and more bureaucratization. And in the long run the Ministers may find themselves prisoners of their own departments unless they consider themselves more a part of the legislature than of their own departments and take personal initiative to see that the recommendations of the various Committees are implemented in all seriousness. The legislators should also work with more responsibility in discharging their functions as Committee members. What is expected of them in this problem-ridden state is not just routine work but a continuous exploration of new avenues of strengthening the parliamentary institutions and particularly the Committee system. For this, cell can be established with in the secretariat for systematic collection and storage of data regarding various parliamentary institutions and especially of committees in this country and abroad. This will help the members to draw up on the information collected whenever necessary and will save both precious time and money which are now spent when it becomes necessary for members to go from place to place to gather information regarding the working of specific Committees.

Findings

The recommendations of the Committee are generally accepted by the Government. After the reports are presented to the House, the Government republished the rules, regulations and bye-laws in accordance with the amendments made by the Committee. It will be quite obvious that a good deal of work has to be done by this Committee in checking the Executive excesses. But for the Committee device, it would not have been

possible for the House as a whole to undertake comprehensive examination of the rule.

The Business Advisory Committee is very important. It devised the ways and means by which the business of the House can be completed timely and smoothly. The duties it performs are very important because it saves the proceedings of the House from frustration and futility by rational allocation of time to the business of the Government as well s private members of the House. Since the Rules of procedures do not prescribe any time limit for the consideration of Bills, the ruling party may resort to the device to the device known as the 'closer motion' as provided in the Rules of Procedure and Conduct of Business. The Business Advisory Committee allots time for bills which can be passed within the allotted time without resorting to closer motion. The Business Advisory Committee being the most representative committee of the House, its decisions are binding on all members and it therefore, performs a very useful function on behalf of the House.

Conclusion

However it can be emphasized that much of Parliament's inability to come to terms with these challenges are as much of its own making as the product of any general structural changes in Indian politics, or the economy. For example, while it is true that legislation is becoming increasingly complex and demands a set of technical skills few parliamentarians possess, much of the inattention to legislative matters is due to parliament's own predilections and incentive structures. Indian Parliament is becoming a less effective voice on fiscal management, on the economy, on social policy and on the terms on which India is integrating into the global economy, because of self-abdication and not because of uncontrollable factors and some other hard realities.

But in so far as structural changes in Indian politics have led to an adverse self-selection in who enters politics, and thereby the caliber of persons likely to enter parliament, one cannot be too optimistic about the capacity of parliament to

rejuvenate itself. More important than the changes in the professional background of members of parliament is the reality that those charged with making laws are frequently law breakers themselves. Some time back the Indian Supreme Court passed a judgment making it mandatory for candidates contesting parliamentary or assembly polls to disclose their criminal antecedents to the electorate (if any) and information bearing on their personal finances and education. B. R. Ambedkar, the person acknowledged to be the father of the Indian Constitution had warned the Constituent Assembly: "I feel, however good a Constitution may be, it is sure to turn out bad because those who are called to work happen to be a bad lot... The working of the Constitution does not depend wholly upon the nature of the Constitution.

Thus the Committee system as agency of parliamentary apparatus alone can help to work democracy successfully affording a ground of consensus and the Legislature. It is hoped that Parliamentary will take note of these suggestions and it will go a long way in the successful working of our democratic institutions. The importance of Committee system in a democratic set-up cannot be over emphasized.

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