

Parliamentary committees

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Manifest Pedagogy: A revamp of the Standing Committees of Parliament recently could potentially worsen the relations between the government and opposition parties. Political polarisation and the shrinking middle ground has been leading to increasingly rancorous debates in Parliament, and so a great deal of legislative business ends up taking place in the Parliamentary Committees instead. There is a need to strengthen the parliamentary committees rather than bypassing them for the betterment of the parliamentary democracy.

In News: Recently 22 standing committees of the parliament were revamped by the ruling party.

Placing it in the Syllabus: Polity

Static Dimensions

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- The various Committees of Parliament

Current Dimensions

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- Discussions/ debates in the Parliamentary Committees differ from those in Parliament
- Constitution of committees
- How important are the recommendations of the Committees?
- Importance of Parliamentary Committees in Indian democracy
- Challenges in working of the Parliament committees.

Content

More on news

- Of the 22 committees announced on Tuesday, the Congress has the post of chairperson in only one, and the second

largest opposition party, Trinamool Congress, none.

- The ruling BJP has the chairmanship of the important committees on Home, Finance, IT, Defence and External Affairs.

About Committees of Parliament

- Legislative business begins when a Bill is introduced in either House of Parliament. But the process of lawmaking is often complex, and Parliament has limited time for detailed discussions.
- Also, the political polarisation and shrinking middle ground has been leading to increasingly rancorous and inconclusive debates in Parliament – as a result of which a great deal of legislative business ends up taking place in the Parliamentary Committees instead.
- A Parliamentary Committee is a panel of MPs that is appointed or elected by the House or nominated by the Speaker, and which works under the direction of the Speaker.
 - It presents its report to the House or to the Speaker.
- Parliamentary Committees have their origins in the British Parliament.
- They draw their authority from **Article 105**, which deals with the privileges of MPs, and **Article 118**, which gives Parliament authority to make rules to regulate its procedure and conduct of business.

The various Committees of Parliament

- Broadly, Parliamentary Committees can be classified into **Financial Committees, Departmentally Related Standing Committees, Other Parliamentary Standing Committees, and Ad hoc Committees.**
- **The Financial Committees** include the Estimates Committee, Public Accounts Committee, and the Committee on Public Undertakings. These committees were

constituted in 1950.

- Seventeen **Departmentally Related Standing Committees** came into being in 1993, when Shivraj Patil was Speaker of Lok Sabha, to examine budgetary proposals and crucial government policies.
 - The aim was to increase Parliamentary scrutiny, and to give members more time and a wider role in examining important legislation.
 - The number of Committees was subsequently increased to 24. Each of these Committees has 31 members – 21 from Lok Sabha and 10 from Rajya Sabha.
- **Ad hoc Committees** are appointed for a specific purpose.
 - They cease to exist after they have completed the task assigned to them, and have submitted a report to the House.
 - The principal Ad hoc Committees are the Select and Joint Committees on Bills. Committees like the Railway Convention Committee, Committee on Food Management and Security in Parliament House Complex, etc. also come under the category of Ad hoc Committees.
- Parliament can also constitute a **Joint Parliamentary Committee (JPC)** with a special purpose, with members from both Houses, for detailed scrutiny of a subject or Bill.
 - Also, either of the two Houses can set up a **Select Committee** with members from that House.
 - JPCs and Select Committees are usually chaired by ruling party MPs, and are disbanded after they have submitted their report.

Discussions/ debates in the Parliamentary Committees differ from those in Parliament

- The time to speak on a Bill is allocated according to the size of the party in the House. MPs often do not get

adequate time to put forward their views in Parliament, even if they are experts on the subject.

- Committees are small groups with relatively less demands on their time. In these meetings, every MP gets a chance and the time to contribute to the discussion. Parliament has only around 100 sittings a year.
 - Committee meetings are independent of Parliament's calendar.
- Also, because the discussions are confidential and off-camera, party affiliations usually do not come in the way of MPs speaking their minds in ways they are unable to do in Parliament, whose proceedings are telecast live and members are often constrained to speak to their constituencies.
- As a result, many MPs concede that “real discussions” happen inside the Committees – agreeing in principle with the former US President Woodrow Wilson who observed that “Congress in session is Congress on public exhibition, whilst Congress in its committee rooms is Congress at work”.
- The Committees work closely with multiple Ministries, and facilitate inter-ministerial coordination.
- Bills that are referred to Committees often return to the House with significant value-addition.
- The Committees look into the demands for grants of Ministries/departments, examine Bills pertaining to them, consider their annual reports, and look into their long-term plans and report to Parliament.

Constitution of committees

- There are **16 Departmentally Related Standing Committees for Lok Sabha and eight for Rajya Sabha; however**, every Committee has members from both Houses.
- Lok Sabha and Rajya Sabha panels are headed by members of these respective Houses.
- Among the important **Lok Sabha panels** are: Agriculture;

Coal; Defence; External Affairs; Finance; Communications & Information Technology; Labour; Petroleum & Natural Gas; and Railways. The important Rajya Sabha panels include Commerce; Education; Health & Family Welfare; Home Affairs; and Environment.

- There are other Standing Committees for each House, such as the Business Advisory Committee and the Privileges Committee.
 - The Presiding Officer of each House nominates members to these panels.
 - A Minister is not eligible for election or nomination to Financial Committees, and certain Departmentally Related Committees.
- Presiding Officers use their discretion to refer a matter to a Parliamentary Committee, but this is usually done in consultation with leaders of parties in the House.
- The appointment of heads of the Committees is also done in a similar way.
 - By convention, the main Opposition party gets the post of PAC chairman; it is currently with the Congress.
 - Chairmanship of some key committees has been allocated to opposition parties in the past.
 - However, this pattern has changed in the latest rejig.
- The heads of the panels schedule their meetings. They play a clear role in preparing the agenda and the annual report, and can take decisions in the interest of the efficient management of the Committee.
 - The chairperson presides over the meetings and can decide who should be summoned before the panel.
- An invitation to appear before a Parliamentary Committee is equivalent to a summons from a court: If one cannot come, he or she has to give reasons, which the panel may or may not accept.

- However, the chairman should have the support of the majority of the members to summon a witness.
- MPs typically have a **one-year tenure** on Parliamentary Committees.
 - Usually, the composition of a Committee remains more or less the same in terms of representation of the various parties.

How important are the recommendations of the Committees?

- Reports of Departmentally Related Standing Committees are recommendatory in nature.
- They are not binding on the government, but they do carry significant weight. In the past, governments have accepted suggestions given by the Committees and incorporated them into the Bill after it has come back to the House for consideration and passage.
- These panels also examine policy issues in their respective Ministries and make suggestions to the government.
- The government has to report back on whether these recommendations have been accepted.
- Based on this, the Committees table Action Taken Reports, detailing the status of the government's action on each recommendation.
- However, suggestions by the Select Committees and JPCs – which have a majority of MPs and heads from the ruling party – are accepted more frequently.

Importance of Parliamentary Committees in Indian democracy

- **Laws**-Due to the large volume of legislature, discussion of all the bills in parliament in detail is not possible.
 - Committees do a detailed discussion and analysis on a proposed law, thus enabling that every law is for the benefit of citizens.
- **Scrutiny**-Parliamentary committees ensure executive

accountability through scrutiny of public spending and various laws.

- Committee reports are usually exhaustive and provide authentic information on matters related to governance.
- **Better informed discussions-** Committee allows members for a more meaningful exchange of views as against discussions in open Houses where party positions take precedence. This allows them to make better decisions on policies.
- **Expertise-**Committees allow use of input and suggestions of various expertise on subject matter of law thereby helping to formulate better policies and laws.
- **Inter-Ministerial Coordination-**They are envisaged to be the face of Parliament in a set of inter- related departments and ministries.
- Parliamentary committees are not bound by the populist demands that generally act as hindrance in the working of parliament.
- As committee meetings are 'closed door' and members are not bound by party whips, the parliamentary committee works on the ethos of debate and discussions.
- Moreover, they work away from the public glare, remain informal compared to the codes that govern parliamentary proceedings, and are great training schools for new and young members of the House.

Challenges in working of Parliamentary committees

- Reduced referrals-According to data by PRS Legislative Research, while 60% of the Bills in the 14th Lok Sabha and 71% in the 15th Lok Sabha were referred to DRSCs concerned, this proportion came down to 27% in the 16th Lok Sabha.
- Important matters not passed to the committee
 - Some of the most momentous Acts of Parliament in recent years such as the overhaul of Article 370

that revoked the special status of Jammu and Kashmir and divided the State into two Union Territories were not processed by any House committee.

- The three Bills related to agricultural produce and the three labour Bills, that definitely deserved to be scrutinised by Select Committees of the Houses, were passed by the government only by using the majority.
- Low attendance of MPs at meetings hurt the spirit of these committees
- Too many ministries under a committee, norms not followed by most political parties while nominating MPs to committees
- The constitution of DRSCs for a year leaves very little time for specialisations.
- MP acting along the party lines rather being an agent of the legislature to hold the executive accountable.

Wayforward

- There must be a code of ethics and code of conduct for the committees.
- Video recording of all the proceedings of the committee
- Amending rules of procedure in both Lok sabha and Rajya sabha, so that all major Bills should be referred to DRSCs so that DRSCs may finalise the second reading stage in the Committee.
- **National Commission to Review the Working of the Constitution (NCRWC)**– DRSCs should be periodically reviewed so that the committees which have outlived their utility can be replaced with new ones.
- Major reports of all Committees should be discussed in Parliament especially in cases where there is disagreement between a Committee and the government.
- **New parliamentary committees**-As there is increasing complexity in matters of economy and technological

progress, there is a need for setting up new parliamentary committees.

- The recommendations of the PACs should be accorded greater weight and they must be treated as the “conscience-keepers of the nation in financial matters.
- **2nd ARC** also recommends that annual reports submitted by the regulators to Parliament should include the progress on pre-agreed evaluation parameters and should be discussed in the parliamentary committee.

Mould your thoughts

1. Parliamentary committees are a very important tool for the legislative to hold the executive accountable. In recent times Parliamentary committees have failed to discharge its mandate. Critically analyse.(250 words)

Approach to the answer.

- Introduction about parliamentary committees.
- How they hold the executive accountable- constitution working.
- Importance of Parliamentary Committees in Indian democracy
- Challenges in working of the Parliament committees.
- Suggestions to make them more effective
- Wayforward and Conclusion.