

State Legislative Committees

February 20, 2021

The Delhi Legislative Assembly's Committee On Peace and Harmony issued summons to Facebook India Vice President, to appear before it to look into the role of fake news behind the Delhi riots of February 2020. It has raised questions about the competence and powers of the State Legislative Committees to summon Facebook for enquiry. In this context, knowing about these committees becomes paramount for every UPSC candidate.

In news: Issue of Delhi Assembly and Legislative Committee's Competence To Summon Facebook For Enquiry Into Delhi Riots

Placing it in the syllabus: Law & Policy

Dimensions:

- What are State legislative committees?
- Their importance
- Shortcomings
- Suggestions

Content

What are State legislative committees?

- State Legislative Committees are committees that assist the Legislature of a State in the discharge of its duties and responsibilities.
- The functions of the State Legislature are varied, complex, and voluminous.
- Moreover, it has neither the adequate time nor the necessary expertise to make a detailed scrutiny of all legislative measures and other matters.
- Therefore, it is assisted by a number of committees in the discharge of its duties.

Types of committees

There are broadly three types of committees:

- **Financial committees:** These scrutinise the expenditure of the government and recommend efficient ways of spending funds (example: Public Accounts Committee and Estimates Committee),
- **Department-Related Standing Committees (DRSC):** These scrutinise the performance of departments under a ministry,
- **Other committees:** These deal with the day-to-day functioning of the legislature (example: Business Advisory Committee, Papers Laid, Rules, etc.)

Comparison with Parliamentary Committees:

- While there are 3 financial committees and 24 department-related committees in Parliament, the number of committees in state legislatures varies.
- For example, Kerala has 14 subject committees examining all departments, while Delhi has seven standing committees scrutinising the performance of various departments.
- However, not all states have a provision for specific DRSCs or subject committees.
- Similar to Parliament, state legislatures also have a provision to form a select committee to examine particular legislation or a subject.
- Such a committee is disbanded after it presents a report with its findings or recommendations. Several Bills in states are referred to select committees.
- However, the practice in some state legislatures with respect to select committees deviates from those in the Parliament.

Their Importance:

Detailed and Informed Debate:

- In India, state legislatures sit for 31 days a year on

average. Several Bills are passed within a few days of their introduction.

- One of the primary responsibilities of the legislature is to hold the executive accountable and examine potential laws.
- Due to the paucity of time, it is difficult for the members to go through all the bills and discuss them in detail.
- To address this issue, various committees are set up in Parliament and state assemblies where smaller groups of members examine Bills in detail and allow for an informed debate in the legislature.

Develops Expertise of Lawmakers

- Apart from scrutinising legislation, committees also examine budgetary allocations for various departments and other policies of the government.
- These mini-legislatures provide a forum for lawmakers to develop expertise.

Building Consensus on Contentious matters

- It also gives a platform to engage with citizens and seek inputs from stakeholders.
- Since these committees consist of members from different parties, they provide a platform for building consensus on various issues.

Their Shortcomings:

Conflict of Interest:

- The rules in several states provide for the minister in-charge piloting the bill to be an ex-officio member of the select committee.
- These states include Rajasthan, Assam, Andhra Pradesh, Chhattisgarh, Telangana.
- Moreover, in Manipur, the rules provide for the minister

to be chairman of the select committee.

- The minister is part of the executive.
- His inclusion in the committee may be in conflict with the committee's role of scrutinising the functioning of the executive.

Interference of Political Executive

- The practice of including ministers in committees is in contrast with the protocol followed in Parliament where a minister is not part of any DRSC or select committee.
- As committees of the legislature hold the executive accountable, having a minister on the select committee undermines the role of the legislature as an oversight mechanism.
- A minister, as a representative of the executive being part of such committees, may impede the ability of committees to effectively hold the executive accountable.

Reduced scope of Scrutiny

- There have been several instances in other state legislatures where the minister introducing a bill was chairman of the select committee examining it.
- In Goa, a bill empowering the government to acquire land for the development of public services is headed by the Revenue Minister of the state.
- Similarly, in Arunachal Pradesh, the select committee examining a bill for the establishment of a university was headed by the Education Minister.
- In Maharashtra as well, the Education Minister was chairman of the select committee scrutinising a bill granting greater autonomy to state universities.
- This interference of the executive in the legislative business hinders impartial scrutiny of legislation.

Other Issues:

- Several states do not have DRSCs to examine budgetary proposals.
- In the absence of DRSCs in all states, most bills are passed without detailed scrutiny while some bills are occasionally referred to select committees.

Suggestions:

- **Ensuring Independence of select committee from the executive:** For rigorous scrutiny of legislation, it is essential that the committees are independent of the executive.
- **Examination of Bills by assembly committees:** In Parliament, bills pertaining to a certain ministry are referred to the respective DRSCs for scrutiny. To strengthen legislatures, DRSCs must examine all bills introduced in the assembly.
- **Giving powers to scrutiny of budgets:** With states increasingly spending more, it is necessary for them to have DRSCs that scrutinise the allocations and expenditures to various departments before they are approved by state assemblies.

Mould your thought: Write a short note on the functioning of the State Legislative Committees.

Approach to the answer:

- Introduction
- What are State Legislative Committees?
- Discuss their need
- Mention their shortcomings
- Suggest measures to improve their functioning
- Conclusion