



Parliamentary Committee System

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This article is based on “Parliamentary scrutiny on the back burner” which was published in The Hindu on 26/09/2020. It talks about the significance of Parliamentary Committee System and their gradual marginalisation in Indian parliamentary democracy.

Representativeness, Responsiveness and Accountability are the foundational pillars of Parliamentary democracy. In India, Parliament has broadly two functions, which are lawmaking and oversight of the executive branch of the government.

Parliament is the embodiment of the people’s will and parliamentary committees are an instrument of Parliament for its own effective functioning.

Over the years, the Indian Parliament has increasingly taken recourse to the parliamentary committee system. However, data and several other instances show that in the last few years there has been a gradual marginalisation of the committee system.

Hence, for the sake of upholding the Parliament’s primary role i.e debate, discussion and deliberation, there is need to take necessary reforms in the parliamentary committee system.

Genesis & Types of Parliamentary Committee

- **Origin:** As is the case with several other practices of Indian parliamentary democracy, the institution of Parliamentary Committees also has its origins in the British Parliament
In independent India, the first Public Accounts Committee was constituted in April 1950.
- **Constitutional Provisions:** Parliamentary committees draw their authority from Article 105 (on privileges of Parliament members) and Article 118 (on Parliament’s authority to make rules for regulating its procedure and conduct of business).
- **Types:** Most committees are ‘standing’ as their existence is uninterrupted and usually reconstituted on an annual basis; some are ‘select’ committees formed for a specific purpose, for instance, to deliberate on a particular bill.
 - In 1993, 17 Departmentally-related Standing Committees (DRSCs), later increased to 24, were constituted in the Parliament.
 - These committees drew members from both Houses roughly in proportion to the strength of the political parties in the Houses..
- **Allocation of Business:** The chair uses her discretion to refer a matter to a parliamentary committee but this is usually done in consultation with leaders of parties in the House.
 - The practice of regularly referring bills to committees began in 1989 after government departments started forming their own standing committees.
 - Prior to that, select committees or joint committees of the houses were only set up to scrutinise in detail some very important bills.

- **Some Important Parliamentary Committees in Finances:** Financial control is a critical tool for Parliament's authority over the executive; hence finance committees are considered to be particularly powerful.

The three financial committees are the Public Accounts Committee, the Estimates Committee and the Committee on Public Undertakings.

Significance of Parliamentary Committee System

- **Inter-Ministerial Coordination:** They are envisaged to be the face of Parliament in a set of inter-related departments and ministries.
They are assigned the task of looking into the demands for grants of the ministries/departments concerned, to examine Bills pertaining to them, to consider their annual reports, and to look into their long-term plans and report to Parliament.
- **Instrument For Detailed Scrutiny:** Committee reports are usually exhaustive and provide authentic information on matters related to governance.
 - Bills that are referred to committees are returned to the House with significant value addition.
 - Besides the standing committees, the Houses of Parliament set up ad hoc committees to enquire and report on specific subjects that are assigned the task of studying a Bill closely and reporting back to the House.
 - Also, in the discharge of their mandate, they can solicit expert advice and elicit public opinion.
- **Acting As Mini-Parliament:** These Committees are smaller units of MPs from both Houses, across political parties and they function throughout the year.
 - Also, Parliamentary committees are not bound by the populist demands that generally act as hindrance in working of parliament.
 - As committee meetings are 'closed door' and members are not bound by party whips, the parliamentary committee work 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.

A Gradual Marginalisation

- **Decline in Matters Referred:** 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.
 - Apart from the DRSCs, there are negligible bills referred to Select Committees of the Houses or Joint Parliamentary Committees.
 - The last Bill referred to a Joint Parliamentary Committee was The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Second Amendment) Bill, in 2015.
- **Neglected in The Matters of Great Public Importance:** 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.
Recently, even after popular protests against 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.
- **Other Shortcomings:** Other issues affecting the functioning of the committees are low attendance of MPs at meetings; too many ministries under a committee; norms not followed by most political parties while nominating MPs to committees; and the constitution of DRSCs for a year leaves very little time for specialisations.

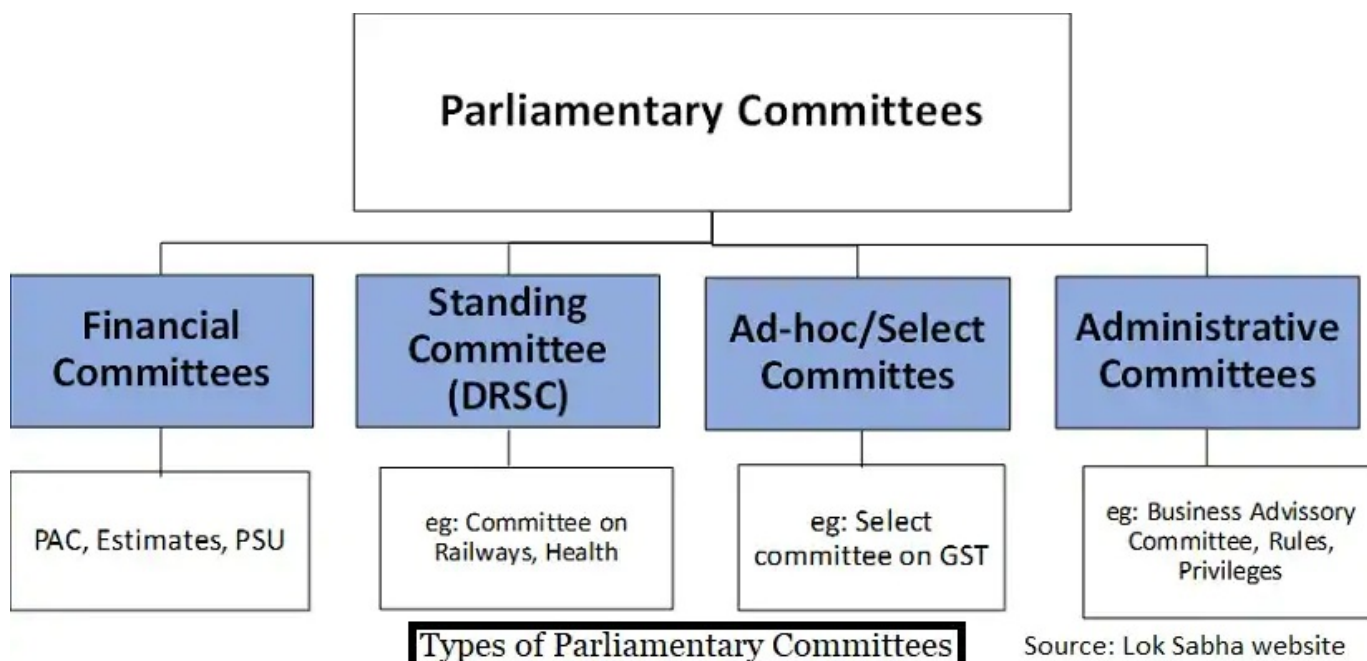
Way Forward

- **Setting Up New Committees:** Given the increasing complexity in matters of economy and technological advancement there is a need for setting up new parliamentary committees. For example:
 - **Standing Committee on National Economy** to provide analysis of the national economy with resources for advisory expertise, data gathering and research facilities.
 - **Standing Constitution Committee to scrutinise Constitutional Amendment Bills** before they are introduced in Parliament.
 - Standing Committee on Legislations to oversee and coordinate legislative planning. .
- **Mandatory Discussion:** Major reports of all Committees should be discussed in Parliament especially in cases where there is disagreement between a Committee and the government.
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”.
- **Periodic Review:** According to the 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.
- **Amending Rules of Business:** Apart from these, there is need to amend 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.

Conclusion

Primary role of Parliament is deliberation, discussion and reconsideration, the hallmarks of any democratic institution. However, Parliament deliberates on matters that are complex, and therefore needs technical expertise to understand such matters better.

Thus, Parliamentary Committees help with this by providing a forum where Members can engage with domain experts and government officials during the course of their study. There is a need to strengthen the parliamentary committees rather than bypassing them for the betterment of the parliamentary democracy.



Drishti Mains Question

Representativeness, Responsiveness and Accountability are the foundational pillars of Parliamentary democracy in India. Discuss the utility of Parliamentary committees in this regard.



Watch Video At: https://youtu.be/VyG54O_zEdM

This editorial is based on “The foreign hand: On FCRA amendments” which was published in The Hindu on September 25th, 2020. Now watch this on our Youtube channel.
