

## DEPARTMENT RELATED STANDING COMMITTEES IN INDIAN PARLIAMENT: AN ASSESSMENT\*

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*In order to ensure that accountability of the executive to the legislature is meaningful and effective, the system of Department Related Standing Committees was introduced in the Indian Parliament in 1993. The author attempts an assessment of the working of these committees and their role and suggests measures for strengthening the chain of legislative control over administration.*

### INTRODUCTION

IN RECENT years, a critical dimension of intellectual discourse on legislative studies, comprises paying increasing attention to the strategies adopted by legislatures, the world over, to ensure, with a greater degree of objectivity, the accountability of the executive. The concept of accountability is the bedrock of any system of democratic governance and a vibrant, sensitive and effective administration is invariably the corollary of a conscientious legislature that asserts its will through a wide range of legitimate channels and instruments. It was John Stuart Mill who rightly asserted that:

*the proper office of a representative assembly is to watch and control the government; to compel a full exposition and justification of all of them which any one considers questionable; to censure them if found condemnable ... the parliament has an office ... to be at once the nation's Committee of Grievances, and its Congress of Opinions.<sup>1</sup>*

This statement eloquently expresses the ideal multi-track role of a legislature as a pillar of democratic rule and governance by popular consent. An overview of the genesis of the parliamentary system vividly demonstrates the gradual process by which the legislature systematically asserted its authority. The untiring and steady efforts of the legislature to progressively consolidate its power of control over the executive has been the hallmark of

the parliamentary system of governance.

However, the sheer complexity and volume of governmental activity has, at least in the Indian context, resulted in a situation wherein the government's accountability to the legislature appears, more often than not, to have become illusory, distant and hopelessly insignificant.<sup>2</sup>

This article specifically focuses on an initiative taken by the Indian Parliament in the early 1990's the creation of Department Related Parliamentary Committees an effort in the direction of ensuring that the accountability of the administration to the legislature is more meaningful and effective. An assessment of the new initiative is undertaken specifically for the period 1993-95.

### DEPARTMENT RELATED PARLIAMENTARY COMMITTEES: THE BACKGROUND

It would be appropriate here to assess the factors that were responsible for creation of the Department Related Parliamentary Committees (hereinafter referred to in this article as Committees).<sup>3</sup>

An important aspect of the Legislature's power in the sphere of control, is the authority it exercises in the sphere of finance. In UK—the home of Parliamentary democracy—Parliament had to involve itself in a protracted struggle with the Crown to secure the exclusive authority to grant funds required by the government and to legislate on all measures of taxation.

In keeping with the spirit of parliamentary democracy, Article 112(1) of the Indian Constitution clearly states that the President shall in respect of every financial year, cause to be laid before both the Houses of Parliament a statement on the estimated receipts and expenditures of the Government of India for that year. The estimated expenditures are submitted to the *Lok Sabha* (Lower House) in the form of Demands for Grants and may be passed, refused or reduced by it [Article 113(2)].

While the *Lok Sabha* has the right to discuss, debate and approve the financial proposals of government, over the years, these discussions have not permitted a detailed scrutiny of the budgetary proposals of the government. In most cases, the Lower House has passed the Demand for Grants of Departments even without a discussion. An analysis of the discussion in the Lok Sabha on the Demands for Grants during the period 1985 to 1995 (both years included)—11 budgets—shows that the House has concentrated mainly on seven Ministries/Departments.<sup>4</sup> The Demands for Grants of as many as 11 Ministries/Departments were not taken up for detailed discussion even once

<sup>2</sup>An analysis of the Reports of the Comptroller and Auditor General go to prove this point.

<sup>3</sup>Interestingly, the initiative to constitute such committees was first taken by a few state legislatures in India (discussed later in this article). In these states, the committees are referred to as Subject Committees.

<sup>4</sup>While the Demands for Grants of the Agriculture Ministry was discussed on all but three occasions, the Demands of the Ministry of External Affairs was discussed on seven of the 11 occasions, Education/Human Resources Development, Defence and Home Ministries on six of the 11 occasions while the Demands for Grants of the Ministry of Food and Civil Supplies and Ministry of Water Resources/Irrigation were discussed on five of the 11 occasions.

\*I would like to thank my colleague Dr. Jeevan Kumar for going through an earlier draft of this article and making extremely useful suggestions. Needless to say, I accept sole responsibility for any flaw in the article.

<sup>1</sup>J.S. Mill, *Considerations on Representative Government*, Chicago, Regene, 1962, p. 111. Emphasis added.

during this period.<sup>5</sup> Further, between 1985 and 1995 on most occasions, more than 85 per cent of the Demands were passed without any discussion.<sup>6</sup>

In view of this trend, Parliament took the initiative to establish Subject Committees to permit a more detailed analysis of the budgetary proposals of the government. It needs to be stressed in this context that, with the responsibilities entrusted to the legislature registering a phenomenal increase, legislative committees appear to have become the nerve-centre for serious legislative activity. At the 40th Commonwealth Parliamentary Conference, held at Alberta in October 1994, the consensus appeared to be that strengthening the committee system was a critical aspect of 'parliamentary reform programme aimed at increasing public involvement and public scrutiny'.<sup>7</sup>

The creation of Subject Committees was first discussed by the Presiding Officers of Legislative Bodies in India way back in 1978.<sup>8</sup> However, it took Parliament more than a decade and a half to create these Committees. It was on 11 March 1993, that a joint sitting of the Rules Committee of the *Lok Sabha* and the *Rajya Sabha* (Upper House) was held to discuss and approve the proposal relating to the formation of the Department Related Committees. Both the *Rajya Sabha* and the *Lok Sabha* approved the rules pertaining to creation of these Committees on March 29, 1993.<sup>9</sup> The new Committee System was inaugurated on March 31, 1993. Speaking on the occasion, the Vice President of India (*ex-officio* Chairman of the *Rajya Sabha*) stressed that with the creation of these committees a new dimension<sup>10</sup> was being added to the parliamentary system. Commenting on this innovation in parliamentary procedure, a leading Indian Daily stated in its Editorial titled 'Parliament by Committees':

Too often in the past, the Westminster style of parliamentary procedure of discussion in the whole House had resulted in inadequate legislative supervision... There is need... for Parliament to exercise vigilance lest the whole system be subverted for partisan purposes or denigrates into becoming a further veil covering parliamentary functioning in democratic India.<sup>11</sup>

<sup>5</sup>These were: Ministries/Departments of Finance, Environment and Forests, Law, Planning and Programme Implementation, Surface Transport, Urban Development/Works and Housing, Welfare, Civil Aviation and Tourism, Parliamentary Affairs, Personnel and Food Processing.

<sup>6</sup>In 1985-86: 85 per cent; in 1986-87: 85 per cent; in 1987-88: 87 per cent; in 1988-89: 85 per cent; in 1989-90: 76 per cent; in 1990-91: 75 per cent; in 1991-92: 75 per cent; in 1992-93: 98 per cent; in 1993-94: 94 per cent; and in 1994-95: 96 per cent of the Demands for Grants were passed without any discussion.

<sup>7</sup>'Parliament and People: First Plenary', Proceedings of the 40th Commonwealth Parliamentary Conference, Alberta, Canada, October 4-14, 1994, *The Parliamentarian*, Vol. 76, No. 1, January 1995, p. 7.

<sup>8</sup>G.C. Malhotra, "India's Departmentally-Related Committee System", *The Parliamentarian*, Vol. 74, No. 7, July 1993, p. 169.

<sup>9</sup>India, *Debates*, Lok Sabha, Vol. 20, No. 24, (10th Lok Sabha), Col. 610-639; and India, *Debates*, Rajya Sabha, Vol. 156, No. 23, Col. 156-166.

<sup>10</sup>*Economic Times*, Bangalore, April 1, 1993.

<sup>11</sup>*Times of India*, Bangalore, April 2, 1993.

The new innovation introduced in Parliament in 1993, with regard to providing for committee scrutiny of the expenditure proposals put forward by the government, had earlier been introduced in two State Legislatures in India. In the State of Kerala, Subject Committees were constituted by the State Legislature, on March 17, 1980, for "improving upon the instrumentalities...available to the legislature for better scrutiny, both of legislative and executive actions".<sup>12</sup> Kerala decided to experiment with the new system, in the light of the discussions at the Fifth Conference of Commonwealth Speakers and Presiding Officers held at Canberra in August-September 1978 and the success of similar initiatives in U.K. and Canada.<sup>13</sup> In 1988, the West Bengal Legislature decided to constitute similar Subject Committees. More recently, in 1994, the Karnataka Legislature—inspired by the developments at the Central level—has constituted Subject Committees.

#### ORGANISATION OF THE COMMITTEES

The rules relating to the Subject Committees—adopted by the *Lok Sabha* and the *Rajya Sabha* on March 29, 1993—provided for constitution of 17 Committees.<sup>14</sup> Each Committee consists of 45 members of whom 30 are nominated by the Speaker of the *Lok Sabha* and 15 by the Chairman of the *Rajya Sabha*. The relative strength of the different political parties in the House, is borne in mind by the Presiding Officers while nominating the members of the various Committees. The term of the members of these Committees is one year. While the Chairman of six of the Committees are appointed by the Chairman of the *Rajya Sabha*, from among the members of the Committee, the Chairmen of the remaining 11 Committees are appointed by the Speaker of the *Lok Sabha* from among the members of the Committee.<sup>15</sup> The Presiding

<sup>12</sup>Report of the *ad hoc* committee appointed in 1979 for constitution of Subject Committees, *Handbook on Subject Committees*, Thiruvananthapuram, Kerala Legislature, 1995, p. 32.

<sup>13</sup>*Ibid.*, p. 34.

<sup>14</sup>Committees with Ministries/Departments to which they relate given in parentheses: (1) Commerce (Commerce and Textiles); (2) Home Affairs (Home Affairs; Law, Justice and Company Affairs; and Personnel, Public Grievances and Pensions); (3) Human Resource Development (Human Resource Development; and Health and Family Welfare); (4) Industry (Industry, Steel and Mines); (5) Science and Technology, Environment and Forests (Science and Technology; Electronics; Space; Ocean Development; Biotechnology; Environment and Forests); (6) Transport and Tourism (Civil Aviation; Surface Transport and Tourism); (7) Agriculture (Agriculture; Water Resources; Food Processing); (8) Communications (Information and Broadcasting; Communications); (9) Defence (Defence); (10) Energy (Coal; Non-conventional Energy Sources; Power; and Atomic Energy); (11) External Affairs (External Affairs); (12) Finance (Finance; Planning and Programme Implementation); (13) Food, Civil Supplies and Public Distribution (Food; Civil Supplies, Consumer Affairs and Public Distribution); (14) Labour and Welfare (Labour; and Welfare); (15) Petroleum and Chemicals (Petroleum and Natural Gas; Chemicals and Petrochemicals; and Fertilizers); (16) Railways (Railways); and (17) Urban and Rural Development (Urban Development and Rural Development).

<sup>15</sup>The Chairmen of the first six Committees (1-6) are appointed by the Chairman of the *Rajya Sabha* and the Chairmen of 11 Committees (7-17) are appointed by the Speaker of the *Lok Sabha*.

Officers have given due weightage to the strength of various political parties while appointing Committee Chairmen and a few members from among the Opposition parties are invariably nominated as Chairman.<sup>16</sup> Ministers cannot be nominated as members of the Committee and in the event of committee members being appointed as Ministers, they cease to be members of the Committee from the date of such appointment.<sup>17</sup>

Interesting comparisons can be drawn between the Subject Committee in Parliament and State Legislatures in India, with regard to their organisational pattern. While there are ten Subject Committees in Kerala<sup>18</sup> and West Bengal,<sup>19</sup> the Karnataka Legislature has provided for 15 Subject Committees<sup>20</sup> In the case of Karnataka, which has a bi-cameral legislature, the committee members hail from both Houses. As Kerala and West Bengal, have uni-cameral legislature, the Committee members here, all hail from only one House.

In Kerala, the rules provide that Ministers shall be *ex-officio* members of every committee, which deals with a Ministry/Department coming under their responsibility.<sup>21</sup> In Karnataka, Ministers are not members of the committee, but can attend the meetings if they so desire, with prior intimation to the Chairman of the Committee.<sup>22</sup> Yet another feature of the rule relating to the Committees in Karnataka is that, a member appointed as the Chairman of a Subject Committee, on completion of his/her term, cannot be appointed as Chairman of any other Subject Committee.<sup>23</sup>

### Functions of the Committees

The functions of the Committees are essentially four-fold. In the first place, they are entrusted with the responsibility of considering the Demands for Grants of the concerned Ministries/Departments and submitting a Report on the same to the two Houses.<sup>24</sup> The Committees are, however, not permitted

<sup>16</sup>For the year 1993-94 and 1994-95, among the 17 Chairmen, 9 were from the ruling party and 8 from the opposition.

<sup>17</sup>331D (2), *Rules of Procedure*, Lok Sabha.

<sup>18</sup>(1) Agriculture and Integrated Rural Development; (2) Forests, Fisheries and Government Plantations; (3) Irrigation and Power; (4) Industry and Metals; (5) Transport and Communications; (6) Social Services; (7) Housing and Labour; (8) Economic Affairs; (9) Local Administration; and (10) Home Affairs and Harijan Welfare.

<sup>19</sup>(1) Health and Family Welfare; (2) Panchayat; (3) Education, Information and Cultural Affairs; (4) Transport; (5) Irrigation and Waterways; (6) Welfare, Tourism, Sports and Youth Affairs; (7) Environment; (8) Agriculture, Food and Civil Supplies; (9) Public Works; (10) Power, Commerce and Industries.

<sup>20</sup>(1) Food and Civil Supplies; (2) Education, Law and Parliamentary Affairs; (3) Revenue, Forests, Ecology and Environment; (4) Social Welfare and Labour; (5) Health and Family Welfare; (6) Agriculture, Horticulture, Animal Husbandry and Fisheries; (7) Energy; (8) Finance; (9) Housing and Urban Development; (10) Information, Tourism and Youth Services; (11) Cooperation; (12) Rural Development and Panchayat Raj; (13) Irrigation and Public Works; (14) Industries and Commerce; (15) Home, Transport and DPAR.

<sup>21</sup>Rule 233 (2), *Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly*.

<sup>22</sup>Rule 294 (2), *Rules of Procedure and Conduct of Business in the Karnataka Legislative Assembly* and Rule 275 (2), *Rules of Procedure and Conduct of Business in the Karnataka Legislative Council*.

<sup>23</sup>Rule 294 (4), *Assembly and Rule 275 (4), Council*, n.22.

<sup>24</sup>Rule 331E (i) (a), n. 17.

to make suggestions which would amount to cut motions.<sup>25</sup> Secondly, Bills pertaining to the concerned Ministry/Department may be referred to the committee by the Presiding Officers for examination.<sup>26</sup> Thirdly, they are required to examine the annual reports of the Ministries/Departments and submit a report to the two Houses.<sup>27</sup> Finally, long-term policy documents presented to the House, may be referred to the concerned Committee by the Presiding Officer for their opinion.<sup>28</sup> The rules specifically state that the Committees shall not examine matters relating to day-to-day administration<sup>29</sup> and not consider those matters which are being examined by other Parliamentary Committees.<sup>30</sup>

While examining the Demands for Grants, the Committees are not permitted to make suggestions which would be in the nature of cut motions, as such motions can be moved only in the *Lok Sabha* and the Committee includes *Rajya Sabha* members also. Thus, if the Committee could make suggestions with regard to cut motions, it would amount to giving *Rajya Sabha* members a power they do not possess. In the course of the discussion in the *Lok Sabha* on the new rules relating to formation of the Committees, members drew the attention of the House to the fact that the *Rajya Sabha*'s status on financial matters needs to be borne in mind, while framing the new rules.<sup>31</sup> The *Rajya Sabha*'s powers in the financial sphere have been debated in the past also. In July 1982, there arose a controversy on the question of the association of the members of the *Rajya Sabha* with the Public Accounts Committee. The then Chairman of the *Rajya Sabha*, stated in a Ruling in the House on July 26, 1982, that the members of the *Rajya Sabha* on the Financial Committees had the status of associate members. The crisis was amicably resolved when the Speaker of the *Lok Sabha* stated that there was no question of unequal status of the members of the *Rajya Sabha* in the Financial Committees.<sup>32</sup>

In the State of Karnataka, as the legislature is bi-cameral and the members of the Upper House are associated with the Subject Committees, the rules specifically state that while presenting their report on the Demands for Grants, the Committees should not suggest anything of the nature of cut motions.<sup>33</sup> As there is no Upper House in the Kerala Legislature and all the Subject Committee members are from the Lower House, no such restrictions have been imposed on the Committee.

During the discussion in the *Lok Sabha* on the Rules relating to the new Committees, members demanded that Bills should automatically be referred to the concerned Committee, instead of the concerned Presiding Officer having to forward a Bill for the Committee's examination.<sup>34</sup> Responding to this

<sup>25</sup>Rule 331E (i) (a), n. 17.

<sup>26</sup>Rule 331E (i) (b), n. 17.

<sup>27</sup>Rule 331E (i) (c), n. 17.

<sup>28</sup>Rule 331E (i) (d), n. 17.

<sup>29</sup>Rule 331E, n. 17.

<sup>30</sup>Rule 331 M, n. 17.

<sup>31</sup>India, *Debates*, Lok Sabha, n.8, Col. 611, 621.

<sup>32</sup>For more details, see Sandeep Shastri, *Dynamics of Legislative Control over Administration*, New Delhi, Uppal, 1994, pp. 28-36.

<sup>33</sup>Rule 295 (1) (a), *Assembly and Rule 276 (1) (a), Council*, n. 22.

<sup>34</sup>India, *Debates*, Lok Sabha, n.8, Col. 619-20.

demand, the Speaker of the *Lok Sabha* clarified that:

...the question came up as to who should decide that the Bill is of a technical nature or the Bill is a complicated piece of legislation. And then it was decided that *only Bills of a technical nature would not be referred to the Committee. All other Bills will be referred to the Committee.*<sup>35</sup>

While the Subject Committees of Parliament and in the Kerala State Legislature are not allowed to consider matters of day-to-day administration, no such restriction was imposed on the Committees in the State of Karnataka. As a result the Subject Committees in Karnataka (unwittingly) began interfering in the day-to-day administration. The situation became so serious that the Speaker of the Legislative Assembly had to issue a directive to the Committee Chairmen to stick to their briefs and refrain from interfering in the day-to-day administration as it would defeat the very purpose of constituting the Committees.<sup>36</sup>

As compared to the functions assigned to the Committees of Parliament, the Subject Committees in Kerala have been allotted a wider range of functions. These include, studying and reporting on a specified area of government activity in the wider public interest; formulating views on State's Five year Plans and their implementation; Centre-State relations insofar as they concern the State of Kerala; Reports of Public Service Commission; Reports of Public Undertakings; and Reports of any other statutory or other body which are laid before the Assembly.<sup>37</sup> Further, unlike the rules relating to the Committees of Parliament, the rules in Kerala do not specifically state that the Subject Committees shall not consider those matters which are being examined by other Committees.

#### Working of the Committees

To permit an in-depth analysis of the Demands for Grants of the various Ministries/Departments by the committees, the two Houses of Parliament are adjourned for a specified period, soon after the General Discussion on the Budget.<sup>38</sup> During this recess, the Committees are required to consider the Demands for Grants and submit a Report on the same within the stipulated time allotted.<sup>39</sup>

With regard to Bills referred to the Committees, they are required to consider the general principles and clauses of the Bills and submit a report.<sup>40</sup>

The Committees are permitted to seek expert advice and elicit public opinion, while examining the Demands for the Grants or Bills referred to them. They are also empowered to send for papers, persons and records to

permit a more thorough analysis of the subject being examined. The Committees are also authorised to take oral evidence.

The Reports of the Committees are to be based on broad consensus. Members of the Committee are permitted to submit notes of dissent on the Committee reports. These notes of dissent have to be presented along with the Committee reports to the House.<sup>41</sup> The Rules specifically state that the reports of the Committees shall have *persuasive value* and 'shall be treated as considered advise given by the Committees'.<sup>42</sup>

In 1993, in view of the delay in the framing and approval of the rules, the Committees had limited time for completing the scrutiny of the Demands for Grants and submitting their reports. As a result, it has been argued that the Committee scrutiny in the inaugural year was extremely cursory. In 1994, a controversy arose with regard to the adjournment of the two Houses of Parliament. This adjournment was necessary as per the Rules, to permit the Committees to examine the Demands for Grants. Many of those on the opposition benches felt that the government was attempting to further curtail the already short sessions of the two Houses, using the excuse that sufficient time had to be allotted to the Committees to complete their work.<sup>43</sup> The Speaker of the *Lok Sabha* had to convene a meeting of the government representatives and leaders of the opposition to resolve the *impasse*. Opposition leaders put forward the suggestion that instead of adjourning the session of the Two Houses for a month, the proceeding could be limited to Question Hour and Zero Hour, after which Committee meetings could be held. A one-month adjournment, they felt, would deprive the members of the opportunity of raising "important matters of public interest".<sup>44</sup> The Speaker, however, felt that 'it would not be possible to have simultaneous sitting of Parliament and the Committees in view of the secretarial and other constraints'.<sup>45</sup>

Even during the debate in the *Lok Sabha* on the Rules relating to the new Committee system, several members felt that the session of the House should not be curtailed to accommodate the new Committee system.<sup>46</sup> One member asserted that:

...if we have to break for some days to scrutinize budget proposals of different departments, we will be deprived of opportunities of asking questions.... We do not want to lose the opportunity of asking questions.... I have strong reservations about adjournment of the sitting of the House.<sup>47</sup>

A similar comment was made in the British House of Commons when the

<sup>41</sup>Rule 331 I, n.17.

<sup>42</sup>Rule 331 N (a), n.17. Emphasis added.

<sup>43</sup>*Business Standard*, Bombay, April 14, 1994. Also *Deccan Herald*, Bangalore, April 24, 1994.

<sup>44</sup>"Parliaments Long Recess Opposed", *The Hindu*, Bangalore, March 19, 1994.

<sup>45</sup>*Ibid.*

<sup>46</sup>*India, Debates*, Lok Sabha, n.8, cols. 615, 622, 626.

<sup>47</sup>*Ibid.* Emphasis added.

<sup>35</sup>*India, Debates*, op.cit., Col. 620. Emphasis added.

<sup>36</sup>*Times of India*, Bangalore, March 19, 1996.

<sup>37</sup>Rule 235 (1), n.21.

<sup>38</sup>Rule 331 G (a), n.17.

<sup>39</sup>Rule 331 G (b) and (c), n.17.

<sup>40</sup>Rule 331 H (a), n.17.

new Committee system was debated in 1979. Commenting on the likely scenario in the event of the adoption of the new committee system a Member stressed that:

...we shall have not merely a further drawing away of attention from the Chamber...but the strength of Parliament being increasingly transferred to such committees.<sup>48</sup>

In view of the controversy relating to the adjournment of the Lok Sabha, the Speaker of the House—at the end of the Budget session—held out an assurance that attempts would be made next year to advance the budget session to satisfy those members who were against curtailing the session of the House.<sup>49</sup> However, in 1995, in view of the elections to the State Legislature and the directive of the Election Commission, the Union Budget was presented only on March 15 (it is normally presented on the last working day of February). As a result, the two Houses adjourned for a little over three weeks (from March 31 to April 24) to permit the Committees to complete their investigation. Most of the Committees were not in a position to set aside more than one session for the oral examination of witnesses. In fact, the Committees, which dealt with the Demands for Grants of the Ministries/Departments of Finance,<sup>50</sup> Planning and Programme Implementation<sup>51</sup> and Welfare,<sup>52</sup> were so hard pressed for time that they were unable to record the oral evidence of the concerned officials and had to submit their reports on the basis of the written submissions.

In 1996 and 1997 too, the Department Related Standing Committees were not in a position to undertake an effective review of the budgetary proposals of the government in view of the delay in the presentation of budget and related political developments. The time available for the scrutiny of the budget proposals by the Standing Committees was severely limited in 1996, on account of presentation of budget in July (it is normally presented in February end). In 1997, the resignation of the government soon after presentation of the budget (even as Parliament had adjourned for a month long recess to permit the Department Related Standing Committees to submit their reports on the budgetary proposals) resulted in attention being deflected away from the Committee's investigation.

The Subject Committees in Karnataka too, have faced similar problems. In 1994—the year the new Committee system was inaugurated—only seven of the 15 Committees submitted their reports within the stipulated time. In

March 1996, the two Houses of the Legislature, amended the rules relating to submission of reports. The new rules states that "the Committee shall present their report within a period of 4 weeks...and shall not ask for more time".<sup>53</sup>

One of the reasons for Committees not being in a position to complete their work in the stipulated time, is the absence of sufficient secretarial staff and infrastructure. The Speaker of the Lok Sabha had taken the stand that "secretarial assistance can be provided gradually (and)... it cannot be built up at once".<sup>54</sup> Even in the British House of Commons, at the time of the discussion on the new Committee system, the then Chairman of the Public Accounts Committee had warned that, "without staff the proposed committees would not live up to the high hopes of the authors",<sup>55</sup> of the new system. More recently, a comparative study of the reform of the Parliamentary Select Committees in UK and New Zealand, drew attention to the inadequate resources made available to the Committees.<sup>56</sup>

### Reports of the Committee

As mentioned earlier, the Committees have been entrusted with the responsibility of examining the Demands for Grants of the various Ministries/Departments and submit a report on the same. They are also required to submit reports on the Bills submitted for their consideration by the presiding officers, annual reports of the Ministries/Departments and long-term policy documents referred to them by the presiding officers.

In this section, an assessment of the reports of the Committees on the Demands for Grants of various Ministries/Departments is attempted. From the time the Committee system was inaugurated (April 1993) till May 1995, the Committees had submitted 279 reports. on the Demands for Grants presented as part of the 1995-96 Budget, the Committee submitted 51 Reports.

An assessment of the issues that Committees have raised in their Reports on the Demands for Grant shows that these relate to a wide range of issues. A few of them are discussed below:

### *Decline in the Percentage of Grants/ Insufficient Grants*

Committees have commented frequently on the decline in the percentage of grants or the insufficient grants to a Ministry/Department. In its Seventh Report (Demands for Grants 1994-95) and Thirteenth Report (Demands for Grants 1995-96), the Committee on Agriculture expressed its concern on decrease, year after year, in the proportion of the budgetary allocation of the total Central plan made to the Department of Agriculture and Cooperation.<sup>57</sup> The Committee on Labour and Welfare, in its Fifth Report (Demands for Grants

<sup>48</sup>As quoted in Sir Thomas Williams, "Parliament and the Executive", *The Parliamentarian*, Vol. 60, No. 2, p. 87.

<sup>49</sup>*Statesman*, Calcutta, May 14, 1994.

<sup>50</sup>*Thirteenth Report*, Standing Committee on Finance, 1995-96, New Delhi, Lok Sabha Secretariat, 1995, p. 28.

<sup>51</sup>*Fourteenth Report*, Standing Committee on Finance, 1995-96, New Delhi, Lok Sabha Secretariat, 1995, pp. 20-21.

<sup>52</sup>*Twelfth Report*, Standing Committee on Labour and Welfare, 1995-96, New Delhi, Lok Sabha Secretariat, 1995, pp. 26.

<sup>53</sup>Rule 297 (c) and Rule 278 9 (c) respectively, n.22.

<sup>54</sup>*India, Debates*, Lok Sabha, n.8, Col. 628.

<sup>55</sup>As quoted in Sir Thomas Williams, n.48, p. 85.

<sup>56</sup>Phil Goff, "Reform of Parliamentary Select Committees in Britain and New Zealand: A Comparative Analysis", *The Parliamentarian*, Vol. 74, No.7, July 1993, p. 166.

<sup>57</sup>*Seventh Report*, Committee on Agriculture, *Compendium of Recommendations on Demands for Grants, 1994-95*, New Delhi, Lok Sabha Secretariat, 1994, p.1; and *Nineteenth Report*, Demands for Grants, 1995-96, Committee on Agriculture, New Delhi, Lok Sabha Secretariat, 1995, pp. 7-8.

1994-95), noted that during the Seventh Five Year Plan, the Ministry of Welfare was allocated two per cent of the total plan outlay and this had come down to 0.87 per cent in the Eighth Five Year Plan.<sup>58</sup> The Committee on Defence, in its Fourth Report (Demands for Grants 1995-96) expressed concern that there had been no increase, in real terms, in the Defence Budget.<sup>59</sup>

#### *Wide Variation in the Budget Estimates and Revised Estimates*

The Committees have often recorded their displeasure about the wide variation in the Budget Estimates and Revised Estimates of expenditure of various departments. The Committee on External Affairs, in its Second Report (Demands for Grants 1994-95), noted that the Revised Estimates for the Ministry for the year 1993-94 saw a 20 per cent increase as compared to the Budget Estimates. The Committee felt that such a trend of 'excess expenditure' resulted in Parliament being presented with a *fait accompli*.<sup>60</sup> In its report for the next year (Sixth Report) it noted that while the discrepancy between the Budget Estimates and Revised Estimates had come down, there was an urgent need to further refine and improve the system.<sup>61</sup> The Committee on Civil Aviation and Tourism, in its Ninth Report (Demands for Grants 1994-95) came down heavily on the Department for the huge gap between the Budget Estimates and Revised Estimates and warned as follows:

Preparing budget estimates on the lower side and then coming forward for higher increase through the revised estimates is *certainly not a healthy situation*.<sup>62</sup>

#### *Non-utilisation of Grants*

Non-utilisation of budgetary grants by Departments has also evoked adverse comments in Committee reports. While assessing the budgetary allocation for the Department of Agricultural Research and Education, the Committee on Agriculture, stated in its Twentieth Report (Demands for Grants 1995-96) that the Department apparently, did not have the required capacity and capability to spend its plan allocation for the year 1993-94.<sup>63</sup> The same Committee, in its Report on the Ministry of Food Processing Industries observed that the funds allocated for schemes to assist in deep sea fishing and processing ventures during 1993-94 and 1994-95 could not be utilised at all.<sup>64</sup> Commenting on the budgetary provisions for the National Sample Survey

Organisation (NSSO), the Committee on Finance, in its Fourteenth Report (Demands for Grants 1993-94) expressed its dismay over the fact that as against the budget estimates of Rs. five to six crore for the three years 1992-93, 1993-94 and 1994-95, the actual expenditure did not exceed Rs 14 lakhs for each year.<sup>65</sup> In its Twelfth Report (Demands for Grants 1995-96), the Committee on Labour and Welfare noted that an amount of Rs 1.25 crores allocated in 1992-93, 1993-94 and 1994-95, for the National Trust for the Welfare of Persons with Mental Retardation and Cerebral Palsy was not utilised.<sup>66</sup>

#### *Expenditure not Evenly Spread Through the Year*

Departments spending the grants allocated only at the fag end of the financial year was severely criticised by a few Committees. The Committee on Food, Civil Supplies and Public Distribution, in its Tenth Report (Demands for Grants 1995-96), while commenting on the expenditure incurred on the Scheme relating to Intelligence, Enforcement and Man Power Training for the Public Distribution System found that out of a sum of Rs. 19.92 lakh shown as spent during 1994-95, Rs. 12.17 lakh was spent during the last two and a half months of the fiscal year, implying that only Rs. 7.75 lakhs was spent in the first nine and a half months.<sup>67</sup>

#### *Observations on Non-Fiscal Issues*

The observations and recommendations made by the Committee, while examining the Demands for Grants, are often not strictly related to financial matters. The Committee on Agriculture, in its Twentysecond Report (Demands for Grants 1995-96) relating to the Ministry of Water Resources, recommended that it was the 'moral duty' of the government to conduct a survey to find out to what extent the water of major rivers in the country is polluted ... (and it be made ) mandatory to monitor the water quality from time to time<sup>68</sup>

#### *A Critique on Follow-up Action*

##### *Tarday Implementation*

A perusal of the Committee reports shows that time and again mention is made of the fact that the recommendations made in the previous reports have not been implemented or taken seriously. In its Twenty-second Report, the Committee on Agriculture (Demands for Grants 1995-96) was constrained to observe that the government had taken no concrete action on the recommendations it had made (in its Tenth Report) to revitalise and revamp a public corporation.<sup>69</sup> In its Twentieth Report on the Department of Agriculture Research and Development (Demands for Grants 1995-96), the Committee

<sup>58</sup>Fifth Report, Committee on Welfare and Labour, *Compendium*, n.57, p. 210.

<sup>59</sup>Fourth Report, Demands for Grants (1995-96), Committee on Defence, New Delhi, Lok Sabha Secretariat, 1995, p. 10.

<sup>60</sup>Second Report, *Compendium*, n.57, p. 86.

<sup>61</sup>Sixth Report, Demands for Grants 1995-96, Committee on External Affairs, New Delhi, Lok Sabha Secretariat, 1995, p. 6.

<sup>62</sup>Ninth Report, *Compendium*, n.57, pp. 280-81. Emphasis Added.

<sup>63</sup>Twentieth Report, Demands for Grants 1995-96, Committee on Agriculture, New Delhi, Lok Sabha Secretariat, 1995, p.21.

<sup>64</sup>Twentythird Report, Demands for Grants 1995-96, Committee on Agriculture, New Delhi, Lok Sabha Secretariat, 1995 p.19.

<sup>65</sup>Fourteenth Report, Demands for Grants 1995-96, Committee on Finance, New Delhi, Lok Sabha Secretariat, 1995, p.7-8.

<sup>66</sup>Twelfth Report, Demands for Grants 1995-96, Committee on Labour and Welfare, New Delhi, Lok Sabha Secretariat, 1995, p.7.

<sup>67</sup>Tenth Report, Demands for Grants 1995-96, Committee on Food, Civil Supplies, and Public, Distribution, New Delhi, Lok Sabha Secretariat, 1995, p.5.

<sup>68</sup>Twentysecond Report, Demands for Grants 1995-96, Committee on Agriculture, New Delhi, Lok Sabha Secretariat, 1995, p.8.

<sup>69</sup>*Ibid.*, p.10

on Agriculture, dealt at length with one of its earlier recommendations. While the Indian Council of Agricultural Research (ICAR) had made a proposal for an allocation of Rs 2008.78 crores, the Planning Commission had approved an allocation of only Rs. 1300 crore. When the Committee desired that the matter should be pursued, the Department responded by saying that the amount sanctioned was sufficient to accommodate most of the important research programme and also initiate new programmes. To this the Committee reacted that they could only come to the conclusion that either the original projections were unduly inflated and unrealistic or the Department's statements are self contradictory.<sup>70</sup> In its Twenty-first report (Demands for Grants 1995-96) on the Department of Animal Husbandry and Dairying, the Committee on Agriculture was critical of the fact that inspite of its earlier recommendation that the government must observe economy under the head 'Domestic and Foreign Travel', corrective measures had not been taken.<sup>71</sup>

In its Tenth Report (Demands for Grants 1995-96) on the Ministry of Civil Supplies, Consumer Affairs and Public Distribution, the Committee on Food, Civil Supplies and Public Distribution observed that its earlier recommendations had *not been implemented in letter and spirit*.<sup>72</sup> A similar comment was made by the Committee on Labour and Welfare, which observed that the Labour Ministry had taken its recommendations very lightly<sup>73</sup> and not given it due priority.<sup>74</sup>

In its Seventh Report, the Committee on Agriculture had suggested that the transport subsidy on seeds given to the National Seeds Corporation (NSC) for operation in the North East should be extended to other hilly areas of the country.<sup>75</sup> The government accepted the recommendation of the Committee and in the Budget for 1995-96 in which a provision of Rs 80 lakhs was made for the same. However, the Committee found that inspite of an allocation being made, the Ministry had no specific plan as regards to allocation of budgetary support.<sup>76</sup> This amounted to accepting the Committee recommendation on paper, but doing little to give it practical shape.

#### *Reflections from Action Taken Reports*

A study of the Action Taken on the Report on the Demands for Grants of the Ministry of Civil Supplies, Consumer Affairs and Public Distribution (1994-95) submitted by the Committee on Food Civil Supplies and Public Distribution, shows that of the nine recommendations made, two were accepted by the government and in the case of four, the Committee did not accept the replies of the Government. The two recommendations/observations of the

<sup>70</sup> *Twentieth Report*, n.63, pp. 20-21.

<sup>71</sup> *Twentyfirst Report*, Demands for Grants 1995-96, Committee on Agriculture, New Delhi, Lok Sabha Secretariat, 1995, pp. 13-14.

<sup>72</sup> *Tenth Report*, n. 67, p. 15. Emphasis added.

<sup>73</sup> *Eleventh Report*, Committee on Labour and Welfare 1995-96, New Delhi, Lok Sabha Secretariat, 1995, p.3.

<sup>74</sup> *Ibid.*, p.29.

<sup>75</sup> *Fifth Report*, *Compendium*, n.57., pp 2-3.

<sup>76</sup> *Nineteenth Report*, n.57, pp.17-18.

Committee which were accepted by the Government, related to merely keeping a close watch on the progress of implementation of a specific plan and reviewing the working of a public corporation.<sup>77</sup> The four recommendations in the case of which the Committee was not satisfied with the response of the government, were amongst the most critical that the Committee had made. These related to: (a) Delays on the part of the Government in recovering amounts paid to a cooperative bank against invocation of Central Government Guarantee, where the Government did not demand pledging of securities as set off against guarantee<sup>78</sup>; (b) The shoddy working of voluntary Retirement Scheme in Public Sector Units<sup>79</sup>; (c) The Ministries failure to coordinate the circulation of literature in regional languages on consumer rights<sup>80</sup>; and (d) Failure of the Ministry to ensure/take steps that the excise concessions given to the industry percolate to the consumers.<sup>81</sup>

The Action Taken Report (Eleventh Report) of the Committee on Food, Civil Supplies and Public Distribution on the recommendations/observations made relating to the Demands for Grants of the Ministry of Food, shows that though seven of the 12 recommendations/observations made were accepted by the Government, three critical recommendations accepted related to effecting response. Here, again, the recommendations accepted related to effecting economy (in general terms), ensuring better inter-Ministry coordination, adherence to norms, exploring the possibility of exports, ensure achieving of targets and better monitoring of projects.<sup>82</sup> The only substantive issue on which the government accepted the Committee's recommendation related to vigilance cases.<sup>83</sup> The observations of the Committee, which did not elicit a satisfactory response from the government, related to: (a) specific measures to curb non-Plan Expenditure;<sup>84</sup> (b) delays in deciding Central Issue Prices of food grains;<sup>85</sup> (c) delays in processing of regularisation and waiving off transit and storage claims.<sup>86</sup>

Similarly, the Action Taken Report (Thirteenth Report) of the Committee on Railways shows that of the 28 recommendations/observations contained in its Sixth Report, nine were accepted by the government; and regarding its ten recommendations, the Committee was not satisfied with the government's response. Interestingly, in the case of most of the recommendations of the Committee accepted by the government, the government response was that the observation/recommendation had been noted.<sup>87</sup> The recommendations in

<sup>77</sup> *Ninth Report*, Committee on Food, Civil Supplies and Public Distribution, 1995-96, pp. 9-10.

<sup>78</sup> *Ninth Report*, Committee on Food, Civil Supplies and Public Distribution, 1995-96, New Delhi, Lok Sabha Secretariat, 1995, pp. 2-4.

<sup>79</sup> *Ibid.*, pp. 4-6.

<sup>80</sup> *Ibid.*, p. 6.

<sup>81</sup> *Ibid.*, pp. 6-8.

<sup>82</sup> *Eleventh Report*, Committee on Food, Civil Supplies and Public Distribution, *op.cit.*, pp.8-16.

<sup>83</sup> *Ibid.*, pp. 11-12.

<sup>84</sup> *Ibid.*, pp. 2-3.

<sup>85</sup> *Ibid.*, pp. 3-4.

<sup>86</sup> *Ibid.*, pp. 4-7.

<sup>87</sup> *Thirteenth Report*, Committee on Railways, New Delhi, Lok Sabha Secretariat, 1995, pp. 19-27.

respect of which the replies of the Government were not accepted by the Committee include: (a) failure of the Railways to undertake a study to identify the backward and tribal area which can be linked by rail<sup>88</sup>; (b) Failure of the Railways to undertake a systematic study of the freight traffic growth<sup>89</sup>; (c) Change of procedure while accounting for sale proceeds of old released material/scrap;<sup>90</sup> (d) Setting up of a High Power Committee to decide on taking up/ suspending/freezing new line projects;<sup>91</sup> (e) Under-utilization of funds.<sup>91</sup>

The above Action Taken Reports go to show that the various Ministries have rarely accepted the recommendations/observations of the Committees when they relate to substantive issues like changing procedures, taking actions against errant employees or disturbing the *status quo*. It is relevant to mention at this stage, that in the state of Karnataka, the Presiding Officers of the two Houses, had to publicly express their concern over poor implementation of the Subject Committees recommendations.<sup>93</sup> A newspaper editorial warned:

If the recommendations of these committees were sought to be *consigned to oblivion on account of official apathy* in the manner that would *negate the very concept of executive accountability to the legislature*.<sup>93</sup>

#### ENHANCING ACCOUNTABILITY OF EXECUTIVE AND EFFECTIVENESS OF THE COMMITTEE SYSTEM

While it can be legitimately argued that the new committee system is just three years old and it is too short a period for any meaningful assessment of its working, it is, however, possible to take stock of the achievements of the subject committees during this brief period. It has rightly been argued that 'these new structures constitute significant improvements in the existing instrumentalities'<sup>95</sup> for scrutiny of government and are indicative of the *potential for effective change* in our parliamentary system.<sup>96</sup> The positive contribution that these Committees can achieve (have achieved in other systems) are, 'extension of the range of parliamentary scrutiny, deepening of parliamentary accountability and a widening of the public policy debate'.<sup>97</sup>

#### Need to Check Indifference in Administration

An indifferent administration can prove to be the greatest obstacle to the

<sup>88</sup>Thirteenth Report, committee on Railways, New Delhi, Lok Sabha Secretariat, 1995, pp. 1-3.

<sup>89</sup>Thirteenth Report, Committee on Railways, *op.cit.*, pp. 3-4.

<sup>90</sup>*Ibid.*, pp. 4-6.

<sup>91</sup>*Ibid.*, pp. 8-9.

<sup>92</sup>*Ibid.*, pp. 9-11.

<sup>93</sup>Hindu, Bangalore, May 18, 1995.

<sup>94</sup>Deccan Herald, Bangalore, May 19, 1995. Emphasis added.

<sup>95</sup>T.V. Parameshwaran, "Modern State: Role of Parliamentary Committees", *Statesman*, Calcutta, January 14, 1995.

<sup>96</sup>*Ibid.* Emphasis Added.

<sup>97</sup>Philip Giddings, "Select Committees and Parliamentary Scrutiny", *The Parliamentarian*, Vol. 47, No. 4, October 1994, p. 684.

success of the new experiment. It has even been reported that many of the Government Ministries (including the Finance Ministry) had objected to the new Committee system when the proposal of the Rules Committee was circulated among them.<sup>98</sup> If the Action Taken Reports are any indication, the government does not appear to be too enthusiastic about this new initiative. The Committee on Energy was constrained to observe in one of its reports, that the 'Annual Reports of the Department (Atomic Energy) were not furnished to the Committee until the report was finalised'.<sup>99</sup> Reports in the press also indicated that some of the committees had got polarised on party lines in view of the alleged directive of the Prime Minister to party members to defend the government during committee deliberations.<sup>100</sup>

The existence of an administrative system which is willing to provide necessary facts that the Committees desire.<sup>101</sup> is responsive to the demands for constructive change and views suggestions with an open mind, would make committee investigations more purposive as the system would provide necessary environment in which the recommendations of the committees are taken seriously. It would be useful the government to bear in mind that critical reports submitted by committees are at the most an irritant or an embarrassment, but no more.<sup>102</sup> It has even been suggested that the unanimous reports of the Committees must be treated as binding on the government, as such reports reflect the collective will of the legislature.<sup>103</sup>

#### Need to Strengthen Secretarial and Research Assistance

As mentioned earlier, the secretarial and research assistance that is available to the Committees needs to be strengthened to increase their effectiveness. Specialists from the concerned fields could be associated with the Committees in an advisory capacity. Such a step would immensely strengthen the hands of the Committees in their attempts at effecting the accountability of the executive.

#### Need to Experiment with Open Committee Meetings

The meetings of the Committees are today held *in camera*. There has been an increasing demand that the meetings should be made open to the public, at least on a selective basis. In UK, Canada and Australia, the committee meetings are held in public. Several Members of Parliament have demanded that the committee meetings be open to the press and public as this would enhance accountability of the executive to the legislature.<sup>104</sup> However, Presiding Officers of Legislatures

<sup>98</sup>Janak Singh, "Constitution of Panels Delayed", *Times of India*, Bangalore, January 8, 1993.

<sup>99</sup>Twentythird Report, Committee on Energy, 1995-96, New Delhi, Lok Sabha Secretariat, 1995, p. 1.

<sup>100</sup>*Business Standard*, Bombay, n.43.

<sup>101</sup>Subhash Kashyap, "Standing Committees Must Learn to Run", *Times of India*, Bangalore, May 20, 1995.

<sup>102</sup>Philip Giddings, *op.cit.*

<sup>103</sup>Saifuddin Choudhary, Former Member of Parliament, as quoted in *Business Standard*, n. 43. Also P. Upendra, Member of Parliament, as quoted in *Times of India*, Bangalore, November 12, 1994.

<sup>104</sup>India, *Debates*, Lok Sabha, n.8, col. 617, and *Business Standard*, Bombay, n.43.

have argued that the *in camera* sessions provided for a relaxed and informal atmosphere and given the confidential nature of the committee proceedings it would be difficult to throw it open to the press or the public.<sup>105</sup> A decision could be taken to hold the meetings of the Committees in public, on an experimental and selective basis. If this change has any negative impact on the nature of the investigations, the practice could be discontinued.

#### *Discussing Pace of Implementation in Both Houses*

The two Houses of Parliament, could set aside time to specifically discuss the pace of implementation of the committees' recommendations. During these discussions, ministers could inform the House of the steps taken in their respective ministries, to give effect to the recommendations made by the committees.

The above mentioned reforms have become vital if the chain of parliamentary control is to be strengthened and the dynamics of parliamentary surveillance made operationally purposive. The nurturing of an atmosphere of mutual appreciation, wherein the government views the recommendations of the committees with respect and the committees, in turn, are sensitive to the problems faced by the government, is vital for the growth of a responsible system of effective accountability.

<sup>105</sup>Lok Sabha Speaker, India, *Debates*, Lok Sabha, p. 8, Col. 618. Also see Ramach Kumar