

B.A. Hons. Political Science
Code: 12323903
Legislative Practices and Procedures
Semester IV

Unit III: Parliamentary Committees

‘Legislative’ means ‘making laws’, and ‘Procedures’ means ‘the way of doing something’. So, even without going into the details of the syllabus, we get the first hand impression that this paper is going to deal with all those bodies, committees, institutions, mechanisms and processes that are helpful/or instrumental in making laws. The constitution provides for three tier system of governance and law making: First at central level (that is Parliament); second, at state level (that include various State Legislatures); and third at the local (such as municipal/village level that includes legislative bodies such as Gram Sabha). The first two are introduced by the founding fathers of the constitution and last one has been introduced by the 73rd and 74th Amendment.

Unit III delves into the analysis of various types of parliamentary committees that investigate, scrutinize and review the bills; and assist the parliament to make an informed choice about necessary legislative actions. The members of Parliament, often lack time and technical expertise, to understand the complexities of the problem, and necessary legislative interventions needed to address those problems. Here these committees are very helpful that prepares drafts with additional support from experts and parliamentary secretariat staff.

Every institution is established to resolve or address some problem. So first of all you need to know what the problem is. All parliamentary committee try to address two key issues - first, the Members of Parliament are not expert on complicated issues. Most of them are even not properly educated at least during initial years of parliament. So committees try to fill that gap by drawing

some members who have some knowledge of the concerned area. Second problem is lack of time. There is very little time of each parliamentary session (hardly a month) to debate and discuss so many bills and parliament issues. So, 90 percent of these works are already done by these committees before it goes to parliament for debate and discussions.

Types of Committees

Standing and Ad-hoc Committees

Three important Standing Committees are:

Public Accounts Committee

Estimate committee

Committee on Public Undertakings

Now, you need to know how an institution or legal body is created.

Every institution is established either by a legislation/Act or by an executive order of the head of department or government. Before that a commission or committee is established to research and suggest what should be the shape of the institution , what power it should be given , how should it function, who should be its members etc. On basis of the recommendations of such committee or commission the government either passes an Act or issued an executive order under which a legal institution is setup or established.

Now, see what happened in case of public accounts committee. On the basis of some recommendations the British government had passed Government of India Act 1919. This Act asked the government to setup a Public Accounts committee. But, nothing is established immediately after passing of act because government needed to establish budget, recruit staff, set up building etc. So, it takes time. Thus, it took three years for British government to finally

established the Public Accounts committee in 1921. After independent Indian government continues the same committee with some modifications to suit the Indian polity.

In 1964, on the recommendations of the Krishna Menon committee a separate committee on Public undertakings was established.

Now, the similar thing happened with estimates committee. It was setup on the recommendation of John Mathai committee.

So the procedure is

1. Identify problem
2. Set up commission/committee to suggest a way to address it.
3. Pass a legislation on those recommendations that mandate the government to set up a legal body or institution.
4. Government takes some time to arrange budget, building and staff before establishing a body that is able to function.

Based on these chronologies you can guess which thing would have happened earlier and which later.

Many times recommendation comes in form of Supreme Court or high court judgments. In such cases often government passes a legislation incorporating Supreme Court recommendations.

For example, in Vishaka judgement Supreme Court made many recommendations including one recommendation that required every institution for setting up of a committee to receive the complaints on sexual harassment and address them as quickly as possible.