

4 Parliament

LEARNING OBJECTIVES

- To describe the composition and functions of the two Houses of the Parliament, namely, Lok Sabha and Rajya Sabha.
- To illustrate the changing profile of the Parliament due to the rapid socio-economic churning taking place in the country.
- To elucidate and assess the role and effectiveness of the Parliamentary Committees in the working of the Indian parliamentary system.

Constituting the cardinal precept of parliamentary democracy, the Parliament stands at the core of the institutional arrangement envisaged by the Constitution of India to ensure a democratic polity in the country. Modelled on the pattern of the British Parliament, with substantive modifications, the Indian Parliament is placed in such a way in the polity of the country that no institution or function of the government stands in a position of non-attachment with it. In fact, representing the will of the people through their representatives, the Parliament is destined to govern the basic norms of functioning of various other institutions, in addition to exercising the control over the executive to ensure its accountability. Hence, it becomes important to analyze the basic issues involved in the structure and functioning of the Parliament in India which forms the basic thrust of the present chapter.

A THOUGHTFUL CHOICE

The motivations for the choice of a parliamentary system of governance over the presidential one were embedded not only in the

oft-repeated argument of the previous experience of the Indians in running the governmental system based on parliamentary model but also in the interest of the imperatives of future Indian polity which were to be met by the institution of the Parliament. To put it differently, the adoption of the parliamentary system of governance by the Constituent Assembly was more in keeping with the advantages expected to accrue from the institution of the Parliament in future than the familiarity of Indians with the functioning of representative bodies in the country in the past. Thus, once it was determined firmly that the future Indian polity would be based on democratic principles of governance, thanks to the legacy of the national movement against the authoritarian colonial rulers, the option of parliamentary system would have seemed obvious but there lay deep understanding of the niceties involved in the working of the Parliament and their positive implications for the successful working of the democratic system in the country.

First, as Austin pointed out, the framers sought to achieve the objective of unity in the country through the mechanism of popular government by 'uniting Indians into one mass electorate having universal adult suffrage, and by providing for the direct representation of the voters in genuinely popular assemblies,'¹ the culmination of which are to be found in the Parliament. Overturning the argument of Penderel Moon that 'the root of the trouble lay in the decision to introduce parliamentary democracy into a society which was far from homogenous and riven with a deep Hindu-Muslim cleavage,'² Austin maintained that the problem did not lay in adopting the parliamentary democracy but in the fragmentation of the franchise based on the considerations of property, education, and other qualifications resulting in the split of the electorate into not less than thirteen communal and functional compartments.³ Thus, by one stroke of pen of the framers, the biggest issue troubling their minds was resolved with the provision of the Parliament as the supreme representative body of all the Indians irrespective of any discrimination or biases to foster a feeling of unity among all alike.

Second, the parliamentary system appeared to be the thing that could have accommodated all sorts of imperatives bothering the Constitution-makers on the eve of Independence. Quite evidently, democratic system of governance was a predetermined thing which was sought to be contextualized in the parliamentary system. At the

same time, federal nature of polity also became an indispensable norm with the supremacy of the Constitution holding key to the successful functioning of the other institutions. Establishing an independent judiciary, the framers' major concern, however, remained with obtaining such a flexible system which could come up with plausible solutions to all sorts of expected or unexpected problems likely to be encountered by the nascent independent state of India, with specific challenges to her unity, democracy, and constitutional framework of governance. For instance, going in for a presidential model for the sake of a strong executive to ensure the unity and integrity of the nation, would have been fraught with the real dangers of the President turning into a despot, as happened in many other newly-independent countries including her neighbours, eclipsing the whole notion of democratic governance in the country. Hence, keeping the Parliament in the central position, the framers devised such a hybrid system of governance which included those valuable virtues of all the existing systems of governance that were found propitious to fit into the bill of India as a sovereign, democratic, federal, republic, embarking on the path of socio-economic and political reconstruction of the country.

Last, the institution of Parliament was probably the only operational guarantee which the framers could think of, to ensure the unscathed functioning of federalism in the country by bringing about a harmonious co-existence of the Centre as well as the states under the overall rubric of the Union of India. Although the Supreme Court was also tasked with the responsibility of adjudicating the disputes arising between the Centre and the state or states and/or between two states themselves, such mechanisms were assumed to be the mechanism of last recourse and that too, only to sort out the specific cases of dispute. The well-thought out mechanism of ensuring the sanctity of federal nature of the polity and formulating the broad guidelines regulating the relations between the Centre and the states was obtained in the form of the Parliament. Like the arrangements existing in other federations like the United States, the second chamber of the Parliament—Rajya Sabha—was accorded special powers and functions in relation to the working of the Centre-state relations. Owing to the complexity of India's political divisions into a number of administrative units divided into British ruled provinces and princely states on the eve of Independence, though an equal representation of the states in the Rajya Sabha

was ruled out, specific provisions have been made to make the Rajya Sabha the custodian of the rights of the states. For instance, the provision that a new All India Service can be created only if the Rajya Sabha passes a resolution to this effect by two-third majority, has acted as a useful check on the temptations of the Central Government to constitute more such services as they have, over the years, become the bane of the state's functional autonomy by acting more as the agent of the Central Government than the faithful servants of the state governments.

LIMITATIONS/FEATURES OF INDIAN PARLIAMENT

Since the Indian political system, as envisaged by the Constituent Assembly, happened to be an amalgam of the desirable features of several constitutions existing at the time in different countries of the world, the institutions in India did not become the identical clone of the institutions of the countries from which they have been drawn. This fact is not truer in the case of any other institution than the Indian Parliament. Designed broadly on the pattern of the British Parliament to play the pivotal role in the democratic governance of the country, the position of Parliament in India, is however, so much adjusted to bring it in conformity with the constitutional requirements of other institutions that it underwent substantive transformations, giving way to the emergence of certain peculiar features of the Parliament.

In marked distinction with the British Parliament, the Parliament in India has not been made the supreme insofar as the governance of the country is concerned. Set to function within the bounds of a written Constitution, considered to be the lengthiest in the world, the functional domain of the Parliament is circumscribed by the federal nature of the polity as well as the existence of an independent Supreme Court to act as the guardian and protector of the Constitution. In fact, constitutionally, the sovereignty of the nation lay in the people who, by adopting a written Constitution for them, have permanently obtained the guiding principles of the government which can be altered only by the people themselves through mechanisms like referendum, and so on, not by the representative bodies like the Parliament. Thus, divesting the Parliament of the supremacy, the framers made the Constitution as the supreme law of the land.

Significantly, by demarcating the law-making powers of the Parliament in India into two branches of constitutional and statutory laws, the framers have again tried to restrict the legislative discretion of the Parliament. Consequently, the amendment procedures of the Constitution have been so formulated that special procedure have to be followed in order to carry out an amendment in the constitutional law. Further, in the later years, deducing from the intentions of the framers, the judicial pronouncements have raised a sort of 'holy cow' in the form of the 'basic structure of the Constitution' to bar the Parliament from amending such provisions of the Constitution.

The powers and position of the Parliament were further compromised with the provision of an independent judiciary vested with the responsibility of, among other things, protecting and safeguarding the sanctity of the Constitution. Exercising its power of judicial review to test the constitutionality of the laws made by the legislatures and the orders issued by the executive, the Supreme Court has, from the *Keshvanand Bharti* case of 1973 onwards, emerged to be the biggest challenge to the unfettered powers and positions of the Parliament. Initially, acting under Article 13(2) of the Constitution, which prohibits, subject to specified restrictions, the State from passing any law that would take away or abridge any of the fundamental rights, to nullify numerous enactments of the Parliament, the Court evolved the doctrine of the 'basic structure' of the Constitution to put permanent fetters on the amending powers of the Parliament.

To situate the things in perspective, the apparent fetters put on the powers and functions of Parliament need not be construed in the sense that the framers visualized the adoption of the American doctrine of separation of powers in its strict sense. Rather intending to provide functional vitality to other institutions of the polity also, the framers just infused, in a faint degree, the principle of checks and balances to ensure that the legislature, executive, and judiciary functioned within their allotted sphere. Had they thought of putting the Parliament in a relatively subservient position, they would have gone for the American formulation of 'due process of law' under which parliamentary sovereignty could have been interfered with on the basis of the considerations not expressly provided for in the Constitution. In contrast, what appears to have made the difference to the overall polity in general and the position of the

Parliament in particular, is the adoption of a written Constitution which, by laying down the sacrosanct principles of governance of the country, has marginally taken away the right of the Parliament to formulate the basic premises of governance of the country. Consequently, the Supreme Court has also been given only that much of power to test the constitutionality of the laws made by the Parliament which relates to the alleged destruction of the basic structure of the Constitution. The contemporary phase of seemingly strained relations between the Parliament and the Supreme Court is more due to the inability of Parliament to legislate adequately for the complexities of rapidly changing life of the people and the tendency of the people to get the space vacated by the Parliament to be occupied by the Supreme Court. Otherwise, the constitutional provisions regarding the delineation of the powers and functions of different institutions of the political system have proved to be perfect. The need, therefore, is to realize the axiomatic veracity of the 'fundamental assumption of the success of any political system or of any form of governance that the persons manning its institutions should have the necessary sagacity, erudition and sensitivity so as to ensure that all the institutions comprising the total system of governance function in an orchestrated manner.'⁴

COMPOSITION OF THE PARLIAMENT

Conventionally, like the other parliamentary systems in the world, the composition of the Indian Parliament is also visualized in terms of the President of India and the two Houses, namely, the Rajya Sabha (Council of States) and the Lok Sabha (House of the People). Interestingly, though the nucleus of the Parliament lies in the Lok Sabha, the inclusion of the President, and the Rajya Sabha as the inalienable components of the Parliament is guided both by convention as well as sound principles of democratic parliamentary governance. Based on the British system evolving over a long period of time but moulded in the republican frame, the office of the President of India has been visualized to act as the Head of State in which capacity it has been accorded certain specified functions in relation to all other institutions of the Indian state. To put it differently, assumed to be the only office to hyphenate the various institutions of the state, the President happens to have a

role, in varying degrees, in the structure and functions of all the institutions including the Parliament. Moreover, his position as the chief of the executive whose functional domain is coterminous with the legislature makes it incumbent upon the President to be an integral part of the Parliament⁵ though he does not sit in either of the two Houses except for delivering his opening address.⁶

Devoid of any capacity to unduly influence or deflate the powers and position of the Parliament, the presidential role in the parliamentary arena appears to be primarily, if not totally, ceremonial. For instance, his functions like summoning the session of the two Houses, proroguing the sessions, addressing both the Houses at certain occasions, appointment of pro tem speaker of the Lok Sabha, causing the laying of budget in the Parliament, and presentations of the reports of various other constitutional functionaries and bodies like the Comptroller and Auditor General (CAG) and the Finance Commission, and so on, are purely routine matters requiring no application of mind by the President. However, in certain cases like the dissolution of the Lok Sabha, the seemingly routine functions of the President may assume real overtones with the propensity of turning the tide in the polity even by remaining within the bounds of the constitutional provisions. As explained elsewhere in this volume, this particular power of the President affords him the rare opportunity where he may be in a position to use his discretion. In other cases, though substantive ones like the promulgation of ordinances when both the Houses of the Parliament are not in session, assenting to the bills passed by the Parliament, and the nomination of the members in both Houses, the letter and spirit of the constitutional provisions envisage the President to act in accordance with the aid and advice tendered by the Council of Ministers, divesting him of any activist role vis-à-vis the Parliament.

Rajya Sabha

Notwithstanding the bicameral shape of the Parliament, which the Rajya Sabha has ensured, the issue of the utility of the second chamber for the Indian political system cropped up in the Constituent Assembly also though not much controversy was generated on the matter. Unlike the British perspective on the shape of the Indian polity, the various reports authored by Indians like

Motilal Nehru and Tej Bahadur Sapru invariably argued for the second chamber, rejecting, though, the American formula of giving equal representation to the states in the House.

Two theoretical propositions were advanced to hammer out the usefulness of the second chamber. First, the provision of a second chamber in practically all the federations of the world inspired the framers to go for the second chamber on the assumption of it to become the custodian of interests of the units of the federation and maintain the sanctity of the federal system. Second, as N. Gopalaswamy Ayyanger argued:

[The second chamber was expected] to hold dignified debates on important issues and to delay legislation which might be the outcome of passions of the moment until passions have subsided and calm consideration could be bestowed on the measures which will be before the Legislature ... and give an opportunity, perhaps to seasoned people who may not be in the thickness of the political fray but who might be willing to participate in the debate with an amount of learning and importance which we do not ordinarily associate with House of the People.⁷

Ultimately, in the final product, the structure and functions of the Rajya Sabha appear to have backed out on the promise of being a fulcrum of the federal nature of Indian polity but has outstandingly fulfilled the aspirations of the framers on affording an opportunity for reconsideration of legislation in a 'somewhat cooler atmosphere'.⁸ Thus, as Morris-Jones bears it out, the justification of the Council of States has always been in terms of 'second thought' rather than 'State rights'.⁹

Accordingly, known as the Upper House with the aim of assuring a superior quality of debate and discussion, structurally, the Rajya Sabha is made a smaller House in comparison with the Lok Sabha, with only 250 members, including twelve members nominated by the President for their distinguished achievements in the field of literature, science, art, and social service. Among other qualifications to become a member of the House, the bar of maximum age appears to have been raised to thirty in order to secure the maturity of the members in the House.¹⁰ True to the status of the House as Rajya Sabha, its members are elected indirectly by the elected members of the legislative assemblies of the states and certain union territories in accordance with the system of

proportional representation by means of single transferable vote for a term of six years. Thus, immune from the apprehension of premature dissolution, the House functions on a permanent basis with one-third of its members retiring every two years. Importantly, securing a suitable and dignified functional position for the Vice President, the Constitution envisages him to be the Chairperson of the Rajya Sabha to be assisted by a Deputy Chairman elected by the members from amongst themselves.

Paradoxically, the powers and functions of the Rajya Sabha represent the irony of its position in the Indian political system. While in the name of ushering into a true era of democracy, its position has been compromised in comparison with the Lok Sabha, in the name of making it the custodian of federal features of the polity, certain exclusive powers have also been granted to it. Thus, though made inferior to the Lower House in the matters of money bills, securing the responsibility of the executive to the legislature and the passage of a piece of legislation through the mechanism of the joint session of the two Houses, it is exclusively authorized to adopt a resolution to empower the Parliament to legislate on one or more matters contained in the State List; and pass a resolution for the creation of one or more All India Services, which the Parliament will subsequently create by law.

Carrying forward its ironical position, the structure and functions of the Rajya Sabha have been subjected to critique for both its faulty structure making it weak, and excessive clout in the functioning of legislative system in India. While the provision of nomination of members is criticized as undemocratic and reactionary elements in a democratic polity, the inequality of membership from various states, depending on their population, is considered to undermine the logic of the second chamber as the protector of state interests as the smaller ones are not able to safeguard their interests like the bigger states. Thus, a question mark is placed on the progressive, democratic, and federal credentials of the House. Similarly, on its powers, critics lament that elected indirectly over a period of six years without reflecting the opinion of the people at any point of time, the Rajya Sabha is capable of blocking the passage of any non-money bill despite the all out efforts by the Lok Sabha, with the provision of joint sitting of the Houses being absurd due to the inability of the government to muster adequate numerical strength in the Lok Sabha.

Despite several aspersions being cast on its existence and functional vitality, the Rajya Sabha appears to have established its roots in the political system of the country so much so that it may now be considered to be a part of the basic structure of the Constitution, ruling out any tempering with its standing. Significantly, its usefulness is gaining deeper ground with the transformations in the nature of the polity. For instance, it has been argued that the changes in party positions in Parliament during the 1980s have invested the Rajya Sabha with greater potentiality as a federal second chamber which is likely to increase further with the escalating regionalization and federalization of the political system.¹¹ Similarly, the role of the Rajya Sabha as the chamber to illuminate the visions of the members of the other House and provide a scale to the level of discussions taking place in the Parliament has not only been performed well by its members but its tradition of dignified and responsive debates was excelled by its illustrious chairpersons like S. Radhakrishnan, Zakir Hussain, and so on, who had 'given an aura of dignity to the atmosphere of the House by conducting the proceedings with judicious combination of firmness and flexibility.'¹² In addition to these conventional utilities, the Rajya Sabha has served three more useful purposes, as pointed out by Morris-Jones.¹³ First, it creates additional political positions which are in growing demand by the political elites of the country; second, it ensures some additional debating opportunities, which occasionally becomes quite urgent; and finally, it helps in doling out the solutions to the legislative timetable problems. Thus, the utility of the institution of Rajya Sabha has proved to be axiomatic in the parliamentary system of India.

Lok Sabha

Envisaged to be the popular House in contrast to the Rajya Sabha, the Lok Sabha is the representative chamber of the Indian Parliament with its members elected directly by the people from the territorial constituencies of the states and the union territories distributed all over the country. Constitutionally confined at the membership not exceeding 552, including the two nominated members to represent the Anglo-Indian community, it presently

consists of 545 members whose membership is distributed among the states in such manner that the ratio between the number of seats allotted to each state and the population of the state is, in so far as possible, the same for all states¹⁴ with suitable reservations of seats for the Scheduled Castes and the Scheduled Tribes. Chosen for a term of five years to begin with, the Lok Sabha can be dissolved by the President under certain exigencies. Also, in the time of the proclamation of an emergency in the country, the term of the Lok Sabha can be extended by Parliament for a period of one year at a time and the elections need to take place for the same within six months of the withdrawal of the proclamation of emergency. Further, the Lok Sabha is presided over by the Speaker, who by virtue of his position, assumes greater responsibilities in the functioning of the parliamentary system in the country apart from the routine functions of chairing the sittings of the House and conducting its proceedings.¹⁵ In discharging his functions, the Speaker is ordinarily assisted by a Deputy Speaker who performs the duties of the Speaker when the former is absent or while the office of the Speaker is vacant.

By virtue of its position as the lower House with truly representative character, the Lok Sabha, like the British House of Commons, has been placed at a superior pedestal than the Upper House in respect of those spheres of activities which underpin the notion of parliamentary democracy. The most significant of such spheres relates to provisions on the money bill with respect to which the role of the Lower House is of monopolistic nature whereas the role of the Upper House is constricted to the extent of it being subservient, if not irrelevant. For instance, beginning with the certification whether a bill is a money bill till its final passage by the Parliament, the powers of the Lok Sabha are exclusive as a money bill can be introduced in the Lok Sabha only with the relevant certification by the Speaker. The Rajya Sabha's position has been so miserable in this regard that not only is it forbidden from voting on Demand for Grants but also if it fails to return the bill to the Lok Sabha within a period of fourteen days, the bill shall be construed to have been passed. Another equally important prerogative of the Lok Sabha is its power to hold the executive accountable by passing a vote of no confidence in the Council of Ministers. Thus, the governments which may be interested only in perpetuating their existence in power without minding much about the governance

of the country, as happens in the case of coalition or minority governments, the functional sphere of the Parliament might be reduced to the domain of Lok Sabha only with no concern for the views of the Rajya Sabha.

In practical terms, however, the exclusivity of domains of both the Rajya Sabha and the Lok Sabha does not imply a judgemental view of the respective positions of the two Houses. The concept of Parliament is complete only with each House supplementing the role performance of the other. Visualized to exist in a position of reasonable balance through an indirect check on each other, the two Houses have, nonetheless, been accorded coterminous responsibilities on all non-money bill matters. Consequently, the crucial functions like the amendment of the Constitution, impeachment of the high dignitaries including the President, and so on, need to be performed by each of the two Houses separately. Above all, the two Houses must function like the two wheels of the institution of Parliament in order to guarantee its successful functioning, for, an unnecessary dispute on the issue of their domains would serve no purpose than to 'lower Parliament as a whole in public esteem.'¹⁶

CHANGING SOCIO-ECONOMIC PROFILE

Obtaining the parliamentary form of government in the new democratic set-up of the country, the framers' major concern was to ensure that the Parliament should represent all sorts of socio-economic interests of the society. The members elected to the Parliament needed to reflect the broad contours of the social and economic structure of the country so as to infuse a sense of satisfaction amongst the people that their voice would be heard in the Parliament through their representatives. To be a microcosm of India, the Parliament was thus constituted to secure, as far as possible, the presence of all sorts of differentiations found amongst the people in every nook and corner of the country, even by way of reservations for certain sections of the people.

Socially, the profile of the Parliament has undergone a substantive transformation over the years beginning with the inauguration of the Parliament in 1952. With the gradual disappearance of the leaders of the national movement belonging to the upper social

strata and affluent economic background from the scene, the membership of the Parliament has expanded deeper to the grassroot of society. For instance, the overwhelming majority of public school and Western-educated parliamentarians has given way to a vast array of membership ranging from government school and indigenous college educated to even those who are semi-literates and illiterates representing their particular caste or regional interests. In terms of the caste composition of the Parliament, the constitutional arrangement for the reservation of seats for the Scheduled Castes and the Scheduled Tribes, initially for a period of ten years but continuing till date, have no doubt assured a minimum stipulated percentage of representation to these communities but its overall ameliorating impact on the society appears to be limited as the same set of people has continued to corner the leverages of the membership of the Parliament. Rather defying the clutches of reservation which seems to have 'degenerated into a political mobilization gimmickry with scant regard for social equity and merit',¹⁷ people belonging to the other backward communities have evidenced a marked improvement in their standing in the Parliament, snatching the leadership of their communities from the people of the forward castes, since the decade of 1990s.

Moreover, bearing out the expansion in the educational base of the country, the literary profile of the members of the Parliament have also shown a sharp rise over the years, with more than 50 per cent of the members of the fourteenth Lok Sabha having a graduate degree.

The diffusion of the social configuration of the parliamentarians to the lower strata of society, however, does not mean the sourcing of the members of Parliament from the common populace as even within the so-called backward castes also a distinct class of social elites has come to monopolize their share in the membership of the Parliament, with the common people of these castes sharing the common feeling of deprivation with the commoners of the other castes.

The representation of women in the Parliament has remained, by and large, marginal, demonstrating the male-dominant nature of the Indian electoral politics. Betraying the absence of a clearly defined policy on the issue of increasing the representation of women in the higher elected bodies, the political parties have obliged the women with tickets more on the basis of favouritism

and nepotism than on the basis of their objective contribution to the community or in recognition of their stature or calibre in any field of social life. Ultimately, the women were compelled to demand the crutches of reservation to improve their presence in the elected bodies to a dignified level. However, the beguiling response of the male-dominated political leadership of the country to the demand for 33 per cent reservation for the women in the elected bodies was evident when it was accepted at the level of the Panchayati Raj Institutions only, denying a chance to the mass of women to land themselves into the higher bodies of decision-making capacities in the political system.

The economic description of the parliamentarians, like their social profile, also depicts a subtle transformation owing to the dynamics of electoral politics in the era of populism. Upsetting the stage when the Parliament was overwhelmed by professionals, with major chunk belonging to the legal profession, the Parliament, over the years, became the bastion of people engaged in the occupations rooted in agriculture and cooperatives spread all over the country. For instance, the percentage of lawyers fell from 35.6 in the first Lok Sabha to 24.5 in the third Lok Sabha and further to 12.24 in the eleventh Lok Sabha; commensurately, the percentage of the agriculturists rose from 22 in the first Lok Sabha to 38.4 in the eleventh Lok Sabha. Interestingly, even amongst the agriculturists, the clout of the big zamindars and landlords was reduced considerably with the centre stage being taken by the small landowners and cultivators, with the estimation by the experts that in the coming times, the substantial number of people may be drawn from the landless labourers, small farmers, and other deprived sections.¹⁸ Similar trends are also visible in the representation of the traders and industrialists as their share of percentage came down drastically from 12 per cent in the first Lok Sabha to just 2.63 per cent in the tenth Lok Sabha. Thus, the economic profile of the Parliament no more remains dominated by the rural landed gentry and the urban middle classes as the newly well-to-do classes from both the rural as well as the urban areas are cornering the lion's share of seats in the Parliament.

Unfortunately, the implications of the changing socio-economic profile of the Parliament has apparently not been able to add substance and depth in the standard of parliamentary proceedings and the quality of legislative output, despite broadening the

representational base of the Parliament. Over the years, the performance of the members of Parliament does not appear to be in consonance with the loftier norms of the parliamentary system as a number of dysfunctionalities have come to the surface. Above all, the fear of party whip on the one hand and the dynamics of populist vote bank politics on the other, appear to have weighed so heavily on the vision and perspectives of the members of the Parliament that they quite often than not forgo their rationality and national interest to side with such divisive proposals which have far-reaching negative implications for the cohesiveness of the society, vibrancy of the democratic polity, sound health of the economy, and impeccability of the unity and integrity of the country.

PARLIAMENTARY COMMITTEES

As one of the most crucial innovations to streamline the working of the Parliament in an increasingly complex politico-administrative and almost unmanageably expanding public expenditure system, the parliamentary committees have become the alter-ego of the Parliament in the specified areas of their functioning. Born in the British parliamentary traditions in quite early years of the formation of the British Parliament, these committees were expected to infuse the virtues of efficiency, effectiveness, expeditiousness, and expertise in the performance of the functions by the Parliament. The utility, if not indispensability, of these committees is born out by the fact that today most of the serious business of the Parliament is transacted through these committees as a result of which the number of the committees has increased manifold in various forms and for numerous purposes.

In India, the history of the committee system may be traced back to 1854 when the first legislature was established in the form of the Legislative Council which, in turn, appointed its own committee to consider what should be its standing orders. In post-Independence period, primarily, 'the review of administrative action and the examination of numerous and complicated legislative proposals and subordinate legislation require an expertise and close scrutiny that are not possible in Lok Sabha consisting as it does of 545 members,'¹⁹ necessitating the creation of the parliamentary committees. In addition to acting as the eyes and ears of the Parliament, the

committees are also useful in offsetting the bulk of load of the Parliament, securing an in-depth and expert analysis of legislative proposals, ensuring a harmonious working between the two Houses of the Parliament, and affording a platform to the common people to participate in the decision-making of the Parliament by giving written memoranda or oral depositions, as may be required, to the committees as and when asked for.

Devoid of any direct constitutional reference, ostensibly due to their evolution out of sheer parliamentary discretion without any pre-designed scheme of things or constitutional mandate, the parliamentary committees did not find a mention in the proceedings of the Constituent Assembly, for, the fathers took them 'for granted and left it to the House to make provisions for them under their rules of procedure.'²⁰ Accordingly, the Parliament has created numerous ad hoc and standing committees, the prominent of the former type includes the select committees and joint committees. Of the standing committees, More²¹ gives a five-fold categorization: (a) committees to inquire like the Committee on Petitions and the Committee on Privileges, (b) committees to scrutinize like the Committee on Government Assurances and the Committee on Subordinate Legislation, (c) committee of an administrative character relating to the business of the House like the Committee on the Absence of Members, (d) committees dealing with the provisions of facilities to members like the General Purpose Committee and the House Committee, and (e) the financial committees, such as, the Estimates Committee, the Public Accounts Committee, and the Committee on Public Undertakings. Of all the parliamentary committees, the ones meriting detailed exposition include the three financial committees.

Estimates Committee

A fine example to assert the monopoly of the Lower House on the financial matters of the government, the Estimates Committee was created in 1950 by the Lok Sabha to provide for an adequate control over the grants made to the government and the actual appropriation thereof. Replacing the then Standing Finance Committee and consisting of the members drawn exclusively from the Lok Sabha, it is called 'the House in miniature as it represents

the parties and groups in the Lok Sabha more or less in proportion to their representation in the House.²² Framed to achieve the twin tasks of scrutinizing the estimates and suggesting the measures to introduce economy in the government expenditure, the terms of reference of the Committee relate to the suggestions on economies in the expenditure including suggestion of alternative policies in this regard, finding out whether the money has been rightly laid out within the confines of the underlying policy and indicate the form in which the estimates may be presented to the Parliament. Adopting a selective approach in choosing a few ministries, and even from them also, a few subjects to look at the estimates, the Committee usually desists from making ideologically judgemental comments on the policy underlying the estimates; even the alternative policies may be suggested only with the aim of more efficiency and economy in administration. Conventionally, though the reports of the Committee are not discussed in the House; its recommendations are regarded as directions to the government which ordinarily accepts them, signifying the position of the Committee as a powerful force not to be ignored.²³

The functioning of the Estimates Committee, over the years, bears a testimony of the vital role it plays in ensuring the effectiveness of the Parliament. Echoing a positive note, Asok Chanda succinctly sums up the nature of the role of the Committee:

While the Committee refrains even now from openly criticizing the policy implicit in the estimates, its examination does often indirectly reflect on the manner in which a particular policy has been evolved or is being implemented. There has also been considerable improvement in the organization of the Committee and in its technique, which has better equipped it to fulfill its responsibilities. Even though it works within the limitations inherent in a democratic form of government, its contributions are tending to become more and more effective in economizing national expenditure.²⁴

In their endeavour to fulfil the aspirations of the House, the Committee members invite official, as well as non-official experts, if a technical matter comes up for discussion and the members find themselves in a helpless situation.²⁵ However, sometimes, the Committee is criticized for not being able to see the wood for the trees. As Morris-Jones notes, the members of the Committee:

[A]re supposed to look for possible economies but they have in fact been happy to rule out the faint line between economy and efficiency. Further, they have not hesitated to recommend in the name of efficiency, large administrative reforms and even reorientation of policy. Their audacity occasioned strong comment....²⁶

Such criticisms may, however, be taken as an aberration in the outstanding role performed by the Committee as the permanent economy Committee in the Indian parliamentary system.

Public Accounts Committee

Described as the 'twin sister' of the Estimates Committee, the Public Accounts Committee acts in tandem with the former in the following sense:

While the Estimates Committee deals with the estimates of public, the Public Accounts Committee examines mainly the accounts showing the appropriation of sums granted by the House for the expenditure of the Government of India in order to ascertain whether the money has been spent as authorized by Parliament and for the purpose for which it was granted.²⁷

Though initiated in 1923 itself, the Committee became truly parliamentary committee in the post-Independence period when two substantial changes took place in its structure and function: first, increasing its membership to twenty-two, seven members of the Rajya Sabha are also made the members of the Committee, and second, the CAG is made an adjunct of the Committee to facilitate the streamlining of its functioning. Affording added credibility and prestige to its status, a convention grew to appoint a member of the Opposition as the chairperson of the Committee. In discharging its function of scrutinizing the Appropriation Accounts of the government based on the audit reports furnished by the CAG, the Committee is guided by the principles of economy and public morality, and functions under the limitations of not being concerned with the question of policy and its findings being *ex post facto* in nature.

The Public Accounts Committee, over the years, has established its sound credentials as the watchdog of the public finances through

an efficient and impeccable track record of inducing a sense of responsibility and precision in the officials in spending the public money. Prone to detect any case of moral turpitude in managing government finances, the Committee's impression in the minds of the officials, far from being ephemeral, remains ingrained for many years to come, reminding them of their responsibilities towards the people of the country, whose money they are supposed to utilize with due care and diligence. Though the Committee is criticized for looking 'to the future by looking into the past,'²⁸ Morris-Jones clarifies:

The fact that their scrutiny is *ex post facto* is less important than that the government has continuously to act in the knowledge that the scrutiny of any item may take place and that waste and impropriety may be widely exposed in the House and the Press. The fact that the Government replies to the Public Accounts Committee are often vague and cool, is less important than that behind the reply, there has often been embarrassment and some resolve not to let it happen again.²⁹

Thus, the very fact of the existence of such a Committee introduces the element of deterrence in the minds of the officials to desist from probable wastage and wrong appropriation of the precious public resources. Moreover, the method of functioning of the Committee brings the officials into contact with the parliamentarians, which serves the purpose of informing of the milieu of parliamentary control within which they have to work. At the same time, as Morris-Jones informs insightfully, 'the work of the Committee serves to bring the officials and politicians together and to train both—the former in responsiveness to public opinion, the latter in the task of constructive criticism,'³⁰ in order to achieve the twin purposes of ensuring efficiency and economy in the spending of the public money without hampering the nation's march on the path of socio-economic development.

Committee on Public Undertakings

A by-product of the massive increase in the governmental involvement in the economic activities of the country under the rubric of planned economic development resulting in the creation of a

large number of economic and financial bodies under government ownership with huge amount of public money for investment at their disposal, the Committee on Public Undertaking is the extended specialized arm of the Parliament to take account of the role and functions of these bodies. Constituted in 1964 at the initial initiative of Lanka Sundaram, an independent member of the Lok Sabha, the Committee consists of twenty-two members drawn from the two Houses in the ratio of fifteen and seven for the duration of one year. Drafted with utmost care not to compromise with the operational autonomy of the public undertakings, the functional domain of the Committee is confined to examining the report and accounts of specified public undertakings; the reports, if any, of the CAG on these undertakings; and to see whether the affairs of these undertakings are being managed with the sound business principles and prudent commercial practices, within the limitations of the autonomy and efficiency of these undertakings. Equally important, however, is the bar put on the Committee in terms of restraining it from looking into the matters of major government policy as distinct from business or commercial functions, matters of day-to-day administration, and matters for consideration of which machinery has been established, in order to ensure that the Committee does not turn out to be a monster out to defeat the purposes for which such undertakings have been set up, under the garb of parliamentary control over these undertakings.

Of the three financial committees of Parliament, the Committee on Public Undertakings appears to be most wanting in the discharge of its responsibilities in an efficient manner. Marred by the overwhelming amount of work in hand and lack of proper vision on the nature, scope, and value of its role performance, the Committee has been subjected to scathing criticism by both the practicing parliamentarians, as well as by the experts. For instance, lamenting the futility of the recommendations of the Committee, Indrajeet Gupta, a veteran member of the Lok Sabha has remarked that 'barring some minor issues, most of the recommendations of the Committee on Public Undertakings remain unimplemented. This strengthens the hands of those erring/inefficient public sector managers who know nothing would happen to them except temporary criticism in Parliament.'³¹ Further, the tone and content of the reports of the Committee have also been criticized for either being too harsh or being inconsequential. Nevertheless, the utility

of the Committee in ensuring a sustained parliamentary control over the public undertakings has proved beyond doubt as it has been able to promote a greater understanding between the members of Parliament and the management of the Central undertakings, thereby making the public accountability of government enterprises more effective.³² The hiccups of the initial years no more become a hindrance in the effective role performance of the Committee with the growing experience and developing of traditions out of more than fifty years of its functioning.

Standing Subject Committees

With the growing complexity and volume of the work involved in the functioning of the executive in recent years, a feeling of relative deprivation had cropped up in the quarters of the Parliament on account of the inadequacy of the existing parliamentary committees to exercise the desired amount of scrutiny, supervision, and control over the financial and administrative matters of all the departments of the Government of India. The idea, therefore, germinated in 1989 to constitute subject-based or departmentally-related standing committees to secure an effective oversight over the entire spectrum of the concerned department.³³ Initially, established for three highly specialized and technical subjects, namely, agriculture, environment and forests, and science and technology, the range of these standing committees was enlarged in 1993 to encompass the whole gamut of executive functioning by setting up seventeen such committees consisting of forty-five members each, drawn in the ratio of thirty from the Lok Sabha and fifteen from the Rajya Sabha. Bestowed with the responsibility of toning up the accountability of the executive to the Parliament, the Committees' modus operandi include the screening of legislation, assessment of the policy statements, and verification of the claims made by the departments in their annual reports, apart from the most crucial function of scrutinizing the demand for grants presented by the various ministries and departments.

The Constitution of the Standing Subject Committees, in fact, carries forward the tradition of borrowing useful provisions from other constitutions as they represent a synthesis of the British and the American legislative systems.³⁴ Emerging as an adequate, if not

an all-out, solution to the problem of guillotine, the functioning of these committees has, more or less, revolutionized the way parliamentary control was exercised on the executive in the country. Without indulging into undue interference in the day-to-day functioning of the departments and ministries, the existence of the Standing Committees inspire the executive to become quite accurate, balanced, fine-tuned, and progressive in formulating the policy and presenting the demand for grants to the Lok Sabha because they know that any shortcoming on their part would not go unnoticed, unlike the previous probable situations. Positively, though the reports of the Committees have only persuasive value, they serve the greater purpose of illuminating the executive, instead of admonishing it, to adopt a more informed and correct perspective of the case in point. Similarly:

[U]nlike the parliamentary financial committees, the subject committees would not do a mere postmortem examination of subjects. On the contrary, they may constantly, continuously and concurrently monitor the working of all the concerned Ministries/Departments in their subject areas and take up for fuller examination specific subjects of topical interest as they arise.³⁵

Moreover, the ambit of the functioning of these Committees, by embracing all the ministries and departments including hitherto spared units like the atomic energy, space, and so on, has provided for comprehensive and coordinated view of the operational dynamics of the interrelated departments in order to look for any overlapping or duplication of work amongst various departments.

CONCLUDING OBSERVATIONS

In the framework of the parliamentary democracy in India, the Parliament becomes the central institution of governance on whose successful functioning depends the whole structure of the government. Therefore, much pain was taken by the Constituent Assembly to demarcate the structural and functional dynamics of the Parliament with a view to provide some sort of a permanent shape to the institution of Parliament so that the basic features of the polity remain intact forever. In other words, since the Parliament was made the custodian of making laws for the country, keeping

executive accountable to the people through their representatives in the Lok Sabha, and in times of need, amend the Constitution, the onus of responsibility fell on the Parliament to see that these functions are performed in such a way that the visions of the fathers of the Constitution are not diluted in any eventuality.

However, over the years, the functioning of the Parliament has left much to be desired. Instead of acting as the agency to keep the executive branch of the government on its toes through its inquisitive questioning of the policies and programmes of the government from time to time, and provide some sort of encouragement to the government by extending desired approval to the proper policies, the Parliament appeared to have allowed itself to be carried away by the executive. In such a scenario, while the situation did not take an ugly turn in view of the presence of persons of democratic vision and restrained functioning in the seat of power like Jawaharlal Nehru despite commanding a huge majority in the Lok Sabha, the state of things definitely took a perverse turn in times of the prime ministers like Indira Gandhi when she decided to keep aside the democratic institutions of governance and took upon herself to rule the country with the help of a caucus, without any accountability to either Parliament or any other organ of the government. In such circumstances, the role of scrutinizing the executive decisions and checking it from usurping the powers of other organs of government came down to the Supreme Court and the high courts, putting the judiciary on a collision course with the executive from time to time, though situations never seemed to go out of control.

Among other things, the increasing politicking in Parliament led to the conversion of the august body into a ring for the politicians to fight with each other not only with words but sometimes with blows also. Consequently, the basic purpose of the existence of Parliament as the examiner of the executive policy formulations and budgetary allocations started suffering. Hence, to tide over the situation, the committee system was introduced in Parliament so that certain specific committees are able to scrutinize the executive proposals and keep tab on the functioning of the government. The establishment of the standing subject committees has been taken as a sort of innovation in the parliamentary system of the country as a result of which a greater degree of transparency and accountability have been ensured in the functioning of the executive agencies.

NOTES

1. See Austin 1966: 144.
2. See Moon 1961: 61, cited in Austin 1966: 144
3. See Austin 1966: 144.
4. See Chatterjee 2007.
5. See Basu 1998: 198.
6. See Pylee 1995: 171.
7. See Constituent Assembly 1947: 644.
8. See Nehru 1928: 94.
9. See Morris-Jones 1971: 193.
10. See Trikha 1984: 94.
11. See Singh 1995: 124.
12. See Banerjee 1967: 314.
13. See Morris-Jones 1971: 232.
14. See Kashyap 1992: 22–23.
15. For a detailed discussion on the powers and function of the Speaker as well as his position in the Indian parliamentary system, a useful, though dated volume is Kaul and Shakhthar 1972.
16. See Morris-Jones 1957: 262.
17. See Kashyap 1990b: 182.
18. See Singh and Saxena 1999: 143.
19. See Kashyap 1992: 137.
20. Ibid.: 139.
21. See More 2001: 219–20.
22. See Sinha 1967: 399.
23. See Morris-Jones 1957: 307.
24. See Chanda 1961: 186.
25. See Jena 1966: 164.
26. See Morris-Jones 1957: 196.
27. See Kashyap 1992: 146.
28. See Mallay 1972: 69.
29. See Morris-Jones 1971: 195.
30. See Morris-Jones 1957: 295.
31. Cited in Mathur 1993: 70.
32. See Mathur 1993: 68.
33. See Kashyap 1990a: 3247.
34. See Arora and Goyal 1996: 527.
35. See Kashyap 1992: 149.

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