



Rights and Responsibility of Legislative Committee

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I thank the members of the Orissa Branch of the Commonwealth Parliamentary Association and its President, the Speaker of Orissa Legislature, for inviting me to inaugurate this Seminar. This has also enabled me to visit the land of Lord Jagannath, which abounds in temples, big and small, revealing the grandeur and skill of Odian architecture a millennium old. I am happy to visit this sacred land of Kalinga where the transformation occurred in life of that great Emperor Ashoka, after the historic Kalinga War leading him to the adoption of the Path of Buddha.

Of languages, one finds the most wonderful confluence here with large numbers of people speaking Tamil, Telugu, Bengali, Bihari, Hindi, Odia and many tribal dialects. Hinduism, Islam, Christianity, Jainism, Buddhism, all have flourished in this land with the people practising diverse faiths living in complete harmony. Communal tension is almost unheard of in Orissa. I am told that the Hindus and Muslims in Orissa still celebrate certain religious festivals together and some places which are holy to the Muslims are also regarded as sacred by the Hindus. I come here for the first time and, as I said, with great pleasure.

You have chosen for your Seminar, a really important subject of great relevance to our times.

Though the Indian Constitution is unique in several respects many of its best features were modelled originally on other constitutions. The Committee system is an effective device adopted almost universally by all Parliaments. In Europe it is often said

One Englishman is an island.
Two Englishmen are a queue.
Three Englishmen are a committee.

Much of what politics is, takes place in small groups, and while not all small groups are committees, the vast majority of committees are small groups. A committee is a body to which some other body or person has referred or committed a task and to which the Committee is in some sense subordinate. To commit or refer is to secure the advantage of action by a smaller group, leading to greater freedom in debate while dealing with a question. The verb "to commit" as a Parliamentary term, means to refer to a committee. The subsidiary motion, to commit, must of course be distinguished from a main motion to appoint a committee for the accomplishment of some matter. The latter is an original motion, while the former is a means of disposing of a question already before the assembly, although the work of the committee in either case might be the same.



It is expected that a committee, being free to work without the restraint and the 'red tape' which may be unavoidable in larger assemblies, can accomplish its task more briskly and directly. It can take more briskly and directly. It can take its own time to work out details and think through to the end of difficult problems. It can also go upon missions and these are not possible for the larger body. In doing this the committee should bear in mind that it is but the agent working for the organization as a whole, and that its service must be acceptable to the parent body. Thus the work of a Parliamentary Committee is to get the matter referred to it in complete readiness for prompt action by the assembly when the report is made.

The need for Parliamentary committees arises from several factors. Firstly, the review of administrative actions and the examination of numerous and complicated legislative proposals and sub-ordinate legislation in modern times being too heavy, the time available is not adequate for detailed investigation. Committees can also deal with specific matters with greater efficiency, care and expedition in a calmer atmosphere free from unnecessary publicity.

In Parliamentary system, the official committees are the places where useful and clam thinking can take place to result in sober decisions. For the efficient dispatch of Parliamentary business, steady development of Parliamentary committee is essential. The Congressional committee system in the U.S.A. is probably the most powerful in the world. That is why Woodrow Wilson asserted "the congressional government is committee government", adding that "Congress in its committee rooms is congress at work". The Congressional committees and sub-committees in the U.S. make most of the legislative and other decisions. They are little

legislatures in themselves. This remarkable success of the Congressional committee is because all the members of the Committee feel the full weight of the duty resting upon them.

In India, though the Constitution has made no specific provisions for the Parliamentary committees, several articles do mention them. The task is therefore left to the two Houses. They have made provisions for committees under their rules of procedure. With the enormous increase of the number and complexity of administrative action, it is well nigh impossible for a large assembly like the Lok Sabha or a State legislature effectively to supervise the functioning of the executive. A real review of administrative actions can only be undertaken by Parliamentary committees appointed for specific purpose.

In Parliament we have to broad categories of committees – Standing Committees and ad hoc committees. The Standing Committees are of five different kinds: (1) Financial Committees (2) Committees to enquire into matters like privileges and petitions (3) Committees to scrutinise matters such as assurances, subordinate legislation (4) Committees relating to business of the House like Business Advisory Committee, Rules Committee, Private Members Bills and Resolutions, absence of members, etc. (5) Committees concerned with provision of services and facilities to members, like accommodation, library, general purpose, etc.

The ad hoc committees are appointed for a specific purpose. They cease to exist when they submit their report after completing the task assigned to them. The principal ad hoc committees are the Select and Joint Committees on Bills.

Though the work of the various Parliamentary committees has been found to be



good so far, I have a feeling that the reports of the various committees tend to be stereo-typed. This I think is due to the lack of continuity in the membership of the various committees. I also find that little effort is made to allow members to specialize in different fields. Sometimes, I find that members seek or accept committee assignments for considerations other than a commitment to committee work or lack the special interest or expertise in the subject. It should, thereof, be the responsibility of the various political parties in the legislature to nominate the right-type of members to the various committees. Only then will the committee be able to fulfil the assigned task for the larger benefit of the assembly and the public whom they represent. At present only a few members in each committee appear to be able to take continued interest in subject under study. If all the members take serious and active interest, the committees can become much more effective.

I know it is not always that Government accepts the recommendations and suggestions of the Committees. Minor recommendations are readily accepted. But major recommendations which are not in line with the policy and thinking of the Government are not accepted. If the members are vigilant and vigorous in pursuing the matter they should study the reports and raise pertinent issues in the assembly through questions, motions for calling attention etc. For this the members have to take their task seriously. I may cite one example. In the Rajya Sabha, till recently, we had no committee on papers laid on the table of the House. But, thanks to Shri Era Sezhiyan and his keen interest, the Committee on Papers laid on the Table was constituted during this

session of the Rajya Sabha, and I had the pleasure of recommending him as the first Chairman of the new Committee. He was also the Chairman of parallel Committee in the Lok Sabha.

Surveillance over financial matters by financial committees tends to be in the nature of postmortem examination. This is usually because of the time lag between administrative action and investigation. A bad case may come light only after several years. By that time the atmosphere in which the decisions were taken may have changed. The Officers and Ministers may also have changed. It becomes difficult to ascertain the truth. While the reports in such cases may make a good headlines for the press, they can have little impact on the actual working.

Of late I have noticed a tendency on the part of various committees to tour frequently. In a sense, it is good for committees to go out and get first-hand knowledge. But, unless members are careful, here is always the danger of their being accused of traveling for the sake of sight-seeing only. No doubt Committees must visit places when witnesses have to be interviewed or evidence taken. But, as I said they have to be quite clear about the justification and the purpose.

I sincerely hope that your deliberations in the Seminar will go a long way in making the committee system more effective and useful in our Parliamentary democracy. I am glad that the Orissa Branch of the Commonwealth Parliamentary Association thought of organising this Seminar and have great pleasure in inaugurating it.

Speech of Shri M. Hidayatullah, Vice-President of India at the inauguration of the Seminar of the Commonwealth Parliamentary Association, Orissa Branch on "Rights and Responsibility of Legislative Committee in Parliamentary system" on the 5th April 1982 at 4.00 P. M. at Bhubaneswar..