

PARLIAMENTARY CONTROL: THE PARLIAMENTARY COMMITTEES

21.1 INTRODUCTION

The Indian Parliament, following the British practice has been empowered to control the central Council of Ministers. According to our Constitution, the Council of Ministers remains collectively responsible to the lower House (Lok Sabha). The Council remains in power so long as it enjoys the confidence of the Lok Sabha. If the House passes a vote of no-confidence the ministry has to resign. The members of the House of the Lok Sabha can criticize and censure the ministers for their activities. The Rajya Sabha, the upper House, also holds the ministry accountable for its functions, but it cannot remove the ministry through a vote of no-confidence. The control functions of parliament are exercised through a variety of practices and committees.

21.2 OBJECTIVES

After going through this lesson you will be able to;

- explain the importance of parliamentary control in the Cabinet System of Government;
 - analyse various methods of parliamentary control;
 - analyse the effectiveness of parliamentary control in the light of party discipline and Cabinets power of dissolution;
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- **enumerate the role and functions of the different parliamentary committees such as Estimates Committee, Public Accounts Committee, Committee Subordinate Legislation, Privileges Committee, Committee on Public Undertakings, Consultative Committees;**
 - **Identify the role of the Joint Parliamentary Committee;**
 - **recall the evolution of subject committees and their role in financial legislation.**

21.3 IMPORTANCE OF PARLIAMENTARY CONTROL IN THE CABINET SYSTEM

It follows from the theory of ministerial responsibility that the Cabinet remains in power

so long as it retains the confidence of the majority in the Lower House. In modern times both executive and legislative policies are initiated by the Cabinet and the importance of the legislative functions of parliament has, to that extent, diminished. Parliament merely accepts what the cabinet proposes. But the critical functions of parliament has increased in importance.

While the cabinet is free to formulate policies, the function of parliament is to hold a discussion and make criticism of that policy on the floor of House. In this way the Cabinet can get the advice of the deliberative body and learn about its own errors and deficiencies. Also the nation as a whole gets involved in airing alternative points of view.

There are different ways by which Parliament controls the Cabinet or the political executive.

(a) Questions

Our Constitution says that the Union Council of Ministers shall be responsible to Lok Sabha. The members of the Council of Ministers answer the questions in both Houses of Parliament. When Parliament is in session, the members of Lok Sabha and Rajya Sabha question the ministers on various issues pertaining to their respective departments. Everyday first one hour is reserved for raising such questions. It is called "Question Hour". A member who wishes to ask a question has send the question to the minister concerned six days in advance. The members, if not satisfied with the answer, may put supplementary questions related to the main question. Such questions bring to the limelight different aspects of the main problem. It is an occasion which calls for quickness and alertness, on the part of both the members as well as the concerned ministers. It also provides a means for the ministers to look into questions of public importance. Parliament is the most important forum for the ventilation of public grievances. Debates and discussions on matters of public importance provide an opportunity for expression of people's worries and anxieties and for keeping the Government alert and responsive to public opinion in the country.

(b) Call Attention Notice

Another method available to Parliament for exercising control over Government is 'Call Attention Notice'. Members of Parliament can initiate any discussion relating to public interest in parliament through Call Attention Notice. Such a notice leads to discussions, inviting in the process attention of the Government to a situation of urgent public importance such as police high handedness or non-availability of ration and food etc. The discussion on any matter in parliament is given great importance and in the government actions to meet the situation or solve a problem raised during the discussion.

(c) Adjournment Motions

A motion for adjournment is meant to draw attention of the House to a matter of public importance which has arisen all of a sudden and which deserves immediate attention of government. If such a motion is accepted by the speaker, he fixes a time for discussion on the matter of urgent importance and scheduled business of the House is adjourned. For instance, suppose there has been a riot or a railway crash, a motion of adjournment, if accepted, will give the House an opportunity to take it up on priority basis.

(d) Cut Motion

It is a device to draw the attention of the government to ineffectiveness of a minister or department. A cut motion is moved to reduce (or cut) expenditure or appropriation sought by the government. If a cut motion is actually adopted, it implies lack of confidence in the government, and the government has to go. Normally, a cut motion is discussed and withdrawn or rejected.

(e) Vote of No Confidence Motion

This is the ultimate step towards the control of Government expressing lack of trust of the House in the government of the day. No confidence motion can be placed in Parliament. In this case the Speaker, if accepted, places the motion before the members of parliament for voting. If such a motion is supported by a majority of the members present and voting, the Council of Ministers has no alternative but to resign. Since the tenure of the Council of Ministers depends on the confidence of the majority in the parliament the motion supported by a majority in parliament, results in the resignation of the Council of Ministers. Apart from moving a vote of no confidence against the Cabinet, the Lok Sabha may reject a Government bill or a budget, may disapprove an official policy or it may make alteration in the policies and programmes of the Government. Such action on the part of Lok Sabha amounts to expression of no-confidence. Normally such a motion is initiated by the opposition parties. Though any member is entitled to initiate such a motion but in actuality only opposition parties in parliament try to initiate such motions to harass the government and express their dissatisfaction against government.

INTEXT QUESTIONS 21.1

1. Fill in the blanks with appropriate words given in the brackets :

- (a) The Council of Ministers remain responsible to the _____ (Lok Sabha/Rajya Sabha).
- (b) The members of Council of the Minister _____ questions in both Houses of Parliament (avoid/answer).
- (c) Call Attention Notice is a method available to Parliament for exercising _____ over Government (control/authority).
- (d) _____ Motion is meant to draw attention of the House to a matter of public importance which has arisen all of a sudden and deserves immediate attention. (cut/adjournment)
- (e) A vote of _____ Confidence placed in Parliament to bring about a fall of government (Yes/No).

21.4 EFFECTIVENESS OF PARLIAMENTARY CONTROL

One of the important functions of Parliament is to control the executive. Our country has adopted parliamentary form of Government. It implies that the Council of Minister is responsible to Parliament. According to our Constitution Union Council of Minister shall be responsible to Lok Sabha. The ministers are answerable to the Houses of Parliament for any action or decision. Though the Council of Ministers are appointed for a fixed period but their tenure depends upon the confidence they enjoy among the majority in the House. Their tenure may be terminated even before the stipulated period if the Council of Minister loses the confidence of the members of Parliament. This arrangement is intended to prevent the Council of Ministers from becoming autocratic or anti-people. Hence the role of Parliament in controlling the Government or Council of Ministers is of great significance.

Parliament is the platform for the interpretation, scrutiny, modification and rejection of government policies and actions. Of course, in this respect, Rajya Sabha enjoys less power compared to Lok Sabha.

Second important factor for making parliament effective is unity of the opposition parties. If all opposition parties are united in any issue the effectiveness of the Parliamentary control increases to a great extent. The council of ministers, in consideration of the criticism of the united opposition, hesitates to take any unpopular measure.

Thirdly, Parliament functions through a variety of committees. The committee allows for more active participation of members in the management of government. The ruling party as well as the opposition party members come close together in committee functioning. So, the committee system creates a sense of togetherness among members of different political parties. At the same detailed scrutiny of government functioning becomes possible through the working of these committees.

Due to party discipline, individual members are not always free to express their views on all matters. To the extent, this is rigidity in party control, it is Parliament that is deprived of the benefit of free exchange of view points.

21.5 PARLIAMENTARY COMMITTEES

Parliamentary control has two aspects; legislative and financial. Legislative control includes control over bills relating to policy matters, or ordinary bills. As regards financial control, the Constitution says that no tax can be collected except by authority of law. The result is that the executive can not impose any tax without legislative sanctions.

The methods of parliamentary control may be understood through the operation of the Committee System. There are different types of Committees on different subjects. These are discussed below :

(a) Estimate Committee

The Government has the sole initiative in formulating its policies and in presenting its demands for carrying out these policies. Parliament can hardly refuse such demands or make drastic cut in such demands without reflecting on the policy and the responsibility of the Government in power. Nor is it expedient to suggest economies in different items of the expenditure prepared by the Government. When the demands are presented to the House for its vote, in view of shortage of time at its disposal it can not devote much time to the demands. The scrutiny of the expenditure proposed by the Government is, therefore, made by the House in the informal atmosphere of a Committee known as the Committee on Estimate or Estimate Committee.

The Committee is constituted with 30 members. The members of this Committee are elected for a period of one year. The Committee constitutes different sub-committees for its proper functioning. The Committee after examining the estimates of the Government gives report to Parliament. Its sole aim is to :

- (i) report to the House what economic improvement in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates, may be affected;
- (ii) suggest alternative policies in order to bring efficiency and economy in administration;
- (iii) examine whether the money is well laid out within the limits of the policy implied in the estimates;
- (iv) suggest the form in which estimates are to be presented to Parliament.

Though the report of the Estimate Committee is not debated in the House the fact that it carries on its examination throughout the year and places its views before the members of the House as a whole, exerts salutary influence in terms of checking governmental extravagance in making demands in the coming year. The Chairman of the Committee may discuss any matter with ministers of the concerned departments.

There is a debate whether this Committee can raise any question regarding expenditure policy of the Government. Considering the views of the committee, government may direct different departments to reduce their expenditure.

The functions of the Committee have increased considerably. In the 4th Lok Sabha, for instance this Committee convened 273 meetings. The committee during that period released 132 reports and constituted 33 sub-committees.

(b) Public Accounts Committee

The main objective of this very important Committee is to regulate the expenditure of the government. The Public Accounts Committee has to satisfy itself.

- (a) that the money shown in the accounts, as having been disbursed, were legally available for and applicable to the service or purpose to which they were applied or charged;
- (b) that the expenditure conforms to the authority which regulates it.

This Committee is suddenly the report of the Comptroller & Auditor General. It submits its report to the House of the people so that the irregularities pointed out by it, may be discussed by Parliament and effective steps taken.

The Committee consists of 15 members elected from the Lok Sabha and 7 from Rajya Sabha. The tenure of the Committee is one year. Conventionally the Chairman of the Public Accounts Committee is appointed by the Speaker from the opposite party in Lok Sabha.

The Committee reviews only the expenditure of the government. If any department of the government misuses the fund, the Committee can not take any decision to stop it. The Committee's vote comes when the expenditure has already been down.

The Committee can call any person to give his views for the review of government expenditure. It can order any department to submit necessary papers and documents relating to public accounts. It can raise any question relating to expenditures, and the departments are bound to explain and answer.

Through the operation of this Committee, the departments are alerted to the need for proper management of expenditure.

(c) Committee on Subordinate Legislation

The Committee consists of 15 members nominated by the Speaker of Lok Sabha. This is a committee of the Lok Sabha. The main objective of this committee is to review whether the government is properly implementing the laws framed by Parliament. The most important task of this committee is to see that the administration does not misuse the powers given to it by Parliament through different laws and acts. The committee submits its reports to the Lok Sabha.

(d) Committee on Privileges

In a democratic setup, the legislature is vested with certain privileges and rights so that it can discharge its powers and responsibilities effectively and can safeguard its dignity and prestige. This committee on privileges reviews whether the privileges and immunities enjoyed by the Lok Sabha members has been violated or not. There are 15 members of this committee and all are nominated by the Speaker of the Lok Sabha.

(e) Committee on Public Undertaking

The major functions of this committee may be enumerated as follows:

- (a) to examine the reports and accounts of public undertakings, as specified in the schedule which includes Damodar Valley Corporation, Indian Airlines, Life Insurance Corporation, Oil and Natural Gas Commission and all government companies;

- (b) to examine the reports, if any, of the CAG on the public undertakings falling within the scope of this committee;
- (c) to examine whether the public undertakings are being managed in accordance with sound business principles;
- (d) to examine such other functions vested in the Public Accounts Committee and Estimates Committee in relation to the specified public undertakings or under the rules of procedure and conduct of business of the Lok Sabha as may be allotted by the Speaker from time to time. This is to enable the committee to work in a wider field.

This committee has been set up particularly because the Estimates Committee and the Public Accounts Committee are overburdened. Also other means of parliamentary control, viz. questions and debates, are not sufficient to ensure proper control over state undertakings. This committee has at present 22 members; 15 drawn from Lok Sabha and 7 from Rajya Sabha. The tenure of members is one year. This committee basically functions on non-party basis.

21.6 JOINT PARLIAMENTARY COMMITTEE

Joint Parliamentary Committee is constituted to look after any matter pertaining to the members of Lok Sabha and Rajya Sabha. Besides introduction of any bill except money bill and the arrangements for passing bills, there are Select Committees in each House i.e. Lok Sabha and Rajya Sabha. In addition to that there are also three Joint Standing Committees. There are committees on Salaries and Allowances of Members of Parliament, Committee on the Welfare of the Schedule Castes and Schedule Tribes and Committee on offices of profit.

Recently the decision has been taken for the abolition of Select Committee in Rajya Sabha and the Joint Select Committee.

There are several adhoc joint committees constituted for specific purposes and for definite periods. The basic purpose of Joint Committee is to enable both the Houses to sit together to have a common view point on complicated matters. Also, members own problems are sorted out through these joint committees.

21.7 SUBJECT COMMITTEES

Parliament performs many important financial functions, being a national forum of the people. Particularly, in the financial legislations, the role of the Subject Committees are of great value. These committees were constituted in 1995 mainly to consider demands for grants by various ministries and departments of the governments. After general discussion on budget every year, the Lok Sabha takes break for three weeks or so. During this break the subject committees examine demands for concerned department. Their detailed scrutiny and recommendations save time of the Lok Sabha.

INTEXT QUESTIONS 21.3

1. Say Yes or No.
 - (a) One of the important functions of the Parliament is to control the executive.
 - (b) The Estimates Committee has 40 members.
 - (c) Public Accounts Committee regulates expenditure of the Government.
 - (d) Committee on Subordinate Legislation is a Committee of the Rajya Sabha.

- (e) Committee on Privileges has 20 members.
- (f) Committee on Public Undertakings has members drawn from Lok Sabha only.
- (g) Joint Parliamentary Committee is constituted to look after any matter relating to members of both Houses of Parliament.

WHAT YOU HAVE LEARNT

Indian Parliament is empowered to control the Council of Ministers. The Council of Ministers remain collectively responsible to the House of people. It remains in power so long as it enjoys the confidence of the people. If the House passes a vote of no-confidence, the ministry has to resign. The members of the house of people can criticize and censure the ministers for their activities. While the Cabinet is left to formulate the policy, the function of the parliament is to bring about a discussion and criticism of that policy on the floor of the house, so that not only the cabinet can get advice of the deliberative body and learn about its own errors, but the nation as a whole can be apprised of an alternative point of view, on the evaluation of which representative democracy rests in theory.

There are different ways in which the parliament exercises control over the cabinet or the executive. The members of the council of ministers have to answer questions in both house of the parliament. Another method available to the parliament is "call attention notice". Members of parliament can initiate any discussion relating to public interest in the parliament through call attention notice. The adjournment motion is meant to draw attention of the house to a matter of public importance which has arisen all of a sudden and which deserves immediate attention. Apart from questions and adjournment motions, a member of the Lok Sabha can with the consent of the speaker can move a motion for half an hour discussion on a matter of urgent public interest. A vote of no-confidence is the ultimate step towards the control of the government. If the house passes a vote of no-confidence, the ministry has to resign.

Parliamentary control has two aspects: legislative and financial. As regards financial control it has two branches; revenue and expenditure. There are various committees which exercise parliamentary control. The estimates committee makes an estimate of the expenditure of the government. The Public accounts committee is the twin brother of the Estimates committee. Its main objective is to regulate the expenditure of the government. The committee on subordinate legislation reviews whether the laws framed by the parliament have been properly implemented or not. The committee on privileges reviews the matter if the privileges and immunities enjoyed by the members of the Lok Sabha are violated. The committee on public undertaking reviews the expenditures of public undertakings. The joint parliamentary committee is constituted to look after matters of both the houses of the parliament.

TERMINAL EXERCISES

1. Discuss the importance of Parliamentary Control in Cabinet System of Government of India.
2. Discuss various methods of Parliamentary Control in India.
3. Discuss the role of Estimate Committee.
4. Discuss the role of the Public Accounts Committee in the context of financial legislation.
5. Write short notes on Joint Parliamentary Committee and Committee on Public Undertakings.

ANSWERS TO INTEXT QUESTIONS

Intext Questions 21.1.

1. (a) Lok Sabha, (b) Answer, (c) Control, (d) Adjournment, (e) No

Intext Questions 21.2

1. (a) Yes, (b) No, (c) Yes, (d) No, (e) No, (f) No, (g) Yes.

HINTS TO TERMINAL EXERCISES

1. Please refer to Section 21.3
2. Please refer to Section 21.3
3. Please refer to Section 21.5
4. Please refer to Section 21.5
5. Please refer to Section 21.5 and 21.6