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Parliamentary Committees

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Why is in news? Lok Sabha's Ethics Committee: its history, constitution and members

The Lok Sabha Ethics Committee, which will take up Nishikant Dubey's complaint against Mahua Moitra, last met on July 27, 2021, according to information on the Parliament website. Since being established as an ad hoc entity more than two decades ago, the panel has heard several complaints, most of which have been for relatively light offences.

The members of the Ethics Committee are appointed by the Speaker for a period of one year.

History of Ethics Committees:

A **Presiding Officers' Conference** held in Delhi in 1996 **first mooted the idea of ethics panels** for the two Houses.

Then Vice President (and Rajya Sabha Chairman) K R Narayanan constituted the Ethics Committee of the Upper House on March 4, 1997, and it was inaugurated that May to **oversee the moral and ethical conduct of members and examine cases of misconduct referred to it.**

The Rules applicable to the Committee of Privileges also apply to the ethics panel.

In the case of Lok Sabha, a study group of the House Committee of Privileges, after visiting Australia, the UK, and the US in 1997 to look into practices pertaining to the conduct and ethics of legislators, recommended the constitution of an Ethics Committee, but it could not be taken up by Lok Sabha.

The Committee of Privileges **finally recommended** the constitution of an Ethics Committee **during the 13th Lok Sabha.**

The late Speaker, G M C Balayogi, constituted an ad hoc Ethics Committee in 2000, which became a permanent part of the House only in 2015.

Procedure for complaints:

Any person can complain against a Member through another Lok Sabha MP, along with evidence of the alleged misconduct, and an affidavit stating that the complaint is not "false, frivolous, or vexatious". If the Member himself complains, the affidavit is not needed.

The Speaker can refer to the Committee any complaint against an MP.

The Committee does not entertain complaints based only on media reports or on matters that are sub judice.

The Committee makes a prima facie inquiry before deciding to examine a complaint. It makes its recommendations after evaluating the complaint.

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The Committee presents its report to the Speaker, who asks the House if the report should be taken up for consideration. There is also a provision for a half-hour discussion on the report.

Privileges Committee:

The work of the **Ethics Committee and the Privileges Committee often overlap.**

An **allegation of corruption** against an MP can be sent to either body, but **usually more serious accusations go to the Privileges Committee.**

The mandate of the Privileges Committee is to **safeguard the “freedom, authority, and dignity of Parliament”.**

These privileges are enjoyed by individual Members as well as the House as a whole.

An MP can be examined for breach of privilege; a non-MP too can be accused of breach of privilege for actions that attack the authority and dignity of the House.

The **Ethics Committee** can take up **only cases of misconduct** that involve MPs.

Parliamentary Committee:

A Parliamentary committee is a **committee of Members of Parliament** (MPs) who are **elected or appointed** from amongst the members of the house or nominated by the Speaker or Chairman.

The **concept of Parliamentary committees** originated in the **British Parliament.**

These committees operate **under the direction of the Speaker of Lok Sabha or Chairman of Rajya Sabha** and present their findings and recommendations to the respective houses.

The Parliamentary committees **draw their authority from the constitution.**

Article 105: Powers, privileges, etc., of the houses of Parliament and of the members and committees thereof.

Article 118: Each House of Parliament may make rules for regulations, subject to the provisions of this constitution, its procedure and the conduct of its business.

Classification of Parliamentary committees:

By their nature, Parliamentary Committees in India are of two kinds:- **Standing committees, Ad hoc committees.**

Standing committees:

The Standing committees are **permanent committees** that are constituted by the Parliament to deal with specific areas of public policy or administration.

These committees are **constituted at the beginning of each session** of Parliament and continue until the end of the session.

Financial Committees:

Estimates committee:

Has the member of 30 those who are elected by the Lok sabha.

Tenure: 1 year

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Public accounts committee:

Consist of a member of 22 (15LS + 7RS)

Tenure: 1 year

Elected by the two houses

Committee on Public Undertakings:

Consist of 22 members (15LS + 7RS)

Tenure: 1 year

Elected by the two houses

Departmental-related Parliamentary Standing Committees:

There are a total of 24 Departmental Standing Committees:- 8 under Rajya Sabha and 16 under Lok Sabha.

Some of the committees like Committee on Commerce, Home Affairs, Human Resource Development, Industry, etc

Committees to Inquire:

Committee on Petitions

Committee of Privileges

Ethics Committee

Committees to Scrutinise and Control:

Committees on Government Assurances, Subordinate Legislation, Papers Laid on the Table, Welfare of SCs and STs, Empowerment of Women.

Joint committee on offices of profit.

Committees Relating to the Day-to-Day Business of the House:

Business Advisory Committee

Committee on Private Members' Bills and Resolutions

Rules Committee

Committee on Absence of Members from Sitzings of the House

House-Keeping Committees or Service Committees:

General Purposes Committee

House Committee

Library Committee

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Ad hoc committees:

Ad hoc committees are **temporary committees constituted for a specific purpose** and for a limited period of time.

These committees are usually constituted to **consider and report on a specific bill or to inquire** into a particular matter of public importance.

These committees are **dissolved once they have completed their work**.

Ad hoc committees can be divided into two categories:

Inquiry committees: These committees can be **proposed by either house** or can also be appointed by the speaker/chairman of the respective house.

Advisory Committees: These committees are **select or joint committees** appointed for the matters of bills. They report on particular bills. They are **different from the inquiry committees** as the procedure that they follow are laid down in the Rules of Procedure and also are directed by the Lok Sabha speaker or Rajya Sabha chairman.

The principal Ad hoc committees are the Select and Joint committees on Bills, Railway convention committee, Joint committee on food management in Parliament House Complex, etc.

Need of parliamentary standing committees:

Law making: Due to the large volume of legislature, discussion of all the bills in parliament in detail is not possible. Committees do a detailed discussion and analysis on a proposed law, thus enabling that every law is for the benefit of citizens.

Policy challenges: Disruptive changes in technology and the expansion of economy bring new policy challenges that require the assistance of experts in dealing with such situations.

Consensus: Committees provide a forum for building consensus across political parties. The proceedings of the House during sessions are televised, and MPs are likely to stick to their party positions on most matters. Committees have closed door meetings, which allows them to freely question and discuss issues and arrive at a consensus.

Scrutiny: To ensure that a Bill is scrutinised properly before it is passed, our law making procedure has a provision for Bills to be referred to a standing committee for detailed examination.

Power and functions:

Reviewing and scrutinising the work of the government: Parliamentary committees **examine the policies and programmes** of the government and **make recommendations** for improvement.

Power to summon ministers and officials: They have the power to call ministers and officials to testify before them and to ask them questions about their policies and actions.

Examination of bills: Parliamentary committees play a key role in the legislative process by examining and reviewing bills before they are passed into law.

To make recommendations: They can make recommendations for changes to the bill and ensure that it is consistent with the constitution and the laws of the land.

Significance of Parliamentary Committees:

Provides Legislative Expertise: Most MPs are not subject matter experts - they are generalists who understand the pulse of the people but rely on advice from experts and stakeholders before making decisions. Parliamentary committees are meant to help MPs seek expertise and give them time to think about issues in detail.

Acting as a Mini-Parliament: These committees act as a mini-parliament, as they have MPs representing different parties are elected into them through a system of the single transferable vote, in roughly the same proportion as their strength in Parliament.

Instrument for Detailed Scrutiny: When bills are referred to these committees, they are examined closely and inputs are sought from various external stakeholders, including the public.

Provides a Check on the Government: Although committee recommendations are not binding on the government, their reports create a public record of the consultations that took place and put pressure on the government to reconsider its stand on debatable provisions.

Issues and challenges:

Resource constraints: The technical support available to Parliamentary committees is limited to a secretariat that helps with matters such as scheduling meetings and note-taking.

The National Commission to Review the Working of the Constitution (2002) highlighted the lack of research support and specialist advisors with the DRSCs.

Lack of independence: Some committees face pressure from the government or other influential groups, which can compromise their independence and impartiality.

Limited powers: These committees do not have the power to enforce their recommendations or to take disciplinary action against those who do not comply.

Limited participation: Some committees struggle to attract sufficient participation from MPs, which can limit their effectiveness.

During 2009–14, only 49% of members were present for meetings of the departmental-related standing committees.

Political influence: Parliamentary committees can be subject to political influence and pressure from party leaders or other powerful groups. This can undermine the committee's independence and ability to carry out its work objectively.

Poor number of sitting: During the first Session of the 17th Lok Sabha, Parliament sat only for 37 days. In the last 10 years, Parliament met for 67 days per year, on average.

Lack of detailed scrutiny: Parliamentary committees lack detailed scrutiny, face challenges in conducting thorough and effective scrutiny.

Only a limited proportion of the budget is usually discussed on the floor of the House. In the 16th Lok Sabha, only 17% of the budget was discussed in the House

Suggestive measures to enhance the role:

Increase resources and time: To examine and review the policies and actions of the government, committees should be provided more time and resources.

The National Commission to Review the Working of the Constitution (2002) recommended that funds should be allotted to assist these Committees in conducting inquiries, holding public hearings, and collecting data

Enhance independence: Committees should be independent and not subject to pressure from the government or other influential groups

Increase public visibility: Make the work of committees more transparent and accessible to the public, such as by holding public hearings or publishing reports.

Increase participation: Encouraging greater participation from MPs in committee work, through measures such as providing additional incentives or resources.