

**COMMONWEALTH PARLIAMENTARY ASSOCIATION**

**22<sup>ND</sup> COMMONWEALTH PARLIAMENTARY SEMINAR  
NEW DELHI, INDIA**

**24-29 NOVEMBER, 2011**

**AGENDA: PARLIAMENTARY COMMITTEES AND  
THE COMMITTEE SYSTEM  
(SESSION NO. 6)**

**SATURDAY, 26 NOVEMBER 2011, 09:30 TO 11:00 HRS.**

**CHAIRPERSON - HON. (DR.) MAUA ABEID DAFTARI,  
MP, TANZANIA**

**PRESENTERS - 1. SHRI S. BAL SHEKAR,  
ADDITIONAL SECRETARY,  
LOK SABHA, INDIA**

**2. MR. MICHAEL MISCHIN,  
MLC, WESTERN AUSTRALIA**

**PARLIAMENT OF INDIA  
NEW DELHI**

At the outset, Chairperson, Hon. (Dr.) Maua Abeid Daftari, MP, Tanzania welcomed Dr. William F. Shija, Secretary-General of the CPA, Presenter Shri S. Bal Shekar, Additional Secretary, Lok Sabha India and other delegates. She informed that the topic of the discussion for the morning deliberation is "Parliamentary Committees and the Committee System". Opening the discussion, she stated that Tanzanian Parliament has Committee of whole House, Select Committees, Standing Committees, Portfolio & Non-Portfolio Committees. Thereafter, she requested the first presenter Shri S. Bal Shekar to speak on the subject.

Welcoming the Secretary-General of CPA, Chairperson and delegates, Shri Bal Shekar stated that Indian Parliament discharges lots of its functions through Committees. As Parliament does not have much time at its disposal, it has delegated its responsibilities of discharging its functions to the Parliamentary Committees. Working in Parliamentary Committees is advantageous in many ways. The first and foremost advantage is objectivity of subject. As the Committee proceedings are held in Camera, there is an objective consideration of the subjects discussed and the members perform their duties in a non-Partisan ways. The members get a lot of time to speak in Committees. There is an opportunity to hear experts/witnesses in Parliamentary Committees and getting their expert advice, which is not available in Parliament. The Committees adopt procedure of seeking opinions on various Bills and large numbers of people submit their memoranda to the Committees. Each Committee has its own Secretariat which does a lot of research and provides vital inputs to the Members. Another big advantage of Parliamentary Committees is very high quality of debates as the discussions are on non-partisan line.

After deliberations are over, Committees present their reports to both the Houses of Parliament. In Indian Parliament, 99.9% of the reports are unanimous and very seldom dissent notes are appended.

Indian Parliament has got 55 Committees. Generally Members from both the Houses are associated with the Committees except Estimates Committees & some select Committees. Indian Parliament Committee system has got Standing Committees & Ad-hoc Committees. Standing Committees are of permanent nature & the Ad-hoc Committees are formed for a specific purpose/time. Besides three Financial Committees viz. Estimates Committee, Public Accounts Committee & Committee on Public Undertakings, there are 24 Departmentally Related Standing Committees. 17 Departmentally Related Standing Committees are with Lok Sabha & 7 with Rajya Sabha. Each Standing Committee has one/two Ministries under its jurisdictions. The Standing Committees scrutinize Demands for Grants and make report on expenditure budget of each Ministry every year. The impact of the Committee Reports is tremendous on the policies of the Government. Most of the amendments suggested on Bills by the Standing Committees are accepted by Parliament and Government. About 57% of the recommendations of the Departmentally Related Standing Committees have been accepted by the Government so far. Ending his discussion Shri Bal Shekar stated that by and large, the Committee System has been very effective in Indian Parliament.

Second Presenter Mr. Michael Mischin (MLC, Western Australia) welcomed the Chair & delegates. He stated that Commonwealth of Australia was established in 1901. A Federal Government was set up with specific powers of national nature, Defence Marriage Laws etc.

States retained Colonies and had residual powers like policing, justice etc. As a result of development, Federal Government has encroached upon the powers of the States. West Australian Parliament is a bi-cameral legislature. Legislative Council i.e. Upper House is divided into 6 regions across the States, with each region being allocated 6 elected representatives. Legislative Assembly i.e. Lower House of Parliament has 59 members.

Much of the important work of West Australian Parliament is done by the Committee System. Once Member joins the Committee, the political issues are set aside and he/she functions on non-Partisan line. The Estimates Committee is chaired by Member of non-Government Party to hold Government accountable. There are two types of Committees Select Committees & the Standing Committees. Proceedings of the Committees are open to public. Legislative Assembly has five Standing Committee viz. (i) Community Development and Justice Committee, (ii) Economics and Industry Committee, (iii) Education and health Committee, (iv) Procedure and Privileges Committee and (v) Public Accounts Committee. Legislative Council has six Standing Committees viz. (i) Environment and Public Affairs Committee, (ii) Estimates and Financial Operations Committee, (iii) Procedure and Privileges Committee, (iv) Public Administration Committee, (v) Uniform Legislation and Statutes Review Committee and (vi) Legislation Committee. There are three Joint Committees viz. (i) Committee on the Commissioner for Children and Young People, (ii) Committee on the Corruption and Crime Commission and (iii) Delegated Legislation Committee.

Enumerating the functions of some of the Committees, Mr. Michael stated that Environment & Public Affairs Committee consists of five members. The Committee enquires into and reports on any public or private policy, practice, scheme whose implementation, within the limit of the state is affecting or may affect the environment; any Bill referred by the House and Petition. The Estimates and Financial Operations Committee is more important one. The Committee consists of five members and can initiate inquiry into financial aspects of the Government. The Legislative Enquiry Committee also consists of five members and looks mainly into the legislation. Joint Standing Committee on Delegated Legislation consists of eight members, four of whom are appointed from each House. The Committee inquires whether the instrument referred to the Committee for consideration is authorized or contemplated by the empowering enactment. Uniform Legislative & Statutes Review Committee consists of four members. The Committee reviews the form and contents of the Statutes Book and the reports on the Bills referred to it by the Government. Public Administration Committee consists of five members. The Committee inquires into and reports on the structure, efficiency and effectiveness of the system of public administration.

In the end, Mr. Michael dwelt on some of the problems. He stated that Reports of the Committees are very very long and Committees are not able to report to House in a succinct way.

Thereafter Chairperson opened the floor for discussion. The Zambian Delegate, Mr. Harry Kalaba, MP and Vice President CPA initiated the discussion. He wanted to know as to whether in Indian/West Australian Parliamentary System, there are Standing Committees for ratification of the appointments made by the Prime Minister. In reply, Shri Bal Shekar, AS, Lok Sabha, India informed that there is no Standing Committee in Indian Parliament for ratification of the appointments made by the Executive. The Comptroller & Auditor General of India and the Judges appointed are not subject to ratification of Parliament. Only the Council of

Ministers appointed by the President on the recommendation of the Prime Minister seeks vote of confidence of lower House of the Parliament. However, in respect of some appointments like Central Vigilance Commission (CVC), consultations with the Leader of the House, Leader of Opposition are held. The Second Presenter Mr. Michael informed that in West Australian Parliament also, there is no system of ratification of appointments made by the Executive.

The Delegate from South Africa, Mr. Siphosiso Caiphas NKOSI, MP sought Information on following points:-

- (i) Whether the Statutes Review Committee in West Australian Parliament reviews all the Parliament Legislation;
- (ii) Whether Committees hold closed session in West Australian Parliament; and
- (iii) Is there any system of ratification of appointments made by the Executive?

Answering to above questions, the second Presenter Mr. Michael informed that only Bills referred to the Committee by the Government or referred by the House or a Minister are examined by the Committee. Regarding proceedings of the Committee, he stated that generally hearings of the Committee are conducted in public but deliberations of the Committee are held in private with a view to settle the Reports. On ratification system, he stated that there is no system of ratification of appointments made by the Executive by Parliament in West Australia. On the issue of review of Parliament Legislation, Shri Bal Shekar stated that there is no Statutes Review Committee in India. However Law Commission of India reviews the obsolete laws and any consolidation of laws if required. Only those Bills are examined by the Standing Committees which are referred to them by the Speaker. Regarding the sittings of the Committee, Shri Bal Shekar informed that all the sittings of the Committee are held in Camera. The deliberations are not telecasted and the public get to know about the proceedings of the Committee through the minutes which are contained in the Committee Reports.

The delegate from Kenya, Mr. Lucas Kipkosgei Chepkitony stated that the deliberations of the Committees in Kenyan Parliament are open to public and media. Any Member can attend meetings of the Committee if he is interested. All the appointments made by the Executive are vetted by the relevant Committees of the Parliament and the Committees recommend to House to approve the appointments made by the Executive.

The delegate from South Africa, Hon'ble Boltumelo Joy Matshose stated that in South Africa, the Committee Members are not completely independent from party line/party position. She raised the following queries:-

- (i) Whether the Members in Parliamentary Committees in Indian Parliament function on non-Partisan line;
- (ii) Are the Committees provided with Researchers;
- (iii) Why the Committee System is not open to public;
- (iv) Are interested Parties/Experts invited before the Committee?

Replying to the above queries, Shri Bal Shekar stated that but for certain Committees where sensitive subjects are discussed, in most of the Committees, participation of the Members is not guided by the Parties. We have an Ombudsman Committee wherein Several Parties send their Members with a particular brief and Members usually toe the Party line. On the issue of Experts & Researchers, Shri Bal Shekar stated that Committees are free to call anyone interested to give evidence before them. The Secretariat of the Committee does the basic research and act as a think-tank. On the question as to why the Proceedings of the Committees are not open to Public, Shri Bal Shekar informed that the value of the Committee Proceedings have been there objectivity/neutrality and it would be spoiled if the proceedings are open to public. However the matter is being debated and there are different schools of thought.

The Delegate from Zanzibar/Tanzania, Mr. Abdalla Mohd. Ali wanted to know as to how Standing Committees are formed in India?" In reply Shri Bal Shekar informed that most of the time options given by the Members are taken into account. Even after nomination to a particular Committee, if a Member wants a change he/she can write to Hon'ble Speaker, Lok Sabha giving his/her preference.

The Delegate from Namibia, Mr. Kapenambili Isai Paulus asked as to how the system of ratification of appointments of Executive by Kenyan Parliament was working. In reply, the Kenyan Delegate, Mr. Lucas Kipkosgei Chepkitony informed that all the Appointments of Executive were not vetted in Kenyan Parliament. He also informed that the Executives are usually appointed when Parliament is in Session.

**Summing up**:- Secretary-General, CPA, Dr. William F. Shija thanked all the delegates for very effective participation and expressed concern on following two areas:-

1. Effectiveness of Members of Parliament before the public; and
2. The issue of transparency.

On the issue of effectiveness of Members of Parliament & transparency, the Secretary-General of CPA asserted that the question of image of Members of Parliament has permeated in all the countries/Parliaments. Whether the MPs are able to work for the welfare of the public is of foremost concern now. Members need to ensure that they bring the issues/problems of public as transparently as possible. He also questioned as to why it was not possible to make our Committees as open as possible on all matters but for Defence or secret issues. He ended by thanking the Chair.

The Chairperson thanked all the delegates and concluded the discussion.