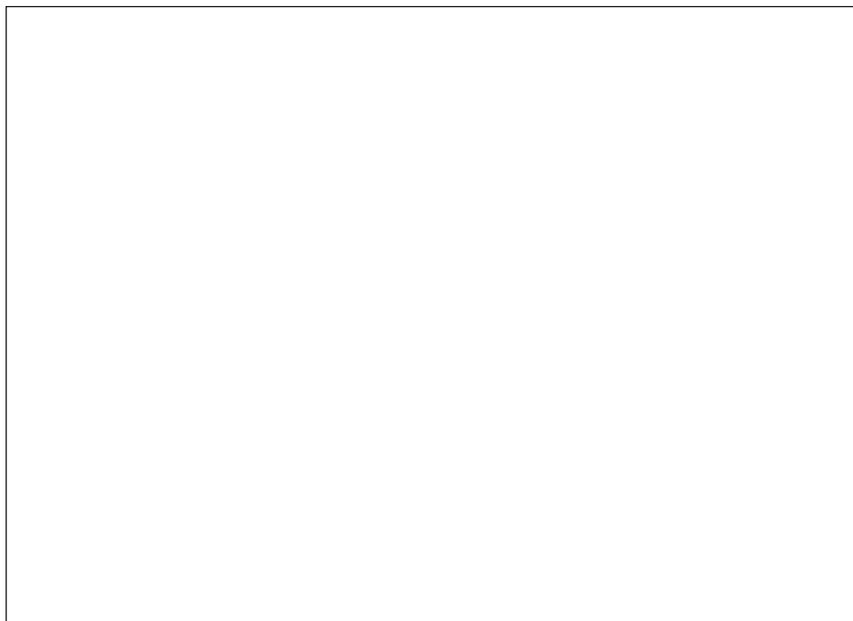




RAJYA SABHA
PRACTICE & PROCEDURE SERIES

11

**COMMITTEES OF
RAJYA SABHA**



COMMITTEES OF RAJYA SABHA

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PREFACE

Rajya Sabha has an organised system of its Committees. This booklet which is part of the Rajya Sabha Practice and Procedure Series seeks to describe in brief, the composition, functions, etc. of these Committees, as laid down in the Rules of Procedure and Conduct of Business in Rajya Sabha. The booklet is intended to serve only as a handy guide. The information contained in it is not exhaustive. For detailed and authentic information relating to each Committee, the Rules of Procedure and Conduct of Business in Rajya Sabha may be referred to and relied upon.

New Delhi;
February, 2005

DR. YOGENDRA NARAIN
Secretary-General

COMMITTEES OF RAJYA SABHA — GENERAL

Introduction

Parliamentary Committees play a vital role in the parliamentary system. They are a vibrant link between the Parliament, the Executive and the general public. The need for committees arises out of two factors, the first one being the need for vigilance on the part of the Legislature over the actions of the Executive, while the second one is that the modern Legislature these days is over-burdened with heavy volume of work with limited time at its disposal. It thus becomes impossible that every matter should be thoroughly and systematically scrutinised and considered on the floor of the House. If the work is to be done with reasonable care, naturally some parliamentary responsibility has to be entrusted to an agency in which the whole House has confidence. Entrusting certain functions of the House to the committees has, therefore, become a normal practice. This has become all the more necessary as a committee provides the expertise on a matter which is referred to it. In a committee, the matter is deliberated at length, views are expressed freely, the matter is considered in depth, in a business-like manner and in a calmer atmosphere. In most of the committees, public is directly or indirectly associated when memoranda containing suggestions are received, on-the-spot studies are conducted and oral evidence is taken which helps the committees in arriving at the conclusions.

The committees aid and assist the Legislature in discharging its duties and regulating its functions effectively, expeditiously and efficiently. Through committees Parliament exercises its control and influence over administration. Parliamentary committees have a salutary effect on the Executive. The committees are not meant to weaken the administration, instead they prevent misuse of power exercisable by the Executive. It may, however, be remembered that parliamentary control in the context of the functioning of the committees may mean influence, not direct control; advice, not command; criticism, not obstruction; scrutiny, not initiative; and accountability, not prior approval. This, in brief, is the rationale of the committee system. The committees have functioned in a non-partisan manner and their deliberations and conclusions have been objective. This, in a large measure, accounts for the respect in which the recommendations of the parliamentary committees are held.

Types of Committees

Rajya Sabha possesses an organised system of committees. Appointment, term of office, functions and procedure for conducting business in these committees are regulated under the provisions of the Rules and directions given by the Chairman from time to time.

The committees may be classified as *Ad hoc* Committees and Standing Committees. *Ad hoc*

Committees are appointed from time to time to enquire into specific subjects. They are not named as such in the Rules of Procedure of Rajya Sabha but come into being on a specific motion and become *functus officio* immediately after reporting to the House on matters assigned to them. *Ad hoc* Committees are generally Select Committees and Joint Select Committees on Bills. *Ad hoc* Committees have, however, been appointed by the House on other specific subjects, as in 1962, the House appointed an *Ad hoc* Committee to consider its rules of procedure. In 1976 another Committee was appointed to enquire into the conduct of a sitting member of the House and in 1983 a Committee was constituted for reconciliation between the Nirankaris and Akalis. Again, on 9 August 1995, a fifteen-member Railway Wagon Committee was constituted to examine all the aspects relating to procurement of Railway Wagons.

The second category of Committees, namely Standing Committees may be divided in terms of their functions under four broad heads:

1. Committees to enquire—
 - (a) Committee on Petitions,
 - (b) Committee of Privileges,
 - (c) Committee on Ethics.
2. Committees to scrutinise and control—
 - (a) Committee on Government Assurances,

- (b) Committee on Subordinate Legislation,
- (c) Committee on Papers Laid on the Table.

3. Committees relating to day-to-day business of the House—

- (a) Business Advisory Committee,
- (b) Committee on Rules.

4. House Keeping Committees—

- (a) House Committee,
- (b) General Purposes Committee,
- (c) Committee on Provision of Computers to Members of Rajya Sabha,
- (d) Committee on Members of Parliament Local Area Development Scheme.

There are some financial committees of Lok Sabha with which members of Rajya Sabha are associated. These are:

- (a) Committee on Public Accounts,
- (b) Committee on Public Undertakings.

There are also Joint Parliamentary Committees on which members of both the Houses are represented. These Committees are:

Permanent

- (a) Committee on the Welfare of Scheduled Castes and Scheduled Tribes,
- (b) Committee on Offices of Profit,

- (c) Parliamentary Library Committee,
- (d) Committee on Salary, Allowances and Pension of Members of Parliament; and
- (e) Committee on Empowerment of Women.

Ad-hoc

- (f) Railway Convention Committee : the Committee to review the rate of dividend payable by the Railway Undertaking to the General Revenues,
- (g) Committee on Food Mangement in Parliament House Complex,
- (h) Committee on Installation of Portraits/Statues of National Leaders and Parliamentarians in the Parliament House Complex,
- (i) Committee on Functioning of Wakf Boards; and
- (j) Committee on Security Matters in Parliament House Complex.

The members of Rajya Sabha on the Committee on Public Accounts, Committee on Public Undertakings, Committee on Offices of Profit and Committee on the Welfare of Scheduled Castes and Scheduled Tribes are elected by the House, while members of the other Joint Committees are nominated by the Chairman. The proportion of number of members of the two Houses on these committees is in the ratio of 2 members of Lok Sabha to 1 of Rajya Sabha.

Rajya Sabha is represented on other bodies such as the All India Institute of Medical Sciences, Central Advisory Board of Education, Delhi Development Authority, Press Council of India, Central Social Welfare Board, Courts of the Central Universities, Haj Committee, etc.

Following is the list of parliamentary standing committees which function in Rajya Sabha:

Name of the Committee	No. of members in the Committee
1	2
1. Business Advisory Committee	11
2. Committee on Papers Laid on the Table	10
3. Committee on Petitions	10
4. Committee of Privileges	10
5. Committee on Rules	16
6. Committee on Subordinate Legislation	15
7. Committee on Government Assurances	10
8. General Purposes Committee	No fixed number
9. House Committee	10
10. Committee on Ethics	10

1	2
11. Committee on Provision of Computers for Members of Rajya Sabha	7
12. Committee on Members of Parliament Local Area Development Scheme	10

Normally, these committees are re-constituted every year but every committee continues to hold office until a new committee is nominated.

The functions, etc. of each of these committees are described below in brief:—

(1) *Business Advisory Committee*—This Committee recommends the time that should be allocated for the discussion of the stage or stages of such Government Bills and other business as the Chairman in consultation with the Leader of the House may direct for being referred to the Committee. The Committee also recommends the time that should be allocated for the discussion of stage or stages of Private Members' Bills and resolutions. It has the power to indicate in the proposed time-table the different hours at which the various stages of the Bill or other business are to be completed. The Committee performs such other functions as may be assigned to it by the Chairman from time to time. The time-table in regard to the business of the Rajya Sabha as settled by the Committee is reported by the Chair to the House and is then notified in Rajya Sabha Parliamentary Bulletin Part-II.

(2) *Committee on Papers Laid on the Table*—The function of the Committee is to consider, after a paper is laid before the Council by a Minister, whether (a) there has been compliance with the provisions of the Constitution or an Act of Parliament or any other law, rule or regulations in pursuance of which the paper has been so laid; (b) there has been any unreasonable delay in laying the paper before the Council and if so, whether a statement explaining the reasons for such delay has also been laid before the Council along with the paper and whether those reasons are satisfactory; and (c) the paper has been laid before the Council both in English and Hindi and if not, whether a statement explaining the reasons for not laying the paper in Hindi has also been laid before the Council along with the paper and whether those reasons are satisfactory. The Committee performs such other functions in respect of the papers laid on the Table as may be assigned to it by the Chairman from time to time. The reports of the Committee are presented to the House from time to time by the Chairman of the Committee or, in his absence, by any member of the Committee.

(3) *Committee on Petitions*—The functions of the Committee are: (a) to examine every petition referred to it, and if the petition complies with the rules, to direct that it be circulated *in extenso* or in summary form, as the case may be; and (b) to report to the House on specific complaints made in the petition after taking such

evidence as it deems fit and to suggest remedial measures, either in a concrete form applicable to the case under consideration or to prevent recurrence of such case. The reports of the Committee are presented to the House by the Chairman of the Committee or in his absence by any member of the Committee from time to time.

(4) *Committee of Privileges*—The Committee examines every question of privilege referred to it either by the House or by the Chairman and determines with reference to the facts of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it and makes such recommendations as it deems fit. The Committee can also report to the House the procedure that may be followed by the House in giving effect to the recommendations made by the Committee. The reports of the Committee are presented to the House from time to time by the Chairman of the Committee or in his absence by any member of the Committee. After the report is presented, a motion for consideration of the report may be moved by the Chairman of the Committee or any other member of the Committee. Any member may give notice of amendment to the motion for consideration of the report in such form as may be considered appropriate by the Chairman. After the motion for consideration of the report has been carried, the Chairman or any member of the Committee or any

other member, as the case may be, may move that the House agrees or disagrees or agrees with amendments, with the recommendations contained in the report.

(5) *Committee on Rules*—The Committee considers matters of procedure and conduct of business in Rajya Sabha and recommends any amendments or additions to the rules that may be deemed necessary. Reports of the Committee are presented to the House from time to time by the Deputy Chairman or in his absence by any member of the Committee. After a report is presented, a motion for consideration of the report may be moved by the Deputy Chairman or in his absence by a member of the Committee designated by the Chairman. By giving prior notice, members can move amendments to the motion for consideration of the report. After the motion for consideration of the report has been carried, the Deputy Chairman or in his absence any member of the Committee designated by the Chairman may move that the House agrees, or agrees with amendments, with the recommendations contained in the report.

(6) *Committee on Subordinate Legislation*—The functions of the Committee are to scrutinise and report to Rajya Sabha whether the powers to make rules, regulations, bye-laws, schemes or other statutory instruments conferred by the Constitution or delegated by Parliament are being properly exercised within such conferment or delegation, as the case may be. The Committee examines such rule, regulation, bye-law,

scheme or other statutory instrument framed in pursuance of the Constitution or the legislative functions delegated by Parliament to a subordinate authority, irrespective of the fact whether it is required to be laid before the House or not and, in particular, considers: (a) whether it is in accordance with the general objects of the Constitution or the Act pursuant to which it is made; (b) whether it contains matter which in the opinion of the Committee should more properly be dealt within an Act of Parliament; (c) whether it contains imposition of any tax; (d) whether it directly or indirectly bars the jurisdiction of the courts; (e) whether it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act pursuant to which it is made does not expressly give any such power; (f) whether it involves expenditure from the Consolidated Fund of India or the public revenues; (g) whether it appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made; (h) whether there appears to have been unjustifiable delay in its publication or in laying it before Parliament; and (i) whether for any reason its form or purport calls for any elucidation.

The Committee examines Bills which seek to delegate powers to make rules, regulations, bye-laws, etc. or amend earlier Acts delegating such powers, with a view to seeing whether suitable provisions for the laying of the rules, regulations, etc. before Parliament have been

made therein. The Committee also examines representations made to it in regard to rules, regulations, bye-laws, etc. made or required to be made under an Act. The reports of the Committee are presented to the House from time to time by the Chairman of the Committee or in his absence, by any member of the Committee.

(7) *Committee on Government Assurances*—The functions of the Committee are: (a) to scrutinise the assurances, promises, undertakings, etc. given by Minister from time to time on the floor of the House during Question Hour as also during discussion on Bills, Resolutions, Motions, Calling Attention notices, etc.; and (b) to report to the House on the extent to which such assurances, promises, undertaking, etc. have been fully or satisfactorily implemented, and when implemented, whether such implementation has taken place within the minimum time necessary for the purpose or whether there has been an inordinate delay in the implementation of assurances and if so the reasons therefor. The Committee determines its own procedure in connection with all matters relating to the consideration of any question of assurances, promises, undertakings, etc. by it. The reports of the Committee are presented to the House from time to time by the Chairman of the Committee or, in his absence, by any member of the Committee.

(8) *General Purposes Committee*—The General Purposes Committee consists of the Chairman, the Deputy Chairman, members of the panel of Vice-Chairmen, Chairmen of all Parliamentary Standing Committees of Rajya Sabha, leaders of recognised parties and groups in Rajya Sabha and such other members as may be nominated by the Chairman. The Chairman, Rajya Sabha, is the *ex-officio* Chairman of the Committee. The functions of the Committee are to consider and advise on such matters concerning the affairs of the House as may be referred to it by the Chairman from time to time.

(9) *House Committee*—The functions of the Committee are (i) to deal with all questions relating to the allotment of residential accommodation to members of Rajya Sabha, and to exercise supervision over facilities for accommodation so allotted and other amenities given to members in their residences and hostels in Delhi/ New Delhi, and (ii) to make appropriate recommendations in regard to matters of common interest to members of both Houses of Parliament pertaining to their residences and other amenities. For this, it is a practice that the Chairmen of the House Committees of Lok Sabha and Rajya Sabha confer together.

(10) *Committee on Ethics* - The Ethics Committee of Rajya Sabha was constituted by the Chairman, Rajya Sabha on 4 March 1997. Leaders of political parties/

groups in Rajya Sabha are normally nominated as the members of the Ethics Committee. The Chairman and members of the Committee are nominated by the Chairman, Rajya Sabha. The functions of the Committee are (i) to oversee the moral and ethical conduct of members; (ii) to prepare a Code of Conduct for members and to suggest amendments or additions to the Code from time to time in the form of reports to the Council; (iii) to examine cases concerning the alleged breach of the Code of Conduct by members as also cases concerning allegations of any other ethical misconduct of members; and (iv) to tender advice to members from time to time on questions involving ethical standards either *suo motu* or on receiving specific requests. The reports of the Committee presented to the House have to be adopted by it. While taking up the report in the House, two motions are moved—one for the consideration and the other for adoption of the report.

(11) *Committee on Provision of Computers to Members of Rajya Sabha*—This Committee was constituted by the Chairman, Rajya Sabha on 18 March 1997. The Deputy Chairman of Rajya Sabha is the Chairman of the Committee. The Committee considers matters relating to supply of computers to members of Rajya Sabha. It also reviews the hardware and software requirements of members, etc.

(12) *Committee on Members of Parliament Local Area Development Scheme*—Since a large number of

complaints were being received from members about non-implementation of various items of work under the Member of Parliament Local Area Development (MPLAD) Scheme, it was felt that there should be some effective monitoring mechanism so that proper and quick implementation of projects under MPLAD Scheme could be achieved. With this end in view, a ten-member Committee was constituted in Rajya Sabha on 5 September 1998. The Deputy Chairman of Rajya Sabha is the Chairman of this Committee.

Department-related Parliamentary Standing Committees—The need to constitute some kind of subject committees or the Department-related Parliamentary Standing Committees was being felt for the last several years. In 1989, in fact, three Standing Committees were constituted which dealt with Agriculture, Science and Technology and Environment and Forests. In 1993, it was finally decided to set up the seventeen Department-related Parliamentary Standing Committees to cover various Ministries/ Departments of the Union Government in order to further strengthen the accountability of the Government to Parliament. These Department-related Committees which started functioning from 8 April 1993 superseded the three subject committees set up in 1989.

While inaugurating the Department-related Parliamentary Standing Committee system in the Central Hall of Parliament on 31 March 1993, the then

Vice-President of India and the Chairman, Rajya Sabha, Shri K. R. Narayanan observed that the main purpose of these committees is—

"...to ensure the accountability of Government to Parliament through more detailed consideration of measures in these Committees. The intention is not to weaken or criticise the administration but to strengthen it by investing it with more meaningful Parliamentary support."

An important step was taken further to strengthen the Committee system in Parliament in July 2004 by increasing the number of the Department-related Parliamentary Standing Committees to twenty-four as listed below. This was broadly done on the basis of the recommendations of a Joint Parliamentary Committee to look into the question of jurisdiction overlap amongst various Committees. The Rules of Procedure of both the Houses of Parliament have accordingly been amended. The membership of these Committees has now been reduced from 45 to 31 with 10 members from Rajya Sabha and 21 members from Lok Sabha.

Part-I

1. Committee on Commerce
2. Committee on Home Affairs
3. Committee on Human Resource Development

4. Committee on Industry
5. Committee on Science & Technology, Environment & Forests
6. Committee on Transport, Tourism and Culture
7. Committee on Health and Family Welfare
8. Committee on Personnel, Public Grievances, Law and Justice

Part-II

9. Committee on Agriculture
10. Committee on Information Technology
11. Committee on Defence
12. Committee on Energy
13. Committee on External Affairs
14. Committee on Finance
15. Committee on Food, Consumer Affairs and public Distribution
16. Committee on Labour
17. Committee on Petroleum and Natural Gas
18. Committee on Railways
19. Committee on Urban Development

20. Committee on Water Resources
21. Committee on Chemicals and Fertilizers
22. Committee on Rural Development
23. Committee on Coal and Steel
24. Committee on Social Justice and Empowerment

These Committees are entrusted with the following functions:

- (a) to consider the Demands for Grants of the related Ministries/Departments and report thereon. The report shall not suggest anything of the nature of cut motions;
- (b) to examine Bills, pertaining to the related Ministries/Departments, referred to the Committee by the Chairman or the Speaker, as the case may be, and report thereon;
- (c) to consider the annual reports of the Ministries/Departments and report thereon; and
- (d) to consider national basic long term policy documents presented to the Houses, if referred to the Committee by the Chairman or the Speaker, as the case may be, and report thereon.

Provided that the Standing Committees shall not consider matters of day-to-day administration of the related Ministries/Departments.

Out of the twenty-four Department-related Parliamentary Standing Committees, eight Committees (Part-I) function under the direction and control of the Chairman, Rajya Sabha and sixteen Committees (Part-II) function under the direction and control of the Speaker, Lok Sabha.