

Select Committee Of Parliament [UPSC Notes for GS II]

Select Committee Of Parliament

Topic: Parliament and State Legislatures - structure, functioning, conduct of business, powers & privileges and issues arising out of these.

Context: Opposition parties in the Rajya Sabha have told the government that they wanted seven key legislations to be sent to a Select Committee of Parliament for further scrutiny.

An unwieldy body like the Parliament cannot effectively deliberate upon all the issues that come up before it. The Parliament are complex, varied and voluminous functions. Moreover, it has neither adequate time nor necessary expertise to make a detailed scrutiny of all legislative measures and other matters. Hence, the Parliament is aided by many committees in the discharge of its duties.

Details:

- The seven Bills that the opposition has demanded be sent to a standing committee are:
 - Muslim Women (Protection of Rights of Marriage) Bill, 2019
 - Right to Information (Amendment) Bill, 2019
 - Code Wages Bill, 2019
 - Occupational Safety, Health and Working Conditions Code Bill, 2019
 - Inter- State River Water Disputes (Amendment) Bill, 2019
 - DNA Technology (Use and Application) Regulation Bill, 2019
 - Unlawful Activities (Prevention) Amendment Bill 2019.
- The Unlawful Activities (Prevention) Amendment Bill, 2019, the Right to Information (Amendment) Bill, 2019, and the DNA Technology (Use and Application) Regulation Bill, 2019 have been cleared by the Lok Sabha in the current session of Parliament.

Concerns:

- The current session has had the highest productivity so far, clearing 15 Bills, however, not a single bill has gone to a select or a standing committee.
- In every session, more or less, Bills go to the standing committee but this is the first session where not a single legislation has gone for scrutiny.
- TMC leader Derek O'Brien opined that said if Rajya Sabha lets through the RTI Bill, the Council of States would be failing in its duty to uphold the spirit of federalism.
- While the government plans to extend the session, it is opined by the opposition that passing more Bills without scrutiny would be a futile exercise.

What are the types of committees?

- Most committees are 'standing' because their existence is uninterrupted and usually reconstituted annually.
- Some committees are 'select', that is, formed for a specific purpose, like to deliberate on a certain bill. When the Bill is disposed of, that select committee no longer will exist.
- Some standing committees are departmentally related, such as the Standing Committee on Human Resource Development. A Bill concerned with education could either be considered by a select committee that will be specifically set up or the department standing committee.
- The chair uses her discretion to refer the matter to a parliamentary committee but this is usually done in consultation with leaders of parties in the House.
- Financial control is a vital tool for Parliament's authority over the executive; therefore, finance committees are deemed particularly powerful.
- The three financial committees are:
 - Public Accounts Committee
 - Estimates Committee
 - Committee on Public Undertakings
- Parliamentary committees derive their authority from Article 105 (on privileges of Parliament members) and Article 118 (on Parliament's authority to make rules for regulating its procedure and

conduct of business).

- Committee reports are generally comprehensive and offer authentic information on matters connected with governance. Bills that are referred to committees are returned to the House with great value addition.

Who chairs the committees?

- Of the twenty-four committees, sixteen are administered by Lok Sabha and 8 by the Upper House. The chairperson is from the respective house.
- Political parties are allotted chairs depending on their strength in Parliament.
- Some committees like finance, home affairs and external affairs are customarily chaired by a senior member of an opposition party.

Aspirants can refer the [UPSC Mains Syllabus](#) at the linked article.

Why should the bill be referred to a Standing Committee?

- When a Bill is referred to a standing committee or a select committee, there will be wider consultation.
- The standing committees were conceived so that laws are not made just on the basis of the individual opinion of the MPs.
- In a parliamentary democracy, Parliament has broadly two functions, which are lawmaking and oversight of the executive branch of the government. Parliament is the embodiment of the people's will.
- Committees are an instrument of Parliament for its own effective functioning.
- Considering the high volume of legislative business, having discussions on all Bills under the consideration of Parliament in detail on the floor of the House is impossible.
- Committees are platforms for threadbare discussion on a proposed law.
- At least in principle, the assumption is that the smaller group of lawmakers, assembled on the basis of the proportional strength of individual parties and interests and expertise of individual lawmakers, could have a more comprehensive, open and better informed discussion.
- Committee meetings are 'closed door' and members are not bound by party whips, which permits them to have a more meaningful exchange of views as against discussions in full and open Houses where grandstanding and party positions invariably take precedence.
- Disruptive innovations in technology and the expansion of trade, commerce and economy, in general, throw up new policy challenges that warrant a constant reform of institutional and legal structures.
- While lawmaking becomes largely complex, lawmakers cannot infinitely widen their knowledge into ever-expanding areas of human activities.
- Members of Parliament may have great awareness but they would need the help of experts in dealing with such situations. It is via committees that such expertise is possible in lawmaking.
- Executive accountability to the legislature is implemented through questions in Parliament also, which are answered by ministers.
- However, department standing committees go a step further and hear from senior officials of the govt. in a closed setting, allowing room for more intense discussions.
- This mechanism also permits parliamentarians to understand the executive processes closely.

Are the committee's recommendations binding?

- Parliament is not bound by the recommendations of committees.
- It is the role of all Members of Parliament in both houses to study the recommendations and move suitable amendments.
- Thereafter, Parliament can vote on these amendments, and finalise the bill.

Way Forward:

Parliamentary committees don't have exclusive subject-wise research support available. The national commission to examine the working of the Constitution has recommended that to foster the committee system, research support should be made available to them.

At present, the rules of Parliament do not require every bill to be referred to a parliamentary committee for scrutiny. While this permits the government more flexibility and the power to hasten the legislative business, it comes at the cost of ineffective scrutiny by the highest law-making body. Compulsory scrutiny

of all bills by parliamentary committees would make sure of better planning of the legislative business.

