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**Effective Parliamentary Committee**  
**Systems and their Impact on the Efficacy of**  
**the Institution: A Comparative Analysis**

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## **Abstract**

*Parliaments, the world over are apportioned with the arduous task of law-making; in order to efficiently undertake this function, they are assisted by various parliamentary committees with specific expertise. Parliamentary committees often act as mini parliaments, performing the cardinal function of deliberating and reconsidering bills before they are presented before the house. This paper undertakes a comparative theoretical study of legislatures with pre-existing empirical material to substantiate that the efficiency of a parliament is directly attributable to the success or failure of its respective parliamentary committee system. It further analyses the design features associated with committees in different legislatures and attempts to understand how it affects the legitimacy of the institution as a whole.*

**Keywords** *Public policy, parliaments, parliamentary committees, Indian Parliament, comparative legislative studies, lawmaking, effective legislatures, Parliamentary committee systems*

## **1.0 Introduction**

The Parliament is too unwieldy a body to effectively deliberate the issues that are placed before it, given that its functions are inherently varied and complex. Having neither the required time nor the expertise to elaborately scrutinise these matters on the floor of the house, the parliament is aided by several Parliamentary committees in effectively discharging its duties. Historically, parliamentary committees were formed to gather parliamentarians of expertise in smaller groups, to work more efficiently. The genesis of Parliamentary Committee systems suggests that these committees were established to perform three imperative functions: legislative scrutiny, budgeting and parliamentary oversight of the executive, amongst others.

While comparing legislatures, one comes to understand that there are varied structural designs associated with each parliamentary committee, which in turn impacts the effectiveness of the parliamentary institution in totality. The first part of this paper will take a comparative approach to study both the exceptionally strong Congressional Committees in the United States of America and the relatively fragile Committee system in India while primarily relying on the study conducted by Shaw. The second part will further examine the importance of sound design features across other legislatures while trying to ascertain how

they contribute to the efficacy of the respective committee systems. The third part of this paper will apply the theoretical study and pre-existing statistical data to the existing committee system in India in determining how the efficiency and the prominence given to its committees have directly impacted the quality of legislation in the country. The last part of this paper provides recommendations to overcome the shortcomings of parliamentary committees while establishing that parliamentary committees are in fact at the heart of the legislative process.

## **2.0 Committee system's impact on the effectiveness of the parliamentary institution**

Parliamentary committees are meant to breathe life into the institution; they essentially act as agents, by performing specific tasks which are delegated to them by the legislature. As Mezey (1979) rightly observed, 'if a legislature is to have strong policy-making power, it also has to have a highly developed committee system with policy expertise'. The Committee System remains a vital internal legislative organisation which has a direct effect on how effective the Parliament is. In this regard, the effectiveness of the Parliament can be measured both quantitatively and qualitatively with the help of various indicators such as time spent on each legislation, quantity and quality of legislations, Committee meetings held per bill and questions answered orally (PRS, 2008).

A committees' impact in a legislature may be ascertained by taking into account the number of recommendations that are annually accepted by the Government in the form of amendments to bills. However, for a Committee to ultimately matter in a legislature, it has to be referred to a bill before it goes through the legislative process and reaches the plenary level. Additionally, committees are also meant to act as instruments to prevent oversight of the Executive wing of the government (Mattson and Strom, 2004). This is precisely why it is believed that a strong committee system is likely the best way the legislature can hold accountable the government, individual cabinet ministers or the bureaucracy (Lees and Shaw, 1979). It is therefore essential to first understand the importance of the committee systems in legislatures before scrutinising their singular effectiveness.

This paper attempts to study the phenomenon of effectiveness by applying the study undertaken by Shaw, wherein he ranked eight countries based on the relative importance of Committee Systems in their respective legislatures (Shaw 1979:384). In doing so, he first

addressed the cardinal question of what was important in a Committee System, thereby defining it as the “ability of the official committees in the legislature to influence and determine the output of legislature and polity”. From this premise, the aforesaid study ranked the American Congressional Committee in the first place and the Japanese Diet Committee in the last. He rightly observed that ‘The committee system in the American Congress is not only the strongest system in the present study; it is by far the strongest’ (ibid). One of the key reasons for its effectiveness is that it is ‘relatively independent of external control’ (Shaw and Ochoa) since American parties generally tend to exercise loose control over the House and Senate Committees, thereby granting them the freedom to function more independently, without being influenced by external control.

Furthermore, the two-tiered structure of nearly all The House and Senate Committees certainly adds to its advantage. The fact that these institutions entail efficient Committees, sub-committees and supporting staff is attributable to the success of the model, granting legitimacy to the institution at large. This supplements the dogma that strong committees do make strong Parliaments. Subcommittees in the US are more elaborate than others and quite exceptional in this regard. Interestingly, the Japanese Diet Committee which was replicated on the successful American Congressional Committee, was ranked in the eighth-place due to its internal deficiencies. Japan's Committee system features a set of permanent and highly specialised Committees, mirroring the American structural design. Although it is known to be one of the most well-staffed Committees in comparison to other legislatures, its work has proven rather ‘meaningless’ (Baerwald, 1979) in reality. The institutional failure of the Japanese model is of particular interest to policy experts since Japan's Committee system was a mere replica of the American model, which is demonstrative of the fact that design features transplanted from foreign committees might not necessarily work in a new setup.

Legislative studies suggest that the committee system's contribution to Parliamentary institutions may be principally two-fold i.e. assisting in its legislative functions and keeping a check on the executive branch. Similarly, structured committee systems within the legislature can monitor the executive branch in at least two ways. Firstly, committees can examine bills sent to them by the government before they are considered on the floor of the house, given their specialised expertise and access to resources. (Krehbiel, 1991). Secondly, strong committees can keep a check on executive overreach, specifically where committees are

attached to governmental departments or ministries (Martin and Depauw, 2009). Most importantly, Committees have a duty to check financial oversight; most countries have specialised Financial Committees to deal with these matters. However, a committee may be extremely strong and efficient but for it to eventually matter in the Parliament, the legislators must give the recommendations their due importance at the plenary level. Therefore, the work done by Committees is a large part of the law-making process of the Parliament. As discussed earlier, the parliament is too large a body to elaborately discuss all the bills that are raised in the floor of the house; the effective scrutiny of bills by Committees, will reduce floor time in the parliament and inevitably improve the quality of bills passed. Thus, parliamentary Committees, with highly specialised members which produce quality reports within the time frame given to them, directly impact the functioning of the parliamentary institution.

### **3.0 Design Features and Factors influencing the Effectiveness of Parliamentary Committees**

Every Parliamentary Committee is constructed with distinct design features specific to the political environment of that particular country, thereby making it a strong or a weak model. To substantiate this contention, it may be pertinent to question the failure of committee systems in Japan and India in reality while the committees in Germany and the USA prove highly effective. Shaw in his (1979) study has enumerated the factors influencing the effectiveness of the parliamentary Committees, which are as follows: Parties, Constitutional Factors, Developmental Factors (Institutionalisation), Effectiveness of Standing Orders and Relevance of Small Group theory.

#### **3.1 Party control**

Party control is a major factor in determining the strength of the Committee system. It is most commonly observed that when parties exert a weak control over the legislative committees, they develop a life of their own and make a strong contribution to the outputs of the legislature. The basic understanding of this theory is that single-party control contributes to weak committees while in the absence of party control, strong committees emerge. (Shaw and Lee, 1979) Countries with a cohesive, single-party system such as Japan and India tend to birth weak Committees whereas countries like the USA with non-cohesive parties (where no single party exercises effective control) continue maintaining strong Committees. (ibid)

From this premise, it may be seen that party control is also the main distinction between the committee system in the US and UK.

### **3.2 Constitutional Factors**

Furthermore, there is sufficient evidence to suggest that there is a strong correlation between Constitutional systems and committee strength (Shaw). Presidential systems have strong committees, Parliamentary systems under the continental model also have strong committees, while Parliamentary systems under the Westminster Model display weak committees. The reason being, each system has a certain tensility of party strength associated with it; while party control is absent in the former two systems, the latter i.e. the Westminster Model exhibits single-party control thereby resulting in a weak committee setup (ibid). Notwithstanding the same, this conventional theory has been challenged by Cox and Cubbin's (1993), wherein they argue that committees are extensions of party power and that parties arise to solve various 'collective dilemmas' legislators face, and committees are simply the extension of their power.'

### **3.3 Developmental Factors**

Another relevant factor associated with effectiveness is the pace at which political development or institutionalization is taking place in that respective country. This includes within its ambit the structural complexity, autonomy and the organisation of Committees. It has been argued that "If a committee can consider a bill before it is taken up on the floor, the chances of the committee influencing or determining the outcome tends to be greater" (Cox and Cubbin's, 1993:156). Therefore, it might not be a misplaced observation that effective standing orders have a large influence on how well the committees' function. Although small groups theory is another major factor in assessing effectiveness, there is some ambiguity in ascertaining what constitutes a small group; twenty is believed to be a notional size in theory but most committees don't seem to fit this definitional requirement in practice. (ibid)

Therefore, while deliberating successful Parliamentary Committees and their design features, it is inevitable to turn to the American model of exceptionalism- it has proven successful in practice since it embodies all or most of the above-mentioned features. Woodrow Wilson (1885), accurately observed the significance of Congressional Committees while holding that

"Congress in its committee rooms is Congress at work". However, these features have to be implemented with due caution, taking into account the political atmosphere in each respective country. It is seen that 'efforts by colonial or occupying powers to impose their Governmental arrangements in alien settings carry no guarantee of success' (Shaw). This is precisely why the Japanese Diet Committee (as discussed earlier), fails to see success despite replicating the USA's features of subcommittees and elaborate staffing as discussed earlier. Interestingly, one sees a similar pattern emerge while drawing a parallel to India's Committee structure which was heavily based on Britain's Westminster model. The Members of Parliament in Britain are politically appointed as in India, which would mean that the party that holds power in the centre will have considerable pull in the law-making process as well. Similarly, the concept of Standing Committees and Joint Committees were replicated in India based on the UK model to create accountability (K. V. Kesavan, 2003). While this was originally ushered in to maintain checks and balances, the committee system in India has failed to keep a check on executive oversight in practice due to a multiplicity of reasons such as party control.

#### **4.0 Effectiveness Case Study: India**

Effectiveness of Parliamentary Committees in the Indian Lok Sabha may be ascertained by studying them both qualitatively and quantitatively. The quantitative approach took surveys to measure effectiveness by studying: the number of reports submitted by each committee, the number of meetings held and attendance of MP's for each meeting. However, the qualitative study revealed the actual impact these committees had on the legislative process; it produced reports on factors such as level of knowledge of MP's and the quality of discussion brought forth by MP's. Incidentally, a majority of bills introduced in the Parliament get referred to the Department Related Standing Committees (DRSC). Each DRSC gets about two to three months to submit their final report, failing which they are given an extension. (PRS, 2011)

The figures from the 15<sup>th</sup> Lok Sabha revealed that the Public Accounts Committee submitted as many as 39 reports in 2011, while the Estimates Committees and Public Undertakings Committees submitted a meagre 11 reports. However, while considering the average time consumed by these committees in submitting reports, it was found that most Committees took an average of ten months to submit reports. Moreover, the study highlighted that a total of

nine DRSC's contributed only to one report, which is indicative of the efficiency of the committee at large. Similarly, while scrutinising the number of meetings held before submitting committee reports, an average of 1-2 meetings was seen to be held per report and the estimated time spent in these meetings varied between 3 to 10 hours.

Another major issue that the Parliamentary Committee system in India faces is the poor attendance strength of MP's in these Committee meetings; the average attendance strength for Committee meetings was a meagre 50 to 60 per cent during the same year. This issue was addressed in the report produced by the National Committee to Review Working of the Constitution wherein additional emphasis was laid on the closed-door policy followed by political parties while nominating MP's to committees while also flagging instances where a single Committee encompassed too many Ministries under it. (ibid)

Ultimately, the only way to accurately measure the effectiveness of these committees is by drawing an aggregate of the number of recommendations that have been accepted at the final level. The Subordinate Legislation Committee, for instance, is said to have made 28 recommendations with an acceptance rate of 93 per cent. The DRSC on HRD on the other hand made a startling 608 recommendations, however, the acceptance rate of these recommendations was as little as 7 per cent. In conclusion, the study demonstrates that the Indian Committee system suffers from a plethora of serious deficiencies such as absenteeism/low attendance strength, delays in producing reports, poor acceptance rates to name a few (ibid). Although “the 16<sup>th</sup> Lok Sabha, DRSCs examined 41 Bills, 331 Demands for Grants, 197 issues, and published 503 Action Taken Reports”, only 27% of the bills introduced in that session had been referred to committees as opposed to the staggering 71% in the 15<sup>th</sup> session (PRS, 2019). Therefore, statistically one sees a steady decline in the number of bills being referred to these committees which suggest lack of enforceability. These factors directly or indirectly have a pernicious effect on the overall effectiveness of the Parliamentary institution.

There exists a latent peril in committee consultations being non-compulsory, and the recent legislative developments in India have been demonstrative of this fact. The abrogation of Jammu and Kashmir in 2019 under article 370 of the Indian Constitution, for instance, was done with the blatant exclusion of its state legislative assembly and without the consultation



of a House Committee of the Parliament. This step was subject to large scale criticism globally since it facilitated executive overreach by allowing it to make a crucial alteration to the territory of India with minimal interference from the legislature (The Wire, 2019). Further, reforming the committee system to include more expertise would also mean that it would become increasingly difficult for the ruling party to overstep the recommendations made by such a strong parliamentary committee. Additionally, in the post-pandemic times, passing of The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Bill, 2020 and The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Bill, by the Rajya Sabha, ignoring large scale protests from the opposition parties and public demanding their referral to a Parliamentary or Select Committee, has been an illustration of the failure of institutional accountability of the parliament (The Wire, 2020). Although the Government's responsibility for the process had to have scurried given the COVID-19 situation, it proves unconvincing since several other urgent bills have been kept pending (The Hindu, 2020).

A strong committee system would therefore hinder political interference while passing laws, which is also one of the main reasons Committees have largely remained unaltered in a country like India which holds a strong centre. The Indian model will have to bring in serious reforms such as appointing expert members, bringing in a strict code of conduct and creating enforceability of committee reports for it to prove successful.

So, this finally brings us to the question of 'what then makes a committee successful'. Comparative legislative studies have often attempted to dissect the American Exceptionalism of the Congressional Committee. While doing so, they observed that the independence, research support and expertise these committees carry are largely attributable to its success as an institution. This is a feature also seen in the German Bundestag committee; The German Committee system has an interesting design feature whereby the Bundestag committee and the party Committees (both holding a high level of specialisation in their respective policy lines) interact and work together with a high level of symmetry. This in turn reduces the floor time spent on these bills (Shaw). Therefore 'the trick for the legislature as a whole', according to Mattson and Strom (2004), 'is to generate an incentive structure that induces members to take the trouble of acquiring expertise', which will, in turn, have a direct impact on the effectiveness of the Parliament as an institution.

## **5.0 Conclusion and Recommendations**

In light of the above substantiation, this paper ascertains that the efficiency of the Parliament is in fact highly dependent on the effectiveness of the Parliamentary Committee System. "Parliaments use Committees not just as soapboxes, but as instruments for legislation, budgeting and oversight of the executive branch" (Mattson and Strom, 2004:111). The Committee system has proven to be a crucial internal organisation because it acts as a platform to discuss and scrutinise matters transparently, thus creating systematic stability. From the analysis made in this paper, it is seen that measuring the efficacy of a Committee often proves a mammoth of a task and almost impossible. Similarly, design features are not universal to all systems; they are highly dynamic and depend on the social and political climate of each respective country. However, what is ubiquitous is that a successful Committee system shares a considerable amount of workload of the Parliament and efficiently acts as a check on executive overreach. The expertise of its members and the quality of scrutiny and recommendations prove major factors in determining its efficiency. Furthermore, the selection of these committee members must be made transparent and cannot continue being done behind closed doors. That being said, there is a pressing necessity for Committee Systems world-over to change concurrently with the evolving complexity in governance in order to be successful. Countries with a post-colonial constitution have an additional challenge of making the existing system work, while actively decolonising its institutions and maintaining the system of checks and balances. To achieve the same, legislatures have to take into account factors such as party control and internalisation while creating committees and delegating legislative scrutiny to them. Finally, it is most crucial that parliamentary reforms are undertaken in a timely fashion to meet the socio-political developments in that respective country. In the grand scheme of things, effective parliamentary committees are bound to create accountability in a system, keep the executive in check, represent the public will and most importantly give rule of law its due credit.

## References

- Baerwald, H.H., 1974. *Japan's Parliament: An Introduction*. Cambridge University Press
- Baerwald, Hans. H, 1979. Committees in the Japanese Diet. In: Lees, J.D. and Shaw, M., 1979. *Committees in legislatures: a comparative analysis*. Duke University Press. Ch.9.
- Brady, D.W., McCubbins, M.D., 2002. Party, Process, and Political Change in Congress: New Perspectives on the History of Congress. Stanford University Press.
- Cox, G. and Mc Cubbins, M. (2007). *Legislative leviathan*. Cambridge: Cambridge University Press.
- Farm Bills: Opposition Walks Out of RS; House Passes 7 Bills in Under 4 Hours*. (n.d). The Wire. Retrieved November 14, 2020, from <https://thewire.in/politics/farm-bills-centre-opposition-escalation-rajya-sabha-bihar-elections>
- Kashyap. S. C., 1979. *Committees in the Indian Lok Sabha*. In: Lees, J.D. and Shaw, M., 1979. *Committees in legislatures: a comparative analysis*. Duke University Press. Ch. 8.
- Kesavan, K. V. (2003). *Parliamentary Committees in Japan & India: Their Functions and Relevance*. Manak Publications.
- Madron, T.W., 1969. *Small group methods and the study of politics*. Northwestern University Press, Evanston.
- Making an Impact: Effective Parliamentary Committees | Global Partners Governance [WWW Document], 2014. URL <http://www.gpgovernance.net/publication/making-an-impact-effective-parliamentary-committees/> (accessed 12.26.18).

Martin, S, Depauw. S. 2009, *Parliamentary Committees and Multi-Party Government*

Mattson, I., Strom, K. 2004, *Committee effects on legislation*, in: Döring, H., Hallerberg, M. (Eds.), *Patterns of Parliamentary Behaviour: Passage of Legislation across Western Europe*. Ashgate, Aldershot, Hants, pp. 91–111.

Mezey, M.L., n.d. *Comparative legislatures* - Michael L. Mezey - Google Books [WWW Document]. URL [https://books.google.co.in/books/about/Comparative\\_legislatures.html?id=LkqfLnejd8EC&redir\\_esc=y](https://books.google.co.in/books/about/Comparative_legislatures.html?id=LkqfLnejd8EC&redir_esc=y) (accessed 1.1.19).

Ochoa. J (ed.), *Las Comisiones Parlamentarias*.

PRS legislative research, 2008. *Measuring the Effectiveness of Parliament* [WWW Document]. URL <https://www.prsindia.org/parliamenttrack/discussion-papers/measuring-effectiveness-parliament>

PRS legislative research, 2011. *Strengthening Parliamentary Committees*. [online] Available at:<[https://www.prsindia.org/administrator/uploads/general/1370586468\\_Strengthening%20Parliamentary%20Committees.pdf](https://www.prsindia.org/administrator/uploads/general/1370586468_Strengthening%20Parliamentary%20Committees.pdf)>

PRS legislative research, 2017. *Vital Stats- Budget Session 2017*[WWW Document]. URL <https://www.prsindia.org/uploads/media/Budget%20Session%202017/Vital%20Stats-%20Budget%20Session%202017.pdf>

*Parliamentary scrutiny on the back burner—The Hindu*. (n.d.). Retrieved October 20, 2020, from <https://www.thehindu.com/opinion/lead/parliamentary-scrutiny-on-the-back-burner/article32699224.ece>

Pelizzo, R. and S., Frederick, 2012. Legislative oversight tools, in: Pelizzo, R., Staphurst, F. (Eds.), *Parliamentary Oversight Tools: A Comparative Analysis*. Routledge, Abingdon, pp. 28–56.

Shaw, M.N., Lees, J.D., 1979. *Committees in legislatures: a comparative analysis*. Duke University Press, [Durham, N.C.].

Shaw, M., 1979. 'Conclusions', in Lees and Shaw, *Committees in legislatures: a comparative analysis*. Duke University Press, [Durham, N.C.].

Shaw, M., 1998. *Parliamentary committees: a global perspective*, in: Davidson, R.H., Longley, L.D. (Eds.), *The New Roles of Parliamentary Committees*. Frank Cass, London, pp. 225–251.

*The Importance of Parliamentary Committees*. (2019, September 19). PRSIndia. <https://www.prsindia.org/theprsblog/importance-parliamentary-committees>

*The Legal Subversions That Helped the Centre Undercut J&K's Powers*. (n.d.). The Wire. Retrieved October 20, 2020, from <https://thewire.in/law/article-370-jammu-kashmir-constituent-assembly>

Webber, D.J., 1991. Krehbiel, Keith. Information and Legislative Organization. *Congress & the Presidency* 18, 193–194. <https://doi.org/10.1080/19441053.1991.11770790>