Centre for Peace and Development Initiatives, (CPDI) is an independent, non-partisan and a not-for-profit civil society organization working on issues of peace and development in Pakistan. It is registered UNDER SECTION 42 of the Companies Ordinance, 1984 (XLVII of 1984). It was established in September 2003 by a group of concerned citizens who realized that there was a need to approach the issue of peace and development in an integrated manner. The CPDI is a first initiative of its kind in Pakistan. It seeks to inform and influence public policies and civil society initiatives through research-based advocacy and capacity building in order to promote citizenship, build peace and achieve inclusive and sustainable development. Areas of special sectoral focus include promotion of peace and tolerance, rule of law, transparency and access to information, budget watch and Legislative Watch and Development.

Comparison of Committee System and Best Practices in South Asia
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1 NATURE OF GOVERNMENT

Bangladesh is a unitary, sovereign, democratic republic, known as the Republic of Bangladesh. Bangladesh is a democratic republic with a unicameral Jatiya Sangsad parliamentary form of government.

In India, there is bicameral government system. There are two houses, namely the Upper House (Rajya Sabha) and the lower house (Lok Sabha). Sri Lanka is a free, Sovereign, Democratic Socialist Republic, with a presidential form of government.

Pakistan is federal Islamic Republic. In Pakistan, there is bicameral government system. Parliament is comprised of the president, the Senate (Upper House), and the National Assembly (Lower House). In Pakistan, there operates 1973 Constitution with 23 amendments.

2 CONSTITUTIONAL PROVISIONS OF COMMITTEE SYSTEM

The foundation of committee system in 80 has been laid down in Article 74 of the constitution, in which the clause 1 provides that, the Parliament shall appoint from among its members the following standing committees that it is to say:

- a public accounts committee
- committees of privileges
- and such other standing committees as the rules of procedure of Parliament require.

Simultaneously, the article 76(ii) stipulates that, in addition to the above functions, the House in Pakistan, there exists bicameral committee system, subjected to the Constitution and to any other law for:

- a) examining draft bills and other legislative proposals
- b) investigation and inquiry

The Constitution of India provides two types of committees namely, government committees, i.e., those appointed by Government and parliamentary committees, i.e., those appointed or elected by the Lok Sabha or the Rajya Sabha or the two Houses of Parliament. While parliamentary committees consist of Members of Parliament only, government committees are comprised of experts, officials, non-officials, and sometimes, Members of Parliament also. However, the committee system in Sri Lanka is based on its mother country, the House of Commons.

The power to appoint committees has been recognized under Article 74 of the Constitution, which empowers the President to make Standing Orders for rules and business. Moreover, the article empowering the Sri Lankan Parliament, regarding appointment of government committees, is contained in the Rules of Procedure and other Standing Orders.

As an exception, under article 64(1) of the constitution, the rules of procedure and privileges, and the rules for the conduct of business in Council of States (Rajya Sabha) govern the standing committees.

The Committee System in Sri Lanka is based on its mother country, the House of Commons.

In 1988, the upper house (the Senate) adopted its own Rules of Procedure and Conduct of Business, whereas the lower house (the National Parliament) also adopted its new Rules in 1992. Earlier, both the houses had been regulating their activities through the rules framed by the executive.

In part 38(1) of the ‘Rules of Procedure and Conduct of Business’ provides that, in addition to the Standing Committee, Members of Parliament may form any Standing Committee, like a Select Committee, Joint Committee, and a Committee of Public Accounts, Rules of Procedure, and Standing Orders, and any other Standing Committee, subject to the conditions prescribed by the Speaker, the Deputy Speaker, and Chairmen of Committees referred to as the ‘Standing Committee’.
Comparison of Committee System and Best Practices in South Asia

3 TYPES OF COMMITTEES

The Rules of procedure provide for three categories of committees:

1. Select Committees
2. Standing Committees
3. Other Committees

The other category includes the Ad-hoc Committees.

The Committee of Sri Lanka Parliament can be classified into two broad categories. They are Select Committees and Standing Committees. According to the Standing Orders, the Sri Lanka Select Committees, apart from the Committee of the whole Parliament, have four types of Committees:

1. Financial Committee
2. Departmental Related Standing Committees (ERSCs)
3. Other Standing Committees
4. Other Committees for Special Purposes

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4. Other Committees for Special Purposes

Both houses of Pakistan’s Parliament have different types of committees like Standing Committees, Select Committees, Special Committees, House Committees, Parliamentary Committees, and Functional Committees.

The Standing Committees of both houses correspond to Federal Ministries and Divisions. Currently, the National Assembly has 42 standing committees, 30 finance committees, and 22 committees.

4 STANDING COMMITTEE (FORMATION)

There are mainly three types of standing committees:

1. The Committee of Selection, at the commencement of every Session, appoints the Standing Committees. First are the financial committees, second are the ERSCs (Departmentally Related Standing Committees), and third are the Standing Committees of both houses, with the Speaker or Chairman of each House appointing the Chair of the Committee of Selection. Committees such as home affairs, finance, and external affairs are customarily chaired by a member of the opposition party.

5 CHAIRPERSON/MEMBERSHIP

Bangladesh’s parliamentary rules and procedure 9 prescribe that the Speaker rules out the election of a Committee (Chairperson/Membership) without selecting a representative from the opposition party.

6 Although the word standing does not prefix some of the committees, four of these committees are nominated by the Speaker. While the rest are appointed by the House. The number of members of standing committees are between 10-15.

Third are other Parliamentary Standing Committees. The financial committees are exclusively under the Lok Sabha secretariat. In financial committees, the estimates Committee elects 30 members only from the Lok Sabha. The Committee on Public Accounts and Public Undertakings have 7 Lok Sabha members out of a total 22 members. Customarily, chairperson of PAC is an opposition member.

In Sri Lanka, rather than standing committees, it is the Government ministers who have the authority to select the committee members (introduced in 1978). The rule 106 stipulates that: Every Committee of the National Assembly shall consist of not less than five members and not more than 20 members appointed by the Chairperson of the Committee of Selection. Committees such as home affairs, finance and external affairs are customarily chaired by a member of the opposition party.

Assembly has 42 members and 42 standing committees; therefore, different committees can be part of different committees. Similarly, the committees were dissolved in 1973 and 1998. Ad-hoc Committees can be convened to discuss more than three Standing Committees at the same time.

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With the exception of the library and house committee, whose members are nominated by the chairperson of the respective house, parliamentary committees in Pakistan are voted by the floor.

Article 200 (1) stipulates that: The Minister concerned...
provides that: A Minister cannot sit as a Chairperson or as a Member of the Committee on Petitions (rule 23). Among the standing committees appointed by the House, there are three committees where too a Minister cannot sit either in Committee of Ministers or in Committee of Women. These committees are appointment to committees on (i) Enforcement of Women (ii) Government Assurances (iii) Petitions (iv) Subordinate Legislation (v) Welfare of Scheduled Castes and Scheduled Tribes.

Financial Committees, DRGs and panels are executive committees. Usually the speaker appoints chairperson of a committee. However, committees for special purposes may be given the right to elect their chair. Nothing was mentioned about the Standing Order regarding the distribution of committee chairs. The majority of committee normally goes to a member of the Standing Committee where the committee is in charge of the President. The Deputy Minister of those Ministries shall be the Chairman of such Consultative Committees.

minister (deputy ministers in case of the ministries, which are under the president) is an ex-officio member of each consultative committee. minister shall be an ex-officio member of the Committee if he is an Ex-officio member unless if he is a member of the Assembly. It is further provided that, in the case of the Ministry which is under the charge of the Prime Minister or for which no minister has been appointed. In such case, the concerned Minister of State, if any, shall be its ex-officio member or Minister of State to whom the subject or matter referred to the Committee is assigned shall act as its ex-officio member. In the absence of such assignment the Minister for Law, Justice and Parliamentary Affairs shall act as ex-officio member of the Committee.

The chairperson/convener convenes the first meeting of the committee. Once convened, the members of such committee elect their member to chair the same meeting. This process can be found in the text of the House in the case of the

Comparison of Committee System and Best Practices in South Asia

to serve on it. The proposer shall ascertain whether the member whose name is proposed by him is willing to serve on that Committee.

The tenure of Office of these committees does not exceed one year. However, the tenure may be extended if some committees is not fixed.

The Standing Committees are appointed by the Speaker in pursuance of the Standing Orders of the House. Each Committee has a chairman elected in office irrespective of the composition of their business. There is a little permanence in their tenure. In Sri Lanka, committee members/stars are nominated/elected for a session that may vary. Each committee sits in days as per the agenda. Usually chairpersons of the committee remain the same as they are usually not reappointed or reconstituted and anyway the turnover of the membership.

The members of Committees of Parliament are elected for a full term of the House.

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Comparison of Committee System and Best Practices in South Asia

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required to meet at least a month and has the following functions to perform:

- To examine draft Bills and other legislative proposals;
- To review the work relating to the Ministry;
- To inquire into any activity or irregularity and serious complaint with respect to the Ministry;
- To examine any Bill or other matters referred to it by Parliament;
- To examine any other matter within its jurisdiction.

other things, monitoring the performance of the public ministry. A scrutiny through data concerning the media operation of most OMs/COs establishes two facts: (i) most of them receive reasonably well, with the finance-related committees having as many as 80 meetings a year; and (ii) most of them produce, and at regular intervals, reports to the workings of their respective committees. Administration, except for the annual performance of the public ministry. Moreover, there is no tradition of the executive submitting statutory instruments/ordinance to the Parliament for its scrutiny and ratification.

The High Post Committee has, in its own right alone, the power to investigate any matter referred to it. The committee does not conduct its own investigations but relies on the recommendations of the committee with the same. The committee is expected to receive the notice of the committee if they are not mentioned in the committee’s report. The committee invites the public to submit their comments and objections to the committee. The committee has the power to conduct its own investigations and to receive evidence from witnesses. The committee can also refer any matter to the Speaker for consideration. The committee can also make recommendations to the concerned ministries and the committees shall submit their reports to the committee.

The Constitution notice has been given by a private member respectively. No detailed rules of procedure to supplement the provisions contained in the rules in the Chapter of rules of procedure of LS.

The standing committees under its rule 203 and 204 of the parliamentary rules of procedures, the standing committees may be required for the investigation. However, the concerned person may raise a question whether his own presence or production of documents in his personal capacity are required.

The functions of a constituted committee are to examine and report upon such matters as are referred to it by the Speaker and may require the investigation of any documents that may be sought for by any person, having a special interest in any matter under consideration.

The Article 224(2) Subject to clause 224(1), provides that a Committee shall have power vested in civil court
Comparison of Committee System and Best Practices in South Asia

POWERS (RECOMMENDATORY)

Reports of parliamentary committees are presented to the Parliament and then published (rule 213-IIIB). However, conventionally, most of them are not discussed. As the committees have to prepare reports, therefore, the important component of these reports is the suggestions that the committee thinks appropriate from discussion on the matters before the committees.

The report of a Standing Committee shall have persuasive value and shall be treated as considered advice given by the Committee. The standing committees in India have recommendatory powers in the form of reports of their inquiries; however, for different reasons, these committees have had a very limited impact on the protection and quality of legislation and on the performance of the executive.

First, it is a simple fact that Parliament itself tends to ignore the reports of its committees. Second, most committee reports are not tabled for deliberation and discussion in Parliament at all. There is a customary dilemma that if the committee reports are at variance with the government, the majority has no interest in having them tabled; however, if these reports broadly endorse the government’s performance and position, these are considered as unenlightened. Nevertheless, the critic argues that, the government as well as the opposition (both political groups) consider the committee’s oversight power as check on executives.

The committees of Pakistan’s Parliament are recommendatory bodies and their decisions are not binding for the government. The House or its committees cannot force the government to accept the proposals, recommendations or decisions of committees.

VOTING

The working of the 15 rules 250 provides that, all the members have powers to vote. Under NA rule (22), ill.
Comparison of Committee System and Best Practices in South Asia

PROCEEDINGS
parliamentary standing committees is related with the oversight function in which the decisions are largely unanimous. In a few cases where unanimity could not be achieved, then decisions and recommendations are taken based on consensus (rule 196).

In the case of an equality of votes on any matter, the Chairman or the person acting as such, shall have a second or casting vote (rule 196).

majority of votes of the members present shall determine all questions at any sitting of a Committee. Whereas, the LS rule 196 stipulates that, in the case of an equality of votes on any matter, the Chairman or the person acting as such, shall have a second or casting vote. The RS rule stipulates that, the Chairman of the Committee shall not vote in the case of an equality of votes on any matter; the person acting as such, shall have a second or casting vote (rule 196).

in vote for the decisions taken in the meetings. However, the rule 118 (3) provides that the Chairman of a Standing Committee shall have an original vote and the vote of a Committee on an issue equally divided, he shall have a casting vote.

questions at a sitting of a Committee shall be determined by a majority of the members present and voting. In case of tie, NA Rule 223 and senate rule 155 provides the chairperson of a Committee or the person presiding in his/her absence, a casting vote.

12 CONDUCT OF SESSION
The rule 199 stipulates that, the sittings of a Committee shall be held in private. Any rule 201 provides that, All members of the Committee and officers of the Parliament shall withdraw whenever the Committee is deliberating.

The conduct of sessions in Indian LS is same like the conduct of session in Bangladesh parliamentary committees. The RS rule 206 stipulates that, the sittings of a Committee shall be held in private. And LS rule 208 provides that, All persons other than members of the Committee and officers of the LS Secretariat shall withdraw whenever the Committee is deliberating.

The sittings of the committee are held in camera in Sri Lanka7, the deliberation of the meetings is, as per the Standing Committee rules, exclusive to the Committee members and officers of parliamentary committees. However, in the case of meetings of consultative and financial committees, officers including the secretary of concerned ministries and relevant public bodies remain present to clarify, explain and answer for specific matters.

The National Assembly Rule 227 (4) stipulates that, the members can hold public hearing or may invite or allow any member of the Parliament to be present at the Committee or any other member or any other person having a special interest in relation to any matter under consideration and may hear expert evidence. On the other hand, Senate Rule 164 and National Assembly Rule 226 states “The sittings of a Committee may be held in camera if so determined by the Committee”.

Subsequently, with reference to NA rule 230 the evidence produced in camera shall be treated as confidential or secret, unless the Committee, in the public interest decides otherwise.

13 CHAIRPERSONS POWERS AND PRIVILEGES
The chairperson of committees has the power to summon, convene and possession of the reports of the meetings of the committee. The rule 199 stipulates that, the chairperson of the committees or the person acting as such, shall have a second or casting vote, in the case of an equality of votes on any matter. Moreover, the chairperson is also entitled to different perks and privileges.

In India also, the chairperson of committees has the power to summon, convene and possession of the reports of the meetings of the committee.

The chairperson of an Indian Committee is supplied with a special office, and the assistance acting as such, has a specific branch of the Parliament Secretariat, and, although no staff is directly connected to his/her office, some additional facilities such as a personal car and equipment is facilitated by the Parliament.

In India also, the chairperson of committees has the power to summon, convene and possession of the reports of the meetings of the committee.

In Sri Lanka, along with powers of casting vote the chairperson of committees has the power to summon, convene and possession of the reports of the meetings of the committee.


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<td><strong>14. BUDGETARY RECOMMENDATION</strong></td>
<td>The standing committees in Bangladesh do not have powers for budgetary recommendations. In the Indian Parliament, after adjournment of the Budget Session, the thirty (30) direct responsibility committees start analyzing the budget so as to allow members to propose changes in the budget without increasing the expenditure or diminishing the revenue. Due to the importance of the committee system and the finance Acts, budget bills cannot be introduced through the extraordinary proceeding and must therefore pass through the committee filter.</td>
<td>There is no such provision available in the committee system of Sri Lanka. In Pakistan, both the functions, i.e. reporting on bills and oversight of the government are the responsibility of the standing committees. However, the annual finance bill is only laid in the plenary session in the National Assembly and the committees have no role, whatsoever, in the allocation of resources.</td>
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