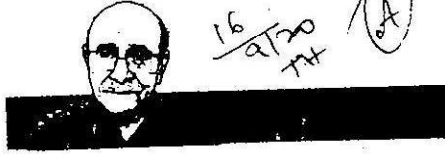


Parliament and its panels

There is a need to rethink the tenurial prescription for reconstitution of Department-related Standing Committees



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The Department-related Parliamentary Standing Committees have a so-called tenure of one year. There was speculation in the media that the Chairman of the Rajya Sabha, M. Venkaiah Naidu, is keen on amending the rules to give them a fixed tenure of two years. However, since these are joint committees of the two Houses of Parliament, the Speaker of the Lok Sabha also has to concur.

What the rules say

According to sub-rule (4) of Rule 331D of the Lok Sabha Rules and sub-rule (3) of Rule 269 of the Rajya Sabha Rules, the term of office of the "members" of the committees shall not exceed one year. Thus, it is the term of office of the members and not that of the committees *per se* that is one year.

This tenurial issue has to be looked at against the backdrop of the fact that the Rajya Sabha itself undergoes partial biennial renewal, since one-third of its members retire every two years by virtue of clause (1) of Article 83 of the Constitution. As far as the Lok Sabha is concerned, it has a fixed tenure of five years, unless sooner dissolved. Given these facts, Mr. Naidu's suggestion is in consonance with the biennial partial reconstitution of the Rajya Sabha.

In the Rajya Sabha, the annual renewal is only notional; major changes are brought about only after each biennial election. Since the Rajya Sabha biennial elections have taken place only in June 2020, there is little point in going through the re-nomination exercise again now. As far as the Lok Sabha is concerned, the major reconstitution takes place when a new Lok Sabha is elected, that is normally after five years. Since there is a mismatch between the election schedule of the Rajya Sabha (every two years) and the Lok Sabha (every five years) it is only once in 10 years that the requirement of major reshuffle of the Standing Committees in both the Houses is expected to coincide, that is after the second round for the Lok Sabha and the fifth biennial round of the Rajya Sabha.

Against this backdrop, there is definitely a need to rethink the tenurial prescription for reconstitution of Department-related Standing Committees. Given the different election schedules of the two Houses and since the term is prescribed for the members, there is perhaps no need to mandate the same term for the members of both the Houses.

The Rajya Sabha Rules prescribe no fixed

tenure for all the other Standing Committees of the Rajya Sabha listed therein. The standard prescription relating to the constitution of those committees states that the committee shall hold office until a new committee is nominated and that the casual vacancies in the committee shall be filled in by the Chairman of the Rajya Sabha. As far as the Lok Sabha is concerned, most of its committees listed in the Lok Sabha Rules have a tenure of one year, except a few for which no tenure has been prescribed. It would appear that committees concerned with deliberations of a serious nature were given a term coterminous with that of the House, while others were prescribed annual renewal. The Department-related Standing Committees, which were constituted later in 1993, came to be clubbed with the latter category by the Lok Sabha. The Rajya Sabha followed suit.

Another fact to be taken note of is that there are 24 Department-related Standing Committees, each with a membership of 31 (10 of the Rajya Sabha and 21 of the Lok Sabha). They can accommodate 240 members of the Rajya Sabha and 504 members of the Lok Sabha. Ministers cannot be members of these committees and some senior members opt out. Thus no eligible and available MP is left out of the membership of these committees. As a matter of fact, members of some parties have to perform double duty. It, therefore, stands to reason that once a member is nominated to a committee, based on his expertise and/or preference, he should be allowed to continue till he retires or otherwise discontinues the membership in order that the committee is able to benefit from his experience and expertise.

Different tenures

The language of the Rules of the two Houses makes it clear that the one-year term is of the members of the committees and not of the committees *per se*. The Standing Committees are permanent. Hence, there should be no difficulty if the terms of the members of the two Houses on these committees are different, in consonance with the tenure of the Houses themselves. Given these facts, it would stand to reason if the tenure of Department-related Standing Committees is prescribed differently for the two Houses. It may be two years for the Rajya Sabha members and for the Lok Sabha members, it may be coterminous with its life. The Rules could also provide that casual vacancies may be filled in by the Presiding Officers, who may also be empowered to reconstitute the membership of their respective Houses in the committees, if they so desire.

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