CONCLUSION

Revisit to the Problem

Popular crave for better administration on the part of the people as warranted by time and circumstances and their quest to resolve their grievances in a representative forum culminated in the adoption of a parliamentary system in India. However, what we adopted in this pursuit is not a photocopy of the West Minister system. It is true that we borrowed the basic canons from Britain, but we complemented the system to make it adaptable both in institutions and procedure to suit our environment.

Just like the popular institutions of Britain, Indian Parliament too has a history stretching between 1600 and 1947 and scattered over different phases. Only at the closing stage of the evolutionary process that an all powerful executive was hedged to give the lead to the legislature as in Britain (See Chapter 1). In Kerala social and political awakening unleashed by western education and the British policy of divide and rule in relation to native states ultimately led to the inauguration of democracy. Thus, the Constitution of India on adoption implicitly provided for parliamentary system both at the centre as well as in the states.
Parliamentary system is that system in which the legislature, being the embodiment of popular will, dominates the systemic scenario. But over the years, out of environmental pressures and systemic adaptability the system has undergone sweeping changes (See Chapter 1). Consequently, the system as Mark N Hagopian says, had undergone a transformation from classical parliamentarism to neo-parliamentarism. Its effect was that the legislature had lost its domineering status. The executive had become predominant and preponderant.

The innate and inherent characteristic trait of the system is the fusion between the legislature and the executive. It naturally paves the way for executive leadership. In the context of the transformatory process due to rigidly organised political parties and welfare concept of state, this inherent executive leadership is found aggravated. Subsequently, an agency bound with rule application has come to enjoy and exercise both rule making and rule adjudication powers. This phenomenon cannot be tolerated. Once it is allowed that would defeat the very spirit and purpose of democracy. Rights and liberties which the democratic order presupposes and propagates will lose their value and validity. Therefore, the need of the hour is to bridle the unbridled executive. The commonest method resorted to by a democratic legislature in the parliamentary system is legislature committees. Thus, legislature committees are a universal phenomenon. At par with the situation we do have an array of legislature committees both at the central and state levels.
General Conclusions

1. The performance of the Committees already discussed, over the years from 1996 – 2001, is felt to be a gainful record in terms of the number and content of their reports. All the five major committees taken to represent various specialised functions are found partially successful in their mission.

2. The effectiveness of legislature committees is found hedged by the attitude of the executive. The executive is averse to the recommendations of the legislature committees. It neither finds time nor has a mind to effectively implement committee’s recommendations. This is felt correct in the context of the present study of all the major committees except the Committee of Privileges and Ethics.

A case dealt with by the Public Accounts Committee is the best test of this. On the specific question of re-deployment of excess staff in the Kerala Water Transport Department upon which the Committee made clear suggestions, there was no positive response on the part of Department. Similarly, the Committee on Government Assurances brought to light many instances of non-implementation, partial implementation and delay in implementation of government assurances, promises and undertakings through its various reports. But the reports of this Committee also met with the same fate of the PAC. It is also felt that in relation to many of the
Committee’s recommendations, the executive is not only negatively co-operative but also against the spirit and purpose of legislative check.

3. Lack of time on the part of House as well as its committees is found to be a major handicap in terms of the power potential behind legislative check. The modern legislature as every body knows is overburdened. Since the growth of administrative functions, the House has practically no time to concentrate on details. Moreover, people also expect state intervention in all spheres of human activity right from cradle to grave. Since the House has no time at its disposal, committee reports are left undiscussed in the House. This naturally lowers the scope of legislative control and acts as a boon to the rule making department in perpetuating its traditional approach to the legislature.

The time factor in relation to the Committee is also limited. The PAC, for example, meets only four times in a month. For scrutiny of reports the PAC gets only four hours in a month. This is both insufficient and insignificant. Other committees analysed are not free from this vicious time circle.

4. It is generally found that the members of various committees do not take their committee work seriously or with the importance that it deserves. There is absence of dedication on the part of members of committees. Two reasons are attributed for this—(a) Members are
more interested in nursing their constituencies rather than caring for committee work and (b) since committee proceedings are secret, members do not get the expected degree of popularity for what they speak in committee room. On the contrary, open proceedings in the Assembly attract much popularity.

5. Lack of proper orientation to the need and importance of committee work on the part of members is found to be a hindrance in the prospects of committee work. Consequently, they did not attach due importance to their work in committee room. This is clear from the lean attendance of members in committee work.

6. The Committee of Privileges and Ethics is a class in itself. It protects the privileges and immunities of the House and of its Committees. Doubtless to state that it protects, preserves and enhances the dignity of the House.

7. It is felt that in the state of Kerala, there is no uniform standards in the matter of application of privileges between members and citizens. In those situations in which members were involved, the Committee adopted a flexible standard without much fact finding (see Chapter IV). In cases where private parties are involved, the Committee has taken a rigid standard.

8. Another pertinent feature of the state scenario as found on closer examination is that the instances of privilege issues involving
officials is more than the instances relating to citizens. Only two major individual incidents could be seen over the years while the number went up to 8 in the context of officials (See Chapter IV).

Specific Conclusions

1. In the parliamentary system the legislative and executive departments are found fused. This gives rise to one of the inherent qualities of the system – executive leadership. Also out of systemic pressures the executive has come to enjoy and exercise rule making power by way of delegation. Similar reasons also compelled the system to confer upon the executive adjudicatory powers. Thus, the inherent executive leadership in the system is found aggravated in the wake of rigidly organised political parties and welfare concept. In India at the central and state levels, this fusion and its aggravation is found.

2. It is true that the PAC examines only back dated audit reports. Practically, there is no meaning in scrutinising the accounts of money already spent particularly when the instance of spending relates to distant past. The futility of this attempt on the part of the Committee is to be weighed against the background of many of its recommendations. In a vast majority of instances, the recommendations made by the Committee in regard to expenditure incurred, either loss or irregular expenditure or otherwise, were found not adhered to by the executive. Moreover, the same faults
and lapses were found repeated despite such recommendations. As an illustration, the PAC scrutinised the audit reports of the Taxes Department for 1986-87 on April 1988 only; 1996-97 audit report on December 2000 and audit reports for 1992, 1993 and 1997 on March 2001 only. Thus, it is found that legislative control over finance exercised through the PAC in Kerala is post-mortem in nature.

3. There is misuse of privileges on the part of legislators in Kerala. Out of sheer vanity and pride and the mistaken belief as to the individual possession of privilege, there arises a feeling in their minds that they are above rule of law (See Table 4.2).

4. There is more probability for legislature – judicial confrontation over the question of exercise of privilege. It is in lieu of the genetic defect of the system itself. Lack of clarity due to non-codification of privilege constitutes the basic defect.

5. Generally at the organisational and operational level, committee system in Kerala is not at all efficient. In the case of all major committees except the Committee on Public Accounts, members are nominated (See Table 1.3). Nomination does not make a committee an exact replica of the House. A committee’s claim for effectiveness and success in performance to a large extent is determined by the nature of its representation. This becomes all the more important when the Committee in question discharges a very
crucial function. In the study all the nominated committees are found discharging important function. But organisational deficiency is felt hampering committees' effectiveness. Operationally, all the major committees except the Committee of Privileges and Ethics are found not conforming to standards of efficiency. Executive lapse in its multifaceted manifestation is found responsible for this ineffectiveness (See Chapters II, III and V). What retards the performance of the Committee of Privileges and Ethics is certain inherent defects within itself: the major factor being the nature of privilege. A chance for its exercise may bring forth a probability for legislative - judicial confrontation (See Chapter 4). Thus, it is found that both organisationally and operationally, the Committee system in Kerala do not conform to standards of efficiency.

Validation of Hypotheses

1. *It is hypothesised that the inherent executive leadership in the parliamentary system is felt aggravated in the wake of rigidly organised political parties and the welfare concept.*

The analysis of the latent systemic traits and its further augmentation are dealt with in chapter I. On closer examination, the systemic environment is found to peruse the fusion between the legislative and executive branches in the parliamentary system. Out of this fusion emerges the inherent quality of the system, executive leadership. This is found further elevated by the operation and interplay
of such factors as rigidly organised political parties and the welfare concept. As an inevitable consequence of rigidly organised political parties, leadership happened to emerge from 'the one man'. In the context of strict party discipline, the one man began to wield formidable powers. Evidentially, no member is willing to part with his party affiliation except at the cost of his own peril. Thus, leadership of the one man stretches beyond the walls of the executive. He is found initiating policies and chalking out programmes. Legislative authentication is subsequently obtained at the instance of his party leadership. The welfare concept imposed heavy burdens on the legislatures in the wake of implementation of social welfare and social security legislations. Due to constraints in time and the complex and technical nature of administration, the legislature is totally incapacitated. Therefore, under systemic pressures and constrains, the legislature has come to rely on a large bureaucratic machinery. Thus, in tune with this sequence, as a practical viability the executive has come to exercise certain amount of rule making power by way of delegation. Demands from the systemic environment further compelled the executive to take to itself adjudicatory powers. As a result the inherent executive leadership in the parliamentary system is found aggravated. Thus the first hypothesis is tested and found true.

2. *Legislative control over finance is found to be of post-mortem in nature.*
The PAC is taken and analysed as a model of the finance committees of the Kerala Legislature (see Chapter II). Financial control comes in two stages - 'the proposals stage' and 'the results stage', the first stage relates to seeking financial sanction of the legislature. In the second stage, the legislature exercises control over the money and the manner of its spending. The PAC's role is confined to the second stage. Naturally, PAC's role comes after the incurring of the expenditure. What happens therefore, is that as a routine the PAC examines only backdated audit report. It is a futile attempt to examine the expenditure incurred especially when the instance of expenditure incurred is related to remote past. It is tantamount to perusing the horoscope of a deceased. Hence the contention that legislative control over finance exercised by the KLA through the PAC is found to be of post-mortem in nature is true to the fact.

3. *Unnecessary and untimely claim for privileges by members of the Legislative Assembly often causes hurdles in the democratic process in the state.*

The question of privilege and its exercise by the House has created problematic situations in Kerala, but not dangerous outcomes. This is incorporated, analysed, assessed and evaluated in chapter IV. Lack of proper orientation on the part of legislators as to the purpose of privilege (see Table 4.1) inculcates a sense of vanity and pride in them which in turn leads them to believe that they are above rule of law.
(see Table 4.2). The material background to cherish such a feeling is further provided by the ratio of the apex court in P.V. Narasimha Rao V state. The question of privilege brought by Shri. G. Sudhakaran and Shri. Thomas Chazhikadan, both members of the House in two distinct instances and another issue brought by Shri Nalakath Soopi against Shri. K.G. Adiyodi stand as evidences to this. But such instances till date have not created any serious hurdles in the democratic process in Kerala. Therefore, this hypothesis is found partially true only.

4. *Organisationally and operationally committee system in Kerala do not conform to standards of efficiency.*

Generally at the organisational and operational level the Committee system in Kerala is not up to the mark in terms of efficiency. Organisationally, except the PAC all other committees are nominated (see Table 1.3). The principle of nomination does not make a committee an exact replica of the House. Moreover, in the context of a committee with a crucial job the principle of nomination tends to hamper their efficiency to certain extent. Besides, political considerations may let loose their unfair hand in the process of nomination. Here nomination, as a matter of fact, is made from the panel submitted by political parties to the speaker. Thus, individual efficiency may be sacrificed at the altar of political consideration. All the major committees chosen for study are filled by nomination. This is found hampering the efficiency of the Committees in Kerala.
Operationally, all the major committees analysed are found not conforming to standards of efficiency. Executive lapse with its multifaceted dimensions remain responsible for the lack of effectiveness (see Chapter II, III and V). In the case of Committee of Privileges and Ethics, lack of proper orientation on the part of the legislators is found vitiating the scenario and decreasing its efficiency (see Chapter IV). Therefore, the last hypothesis also stands validated.

**Realisation of Objectives**

1. The first objective of the study was to trace out the factors and circumstances leading to executive domination in a parliamentary system. The primary factor identified as responsible for the executive domination is the inherent executive leadership in the system itself. The executive and legislative departments are found fused in the system. The mode of origin and the nature of status of the parliamentary executive in the system account for this. This inherent executive leadership is found further aggravated by the operation of the twin forces of rigidly organised political parties and the welfare state concept. Hence, the first objective stands realised.

2. Assessment of the extent to which the Committees are helpful in checking executive domination in Kerala was the second objective of the study. As an inevitable consequence of want of time and space, choice is drawn and limited in favour of particular
committees chosen as role model of specific categories. Thus, from
the category of finance committees, the PAC, from the group of
scrutiny committees, the Committee on Government Assurances
and the Committee on Subordinate Legislation and from the cluster
of advisory committees, the Committee on Environment are taken
and studied. The Committee of Privileges and Ethics is taken to
represent the herd of Enquiry Committees. The performance of all
these committees, on a closer observation, revealed that they helped
the legislature to check executive domination in Kerala. The extent
of check exercised by these committees is visible from the number
of reports they made. Through their various reports, they exposed
the ills and faults, both deliberate and accidental, of the various
departments of administration. But, unfortunately certain reports
were not available even with the Legislature Library, Trivandrum.
Subject to this limitation the second objective is also realised.

3. Another objective was to study how the working of committees
help the legislature to function effectively. In the wake of complex
and technical nature of administration, the legislature has neither
the expertise to push through nor the time to concentrate on details.
Therefore, the legislature chose to transfer its own responsibilities
to smaller bodies constituted out of itself and upon which it has
confidence. The Committees performed their duties for and on
behalf of the House. The PAC, for example, exercised certain
degree of financial control over the executive for and on behalf of
the legislature. Work of a similar nature depending up on the character of assignment by the legislature was done by other committees also. The role performed by each committee as a representative of a particular category is examined in detail so as provide an understanding of the manner in which the Committees help the legislature to function effectively. Therefore, this objective stands achieved.

4. A significant objective of the study was to understand the operation and functioning of committees in Kerala. To satisfy this objective, the role and performance of the PAC, the Committee on Government Assurances, the Committee on Subordinate Legislation, the Committee on Environment and the Committee of Privileges and Ethics are examined. Thus, this objective is also satisfied.

5. Another major objective was to evaluate the performance of legislature committees in Kerala with special reference to the PAC, the Committee on Government Assurances, the Committee on Subordinate Legislation, Committee of Privileges and Ethics and the Committee on Environment. The performance of each of these aforesaid committees is evaluated by recourse to their reports. Thus, the objective is attained.
Suggestions

1. To cope with a preponderant executive in a parliamentary system, legislature committees need be strengthened both in status and potential. To effect a higher status, committee chairman should be equated in rank to that of the minister. Increase in their potential can be achieved by providing for discussion of committee reports in the House.

2. Increase in floor time so as to enable the House to discuss committee reports will breed to their efficiency.

3. Executive lapses in its multifarious forms towards committee recommendations should be treated as offences of contempt and punished accordingly.

4. A Committee on Implementation with statutory powers to impose fines and recovery of losses should be created. This can review the stages of implementation of committee recommendations and impose fines and effect recoveries wherever necessary from those liable.

5. Committee proceedings should be made open as far as possible. Open proceedings will bring forth as much popularity to the members as that of the House proceedings. Naturally, they will show a higher degree of interest in committee work.
6. Inclusion of expert service in committee work in the context of highly technical and complex modern administration will definitely add to their efficiency.

7. Adherence to the principle of proportional representation in the case of nominated committees is a positive means to improve their organisational potential.

8. Increase in the number and duration of committee meetings can add to their functional efficiency.

9. PAC's operational efficiency can be improved by recourse to the practice of examination of current audit reports. A two-tier checking process is suggestible — pre-view checking process involving a 'go-through' of all the audited reports and final scrutiny on the basis of selection of the pre-view checking.

10. In the context of the Committee of Privileges and Ethics, to do away with the hurdles that may arise, a Committee on Litigation is proposed. It may be statutorily empowered to hear all privilege issues in the form of appeal from the Committee of Privileges and Ethics including the question of privilege V. people's rights. This may reduce the probability for legislative-judicial confrontation at least in the first instance.

11. Over and above all, a proper scheme of orientation and training to legislators with necessary infrastructure would definitely add to their efficiency. This would not only improve committees' efficiency but also enhance the dignity and efficiency of the House as such.
Future of the Problem

The study is intended to promote further research on legislature committees at state and central levels. A vast part of this area still remains unprobed. Legislative control over finance itself will constitute a topic of research. Subject Committees, another innovative aspect of Kerala Legislative Process, remain a fertile land of research. The question of privilege and its aftermath in the form of legislative-judicial confrontation forms yet another area of research. The findings and conclusions of this study will be helpful in redefining legislative-executive balance in the parliamentary system. Moreover, it can help to provide some remedy to the disease of executive preponderance and deficiency in the overall quality of the Committee system.