

HAND BOOK ON SUBJECT COMMITTEES

(Incorporating Amendments up to 1-9-2006)



**SECRETARIAT OF THE KERALA LEGISLATURE
THIRUVANANTHAPURAM
SEPTEMBER 2007**

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ON
SUBJECT COMMITTEES**

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810/2006.

PREFACE

The basic principle underlying a parliamentary system of Government is executive accountability to the Legislature. Traditionally, following the pattern set by the British House of Commons the methods of securing accountability are through the established procedures of debates, questions, motions and statements by Ministers in the House. Modern Governments, it is well-known, have come to possess enormous powers both in the formulation of policies and in their execution, affecting a wide and complex range of State activities.

In the Parliament and in the State Legislatures, procedural reform to enable members to discharge adequately their function of over-seeing administration has been a constant process. It is realised that only by improving its own instruments of scrutiny could a Legislature ensure effective accountability of the Executive.

It was in this background that the Speaker of the Kerala Legislative Assembly appointed on March 14, 1979 an all-parties Committee of the Legislature to consider and report on a system of Subject Committees. The Committee submitted its report within a short period of four months. The Rules Committee of the House considered the recommendations of the all-parties Committee and proposed necessary amendments to the Rules. These amendments received the approval Legislative Assembly.

The Sixth Kerala Legislative Assembly has since constituted the Subject Committees—10 in number—and they were inaugurated by the Speaker on March 17, 1980.

Extract of the relevant rules contained in the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly, internal working rules of Subject Committees and directions issued by Speaker on Subject Committees are reproduced in this Hand Book. Report of the ad hoc Committee appointed in 1979 for the constitution of Subject Committees, Key Note Address by the Speaker at the Silver Jubilee Seminar in 1982, speeches made by the Speaker at the meeting of the Presiding Officers on Committee system held at Trivandrum in June, 1985 and at the conference of Presiding Officers of Legislative Bodies in India held at Lucknow in October, 1985 are also included in this Book.

A separate "Hand Book for Members" on the scrutiny of Demands for Grants brought out in March 1986 is included as Chapter III.

This Edition contain, Amendments, Directions and Rulings upto 1-9-2006.

Thiruvananthapuram,
September, 2007.

DR. N. K. JAYAKUMAR,
Secretary,
Kerala Legislative Assembly.

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CHAPTER I

EXTRACTS FROM THE RULES OF PROCEDURE AND CONDUCT OF
BUSINESS IN THE KERALA LEGISLATIVE ASSEMBLY

LEGISLATURE COMMITTEES

(a) General

180. *Appointment of Legislature Committees.*—(1) The members of a Legislature Committee shall be appointed or elected by the Assembly or nominated by the Speaker, as the case may be.

(2) No member shall be appointed to a Committee if he is not willing to serve on it. The proposer shall ascertain whether the member whose name is proposed by him is willing to serve on the Committee.

(3) Casual vacancies in a Committee shall be filled by appointment or election by the assembly or nomination by the speaker, as the case may be, and any member appointed, elected or nominated to fill such vacancy shall hold office for the unexpired portion of the term for which the member in whose place he is appointed, elected or nominated would have normally held office.

181. *Objection to membership of Committee.*—Where an objection is taken to the inclusion of a member in a Committee on the ground that the member has a personal, pecuniary or direct interest of such an intimate character that it may prejudicially affect the consideration of any matters to be considered by the Committee, the procedure shall be as follows:—

(a) the member who has taken objection shall precisely state the ground of his objection and the nature of the alleged interest, whether personal, pecuniary or direct, of the proposed member in the matter coming up before the Committee;

(b) after the objection has been stated, the Speaker shall give an opportunity to the member proposed on the Committee against whom the objection has been taken, to state the position;

(c) if there is dispute on facts, the speaker may call upon the member taking objection and the member against whose appointment on the Committee objection has been taken, to produce documentary or other evidence in support of their respective case;

(d) after the Speaker has considered the evidence so tendered before him, he shall give his decision which shall be final;

(e) until the Speaker has given his decision the member against whose appointment on the Committee objection has been taken, shall continue to be a member thereof if elected, appointed or nominated;

(f) if the speaker holds that the member against whose appointment objection has been taken has a personal, pecuniary or direct interest in the matter before the Committee, he shall cease to be a member thereof forthwith:

Provided that the proceedings of the sittings of the Committee at which such member was present shall not in any way be affected by the decision of the Speaker.

Explanation.—For the purpose of this rule the interest of the member should be direct, personal or pecuniary and separately belong to the person whose inclusion in the Committee is objected to and not in common with the public in general or with any class or section thereof or on a matter of State Policy.

182. *Term of Office of Committee nominated by the Speaker.*—A Committee nominated by the Speaker shall, unless otherwise specified in the rules contained in this Chapter, hold office for the period specified by him or until a new Committee is nominated.

183. *Resignation from Committee.*—A member may resign his seat from a committee by writing under his hand addressed to the Speaker.

184. *Chairman of Committee.*—(1) The Chairman of a Committee shall be appointed by the Speaker from amongst the member of the Committee:

Provided that if the Deputy Speaker is a member of the Committee, he shall be appointed Chairman of the Committee.

(2) If the Chairman is for any reason unable to act, the Speaker may appoint another Chairman in his place.

(3) If the Chairman is absent from any sitting, the Committee shall choose another member to act as Chairman for that sitting.

185. *Quorum.*—(1) Unless otherwise fixed, the quorum to constitute a sitting of a Committee shall be, as near as may be, one-third of the total number of members of the Committee.

(2) If at any time fixed for any sitting of a Committee or if at any time during any such sitting, there is no quorum, the Chairman of the Committee shall either suspend the sitting until there is a quorum or adjourn the sitting to some future day.

(3) When the Committee has been adjourned in pursuance of sub-rule (2) on two successive dates fixed for sittings of the Committee, the Chairman shall report the fact to the Assembly:

Provided that where the Committee has been appointed by the Speaker, the Chairman shall report the fact of such adjournment to the Speaker.

186. *Discharge of members absent from sitting of Committee.*—If a member is absent from two or more consecutive sittings of a Committee without the permission of the Chairman, a motion may be moved in the Assembly for the discharge of such member from the Committee.

Provided that where the members of the Committee are nominated by the Speaker such member may be discharged by the Speaker.

187. *Voting in Committee.*—All questions at any sitting of a Committee shall be determined by a majority of votes of the members present and voting.

188. *Casting vote of Chairman.*—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.

189. *Power to appoint Sub-Committees.*—(1) A Committee may, subject to the approval of the Speaker, appoint one or more Sub-Committees, each having the powers of the undivided Committee, to examine any matters that may be referred to them, and the reports of such Sub-Committees shall be deemed to be the reports of the whole Committee if they are approved at a sitting of the whole Committee.

(2) The order of reference to a Sub-Committee shall clearly state the point or points for investigation. The Report of the Sub-Committee shall be considered by the whole Committee.

190. *Date and time of sittings of Committee.*—The sittings of a Committee shall be held on such days and at such hours as the Chairman of the Committee may fix.

191. *Sitting of a Committee in Private.*—The sitting of a Committee shall be held in private.

192. *Venue of Sittings.*— The sittings of a Committee shall be held within the precincts of the Legislature Secretariat Buildings and if it becomes necessary to change the place of sitting outside the Legislature Secretariat Buildings, the matter shall be referred to the Speaker whose decision shall be final.

193. *All strangers to withdraw when Committee deliberates.*—All persons other than members of the Committee and officers whose services are required by the Committee shall withdraw whenever the Committee is deliberating.

194. *Power to take evidence or call for documents.*— (1) A witness may be summoned by an order signed by the Secretary and shall also produce such documents as are required for the use of a Committee.

(2) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

(3) No document submitted to the Committee shall be withdrawn or altered without the knowledge and approval of the Committee.

195. *Power to send for persons, papers and records.*—A Committee shall have power to send for persons, papers and records:

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Speaker whose decision shall be final:

Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

196. *Counsel for a witness.*—A Committee may, under the direction of the Speaker, permit a witness to be heard by a counsel appointed by him and approved by the Committee.

197. *Evidence on Oath.*—(1) A Committee may administer oath or affirmation to a witness examined before it.

(2) The form of the oath or affirmation shall be as follows:—

'I, A, B, do swear in the name of God/solemnly affirm that the evidence which I shall give in this case shall be true, that I will conceal nothing and that no part of my evidence shall be false.'

198. *Procedure for examining witness.*—The examination of witnesses before a Committee shall be conducted as follows:

(i) The Committee shall, before a witness is called for examination, decide the mode of procedure and the nature of questions that may be asked of the witness.

(ii) The Chairman of the Committee may first ask the witness such question or questions as he may consider necessary with reference to the subject matter under consideration or any subject connected therewith according to the mode of procedure mentioned in clause (i) of this rule.

(iii) The Chairman may call other members of the Committee one by one to ask any other questions.

(iv) A witness may be asked to place before the Committee any other relevant points that have not been covered and which a witness thinks are essential to be placed before the Committee.

(v) A verbatim record of proceedings of the Committee shall, when a witness is summoned to give evidence, be kept.

(vi) The evidence tendered before the Committee may be made available to all members of the Committee.

199. *Record of decisions.*— A record of minutes of the meetings of a Committee approved by the Chairman, shall be maintained and circulated to members of the Committee.

200. *Evidence, report and proceedings treated as confidential.*— (1) A Committee may direct that the whole or part of the evidence or a summary thereof may be laid on the Table.

(2) The evidence given before a Committee shall not be published by any member of the Committee or by any other person until it has been laid on the Table:

Provided that the Speaker may, in his discretion, direct that such evidence be confidentially made available to members before it is formally laid on the Table.

201. *Special reports.*—A Committee, if it thinks fit, may make a special report on any matter that arises or comes to light in the course of its work which it may consider necessary to bring to the notice of the Speaker or the Assembly, notwithstanding that such matter is not directly connected with, or does not fall within or is not incidental to, its terms of reference.

202. *Report of Committee.*—(1) Reports may be either preliminary or final.

(2) The report of the Committee shall be signed by the Chairman on behalf of the Committee:

Provided that in case the Chairman is absent or is not readily available, the Committee shall choose another member to sign the report on behalf of the Committee.

203. *Availability of report to Government before presentation.*—A Committee may, if it thinks fit, make available to Government any completed part of its report before presentation to the Assembly. Such reports shall be treated as confidential until presented to the Assembly.

204. *Presentation of reports.*—(1) The report of a Committee shall be presented to the Assembly by the Chairman or in his absence by any member of the Committee.

(2) In presenting the report, the Chairman or, in his absence, the member presenting the report shall, if he makes any remarks, confine himself to a brief statement of fact, but there shall be no debate on that statement at this stage.

205. *Printing, publication or circulation of report prior to its presentation to Assembly.*—The Speaker may, on a request being made to him and when the Assembly is not in session, order the printing, publication or circulation of a report of a Committee although it has not been presented to the Assembly. In that case the report shall be presented to the Assembly during the next session at the first convenient opportunity.

206. *Power to make suggestions on procedure.*—A Committee shall have power to pass resolution on matters of procedure relating to that Committee for the consideration of the Speaker, who may make such variations in procedure as he may consider necessary.

207. *Power of Committee to make detailed rules.*—A Committee may, with the approval of the Speaker make detailed rules of procedure to supplement the provisions contained in the rules in this Chapter.

208. *Power of Speaker to give directions.*—(1) The Speaker may, from time to time, issue such direction to the Chairman of a Committee as he may consider necessary for regulating its procedure and the organisation of its work.

(2) If any doubt arises on any point of procedure or otherwise, the Chairman may if he thinks fit, refer the point to the Speaker whose decision shall be final.

209. *Business before Committee not to lapse on prorogation of Assembly.*—Any business pending before a Committee shall not lapse by reason only of the prorogation of the assembly and the Committee shall continue to function notwithstanding such prorogation.

210. *Unfinished work of Committee.*—A Committee which is unable to complete its work before the expiration of its term or before the dissolution of the Assembly may report to the Assembly that the Committee has not been able to complete its work. Any preliminary report, memorandum or note that the Committee may have prepared or any evidence that the Committee may have taken shall be made available to the new Committee.

211. *Applicability of general rules to Committees.*—Except for matters for which special provision is made in the rules relating to any particular Committee, the general rules in this Chapter shall apply to all Committees; and if and so far as any provision in the special rules relating to a Committee is inconsistent with the general rules, the former rules shall prevail.

(b) Constitution and functions of Subject Committees

232. *Subject Committees.*—(1) There shall be ten Subject Committees as enumerated in the Fifth Schedule.

(2) Each Subject Committee shall deal with the Subjects shown against it in the Fifth Schedule and/or matters relating to them:

Provided that the Speaker may in consultation with the Leader of the House modify or vary the allocation of subjects to the Subject Committees, from time to time.

233. *Constitution of Committees.*—(1) Each Subject Committee shall consist of not more than fifteen members and not less than ten members who shall be nominated by the Speaker, as soon as may be, after the commencement of the Assembly or from time to time, as the case may be.

(2) No Member shall be a member of more than one Subject Committee:

Provided that a Minister shall be ex-officio member of every committee in respect of which the subject/subjects allocated to such committee may fall within his responsibility.

(3) The term of the Subject Committee shall be thirty months from the date of constitution of the Committee or until a new Committee is nominated.

234. *Chairman of the Committee.*—The Speaker may nominate one of the members of the Committee to be its Chairman.

235. *Functions of the Committee.*—(1) The functions of the Subject Committee shall be,—

- (i) to scrutinize the demands for grants;
- (ii) to examine legislation;
- (iii) to study and report on a specified area of Governmental activity in the wider public interest, or a project, scheme or undertaking intended for the general welfare.
- (iv) to advise Government on a question of policy or legislation on which Government may consult a Committee;
- (v) to discuss generally and formulate views on,—
 - (a) State's Five Year Plan Programmes and their implementation;
 - (b) Centre-State relations in so far as they concern the State of Kerala;

- (c) Reports of Public Service Commission;
- (d) Reports of Public Undertakings;
- (e) Reports of any statutory or other body, including any Commission of Inquiry, which are laid before the Assembly; and
- (vi) to consider the draft rules to be framed by,—
 - (a) the Government or other authority in pursuance of the powers delegated by an Act of the legislature;
 - (b) the Government in pursuance of the powers delegated by an Act of Parliament.

Explanation : For the purpose of clause (vi) of this sub-rule the expression "draft rules" includes the draft of any scheme or the First Statutes to be framed by the Government in pursuance of the powers delegated by an Act of the Legislature or the Parliament.

(2) The Subject Committee shall not examine or investigate matters of day-to-day administration.

236. *Power of the Committee as regards demands for grants.*—(1) Each Subject Committee shall, at the conclusion of the discussion referred to in rule 141, scrutinize the demands for grants falling within its purview. Such scrutiny shall ordinarily be confined to variations in the demands from the previous year, more particularly increases, the need for economy and efficiency, new services, and relationship of expenditure to needs.

(2) The Subject Committee shall complete the scrutiny of all the demands for grants within a period not exceeding four weeks from the date of completion of the discussion referred to in rule 141.

(3) The recommendation of the Subject Committees after the scrutiny of the Demands for Grants shall be considered by the Government in the same financial year. When the recommendations are for the allotment of additional funds to any department, or variation, the action taken or proposed to be taken on such recommendations shall be intimated to the House through a statement by the Minister for Finance. If such recommendation could not be implemented the reason therefore shall also be intimated. Such statement shall be circulated among the Members as soon as the motion for the Demand is moved by the Minister.

Explanation : For the purpose of this sub-rule a copy each of the report of the Subject Committee on the scrutiny of Demands for Grants shall be made available to the Finance Department as a confidential documents.

(4) At the end of the scrutiny referred to in sub-rule (2), each subject Committee, shall as soon as may be, report to the House the result of such scrutiny and forward a copy of the report to the Minister concerned.

237. *Powers of the Committee in respect of Bills.*—(1) Every Bill, other than an Appropriation Bill, unless referred to a Select Committee, shall after its general principles are approved by the House, on a motion adopted in that behalf, stand referred to the Subject Committee, within whose jurisdiction the subject matter of the Bill falls, for detailed examination, together with the amendments, if any, received thereto.

(2) In other respects, the procedure applicable to the Select Committee on a Bill shall apply to the Subject Committee when they consider legislation.

238. *Powers of the Committee as respects statutory rules.*— In every case where—

(a) an Act of the Legislature confers powers to make rules on the Government or other statutory authority, all such rules shall be placed before the appropriate Subject Committee in draft form for its scrutiny;

(b) an Act of Parliament delegates powers to the State Government to make rules, all such rules framed by the Government shall be placed before the appropriate Subject Committee in draft form for its scrutiny :

Provided that where the exigencies of a given situation so require and immediate action is called for in the public interest, a rule or rules may be issued in exercise of powers conferred under a statute without placing the said rule or rules in draft form before the Subject Committee:

Provided further that every such rule or rules shall, when so issued, be simultaneously transmitted to the appropriate Subject Committee together with an explanation as to the reasons which necessitated the issue thereof without prior scrutiny by the Committee.

Explanation : For the purpose of this rule the expression “rule” and the expression “rule or rules” include the draft of any scheme or the First Statutes to be framed by the Government in pursuance of the powers delegated by an Act of the Legislature or the Parliament.

239. *Report of Subject Committee.*—(1) Subject to sub-rules (2), (3) and (4) each subject committee shall submit periodical reports to the Assembly.

(2) A Subject Committee may, in regard to matters referred to in items (iii) and (iv) of sub-rule (1) of rule 235, forward its report to the Chief Minister in the first instance, if in the opinion of the Committee public interest will be better served by so doing.

(3) Each Subject Committee shall, in regard to matters specified in item (v) of sub-rule (1) of rule 235 present to the House from time to time, a résumé of its discussions thereon and forward a copy thereof to the Chief Minister.

(4) Each Subject Committee shall, in regard to item (vi) of sub-rule (1) of rule 235, forward its report to the Chief Minister.

240. *Secrecy of Proceedings of Committee.*—(1) The proceedings of the meetings of the Subject Committee shall not be open to press.

(2) A verbatim proceedings of the meetings of Committee shall be kept in the Legislature Library for perusal by the members of the Assembly.

241. *Powers of Speaker to issue Directions.*— Without prejudice to the generality of the powers conferred under rule 314, the Speaker may, from time to time, issue such direction as may be necessary for the efficient conduct of the work of the Subject Committees.

CHAPTER II

INTERNAL WORKING RULES

1. *Constitution of the Committee.*—Each of the ten Subject Committees shall be constituted in accordance with rule 233 at the commencement of the first session of the Legislative Assembly after each general election, and thereafter at the conclusion of thirty months during the tenure of that Assembly.

2. *Notification of Committees in the Bulletin.*—The names of members nominated to each Subject Committee together with the names of the Chairmen of the Committees shall be notified in the Bulletin.

3. *Casual vacancies in the Committees.*—Casual vacancies in a Subject Committee shall be filled by the Speaker by nomination, and a member so nominated to fill a casual vacancy shall hold office for the remainder of the term of the Committee.

4. *A member to cease to be such member when appointed Minister.*—A member of a Subject Committee when appointed as a Minister shall cease to be such member, but shall become an *ex-officio* member of the Committee dealing with the Subjects which fall within his responsibility as Minister.

5. *Time of sittings of Committee.*—The date/dates and time of sittings of each subject Committee shall be notified by the Secretary from time to time in consultation with the Chairman of the Committee according as the business before the Committee may warrant: (See direction No. 13)

Provided that in fixing such date/dates and time for the meeting of the Committee the Chairman shall consult the *ex-officio* members of the Committee (Ministers) under whose jurisdiction the Subjects to be considered in that meeting:

Provided further that items concerning a particular department will not normally be taken up for consideration in the absence of the Minister concerned:

Provided however that the schedule of discussion by the Committees on the demands for grants falling within the purview of each Committee shall be settled in advance and notified to the departments by the Secretary within two days of the presentation of the budget.

6. *Papers for the Committee.*—(1) It shall be the duty of Government to furnish to each Subject Committee, all such papers as may be relevant for the consideration of a matter before the Committee. Unless otherwise notified by the Legislature Secretariat, not less than 70 copies of each such paper shall be supplied to the Secretariat at least two days before the date fixed for the meeting of the Committee.

7. *Special provision in regard to demands for grants.*—Subject to the generality of the provision contained in rule 6, when the Subject Committees consider the demands for grants, the department sponsoring each demand shall, in particular make available for the use of the members a background paper giving full information pertaining to the demand covering broadly the following points:—

- (i) the general lay-out of each demand showing its different sub-heads together with a brief explanation in precise terms of the expenditure proposal reflected through the demand ;
- (ii) the policy behind the demand, with special reference to the different sub-heads under the demand ;
- (iii) comparison with, say, previous five years, and reasons for variations if any ;

- (iv) relationship of expenditure to actual needs ;
- (v) economy-cum-efficiency test—any periodic assessment made may be mentioned ;
- (vi) new services, their nature and justifications ;
- (vii) plan/development programmes; full details ; if the proposal is to phase the expenditure, what are the targets for the current year ; probable duration of the entire project ; cost projections ; and the machinery proposed to monitor progress ;
- (viii) resources estimates under different heads ; new taxation if any ;
- (ix) overall projection ; anticipated short-falls/additions (percentage) ;
- (x) lapses, surrenders, write-offs and waivers with full explanations ;
- (xi) steps taken to avoid supplementary demands for grants.

8. *Reports of Committees on Demands for Grants.*—At the conclusion of the scrutiny of demands for grants, which shall be not later than four weeks from the date of completion of the general discussion of the Budget in the Assembly, each Subject Committee shall present to the House a report on the result of such scrutiny and also cause a copy of the report to be forwarded to the Minister concerned. The report shall be presented either by the Chairman of the Committee concerned or in his absence by any member of the Committee.

9. *Special provision in regard to examination of legislation.*—(1) In respect of every Bill other than an Appropriation Bill introduced in the Assembly the department concerned shall furnish for the information of the Subject Committee/Select Committee full background material pertaining to the legislation. Where it is an amending Bill, the reason for such amendment and the purport thereof shall be clearly stated: whether it is prompted by any judicial pronouncement, or for making additions or improvements based on experience gained in the working of an existing law, or any other ground. The policy behind the proposed legislation shall also be stated in the background paper.

(2) The procedure prescribed for the consideration, of a Bill in Select Committee shall apply to its consideration in the Subject Committee.

10. *Special provision in regard to scrutiny of Subordinate Legislation.*

(1) A Subject Committee scrutinising draft rules, regulations proposed pursuant to powers conferred under a Statute shall direct such scrutiny in particular to the following points:—

- (a) The rule/regulation appears not to be within the rule-making power conferred by, or not to be in accord with the general objects of, the Act pursuant to which it is purported to be made.
- (b) The form or purport of the rule/regulation calls for elucidation.
- (c) The rule/regulation contains matter which, in the opinion of the Committee, should properly be dealt with by an Act of the Legislative Assembly and not by a rule/regulation.

(2) The draft rules/regulations pursuant to powers conferred under a statute shall be prepared and forwarded to the concerned Subject Committee with utmost expedition and in any case not later than thirty days from date of assent of the Bill by the Governor/President.

11. *Matters referred to in rule 235 (1) (iii).*—When a Subject Committee takes up the study of any of the matters referred to in rule 235 (1) (iii), the Committee may formulate its own terms of reference having regard to the nature and extent of study proposed to be undertaken.

12. *Consultation by Government on a question of policy or legislation.*—In referring a question of policy or proposal for legislation to a Subject Committee for advice under rule 235 (1), (iv), such reference shall be made by a communication addressed by the Chief Minister to the Speaker.

13. *Matters mentioned in rule 235 (1) (v).*—The schedule of discussion in the Subject Committees on matters referred to in (a) to (e) of rule 235 (1) (v) shall be determined by the Speaker in consultation with the Leader of the House and the Leader of the Opposition.

14. *Proceedings of the Committees.*—(1) The proceedings of the Subject Committees, including the papers circulated or presented to them, and the evidence or expert opinion, if any tendered to the Committees shall be treated as confidential:

Provided however that a Committee may, with the prior consent of the Speaker, direct that its proceedings or any part thereof may be laid on the Table of the House.

(2) The Secretary shall cause a verbatim record of the proceedings of every Committee to be prepared and kept in the Library for perusal by Members:

Provided that in cases where there are practical difficulties in preparing verbatim reports a summary of such proceedings may be prepared.

15. *Reports of Committees.*—(1) The report of a Subject Committee may be interim or final.

(2) The Periodical report of each Committee referred to in rule 239 (1) shall be prepared and presented annually.

16. *Joint meeting of Chairmen of Committees.*—The Speaker may, if he so decides, convene meetings of the chairmen of the Subject Committees for the better co-ordination of the work of the Committees as and when considered necessary.

17. *Officers to assist Committees.*—(1) A Subject Committee may require of the presence of Special Secretary/Secretaries or other officers of Government, or officers of public undertakings or other similar body, to assist the Committee in its deliberation.

(2) When the Demands for grants are under scrutiny by the committees, the Special Secretaries/ Secretaries of the concerned departments shall invariably attend the meetings of the relevant Committees.

(3) When a Subject/Select Committee examines legislation, including subordinate legislation, the Law Secretary and the Secretary of the concerned department shall be present to assist the Committee.

18. *Obtaining of expert opinion.*—A Subject Committee may obtain expert opinion wherever considered necessary.

19. *Other rules of Legislature Committee to apply.*—Except as otherwise provided in these rules, the rules governing other Legislature Committees shall apply to the Subject Committees.

20. *References to Subject Committees.*—References of matters to the different Subject Committees shall be in accordance with the allocation of subjects contained in the Fifth Schedule to the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly. Any doubt or question arising in this behalf shall be referred to the Speaker whose decision thereon shall be final.

21. *General.*—These rules shall be supplemental, and in addition, to the rules relating to Subject Committees in the Rules of Procedure and conduct of Business in the Kerala Legislative Assembly.

FIFTH SCHEDULE

(See Rule 232)

SUBJECT COMMITTEES

Committee I—Agriculture and Integrated Rural Development

Agriculture

*****†

Soil and Water Conservation

Government Plantations

Commercial Crops

Special Agricultural Development Programme

*****‡

Animal Husbandry

Dairy Development

Community Development

Committee II—Land Revenue, Forests and Fisheries

Land Revenue

Land Reforms

Relief of Account of Natural Calamities

Tourism*

Forests

Fisheries and Fishing Harbours

All Marine Products

Committee III—Irrigation and Power

Minor Irrigation

Major and Medium Irrigation

Area Development

Flood Control

Anti-sea Erosion

Water Supply and Sewerage‡

Electricity

* See Direction No. 12 & 22

† See Direction No. 16

‡ See Direction No. 18

Committee IV—Industry and Minerals

Large Medium Industries
 Village and Small Industries
 Small Scale Industries and Industrial Estates
 Handloom and Powerloom
 Khadi and Village Industries
 Handicrafts
 Coir
 Cement, Iron and Steel
 Bricks and Tiles
 Mineral Development

Committee V—Public Works, Transport and Communications

Public Works (including Roads and Bridges)
 *****‡
 Road Transport
 Water Transport
 Railways
 Air Transport
 Communication

 Stamps and Registration†

Committee VI—Social Services

Education (including all technical and professional education)
 Arts and Culture
 Science and Technology (including research)
 Health (including Hospitals and Maternity Services)
 Family Planning
 Women and Child Welfare
 Welfare of the Physically Handicapped
 Old age pension
 Social Welfare
 Nutrition
 Harijan Welfare and Welfare of Other Backward Classes

* See Direction No. 12

† See Direction No. 15

‡ See Direction No. 23

Committee VII—Food, Housing and Labour

Food and Civil Supplies
 Urban and Rural Housing
 Labour (including Agricultural and Plantation Labour)
 Employment and Unemployment
 Employees' State Insurance

Committee VIII—Economic Affairs

Economic Development
 Excise
 Commercial Taxes and Agricultural Income Tax
 Lotteries
 Chitties and Chit Funds
 Credit Institutions
 Insurances

Committee IX—Local Administration and Co-operation

District Councils, Municipal Corporations and Municipal Councils
 Panchayats
 Co-operation
 Town Planning and Urban Development
 *****†
 *****†
 Ports' Light Houses and Shipping‡

Committee X—Home Affairs

Police and Jails
 Administration of Justice
 Elections (other than elections to Local Bodies)
 General Administration (including all service matters)
 Sports and Games

 Information and Public Relations@
 Welfare of Minorities@
 Non Resident Keralites' Affairs@
 Parliamentary Affairs@
 All other subjects not included in any other committee.

* See Direction No. 18

† See Direction No. 28

‡ See Direction No. 23

@ See Direction No. 28

CHAPTER III

SUBJECT COMMITTEES

SCRUTINY OF DEMANDS FOR GRANTS

Rule 236 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly provides that each Subject Committee shall, at the conclusion of the general discussion on the Budget in the Assembly, scrutinise the demands for grants falling within its purview. Such scrutiny shall ordinarily be confined, the rule further provides, to variations in the demands from the previous year, more particularly increases, the need for economy and efficiency, new services, and relationship of expenditure to needs.

Each Subject Committee shall complete the scrutiny of the demands within a period of *four weeks* and at the end of the scrutiny, report to the House the result of such scrutiny and forward a copy of the report to the Minister concerned.

Rule 7 of the Internal working Rules made by the Speaker provides for the supply of background papers to the committees by the departments. The rule is reproduced below:—

“When the Subject Committees consider the Demands for Grants, the department sponsoring each demand shall, in particular, make available for the use of the members a background paper giving full information pertaining to the demand covering broadly the following points:—

- (i) the general lay-out of each demand showing its different sub-heads, together with a brief explanation in precise terms of the expenditure proposal reflected through the demand ;
- (ii) the policy behind the demand, with special reference to the different sub-heads under the demand ;
- (iii) comparison with, say, previous five years, and reasons for variations if any ;
- (iv) relationship of expenditure to actual needs ;
- (v) economy-com-efficiency test-any periodic assessment made may be mentioned ;
- (vi) new services, their nature and justifications ;
- (vii) plan/development programmes; full details; if the proposal is to phase the expenditure, what are the targets for the current year; probable duration of the entire project; cost projections; and the machinery proposed to monitor progress;
- (viii) resources estimates under different heads; new taxation if any;

- (ix) overall projection; anticipated short-falls/additions (percentage);
- (x) lapses, surrenders, write-offs and waivers with full explanations;
- (xi) steps taken to avoid supplementary demands for grants".

This rule (i.e. rule 7) has now been supplemented by para 1(ii) of Direction No.8 issued by the Speaker, which reads thus:—

*"Preparation of programme statements by Government Departments in relation to their respective Demands.—*In order to enable Subject Committees to scrutinise the Demands for Grants purposefully and effectively, the Departments of Government may develop a system of preparing programme statements in relation to their respective budget demands. These should identify specific policy objectives, specify all the activities that contribute to the objectives, identify the resources and costs required to achieve them, and contain measurements or assessments of outputs. In regard to projects involving capital outlay, the size of the project (physical targets, costs, etc.) its broad objectives, whether the work is to be undertaken on a phased programme, the steps suggested for monitoring progress and allied details may be given. If it is an on-going project, whether money allotted in the previous year was spent as scheduled, the programme for the current year, cost escalation, if any, and a performance review may be presented. In the case of an industry/corporation, its capital structure (including loans, debentures, grants, etc.) its field of activity, its rated capacity and actual production, details of financial position (including assets and liabilities and profit and loss account), relationship of productivity to cost, scheme if any for repayment of loan, etc., may be given. In the case of a scheme, e.g., a welfare scheme, the objectives to be attained by the scheme, class/classes of persons to be covered, their probable number, modalities of implementation, and the annual cost (payments to beneficiaries and/or cost of welfare programmes, and cost of administration of the scheme) may be clearly set out. In regard to subsidies and grants, the purport of such subsidy/grant, its basis, and the financial implications thereof will be stated. These are only illustrations and are intended to suggest a pattern. The financial figures in all these cases should be supplemented by analyses showing the objectives of individual spending programmes and the results of past programmes."

The "programme statements" envisaged in the Direction quoted above, it is intended, will assist members in making the scrutiny effective and purposefull. They might also provide some guidance as to the line of scrutiny. While individual sub-heads under each Demand may be important in several contexts,

the scrutiny, it is felt, will be more meaningful and produce better results by taking a closer look at the overall projection of each Demand, more especially in the case of Demands involving developmental activities and welfare programmes.

A principal objective of budgetary scrutiny by the Subject Committees is to ensure that the available resources in a budget year are prudently allocated among the different services, and that such allocations conform, as nearly as may be, to actual or probable needs. The scrutiny may be wideranging and uninhibited except for one constitutional constraint: Para 1 (i) of Speaker's Direction No. 8 deals with this:—

“Procedure for variations under sub-heads.—Under article 203(2) of the constitution, while the Legislative Assembly may refuse to assent to a demand, or assent to it subject to a reduction of the amount specified therein, it may not increase the demand. Thus, while a Subject Committee may, in examining a demand under its various sub-heads, recommend variations from one sub-head to another, such variations shall not have the effect of increasing the total allocation under the demand. If an increase is sought to be made under one sub-head a corresponding saving has to be shown under sub-head within the same demand. A Subject Committee may, however, recommend an enhancement or new service such enhancement or new service to be effected either by reappropriation where possible or through a supplementary demand. In making its recommendations, the subject Committee shall keep in view also the resources constraint.”

Government has issued certain instructions in regard to the procedure for making variations. These are:—

- “(i) Where a Subject Committee recommends enhancement, if the committee also indicates saving elsewhere for diversion, the administrative department may examine whether such diversion is possible without the concerned schemes being adversely affected and, if satisfied that it is possible to do so, they may sanction additional funds, subject to the regulations in the Budget Manual and with the prior concurrence of the Finance Department.
- (ii) Where the Subject Committee recommends enhancement without locating corresponding savings, the Administrative Department may examine the suggestion in all its aspect in consultation with Finance Department and circulate the case to the Minister concerned and the Minister for Finance for orders whether the recommendation is to be accepted and if so for a decision to adopt one of the following courses:

- (a) to allow additional funds by reappropriation even if no reappropriation has been recommended by the Subject Committee;
 - (b) to obtain a Supplementary Grant during the same year;
 - (c) to take Contingency Fund advance for the purpose in the most emergent cases;
 - (d) to include the programme in the ensuing year's budget.
- (iii) In all cases under (i) and (ii) above, where additional funds are to be allowed for or diverted from Plan Schemes, Planning and Economic Affairs Department shall also be consulted."

These may be borne in mind while scrutinising the Demands for Grants and making recommendations for variations.

CHAPTER IV

DIRECTION No. 8 ISSUED BY THE SPEAKER ON SUBJECT COMMITTEES

(Issued in Bulletin—Part II No. 40 dated February 7, 1983)

1. *Scrutiny of Demands for Grants.*—(i) Procedure for variations under sub-heads.—Under article 203 (2) of the Constitution, while the Legislative Assembly may refuse to assent to a demand, or assent to it subject to a reduction of the amount specified therein, it may not increase the demand. Thus, while a Subject Committee may, in examining a demand under its various sub-heads, recommend variations from one sub-head to another, such variations shall not have the effect of increasing the total allocation under the demand. If an increase is sought to be made under one sub-head, a corresponding saving has to be shown under another sub-head within the same demand. A Subject Committee may, however, recommend an enhancement or a new service, such enhancement or new service to be effected either by reappropriation where possible or through a supplementary demand. In making its recommendations the Subject Committee shall keep in view also the resources constraint.

(ii) Preparation of programme statements by government departments in relation to their respective Demands.—In order to enable the Subject Committee to scrutinise the Demands for Grants purposefully and effectively, the departments of Government may develop a system of preparing programme statements in relation to their respective budget demands. These should identify specific policy objectives, specify all the activities that contribute to the objectives, identify the resources and costs required to achieve them, and contain measurements or assessments of outputs. In regard to projects involving capital outlay, the size of the project (physical targets, costs, etc.), its broad objectives, whether the work is to be undertaken on a phased programme, the steps suggested for monitoring progress and allied details may be given. If it is an on-going, project, whether money allotted in the previous year was spent as

scheduled, the programme for current year, cost escalation, if any, and a performance review may be presented. In the case of an industry/corporation, its capital structure (including loans, debentures, grants etc.), its field of activity, its rated capacity and actual production, details of financial position (including assets and liabilities and profit and loss account), relationship of productivity to cost, scheme if any for repayment of loan, etc., may be given. In the case of a scheme e.g. a welfare scheme, the objectives to be attained by the scheme, the class/classes of persons to be covered, their probable number, modalities of implementation and the annual cost (payments to beneficiaries and or cost of welfare programmes, and cost of administration of the scheme) may be clearly set out. In regards to subsidies and grants, the purport of such subsidy/grant, its basis and the financial implications thereof will be stated. These are only illustrations and are intended to suggest a pattern. The financial figures in all these cases should be supplemented by analysis showing the objectives of individuals pending programmes and the results of past programmes.

2. *Attendance of Officers at meetings of Subject Committees.*—Normally, only special Secretaries/Secretaries/Commissioners and Heads of Departments (Managing Director in the case of an industry/corporation) shall attend Subject Committees. In addition, officers not below the rank of a Deputy Secretary, may also attend, where considered necessary.

3. *Papers for circulation to members of Subject Committees.*—Seventy copies each of all papers intended for circulation to members of a Subject Committee shall reach the Legislature Secretariat at least three days before the date fixed for a meeting of the Committee, and the members shall be supplied with such papers at least two days before the meeting.

4. *Follow-up action on Reports of Subject Committees.*—A quarterly report on action taken by Departments on the recommendations of the Subject Committees shall be sent by each Department to the concerned Subject Committee.

5. *Meetings to discuss matters referred to in rule 235 (1) (iii) & (v).*—Besides the meeting for scrutiny of demands for Grants, Examination of legislation and examination of draft statutory rules (subordinate legislation), each Subject Committee may, when the Legislative Assembly is not in session, hold at least one meeting every month to discuss any of the matters referred to in rule 235 (1) (iii) & (v). The date and time for such meeting shall be fixed by the speaker in consultation with the Chairman of the concerned Subject Committee.

**DIRECTION No. 9 ISSUED BY THE SPEAKER ON SUBJECT
COMMITTEES**

(Issued in Bulletin—Part II No. 250 dated August 2, 1984)

Adoption of Report on Scrutiny of Demands for Grants

“Sub-rule (2) of rule 236 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly provides that the Subject Committees shall complete the scrutiny of all the demands for grants within a period not exceeding four weeks from the date of completion of the general discussion on the Budget as provided in rule 141. It is hereby clarified that the scrutiny referred to in the said sub-rule (2) of rule 236 includes also the finalisation of the Report of every Subject Committee in respect of the demands for grants falling within its purview.”

Direction No. 12

SUBJECT COMMITTEE—REALLOCATION OF SUBJECTS

The Subject ‘Tourism’ allotted to Subject Committee V (Public Works, Transport and Communications) of the Kerala Legislative Assembly now stands reallocated to Subject Committee II (Land Revenue, Forests and Fisheries).

(Issued by the Speaker on January 7, 1988)

Direction No. 13

Subject Committees—Amendment to Rule 5 of the Internal Working Rules.

In the internal Working Rules of Subject Committees, the following shall be substituted for Rule 5:—

RULE 5—TIME OF SITTINGS OF THE COMMITTEE

The date/dates and time of sittings of each Subject Committee shall be notified by the Secretary from time to time in consultation with the Chairman of the Committee according as the business before the Committee may warrant:

Provided that in fixing such date/dates and time for the meeting of the Committee the chairman shall consult the ex-officio members of the Committee (Ministers) under whose jurisdiction the Subjects to be considered in that meeting come:

Provided further that items concerning a particular department will not normally be taken up for consideration in the absence of the Minister concerned:

Provide however that the schedule of discussion by the Committees on the Demands for Grants falling within the purview of each Committee shall be settled in advance and notified to the departments by the secretary within two days of the presentation of the budget.

(Issued by the speaker on February 15, 1988)

Direction No. 15

Subject Committees—Allocation of Subjects

The Subject, "Stamps and Registration" is allotted to Subject Committee V—Public Works, Transport and Communication.

(Issued by the Speaker on October 25, 1988)

Direction No. 16

Subject Committees—Reallocation of Subjects

The Subjects, 'Minor Irrigation' and 'Area Development' allotted to Subject Committee-I (Agriculture and integrated Rural Development) of the Kerala Legislative Assembly now stands reallocated to subject Committee III (Irrigation and Power).

(Issued by the Speaker on March 7, 1989)

Direction No. 18

Subject Committees—Allocation of Subjects

The subjects "Water Supply and Sewerage" are allotted to Subject Committee III—Irrigation and Power.

(Issued by the Speaker on September 7, 1989)

Direction No. 19

Subject Committee IX—Transfer of Subjects and Consequent change in Membership

As the Subjects "Water Supply and Sewerage" have since been transferred to Subject Committee III—Irrigation and Power, Minister for Irrigation will cease to be an Ex-officio Member of Subject Committee IX—Local Administration and Co-operation.

(Issued by the Speaker on December 15, 1989)

Direction No. 22

Subject Committees—Reallocation of Subjects

The Subject 'Tourism' allotted to Subject Committee II (Land Revenue, Forests and Fisheries) of the Kerala Legislative Assembly now stands reallocated to Subject Committee X (Home Affairs).

(Issued by the Speaker on January 20, 1995)

Direction No. 23*Subject Committees—Reallocation of Subjects*

The Subject 'Ports, Light Houses and Shipping' allotted to Subject Committee V (Public Works, Transport and Communications) of the Kerala Legislative Assembly now stands reallocated to Subject Committee IX (Local Administration and Co-operation).

(Issued by the Speaker on January 20, 1995)

Direction No. 24*Points for discussion in the meeting of subject Committees—Speaker empowered to amend notices—*

Some times the points given notice by the Members of a Subject Committee to raise discussion therein might relate wholly to matters of day to day administration or partly to matters of policy and partly to matters of day to day administration. Sub-rule (2) of rule 235 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly stipulates that the Subject Committee shall not examine or investigate matters of day to day administration. Neither the Assembly Rules nor the Internal Working Rules of Subject Committees give powers to the speaker to amend such notices in such a manner as to bring them in conformity with the rules, in case it can be amended accordingly so as to enable the Committee to consider such notices. Hence it is hereby directed that in cases where a notice to raise points for discussion in a Subject Committee contains matters wholly relating to day to day administration or partly to matters of policy and partly to matters of day to day administration the Speaker may amend such notices with a view to bring them in conformity with the rules, in case it can be amended accordingly, if the Member concerned makes a written request in this behalf. If, however, such notices cannot be amended accordingly the Speaker may disallow such notices and the Member concerned shall be informed of it.

(Issued by the Speaker on March 1, 1995).

Direction No. 25*Subject Committee—Reallocation of Subjects*

The following subject and Heads of Account under Demand No. XX—Water Supply and Sanitation allotted to Subject Committee VI—Social Services is reallocated to Subject Committee III—Irrigation and Power.

Major Head 2215— Water Supply and Sanitation
 02— Sewerage and Sanitation
 105— Sanitation Services.

(Issued by the Speaker on December 23, 1996)

Direction No. 26*Subject Committees—Reallocation of Subjects*

The schemes directly implemented by the Registrar of Co-operative Societies in the following Head of Account under Demand No. XXX allotted to Subject Committee VII (Food, Housing and Labour) of the Kerala Legislative Assembly is re-allotted to Subject Committee IX—Local Administration & Co-operation.

2408—Food Storage and Warehousing

4408—Capital Outlay on Food Storage and Warehousing

6408—Loans for Food Storage and Warehousing.

The Subject, 'Ware Housing Corporation' under Head of Account 4408-02-190-99 now stands, allotted to Subject Committee VII (Food, Housing and Labour) is re-allotted to Subject Committee I—Agriculture and Integrated Rural Development.

(Issued by the Speaker on November 11, 1997)

Direction No. 28*Subject Committee—Allocation of Subjects*

The Subjects, Information and Public Relations, Welfare of Minorities, Non-Resident Keralites' Affairs and Parliamentary Affairs are allotted to Subject Committee X—Home Affairs.

The Subject 'Tourism' allotted to Subject Committee X—Home Affairs of the Kerala Legislative Assembly now stands re-allotted to Subject Committee II—Land Revenue, Forests and Fisheries.

(Issued by the Speaker on July 12, 2001)

Direction No. 30*Subject Committees—Special invitees*

Rule 5 of the Internal Working Rules of Subject Committees (as amended by direction No. 13) stipulates that items concerning a particular department will not normally be taken up for consideration in the absence of the Minister concerned. Hence, in cases where a Minister is not an ex-officio member of a particular Subject Committee in which subjects under his portfolio are considered, he can also be invited and can attend that particular meeting of that Subject Committee as a special invitee.

(Issued by the Speaker on February 20, 2004)

ANNEXURE I

**REPORT OF THE AD HOC COMMITTEE APPOINTED
IN 1979 FOR THE CONSTITUTION OF SUBJECT
COMMITTEES**

INTRODUCTORY

At the sitting of the Legislative Assembly held on March 14, 1979, the Speaker made the following announcement:

A proposal has been made for the constitution of a new type of Standing Committees called Subject Committees with a view to improve the efficiency and enable more effective functioning of the Legislature. To examine the various aspects of the proposal and to make necessary recommendations, the Chief Minister, the Leader of the Opposition and leaders of other parties have suggested the constitution of a Legislature Committee. I wish to inform the House that I have accepted the suggestion and a Legislature Committee has been constituted for the purpose.

The Committee consisted of—

Shri E. Chandrasekharan Nair	Chairman
„ P. M. Abubacker	
„ N. K. Balakrishnan	
„ R. Balakrishna Pillai	
„ U. A. Becran	
„ N. Bhaskaran Nair	
„ C. P. Govindan Nambiar	
„ P. J. Joseph	
„ M. K. Krishnan	
„ K. Pankajakshan, Minister for Works and Sports	
„ M. K. Raghavan, Minister for Labour and Housing	
„ A. A. Rahim	
„ S. Thankappan Pillai	
„ R. S. Unni	

Shri A. A. Rahim subsequently resigned, and Shri M. P. Gangadharan was nominated in his place.

2. The Committee held in all six sittings. At its first sitting on March 29, 1979, the Committee considered the question of the need for the proposed Subject Committees and what properly should be the role of such Committees in a system of responsible Parliamentary Government. At its sittings on April 18, May 8, the Committee settled the principles which should govern the setting up and functioning of the Subject Committees. At the sittings on May 28 and June 18, the Committee deliberated upon and finalised its recommendations. At the sitting held on July 9, 1979, the draft report was considered and adopted.

The Approach

3. In our parliamentary system, responsibility of the Council of Ministers to the Legislative Assembly is a constitutional mandate. Under clause (2) of article 164 of the Constitution, "the Council of Ministers shall be collectively responsible to the Legislative Assembly of the State". To secure this responsibility, the Constitution contains a number of other provisions, and the Rules of Procedure of the Legislative Assembly prescribe several procedural devices. The Committee at the outset addressed itself to the question:

Do the existing practices and procedures enable effective scrutiny of executive functioning and secure executive accountability to the Legislature in adequate measure? Consistent with the principle of Cabinet responsibility, is there scope for improving upon the instrumentalities now available to the Legislature for better scrutiny both of legislation and of executive actions?

4. The traditional concept of parliamentary control, its impact on modern government and influence on democratic functioning have been subjects of constant study in countries where the parliamentary system prevails. According to Mr. Bernad Crick, the well-known advocate of parliamentary reform in the United Kingdom, "Parliament must improve its own instruments of control, scrutiny, criticism and suggestion to keep pace with the great improvements of efficiency and increase of size in the departments of the executive government". He points out: "Parliament has been in the process of change. Procedure therefore cannot be static. It evolves itself".

5. The Indian experience has been similar to that in the British House of Commons. Since the Parliament and the State Legislatures came to existence under the Constitution, a number of innovations have been made in their procedures. The growing complexity of modern government, kits considerably widened spheres of activity and consequent extension of executive power have all led to a reassessment of the Legislature's role from time to time. The present exercise by this committee is therefore a continuation of that process.

6. It is well known that business on the floor of the House as always to be controlled by the need to get certain legislation through, while at the same time providing for the disposal of a number of routine items on the daily order paper. Besides the traditional debates on the Governor's address and the annual Budget, it is seldom that time could be found to discuss and debate other important matters of public concern or public interest.

7. In the Budget Session, a major part of the time is taken up for the transaction of financial business; but, even then, it has been the experience year after year that demands for grants pertaining to several important departments get guillotined for want of time, with the material that is made available

to members, and within the allotted time, no in depth scrutiny of the demands is possible, and debate on them on the floor of the House tends to become often superficial. On the guillotined demands, no open debate at all takes place. The functions of the three existing financial communities, namely, the Estimates, Public Accounts and Public Undertakings Committees, are, it is well-known largely *post-mortem*. Effective control over public expenditure is all essential feature of the parliamentary system.

8. In the matter of legislation, all Bills do not at present go before Select Committees. The importance of Scrutinising legislation with utmost care needs no emphasis. Attention will have to be directed in particular to see that the clauses of a Bill are consistent with the Constitution and existing law and bring out clearly the policy behind the legislation. Legislation is the responsibility of the Legislature, and it is the Legislature that must take the ultimate blame if the laws it enacts are found to contain legal or other infirmities.

9. Many laws passed by the Legislature confer wide powers on the executive or other subordinate authority to make rules, orders or issue notifications for giving effect to the provisions of the law. The function of the Subordinate Legislation Committee in the matter of delegated legislation is, like that of the financial committees also *post-mortem*. The inordinate delay in the issue of these rules and orders and the lack of sufficient care that is bestowed on their drafting have often evoked adverse comment. The large powers conferred on officials—sometimes at comparatively junior levels—under these rules and orders further emphasise the need for their close scrutiny. It seems essential to devise a suitable method for prior scrutiny of these statutory instruments in draft form with the twin objective of ensuring that the power delegated by the Assembly is properly exercised and with due expedition and that the delegate acts within the limits laid down under the relevant laws.

10. In initiating policies and programmes and their implementation the Council of Ministers has direct and primary responsibility. Equally, the Legislature has the duty to see that such implementation is in the best interest of the people. A programme like integrated rural development or the working of a public utility undertaking like the K. S. R. T. C.—to take two examples—will call for close observation and detailed study. Members of the Legislature, by virtue of their constant contact with the public are in a better position to gauge public criticism and public opinion. The growth in the executive's power and the manner of its exercise have to be matched by an improvement in the Legislature's modalities for overseeing the executive's use of its power.

11. It is realised that any change or improvement in the instruments of parliamentary surveillance should not in any way result in a dilution of the principle of ministerial responsibility to the Legislative Assembly. Nor should it impair, even to the smallest degree, the fundamental principle embodied in the Constitution that the Legislative Assembly shall be the ultimate arbiter of Government in a State.

Position elsewhere

12. In the course of its deliberations, the committee studied recent developments in the United Kingdom and some other Commonwealth countries where the parliamentary system is followed. The British House of Commons had set up an all-party committee "to consider the practice and procedure of the House in relation to public business and to make recommendations for the more effective performance of its functions". The major concern of the first Report of the Committee issued in July 1978 was, it appears, with a new Committee structure, designed to play a much more substantial part in the preparation and scrutiny of legislation, in examining the activities of the Government and its departments of State and in the more thorough investigation of public expenditure generally. For the better examination of the activities of Government, the report recommends that twelve new Select Committees should be appointed in place of the Expenditure Committee and certain other existing committees. Each committee should be related to the work of one or more government departments, but should have widely drawn terms of reference to enable it to cover matters not exclusively within the responsibilities of the department concerned.

13. The Fifth Conference of Commonwealth Speakers and Presiding Officers held at Canberra in August-September 1978 discussed the committee system. Debate on the subject indicated a general trend throughout the Commonwealth towards the greater use of committees first to elicit fact, secondly to examine proposed legislation, and thirdly to recommend policy. There appeared to be a general realisation that a large proportion of parliamentary work could be carried out more effectively by the use of committees. With the growing awareness of the electorate, there was an increasing demand for open government and a growing conviction that open government depended very largely on the work of committees.

14. In Canada, much of the detailed work of the House of Commons is carried out by committees according to longstanding practice. The Standing committees of the House of Commons, it is said, are the essence of its present committee system. They have three distinct functions which may be described as legislative, financial and investigative. The Standing Orders provide for 18 standing committees, most of them covering a specific subject area.

15. In the U. S. A. which has a presidential system of Government, and is therefore distinct from the Cabinet system of parliamentary Government, there has been in existence a committee system evolved over a period of years. The real work of the congress, it is said is performed by its committees and sub-committees to which have been delegated large powers. No other national legislature, it appears, has a comparable committee system. The American Committee system however is alien to our constitutional framework.

The Committee's Recommendations

16. Viewed in the background of the discussion in the foregoing paragraphs, the committee makes the following recommendations:

I. There may be set up 10 Subject Committees with subjects allocated to each Committee as shown in the Appendix. The 10 Committees will, between them, cover the total membership of the House.

II. (a) The functions of the Subject Committees shall be:—

- (i) to scrutinise the demands for grants;
- (ii) to examine legislation;
- (iii) to study and report on a specified area of Governmental activity in the wider public interest, or a project, scheme or undertaking intended for the general welfare;
- (iv) to advise Government on a question of policy or legislation on which Government may consult a Committee.

(b) The Subject Committees may discuss—

- (i) the State's Five Year Plan programmes and their implementation;
- (ii) Centre State relations in so far as they concern the State of Kerala;
- (iii) Reports of Public Service Commission;
- (iv) Reports of Public Undertakings; and
- (v) Reports of any statutory or other body, including any Commission of inquiry, which are laid before the Assembly.

A resume of such discussion shall be laid before the House, and a copy thereof forwarded to the Government.

III. The Subject Committees should be committees of the Legislature; i.e., they should be committees set up under the Rules of the House and functioning like other committees of the Legislature.

IV. The setting up of the Subject Committees and their functioning shall not in any way detract from, or infringe, the principle of Cabinet responsibility to the Legislature under the Constitution.

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V. The rights and privileges at present enjoyed by members whether in relation to the House or to its committees will not be diminished.

VI. (a) Each committee may deal with a subject—a specified area of governmental activity—Or a group of such subjects, and not a department as such.

(b) The committees *will not* concern themselves with day-to-day administration. They may direct their attention primarily to development programmes, or to a particular project or scheme, in the wider public interest of the state or for the general welfare of the community. Government may also consult a committee on a question of policy or proposed legislation.

(c) After a committee has formulated its proposals, the committee may send its report in the first instance to Government where in its opinion public interest will be better served by so doing.

(d) The Committee shall submit periodical reports to the House.

VII. (a) Each Subject Committee may, after the Budget has been presented to the House and after discussion thereon has been completed, scrutinise the demands for grants falling within its jurisdiction. Such scrutiny may ordinarily be confined to variations in the demands from the previous year, more particularly increases, the need for economy and efficiency, new services and relationship of expenditure to needs. A time-limit of three weeks may be prescribed for the completion of the scrutiny of all the demands by the Subject Committees.

(b) After the committees have scrutinised the demands, each committee may report back to the House the result of its scrutiny and also simultaneously forward a copy of the report to the Minister concerned. The House may, as is the present practice, discuss only those demands which the Speaker may decide in consultation with the Leader of the House and the Leader of the Opposition. Thereafter, that is, after such discussion, all the demands will be put to the House's vote in accordance with the constitutional provision in this behalf.

VIII. (a) Every Bill other than an Appropriation Bill shall, after its general principles are approved by the House on an appropriate motion, stand referred either to the concerned Subject Committee or to a Select Committee of the House, as may be determined by the House, for detailed clause-by-clause examination together with the amendments, if any, received thereto. The committee will in particular direct its examination to satisfy itself that the provisions of the Bill are consistent with the Constitution and existing law, and the clauses bring out clearly the objectives behind the legislation.

(b) Except in the case of a complex or controversial legislation on which evidence may have to be taken, the Subject Committee/Select Committee will report the Bill back to the House in the same session for passing.

(c) In cases of Bills to replace Ordinances, they have to be passed in the same session and within the period prescribed under the Constitution (within six weeks from reassembly of the House).

IX. In all cases where a statute confers powers to make rules, all such rules shall be placed before the concerned Subject Committee in draft form for its scrutiny before their promulgation.

X. The proposed Subject Committee shall perform the functions of the Consultative Committees.

(The present Consultative Committees, it may be noted, are not committees of the Legislature)

XI. The proceedings of the Committees will be confidential and will not be open to the Press. Verbatim records of the proceedings will be taken and kept in the Library for perusal by members for their personal information.

XII. (a) A committee shall consist of not more than 15 members and not less than 10 members. The Ministers in charge of subjects falling within the jurisdiction of a committee shall be ex-officio Members of that committee. No member (other than a Minister) will be a member of more than one committee.

(b) The tenure of membership shall be two years. A member may however be eligible for re-appointment to the same committee.

(c) Each committee shall continue for a period of two years, unless reconstituted earlier.

(d) The Speaker shall nominate members to each committee, and appoint one of the members of the committee to be its Chairman.

Conclusions

17. The committee is conscious that the system of Subject Committees it is recommending is unique in that it has not been attempted or tried in Parliament or any State Legislature in India so far. The institution of these committees will give members of sense of participation in government. With Ministers and civil servants being present to assist the committees by supplying full information and factual data, members will be able to better understand

and appreciate problems of Government. The committees may hear concerned interests and obtain expert opinion. There should be constant exchange of information and ideas between the committees and Government. The discussions in the committees it is envisaged would be well-informed and pertinent. Members will, by experience, gain specialised knowledge and develop expertise on the subjects they deal with in the respective committees and thereby make positive contribution to arrive at decisions. The reports of the Subject Committees to the Legislative Assembly will be valuable documents in the hands of members to enable them to participate in debates more meaningfully and with better effect.

18. It was Lloyd George who said that Parliament must be the sounding board of public opinion. This objective is perhaps best achieved by an extension of the Legislature Committees as outlined in these proposals. Given the necessary goodwill, mutual understanding and tolerance, it is the committee's earnest and sincere hope that the system of Subject Committees will have a vital role in strengthening Parliamentary Government. It will not, it needs to be stated categorically, detract from the importance of authority of the proceedings of the House, for, in the ultimate analysis, it is to the Legislative Assembly that the Council of Ministers is accountable for all its acts. The political battles will continue to be fought on the floor of the House, for that is the forum for open debate between Government and Opposition. At the same time, through the instrumentality of the Subject Committees, the debates will be better informed and productive of better results in the interest of the people whose hopes and aspirations the Legislature must collectively reflect.

19. The Committees, when appointed will need adequate staff for providing secretarial and where necessary, expert assistance.

20. The Committee's recommendations will involve suitable amendments to the Rules of Procedure. This task legitimately belongs to the Rules Committee and therefore this committee has not undertaken it.

APPENDIX

(List of Subject Committees)

COMMITTEE I *Agricultural and Integrated Rural Development*

Crop Production
 Land Reforms
 Soil and Water Conservation
 Command Area Development
 Community Development

COMMITTEE II *Forests, Fisheries and Government Plantations*

Forests
 Fisheries and fishing harbours
 All marine products
 Animal Husbandry
 Dairy Development
 Government Plantations

COMMITTEE III *Irrigation and Power*

Irrigation
 Flood Control
 Anti-Sea Erosion
 Electricity

COMMITTEE IV *Industry and Minerals*

Large and Medium Industries
 Cement, Iron and Steel
 Village and Small Industries
 Small Scale Industries and Industrial Estates
 Handloom and Powerloom
 Khadi and Village Industries
 Handicrafts
 Coir
 Cashew
 Bricks and Tiles
 Beedi and other Traditional Industries
 Mineral Development

COMMITTEE V *Transport and Communications*

Ports, Lighthouses and Shipping
 Roads and Bridges
 Road Transport
 Water Transport
 Tourism
 Railways
 Communications
 Air Transport

COMMITTEE VI *Social Services*

Education (including all Technical & Professional Education)
 Arts and Culture
 Science and Technology (including Research)
 Employees State Insurance
 Health (including Hospitals and Maternity Services)
 Family Planning
 Child and Women's Welfare
 Welfare of the Physically Handicapped
 Oldage Pensions.

COMMITTEE VII *Housing and Labour*

Urban and Rural Housing
 Town Planning and Urban Development
 Sewerage and Water Supply
 Public Works (other than Roads and Bridges)
 Labour (including Agricultural and Plantation Labour)
 Employment and Unemployment

COMMITTEE VIII *Economic Affairs*

Planning
 Economic Development
 Land Revenue
 Excise
 Commercial Taxes and Agriculture Income Tax
 Lotteries, Chitties and Chit Funds
 Credit Institutions
 Insurance.

COMMITTEE IX *Local Administration and Co-operation*

District Boards and Municipalities
 Panchayats
 Co-operation
 Food
 Civil Supplies

COMMITTEE X *Home Affairs and Harijan Welfare*

Harijan Welfare and Welfare of Other
 Backward Classes
 Police and Jails
 Administration of Justice
 Elections (other than elections to local bodies)
 General Administration (including all service
 matters)
 Information and Publicity
 Sports and Games
 All other subjects not included in any other
 Committee.

Order of the Hon'ble Speaker

On March 14, 1979 I announced in the Assembly the appointment of a committee to consider and make recommendations for the constitution of a new type of Standing Committees called Subject Committees with a view to improve the efficiency and to enable more effective functioning of the Legislature. The Chairman of the Committee has presented to me the committee's report today.

I direct that the report may be sent to the Rules Committee for proposing necessary amendments to the Rules of Procedure to implement the committee's recommendations.

A copy of the report will be laid before the Assembly during its next session.

SPEAKER

BACKGROUND PAPERS

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PAPER I

Introductory

Parliamentary procedure, it may be correctly said, has been in a state of continuous evolution. Within the framework of the Constitution and subject to the provisions contained in it, the Parliament and the State Legislatures in India may prescribe procedures and devise methods as to the most effective way of ensuring executive accountability. Such accountability, it is needless to say, is the essence of the parliamentary system. A question that has constantly engaged the attention of those interested in parliamentary reform has been:

Do the existing practices and procedures whereby the Parliament and State Legislative transact their business enable them adequately to carry out their responsibilities? Are the legislatures, as they function today, able to devote adequate time and attention to complex matters of administration, legislative as well as executive?

Business on the floor of the House has always to be controlled by the need to get certain legislation through, while at the same time providing for the disposal of a number of routine items on the daily agenda paper. Often, it becomes difficult to find time to discuss in the House a matter of immediate concern or of urgent public interest. In the matter of financial business, we witness, year after year, in the Lok Sabha and the State Legislative Assemblies, Demands for Grants pertaining to a number of important departments being guillotined. No discussion takes place on those demands, and members who may have specialised knowledge of them are denied opportunities to express their views.

POSITION IN THE UNITED KINGDOM

In the United Kingdom, whose model we largely follow, there has been much discussion among political scientists and Members of Parliament about the best method of providing system of committees to scrutinise the administration that would fit into the system of responsible parliamentary government. Lloyd George and Lord Campion underlined the point that the great virtue of committees like these was that policy and administration could be looked at in a dispassionate 'super-party' spirit, inside Parliament. Adoption of this system would, it was felt, make a great difference in the effectiveness of each individual member's work in Parliament. Members would gain real knowledge of certain subjects, and become truly effective in those spheres. It was also pointed out by Lord Campion that committees of this kind need not controvert the basic tenet of the House's Committee system, which was that committees should remain subordinate to the House.

The modern history may be said to begin with the Report of the Select Committee on Procedure, 1964-65. A certain number of specialist committees have been set up since 1966 to provide an effective machinery for scrutinising the efficiency—not mainly financial—of the Administration without impairing the responsibility of Ministers to Parliament or detracting from the importance of proceedings on the floor of the House. Some of these committees have been departmental, that is, concerned with the work of a particular Department or Departments, *e.g.*, those responsible for Agriculture, Science and Technology, and Overseas Aid. Others are, or have been, 'subject' or 'functional' committees, *e.g.*, Race, Relations and Immigration, and Scottish Affairs. 'Subject Committees', it appears, are now preferred to Departmental Committees. The Select Committee on Procedure, 1970-71, supported the proposal that regular use should be made of pre-legislation committees to consider subjects that might later form the basis of legislation; and of post-legislation committees to inquire into difficulties in the application and interpretation of statutes and delegated legislation.

The House of Commons also effected, in 1971, a significant change in its instrumentality of financial control. Following a recommendation of the Select Committee on Procedure in the Session 1968-69, it established the Expenditure Committee. The work of this committee is designed to effect an improvement in the control by the Commons over the pattern of public expenditure, and involves the examination of any papers on public expenditure presented to the House by the Government, and such of the estimates as seem fit to it. It operates through a highly organized system of sub-committees, one of which contains all the sub-committee chairman and acts as a steering sub-committee. There are six other functional sub-committees (which cover the whole range of public expenditure) on: Public Expenditure (General), Defence and External Affairs, Trade and Industry, Education and Arts, Employment and Social Services, and Environment and Home Office.

POSITION IN THE U.S.A.

It may also be profitable to briefly note how the committee system in the U. S. A. which has been evolved over a period of years, works. The real work of Congress, it is said, is performed by its committees and sub-committees, to which have been delegated large powers. No other national legislature, it appears, has a comparable committee system. Following the enactment of the Legislative Reorganization Act of 1970, there are seventeen Standing Committees in the Senate and twenty-one in the House of Representatives. Each Legislative committee is assigned a broad class of legislation, such as Agriculture, Armed Services, Foreign Affairs, Taxation and the like. The detailed consideration of proposed Bills and appropriations is performed ordinarily not by the Standing Committees. Each Congress utilizes about

250 sub-committees. In addition to considering proposed Bills, standing committees and their sub-committees conduct hearings and investigations on problems within their jurisdiction and inquire into the administration of departments and agencies within their jurisdiction, which is called "oversight". Each House of Congress also uses select, special and joint committees for a variety of purposes, but, as a rule, only standing committees are authorised to report legislative Bills to the parent House.

In the following brief sentences, Kenneth Bradshaw and David Pring, in their excellent work **PARLIAMENT AND CONGRESS**, bring out in clear language the essential difference between the British and the American systems:

In no way is the difference between Parliament and Congress more marked than in the use each makes of committees. Congress has chosen to operate through a number of autonomous committees, and has shown how these can successfully be used to carry out its constitutional functions. Parliament, on the other hand, has never agreed to allow its committees much scope or power; they have always had to operate in the shadow of the House that created them. A picture of Congress today is of a great number of self-contained machines operating independently of each other. Parliament is itself one machine, of which its committees form a component part—a vital part—but one which has little utility except when fitted into place.

POSITION IN INDIA

In India, both in Parliament and in the State Legislatures, we have followed by and large the British system of traditional committees—Standing as well as Select. We have not, however, set up 'specialist' committees on the British pattern except in regard to Welfare of Scheduled Castes and Scheduled Tribes. In our parliamentary system, responsibility of the Council of Ministers to the Legislature is a constitutional mandate and is total. As a necessary corollary to this, it is the duty of Members to ensure that they are properly equipped to fulfil their role adequately. Gaining from experience of the functioning of parliamentary government during the past nearly thirty years there have been brought about some improvements in our procedures, and some innovations made. It is relevant to draw attention in this connection to the significant observations made by Shri S. L. Shukdher, a distinguished former Secretary General of the Lok Sabha (now Chief Election Commission), who has been closely associated with parliamentary reform for nearly twenty-five years. Writing under the heading 'Parliamentary Initiatives', in the volume entitled **THE CONSTITUTION AND PARLIAMENT OF INDIA**, published on the occasion of the completion of 25 years of our Republic, he said:

Given the range, magnitude and complexity of State activity in the present day, Parliament, as a body, is ill-equipped to effectively scrutinize the detailed actions of the Executive. It has neither the time nor the expertise as a body for a thorough and systematic scrutiny of the varied and complex details of a modern administration. Experience of Parliaments in all parts of the world has shown that the solution lies in the development of an integrated system of standing committees with adequate powers to scrutinize the working of the various departments of Government on a continuing basis. Parliament in India has yet to develop a full-fledged committee system which can effectively carry out the control functions of Parliament, although within the limited field of the existing Parliamentary Committees, much has been done to carry out such functions to a large extent.

In the same volume, similar views were also expressed, with even greater force, Prof. Hiren Mukerjee, a doyen among our Parliamentarians:

Work in the PAC (Prof. Mukerjee was then Chairman of the Lok Sabha PAC) fortifies a feeling, often expressed in parliamentary circle but not yet fulfilled, that members' talent could be better utilised and the country's fundamental interests truly served, if there were standing committees attached to all Ministries and there was a close working link between Parliament and the administration. [Prof. Mukerjee then referred to the support earlier given to this idea by Speaker Ananthasayanam Ayyangar and went on to observe:]. The experience gathered so far strongly reinforces the notion that only by such comprehensive re-structuring of our parliamentary modalities can we prevent an often gratuitous, and not seldom unseemly, confrontation between Government and Opposition, especially at a time when conjoint national effort on the basis of the unity of all citizens of goodwill is urgently called for. If Parliament is to endure, it must be transformed from a "talking shop" into a "workingbody".

THE PROPOSAL

The setting up of 'Subject Committees' proposed in the Speaker's announcement may be viewed in this background. The broad features of these committees may now be considered. The membership of these committees may cover the entire membership of the Assembly, that is, a certain fixed number of Members may be assigned to each committee. The committees will function under the directions of the Speaker. Each Subject Committee may concern itself with specific areas of administration. Every Bill (except Money Bills) introduced in the Assembly, after its general principles are approved by the Assembly, may stand referred to the appropriate subject committee for detailed scrutiny and examination, and report back to the Assembly

in its final form. It is envisaged that ordinarily such scrutiny will be completed during a sessional interregnum, except in the case of Bills of a complex nature where evidence may have to be taken or complicated questions of law are involved. The Demands for Grants of different Departments may similarly be scrutinised in the appropriate Subject Committees before they are finally put to the House's vote. Here, the emphasis can be on outlay and needs of economy and efficiency.

The function of the Subject Committees in regard to overseeing administration may, in the first instance, be limited to study and discussion of specific problems of administration falling within the purview of each committee. Where considered necessary, recommendations will be made to Government as a result of such study and, where thought fit, reports may also be made to the Assembly. The Plan proposals and the progress of their implementation may properly form subject-matters of study and report by these committees; so also matters of Centre-State concern in relation to Kerala. The committees may hear Ministers and civil servants according as need arises.

Proceedings of these committees, like the proceedings of any Assembly committee, will be confidential. This will enable Government to give full information on matters coming up before the committees which it may not be possible in the public interest to disclose on the floor of the House—and thereby enable members to better understand and appreciate Government's points of view and difficulties. Discussion in committees, as is well known, is less partisan and more objective. For the Minister, these committees will facilitate better rapport with members (both of the Opposition and of the ruling parties) and they avoid, to a large extent, misunderstandings and confrontation. Members will, by experience, gain specialised knowledge and develop expertise of the subjects they deal with in a particular committee and thereby make more effective contribution to arrive at decisions. The overriding consideration in these committees will be to strengthen Government, *not to weaken it*.

Once the committees get going, it is expected that there will be significant time-saving on the floor of the House. The debates and discussions in the House will be more to the point and better informed. The scheme will obviate the need for setting up Select Committees on Bills, because the Bills will go before appropriate Subject Committees.

The formation of these Subject Committees, it may be safely asserted, will not interfere with the constitutional framework within which the Assembly has to function; nor will it in any way detract from the principle of ministerial responsibility to the Legislature. The prestige of the House and its position as the ultimate arbiter of Government will not be impaired. All important debates, e.g., on Governor's Address, Budget, etc., will take place on the floor of the House. It is not the intention that the existing rights and privileges of Members will be taken away; on the other hand, members will gain in influence and will be able to better discharge their responsibilities to the House and to their constituents, the electorate.

In amending the Rules of Procedure to implement the proposed scheme, care will be taken to see that there is no infringement of any of the relevant provisions of the Constitution.

The current device of Consultative Committees—Which are not Committees of the Legislature—does not serve, as experience has shown, much useful purpose and may be discontinued. The proposed Subject Committees can perform the functions better and more fruitfully. It is possible that there may be some overlapping between the work of the Subject Committees and the existing Legislature Committees. But this is a matter of actual working and can be looked into.

PAPER II

At the meeting of the Committee held on March 29, 1979, there emerged a general consensus on certain points. These are set out below. The notes appended to different points are intended to elucidate them further and may serve as a basis for further discussion.

1. The proposed committees should be committees of the Legislature; i.e., they should be committees set up under the Rules of the House and functioning like other committees of the Legislature.

2. The setting up of the committees and their functioning shall not in any way detract from, or infringe, the principle of Cabinet responsibility to the Legislature under the Constitution.

[*Note.*—Under clause (2) of article 164 of the Constitution, the Council of Ministers shall be collectively responsible to the Legislative Assembly of the State. Dr. B. R. Ambedkar, introducing the draft Constitution in the Constituent Assembly and moving for its consideration, explained the fuller implications of this provision in picturesque language. In a Parliamentary system, he said, "the assessment of responsibility of the Executive is both daily and periodic. The daily assessment is done by Members of Parliament through questions, resolutions, no-confidence motions, adjournment motions and debates on Addresses. Periodic assessment is done by the electorate at the time of the election which may take place every five years or earlier". There are also other provisions in the Constitution to emphasise or strengthen the concept of Executive responsibility to the Legislature. Some of these may be noted. Under article 174 (1), the Governor shall from time to time summon the House to meet, but six months shall not intervene between the last sitting in one session and the first sitting in the next session. This is to ensure that the Executive has the continued support of the Legislature for its policies and actions. Under article 202 (1), a statement of the estimated receipts and expenditure of the State in respect of every financial year has to be laid before the Legislature, and under article 203 (2), the estimates

relating to expenditure other than charged expenditure "shall be submitted in the form of demands for grants to the Legislative Assembly, and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand or to assent to any demand subject to a reduction of the amount specified therein". (It may be seen that a demand for grant may either be passed as it is, for reduced, but not increased.) No money shall be withdrawn from the Consolidated Fund of the State except under appropriation made by law passed in accordance with the provisions of article 204; and article 265 enjoins that no tax shall be levied or collected except by authority of law. Under article 189, all decisions of the House shall be taken by a majority of votes of the members present and voting at a sitting of the House. Article 196 makes provision as to introduction and passing of Bills. In defining the powers and functions of the proposed Subject Committees, these provisions of the Constitution will be particularly borne in mind.]

3. The rights and privileges at present enjoyed by members whether in relation to the House or to its committees will not be diminished.

[*Note.*—It may be generally stated that membership of these committees will provide members with better means of information to carry on their responsibilities and thereby more effectively discharge their duties as such members.]

4. Each committee may deal with a subject—a specified area of Governmental activity—or a group of such subjects, and not a department as such.

The committees will not concern themselves with day-to-day administration. They may direct their attention primarily to development programmes, or to a particular project or scheme, in the wider public interest of the State or for the general welfare of the community.

[*Note.*—To take an example, 'Integrated Rural Development' may be an appropriate subject of study, investigation and report by the committee to which the subject stands assigned; similarly, 'Development of Fisheries', or 'Road and Inland Water Transport'. The emerging pattern of District Administration under the new District Administration Law may provide a useful subject of study after the law has been in force, say for a period of one year. In the work of the committee, the concerned Minister/Ministers and officials will render full assistance by supplying necessary information, factual data, etc. The committee may also hear concerned interests and obtain expert opinion. It will share with Government the information it gathers, so that there may be constant exchange of information and ideas between the committee and Government.

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After the committee has formulated its views, the committee may send its report in the first instance to Government, where in its opinion public interest will be better served by so doing. The committee may also, in appropriate cases, submit its report to the House.]

5. The discussion on the demands for grants on the floor of the House as at present did not enable their effective scrutiny. The time at the disposal of the House was limited—a number of important demands had to be guillotined—and the information made available to members scanty.

The demands for grants may be scrutinised by the appropriate Subject Committees before they are submitted for the Houses' vote. Such scrutiny may ordinarily be limited to variations in the demands from the previous year, more particularly increases, the need for economy and efficiency, new services, and relationship of expenditure to needs.

[*Note.*—The constitutional position in regard to demands for grants has already been explained in the note under point 2.

The book of demands does not usually give much information except some routine stereotype explanations. To enable the committees to scrutinise the demands with understanding and purpose, each department sponsoring the demand may be required to furnish to the committee a detailed memorandum (or a paper) thereon explaining in particular its justification and the policy behind it. In case a demand has ramifications beyond the current year and is part of a phased expenditure programme, the targets to be achieved during the year, its future projections etc., may also be indicated.

Where detailed scrutiny may not be feasible, spot checks may be carried out.

It is envisaged that when the demands are taken up for scrutiny, the concerned Ministers/officials will make themselves available to the respective committees.

After the committees have scrutinised the demands, each committee may report back to the House the result of its scrutiny and also simultaneously forward a copy to the Minister concerned. The House may, as is the present practice, discuss only those demands which the Speaker may decide in consultation with the Leader of the House and the Leader of the Opposition. Thereafter, that is, after such discussion, all the demands will be put to the House's vote in accordance with the constitutional provision in this behalf.]

6. Every Bill introduced in the Assembly, other than a Money Bill may stand referred to the committee within whose jurisdiction the subject matter of the Bill may fall. The procedure in the committee may be the same as in present Select Committees.

[*Note.*—At present only some Bills—the more complex or controversial ones—are referred to Select Committees. Under the proposals, all the Bills (excluding Money Bills) will, after introduction and after the general principles thereof are approved by the House, on an appropriate motion, be referred to the concerned Subject Committees. This would enable closer examination of every proposed legislation to ensure, among other things, that its provisions are consistent with the Constitution and existing law, and the clauses bring out clearly the policy behind the legislation and its objectives.

The same committee which scrutinised the Bill may, after it becomes law, also keep a watch on its implementation and, in particular, delegated legislation, if any, under the law.

In the proposed scheme, the present provision for Select Committees on Bills will become redundant.]

7. The present Consultative Committees—which are not committees of the Legislature—may be abolished. The proposed Subject Committees may perform their functions.

[*Note.*—An important object of having Consultative Committees—an object which was seldom pursued or achieved—was to use these committees as “sounding boards” for new policy decisions or new legislation. But, in practice, the Consultative Committees functioned as some kind of supernumerary bodies without any positive role being assigned to them. The Ministers could, with benefit, use the Subject Committees as such “sounding boards”. Members, in view of their constant contacts and meetings with people outside the Government, will be able to gauge possible public reactions to any new proposal of Government, whether of policy or legislation.]

PART 'B'

The following are further points:—

1. Discussions in the Subject Committees may also cover—

- (i) State's Five Year Plan proposals and their implementation.

(ii) Centre-State relations in so far as they concern the State of Kerala.

[Note.—Prior consultation with Legislature Committees on this some what sensitive issue will strengthen Government's hands in its negotiations with the Centre.]

(iii) Reports of Public Service Commission.

(iv) Reports of Public Undertakings.

(v) Reports of any statutory or other body, including any Commission of Inquiry, which are laid before the Assembly.

2. When the Subject Committees are set up and start functioning there is bound to be some over-lapping with the functions of some of the existing Legislature Committees; e.g., notably, the Estimates Committee. The Assurances Committee is another example whose functions may be better performed by the Subject Committees. It is however suggested that for the present, none of the existing Committees need be touched. As we gain experience, the necessary reform may be brought about. (The present Select Committees on Bills, as earlier pointed out, will no longer be necessary.)

3. The composition of the Committees may now be considered.

(i) There may be set up 10 Committees as in Appendix I. In preparing this list, broadly the headings given in the State's Five Year Plan Document have been followed with some suitable additions and variations. Appendix II shows the different heads of grants in the book of Demands.

(ii) A committee may consist of not more than 15 members and not less than 10 members. The Ministers in charge of subjects falling within the jurisdiction of a committee shall be *ex officio* members of that committee. (This is necessary and in the best interests of upholding Cabinet responsibility). The membership of the 10 committees will comprise the total membership of the House. No member (other than a Minister) will be a member of more than one committee.

(iii) The tenure of membership may be two years. A member may however be eligible for re-appointment to the same committee.

(iv) The Speaker may nominate members to each committee, and appoint one of the members of the committee to be its Chairman. The composition of a committee will, as far as practicable, reflect the Party composition of the House.

[Note.—As this will be a new and unique experiment, it is suggested that, in the first instance, Ministers may be made Chairmen of these committees. It is likely that the subjects coming within

the jurisdiction of a committee may be under the charge of more than one Minister. In such event, the Speaker will nominate one among those Ministers to be Chairman. It may be pointed out that the Lok Sabha/Rajya Sabha practice is *not to* appoint a minister to be Chairman of a parliamentary committee. In Kerala, Ministers are invariably appointed as Chairman of Select Committees on Bills. In this new experiment of Subject Committees, there may appear to be distinct advantages in appointing Ministers as Chairmen. The committees' discussions will cover aspects or areas of policy decisions for which the Cabinet has direct responsibility to the Legislature. A Minister—Chairman will be in the best position to present these decisions to a committee in the proper perspective. Officials appearing before a committee will be more at ease and will be more forthcoming before a Minister—Chairman].

(v) The proceedings of the Committees will be confidential and will NOT be open to the Press. Verbatim records of the proceedings will be taken and copies kept in the Library for perusal by members for their personal information.

4. *Sittings of the Committees:*

(i) *Demands for Grants.*—After the debate on the Motion of Thanks on the Governor's Address, and at the conclusion of the general discussion of the Budget, the House will pass a Vote on Account and the necessary Appropriation Bill. The sittings of the House may then be adjourned for a period of, say, ten days during which the Subject Committees will scrutinise the demands for grants falling within their respective jurisdiction. Thereafter, the House will reassemble for voting on the demands and passing the necessary Appropriation Bill.

(ii) *Legislation.*—In regard to legislation also, the pattern of the procedure for demands for grants may be adopted. Every Bill, after its introduction and after its general principles are approved by the House on an appropriate motion, will stand referred to the concerned Subject Committee for detailed clause-by-clause examination together with amendments if any received thereto. Except in the case of a complex or controversial Bill on which evidence may have to be taken, the committee will report the Bill back to the House with utmost expedition in *the same session* for passing. In the case of Bills to replace Ordinances, they have to be passed in the same session within the prescribed period under the Constitution.

[*Note.*—No restriction is proposed to be placed on members' rights to move amendments to the clauses of a Bill after it is reported back to the House. It is however envisaged that normally amendments which have been considered and not accepted by the Committee may not be repeated on the floor of the House.

It may not be necessary to provide for an interregnum during a session for consideration of Bills by Subjects Committees. Unlike the demands for grants for whose consideration all the Subject Committees have to meet more or less simultaneously, the Bills will go before only those committees which are concerned with the subject matter of a Bill, and that too at different intervals, and not all at the same time. It should be possible for the committee to meet while the House is in session, as indeed some Select Committees do meet at present.]

APPENDIX I

Committee I—Agriculture and Integrated Rural Development

Crop Production
Land Reforms
Minor Irrigation
Soil and Water Conservation
Command Area Development
Animal Husbandry
Dairy Development
Community Development

Committee II—Forests, Fisheries and Government Plantations

Forests
Fisheries and Fishing harbours
All marine products
Coconuts
Cashew
Rubber
Cardamom
Other Cash Crops

Committee III—Irrigation and Power

Major and Medium Irrigation
Flood Control
Anti-sea Erosion
Electricity

Committee IV—Industry and Minerals

Large and Medium Industries
Cement, Iron and Steel
Mineral Development
Village and Small Industries
Small Scale Industries and Industrial Estates
Handloom and Powerloom
Khadi and Village Industries
Handicrafts
Coir
Bricks and Tiles

Committee V—Transport and Communication

Ports, Lighthouses and Shipping
 Roads and Bridges
 Road Transport
 Water Transport
 Tourism
 Railways
 Communications
 Air Transport

Committee VI—Social Services

Education (including all Technical and Professional Education)
 Arts and Culture
 Science and Technology (including Research)
 Employees State Insurance
 Health (including Hospitals and Maternity Services)
 Family Planning
 Child and Women's Welfare
 Welfare of the Physically handicapped
 Oldage pensions
 Harijan Welfare and Welfare of other backward classes

Committee VII—Housing and Labour

Urban and Rural Housing
 Town Planning and Urban Development
 Sewerage and Water Supply
 Public Works (other than Roads and Bridges)
 Labour (including Agricultural and Plantation Labour)
 Employment and Unemployment

Committee VIII—Economic Affairs

Economic Development
 Land Revenue
 Excise
 Commercial Taxes and Agricultural Income-tax
 Lotteries, Chitties and Chit Funds
 Credit Institution
 Insurance

Committee IX—Local Administration & Co-operation

District Boards and Municipalities
 Panchayats
 Co-operation
 Civil Supplies

Committee X—Home Affairs

Police and Jails
 Administration of Justice
 Elections (other than elections to Local Bodies)
 General Administration (including all service matters)
 Sports and Games
 All other subjects not included in any other Committee

APPENDIX II

- I State Legislature
- II Heads of States, Ministers and Headquarters Staff
- III Administration of Justice
- IV Elections
- V Agricultural Income-tax and Sales-tax
- VI Land Revenue
- VII Stamps and Registration fees
- VIII Excise
- IX Taxes on Vehicles
Debt charges
- X Treasury and Accounts
- XI District Administration and Miscellaneous
- XII Police
- XIII Jails
- XIV Stationery and Printing and other administrative services.
- XV Public Works
- XVI Pensions and Miscellaneous
- XVII Education, Art and Culture
- XVIII Medical
- XIX Family Planning

- XX Public Health
- XXI Public Health Engineering
- XXII Housing
- XXIII Urban Development
- XXIV Information and Publicity
- XXV Labour and Employment
- XXVI Social Welfare including Harijan Welfare
- XXVII Famine
- XXVIII Co-operation
- XXIX Miscellaneous Economic Services
- XXX Agriculture
- XXXI Food
- XXXII Animal Husbandry
- XXXIII Dairy
- XXXIV Fisheries
- XXXV Forest
- XXXVI Community Development
- XXXVII Industries
- XXXVIII Irrigation
- XXXIX Power
- XL Ports
- XLI Transport
- XLII Tourism
- XLIII Compensation and Assignments
- XLIV Contingency Fund
- XLV Miscellaneous Loans and Advances.

PAPER 111

POINTS FOR APPROVAL

(Based on the decisions taken at the previous meetings)

1. The proposed committees should be committees of the Legislature; ie., they should be committees set up under the Rules of the House and functioning like other Committees of the Legislature.

2. The setting up of the committees, and their functioning shall not in any way detract from, or infringe, the principle of Cabinet responsibility to the legislature under the Constitution.

3. The rights and privileges at present enjoyed by members whether in relation to the House or to its committees will not be diminished.

4. Each committee may deal with a subject—a specified area of Governmental activity—or a group of such subjects, and not a department as such.

The committees will not concern themselves with day-to-day Administration. They may direct their attention primarily to development programmes, or to a particular project or scheme, in the wider public interest of the State or for the general welfare of the community. Government may also consult a committee on a question of policy or proposed legislation.

After a committee has formulated its proposals, the Committee may send its report in the first instance to Government, where in its opinion public interest will be better served by so doing. A committee may also, in appropriate cases, submit its report to the House.

5. Each Subject Committee may, after the Budget has been presented to the House and after discussion thereon has been completed, scrutinise the demands for grants falling within its jurisdiction. Such scrutiny may ordinarily be confined to variations in the demands from the previous year, more particularly increases, the need for economy and efficiency, new services and relationship of expenditure to needs. A time-limit of three weeks may be prescribed for the completion of the scrutiny of all the demands by the Subject Committees.

After the committees have scrutinised the demands, each committee may report back to the House the result of its scrutiny and also simultaneously forward a copy of the report to the Minister concerned. The House may, as is the present practice, discuss only those demands which the Speaker may decide in consultation with the Leader of the House and the Leader of the Opposition. Thereafter, i.e., after such discussion all the demands will be put to the House's vote in accordance with the Constitutional provision in this behalf.

6. Every Bill shall, after its general principles are approved by the House on an appropriate motion, stand referred to the concerned Subject Committee for detailed clause-by-clause examination together with the amendments, if any, received thereto. The committee will in particular direct its examination to satisfy itself that the provisions of the Bill are consistent with the Constitution and existing law, and the clauses bring out clearly the objectives behind the legislation.

Except in the case of a complex or controversial legislation on which evidence may have to be taken, the committee will report the Bill back to the House in the same session for passing. Where the House so decides, a Bill as reported by the Subject Committee may be referred to a Select Committee on a motion adopted by the House in that behalf.

In cases of Bills to replace Ordinances, they have to be passed in the same session and within the period prescribed under the Constitution (within six weeks from reassembly of the House.)

In all cases where a statute confers powers to make rules, all such rules shall be placed before the concerned Subject Committee in *draft form* for its scrutiny before their promulgation.

7. The proposed Subject Committees may perform the functions of the present Consultative Committees.

8. Discussions in the Subject Committees may also cover—

- (i) State's Five Year Plan Programmes and their implementation
- (ii) Centre-State relations in so far as they concern the State of Kerala.
- (iii) Reports of Public Service Commission.
- (iv) Reports of Public Undertakings.
- (v) Reports of any statutory or other body, including any Commission of Inquiry, which are laid before the Assembly.

9. There may be set up 10 committees as in Appendix I. (In preparing this list, broadly the headings given in the State's Five Year Plan Document have been followed with some suitable additions and variations. Appendix II shows the different heads of grants in the book of Demands).

A committee may consist of not more than 15 members and not less than 10 members. The Ministers in charge of subjects falling within the jurisdiction of a committee shall be *ex officio* members of that committee. The membership of the 10 committees will comprise the total membership of the House. No member (other than a Minister) will be a member of more than one committee.

31 months

The tenure of membership may be two years. A member may however be eligible for re-appointment to the same committee.

The Speaker may nominate members to each committee, and appoint one of the members of the committee to be its Chairman. The composition of a committee will, as far as practicable, reflect the party composition of the House.

APPENDIX I

Committee I—Agriculture and Integrated Rural Development

Crop Production
 Land Reforms
 Soil and Water Conservation
 Command Area Development
 Community Development
 Agricultural Co-operatives

Committee II—Forests, Fisheries & Government Plantations

Forests
 Fisheries and Fishing harbours
 All marine products
 Animal Husbandry
 Dairy Development
 Government Plantations

Committee III—Irrigation and Power

Irrigation
 Flood Control
 Anti-sea Erosion
 Electricity

Committee IV—Industry and Minerals

Large and Medium Industries
 Cement, Iron and Steel
 Mineral Development
 Village and Small Industries
 Small Scale Industries and Industrial Estates
 Handloom and Powerloom
 Khadi and Village Industries
 Handicrafts
 Coir
 Cashew
 Bricks and Tiles
 Beedi & Other Traditional Industries

Committee V—Transport and Communications

Ports, Lighthouses and Shipping
 Roads and Bridges
 Road Transport
 Water Transport
 Tourism
 Railways
 Communications
 Air Transport

Committee VI—Social Services

Education (including all Technical and Professional Education)
 Arts and Culture
 Science and Technology (including Research)
 Employees State Insurance
 Health (including Hospitals & Maternity Services)
 Family Planning
 Child and Women's Welfare
 Welfare of the Physically handicapped
 Oldage pensions

Committee VII—Housing and Labour

Urban and Rural Housing
 Town Planning and Urban Development
 Sewerage and Water Supply
 Public Works (other than Roads and Bridges)
 Labour (including Agricultural and Plantation Labour)
 Employment and Unemployment

Committee VIII—Economic Affairs

Planning
 Economic Development
 Land Revenue
 Excise
 Commercial Taxes and Agricultural Income-tax
 Lotteries, Chitties and Chit Funds
 Credit Institutions
 Insurance

Committee IX—Local Administration

District Boards and Municipalities
 Panchayats
 Co-operation other than Agricultural Co-operatives
 Food
 Civil Supplies

Committee X—Home Affair & Harijan Welfare

Harijan Welfare and Welfare of Other Backward Classes
 Police and Jails
 Administration of Justice
 Elections (other than elections to Local Bodies)
 General Administration (including all service matters)
 Information and Publicity
 Sports and Games
 All other subjects not included in any other Committee

PAPER IV

NOTE ON SUBORDINATE LEGISLATION

It is a well accepted principle that where a Legislature delegates its law-making power to a subordinate authority and reserves the right to review the regulations made by such subordinate body, and if necessary to disallow them, and attaches conditions to secure that it shall have opportunity to exercise its power of review as supreme legislative authority, such conditions are mandatory. Attention may be drawn in this connection to the provision which is now invariably contained in statutes which confer power on the executive or other authority to make rules, regulations, etc:

“Every rule shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid, or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be issued the rule thereafter shall have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything done under that rule”.

In other words, in matters of delegated legislation, the exercise of the power by the delegate is conditioned by the requirement as to laying the rules before the Legislature—which conferred the power and the latter's right to modify or even nullify any rules so laid is beyond question.

Justice H.R. Khanna, in *Hukum Chand Vs. Union of India* (AIR 1972 -SCR-2427-2430), explained the legal position of subordinate legislation:

“The extent and amplitude of the rule-making power would depend upon and be governed by language of the section. The initial difference between subordinate legislation and the statute law lies in the fact that a subordinate law making body is bound by the term of its delegated or derived authority and that courts of law, as a general rule, will not give effect to the rules thus made unless satisfied that all conditions precedent to the validity of the rules have been fulfilled”.

The Committee on Subordinate Legislation already exercise considerable power of scrutiny of the rules etc., made by virtue of delegated authority. The scope of the committee's scrutiny is very wide (see rules 242, 244, 245 and 246 of the Kerala Assembly Rules of Procedure). It is also now an accepted practice that the committee may examine all 'Orders' (rules, regulations), etc. whether laid on the Table of the House or not. The committee may also examine Bills which seek to delegate rule making power and any question

of subordinate legislation relating thereto. In fact, the Speaker of Lok Sabha and the Chairman of the Rajya Sabha have issued specific directions in this behalf. The Lok Sabha Speaker's direction runs thus:

103. (1) The Committee on subordinate Legislation may examine all 'Orders' whether laid on the Table of the House or not, framed in pursuance of the provisions of the constitution or a statute delegating power to a Subordinate authority, to make such Orders.

- (2) The Committee may examine provisions of Bills which seek to—
- (i) delegate powers to make "Orders", or
 - (ii) amend earlier Acts delegating such powers, with a view to see whether suitable provisions for the laying of the Orders on the Table of the House have been made therein.
- (3) The committee may examine any other matter relating to an "Order" or any question of subordinate legislation arising therefrom.

A plea had been taken by the Central Ministry of Finance (Department of Banking) before the Lok Sabha Subordinate Legislation Committee that since 'regulations' which are generally framed by the undertakings are not of general public interest and mainly relate to the day-to-day administration of the undertakings concerned, these need not be laid before Parliament. The Ministry also advanced the further argument that the laying of regulations before Parliament might impinge the autonomy of the undertaking and result in day-to-day interference with its affairs. The committee, while rejecting both these pleas, observed:

The committee observe that the Ministry of Finance which had originally agreed to introduce a comprehensive legislation for laying of rules and regulations framed under the various Acts administered by the Department of Banking have now advanced the plea that since regulations, which are generally framed by the undertakings, are not of general public interest and mainly relate to the day-to-day administration of the undertakings concerned, these need not be laid before Parliament. The committee are not convinced by this argument. They need hardly point out that the body which delegates the power has a right to see that the power delegated by it is properly exercised, and the delegate does not transgress the limits laid down by it. Whether the delegate is the Central Government or a body subordinate to it, is not very material.

Nor do the committee see any force in the argument that the laying of regulations relating to an undertaking before Parliament might impinge its autonomy or result in day-to-day interference with its affairs.

As the committee observe, even now the Committee on Subordinate Legislation can, and does scrutinise the regulations framed by subordinate bodies. Laying of the regulations before Parliament would result in no more interference in the affairs of these bodies than their scrutiny by the Committee on Subordinate Legislation. The committee, therefore, desire the Ministry of Finance (Department of Banking) to bring forward without, any further delay necessary legislation for laying or regulations framed under the remaining Acts administered by the Department of Banking as has been done in the case of Regulations, framed under the Reserve Bank of India Act, 1934.

(Sixth Lok Sabha—Second Report of the Committee on Subordinate Legislation, November 1977, P. 37.)

In its Seventh Report (April 1978), the committee reiterated the same view in regard to laying of regulations framed under all Central Acts before Parliament.

The extent and volume of delegated legislation—or subordinate legislation, as it is sometimes referred to—has always been a matter of concern. The inordinate delays that occur in making rules/regulations/orders in exercise of delegated power have often been the subject of strong criticism. In Parliament, the Rajya Sabha Committee on Subordinate Legislation has taken special note of this and laid down a time-limit of six months from the date on which the relevant statute comes into force for making rules and regulations under a statute. There is also a further requirement that where in exceptional cases there is delay, and extension of time is sought, 'cogent reasons' should be given to the committee for such delay. The committee has often pulled up Ministries for delays in making the rules. In paragraph 46 of its Twenty-ninth Report (July 1978), the committee observed:

The committee expresses its concern over the matter as it appears to it that there is lack of co-ordination among the Cabinet Secretariat, the Department of Parliamentary Affairs and the Ministries in regard to making of rules and regulations under a statute within the prescribed period of six months. The Committee, therefore, directs that the attention of the Ministries/Departments be again drawn to the observations made by it earlier in this behalf for strict compliance of its directives in the matter.

There are statutes, it may be pointed out, which require rules/notifications to be laid before Parliament in draft. Thus, under section 20 of the Estate Duty Act, 1953, rules are required to be laid for a minimum period of 15 days before they are published finally. Under section 620(2) of the Companies Act, 1956, Notifications regarding the application, of provisions of the Act to Government Companies have to be laid before Parliament in draft for a period of not less than 30 days during which period Parliament may modify a notification or disapprove of its issue.

2/687/95/MC,

There is also provision in statutes for previous publication prior to the making of the rules [See e. g. section 31(4) of the Kerala Buildings (Lease and Rent Control Act, 1965].

The discussion above will show that the Legislature exercises full control over subordinate legislation and has a duty in particular to see that the power to make rules/regulations/orders etc., is properly exercised, that the exercise of such power is within the ambit of the relevant statute, and is in accordance with the intention of the law. The executive has no uncontrolled discretion in the matter. It is accountable to the Legislature and acts subject to the Legislature's right of scrutiny. How best this scrutiny is to be carried out, it is for the Legislature to determine and provide methods therefor. If the Legislature by appropriate rules of procedure prescribes a requirement as to prior scrutiny, it will be only acting within its competence and jurisdiction. Such rules will be as much a legitimate exercise of the power conferred on the Legislature under article 206 of the Constitution as are the existing rules regarding Subordinate Legislation.

It may be clarified that the proposed rule contemplates scrutiny of statutory rules and orders in draft form by the concerned Subject Committee, and not by the Subordinate Legislation Committee. The rule of the Subject Committee here will be that of an "expert committee" having specialised knowledge of the subjects falling within its jurisdiction.

PAPER V

COMMITTEE SYSTEM

IN THE CANADIAN HOUSE OF COMMONS

In Canada, whose parliamentary system resembles ours in many respects and has several identical features, much of the detailed work of the House of Commons, is carried out by committees. This note prepared on the basis of material received from the Canadian Parliament gives a description of Canada's Committees System.

Types of Committees:

Committees of the House of Commons may be of three kinds: Committees of the whole House, Special Committees and Standing Committees.

At one time all bills were referred to committees, of the whole House, but since the reform of the standing committee system in 1968 most of them are now referred to standing committees. Special committees are appointed

on an *ad hoc* basis and consist of not more than 15 members. The standing committees are the essence of the present committee system and they have three distinct functions which may be described as legislative, financial and investigative.

The Standing Orders provide for 18 standing committees, most of them covering a specific subject area. In addition there are three standing joint committees composed of members of both Houses, one of which is concerned with the scrutiny of delegated legislation—that is, regulations made by the Government under the authority of an Act of Parliament.

Bills, the estimates of government departments and subjects of inquiry are referred to the standing committees in accordance with their various subject areas. In dealing with bills and estimates the standing committees removed a great deal of the detailed work from the floor of the House. In undertaking special investigations they are pursuing their more traditional function of inquiry. Standing committees are empowered to call witnesses and appoint sub-committees, and they are sometimes authorised by the House to travel and to hire expert assistance. All committees report directly to the House, their ultimate power being one of recommendation only.

Such control over finance as the House is now able to exercise, it is claimed, is due in large measure to the committee system. The Standing Committees have the opportunity of scrutinising the details of proposed departmental spending and reporting to the House before the money is voted.

The following are some further particulars concerning the Standing and Special Committees:—

Standing Committees:

Standing Committees are appointed beforehand to consider all subjects of a particular class arising in the course of a session of Parliament. They are taken up with matters of continuing concern to the House. Consisting of only a part of the membership of the House of Commons, they have no authority other than that granted to them by the House. Standing Order 65 provides for the following standing committees whose membership is appointed at the commencement of each Parliament:—

Agriculture, to consist of not more than 30 members;

Broadcasting, Films and Assistance to the Arts, to consist of not more than 20 members;

External Affairs and National Defence to consist of not more than 30 members;

Finance, Trade and Economic Affairs, to consist of not more than 20 members;

Fisheries and Forestry, to consist of not more than 20 members;

Health, Welfare and Social Affairs, to consist of not more than 20 members;

Indian Affairs and Northern Development, to consist of not more than 20 members;

National Resources and Public Works, to consist of not more than 20 members;

Justice and Legal Affairs, to consist of not more than 20 members;

Regional Development, to consist of not more than 20 members;

Transport and Communications, to consist of not more than 20 members;

Veterans Affairs, to consist of not more than 20 members;

Miscellaneous Estimates, to consist of not more than 20 members;

Miscellaneous Private Bills and Standing Orders, to consist of not more than 20 members;

Privileges and Elections, to consist of not more than 20 members;

Public Accounts, to consist of not more than 20 members;

Procedure and Organisation, to consist of not more than 12 members;
and

Labour, Manpower and Irrigation, to consist of not more than 20 members

Special Committees:

Special Committees are appointed for a particular and specific purpose and are of an *ad hoc* nature. Standing Order 65(5) provides that no special committee of the Canadian House of Commons can consist of more than 15 members. Once the task assigned to a special committee has been completed and reported on, the special committee ceases to exist.

The purpose and functions of Standing and Special Committees:

In general, the purpose of a committee system, it is pointed out, is to provide for the delegation to small bodies of members the consideration of questions of detail or of a technical nature. The need for such bodies has increased as the work of Parliament has become more complicated and technical and the demand for greater oversight of Government activities has grown. The trend towards more public participation in decision-making is also a large factor in the increased use of committees. Committees allow Members of Parliament to determine what individual and organizations think of the operations of Parliament, of the Government, of proposed legislation and other matters of national concern.

The advantages of committees are listed thus:

- they more equitably distribute the work of the House of Commons;
- they allow concurrent study and consideration of more than one subject and thus each can be considered in greater depth;
- the assignment of members to committees where their experience and their expertise can be applied answers the best employment of the members;
- they can listen to and question witnesses;
- they have the ability to travel about the country, meet the people and consider problems on site;
- when necessary, they can consider matters in private, i.e. *in camera*;
- they can employ an informal and flexible procedure.

Most House of Commons standing committees have, as noted earlier, three distinctive functions: *legislative, financial and investigative*. Bills other than budgetary Bills are generally referred to standing committees for clause-by-clause consideration under Standing Order, 74. Departmental estimates are automatically referred to standing committees under Standing Order 58 (14) and (15). Matters other than those relating to Bills and estimates are referred to Committee on Motion by the House.

The Special Committee on Procedure, whose reports resulted in the institution of the present committee system, stated in a report presented to the House on December 6, 1968 as follows:—

It will be apparent from the recommendations already made in relation to supply and the legislative process that your committee envisages a significant extension of the functions of the Standing Committees

and in consequence a substantial strengthening of their importance and influence. They would become the forums in which the details of expenditure and legislation would be closely considered. They would investigate the operations and continuing programmes of government departments and would develop areas of subject specialisation. We would expect debate in the Standing Committees to be well-informed and pertinent; their members to become influential in the areas of their specialised experience; and their reports to the House to assume a critical significance related more closely to the national interest as a whole than to simple political differences. We also anticipate that the business of the House would be greatly expedited and handled more efficiently through exploiting the potential of the committee system of the House to the full.

The Organisation and Operation of Standing and Special Committees:

The membership of the standing committees is appointed at the beginning of each Parliament. Standing Order 65(1) provides for a Striking Committee whose duty it is to prepare and report within ten sitting days after its appointment, lists of members to compose the standing committees. Because Standing Order 65(1) is permissive the Striking Committee can and, on occasion, has appointed fewer members than the maximum membership allowed on each committee. This flexibility is needed because of several factors but primarily because party representation can vary in the House of Commons.

In general, the membership on the committee is more or less proportionate to the representation of the various parties in the House of Commons.

Proceedings in standing and special committees are more informal than they are in the House. Standing Order 65 (10) provides that the Standing Orders applicable to the House are to be observed in committees so far as possible; however no seconders are needed to move motions and there are no limit to the number and length of speeches unless otherwise ordered by a committee.

Unless a standing or special committee orders otherwise, all meetings of committees are open to the public and the proceedings are recorded, transcribed, edited, translated, printed and delivered to the members not later than four calendar days following the date of the meeting. Copies of the printed proceedings of committees are sold to the public through Information Canada, a Government agency.

Powers of Standing and Special Committees:

Standing and Special Committees, portions of the House of Commons, have only such powers as are delegated to them by the House of Commons. No committee can then act independently of its parent body, its authority

being strictly limited to the overall authority granted by the House. Committees report directly to the House of Commons and the final outcome of any committee investigation or work is normally a set of recommendations which the House can debate, accept, reject, or refer back to the committee. Thus the ultimate power of a parliamentary committee is one of recommendation only. They are responsible to the House which appoints them. The House defines the Terms of Reference of a committee and only the House can alter them.

The House of Commons gives all standing committees the powers they need to do their work. These powers are set out in Standing Order 65 (8) which is as follows:—

Standing committees shall be severally empowered to examine and enquire into all such matters as may be referred to them by the House, and, to report from time to time, and, except when the House otherwise orders, to send for persons, papers and records, to sit while the House is sitting, to sit during periods when the House stands adjourned, to print from day to day such papers and evidence as may be ordered by them, and to delegate to sub-committees all or any of their powers except the power to report direct to the House.

Any powers not specified in the Standing Orders can be conferred on a standing committee only by order of the House. Example of other powers conferred from time to time are, the power to travel or the power to retain expert help. Such powers are usually only conferred after a committee specifically requests them in a report to the House. Special committees are usually granted all of the powers set out in Standing Orders 65 (8) in their original Terms of Reference.

Since Ministers are responsible to the Crown and Parliament for all matters of policy, it has not been considered proper for a committee to question a public servant on matters of policy. Committee Chairmen have sought to protect public servants where a policy question has been asked. It is not considered improper, however, to ask a public servant to explain the policy which has been declared by the Minister.

Reports of Standing and Special Committees:

When standing or special committees conclude their work on a matter other than a Bill they usually discuss their reports in the House in camera, but can and have done so in public. Minority reports are not allowed but reports often contain or note the opinions of the minority. Sub-committee reports can only be presented to the House in a report of the full committee. Where a committee has printed evidence it is customary to table such evidence in the House with the report.

PAPER VI**THE COMMITTEE SYSTEM**

Discussion at the Commonwealth Speaker's Conference 1978

The fifth conference of Commonwealth Speakers and Presiding Officers held at Canberra in August-September 1978 discussed the committee system. The following summary of the discussions at the Conference is taken from the April 1979 issue (pp. 78-79) of the *PARLIAMENTARIAN* (Journal of the Parliaments of the Commonwealth):

The Committee System:

Debate on the committee system indicated a general trend throughout the Commonwealth towards the greater use of committees, first to elicit fact secondly to examine proposed legislation, and thirdly, to recommend policy. There appeared to be a general realization that a large proportion of parliamentary work could be carried out more effectively by the use of committees. With the growing awareness of the electorate, there was an increasing demand for open government and a growing conviction that open government depended very largely on the work of committees.

A remarkable degree of unanimity emerged from dispassionate examination in committees—they were not concerned with a scoring political points and even dissenting minority reports some times involved people from both sides of Parliament. It was recognized that every piece of legislation created rights or subtracted from rights, and affected human relations in a real way and therefore in matters of scrutiny and probe there was a need to strengthen the committee's responsibilities and powers.

An outline of the Australian committee system took particular note of Senate arrangements which had advanced from a system of select committees to a system where the emphasis was on eight standing legislative and general purpose committees and six estimates committees.

The legislative and general purpose committees were: constitutional and legal affairs; education and the arts; finance and government operations; foreign affairs and defence; national resources; science and environment; social welfare, and trade and commerce, and thus they ran the whole gamut of governmental expenditure proposals. These committees were provided with research assistance and a further development in respect of the estimates committees was the early availability of explanatory notes from each department regarding proposed expenditure. Any Senator, though not a member of a particular committee, could participate in the committee's discussions. As long ago as March 1973, the Senate had passed a resolution that within three months of a committee report which recommended

Government action, the Government should table a paper informing the Senate of its observations and intentions in respect of the report, and the Prime Minister had recently announced that the Government would make such statements within six months of the tabling of committee reports.

In Cyprus, the House of Representatives depended very heavily on the work of committees. There was a parliamentary committee corresponding to each ministry and every Bill introduced into the House had first to be referred to the appropriate committee. There was some concern, however, that there was a tendency for the Parliament to leave foreign policy and economic relations as the exclusive prerogative of the Executive.

In Britain, it was anticipated that committee work in the House of Commons would expand considerably in the next year or two—a Minister was much more on the defensive when confronted with a probing committee if the media had its eagle eye on the work of that committee.

2. Recent Developments in the United Kingdom

The House of Commons in the United Kingdom had set up a committee "to consider the practice and procedure of the House in relation to public business and to make recommendations for the more effective performance of its functions". Sir Thomas William Q. C. M. P. in an article entitled "Parliament and the Executive", (*The PARLIAMENTARIAN*: April 1979 pp. 82-83) refers to the Committee's recommendations. The following extracts are of interests:—

The Committee was set up on 9th June 1976 and issued its first report on 17th July 1978. As might be expected of a document published by an all-party committee, it is not exactly a radical document, yet it has recommended some fundamental alternations in parliamentary priorities which, if they are adopted may enable the Commons to win back the authority which, over the years, it has steadily surrendered to the Executive.

The committee approached its task, having in mind that in Parliament as it now works, it is not and never will be possible to hold to account a Government backed by all the resources of the civil service. To begin to do that will require MPs who are more equally matched with information and who have had time and opportunity to examine policy in depth. To that end, exchanges across the floor of the House are not enough. They must be supplemented by more specialized and better informed scrutiny of Government policies in committee. Although during the last fifteen years the House has gained valuable experience in the use of select committees for this purpose, the present system of committees provides only a partial

and unsystematic coverage of the activities of government. Moreover, the existing committees have only limited numbers of staff and limited information services and are unable to enforce against the Government the full powers granted to them by the House or to insist that their recommendations be debated in the House.

New Committee structure:

The report's major concern, therefore, was with a new committee structure designed to play a much more substantial part in the preparation and scrutiny of legislation, in examining the activities of the Government and its departments of state, and in the more thorough investigation of public expenditure generally.

In respect of legislation the report's main proposal is the establishment of a new form of standing committee to examine Bills in detail. These committees, to be called 'Public Bill Committees' would hold up to three sittings at which they could take evidence from all parties affected by the Bill, from Ministers to members of the public, to examine the factual and technical background to the Bill, before proceeding to examine its clauses and to debate amendments to the text. The object of the procedure is to lead to more informed and better criticism of legislation and to better and clearer drafting.

For the better examination of the activities of Government the report recommends that twelve new select committees should be appointed in place of the expenditure committee and certain other existing committees. Each committee should be related to the work of one or more Government departments, but should have widely drawn terms of reference to enable it to cover matters not exclusively within the responsibilities of the department concerned. To ensure that the Government should not ignore the reports of select committees, the report proposes that eight Mondays of each session should be allotted for debating their recommendations and reports, and Government departments would be required to issue their observations on the reports within two months of their publication.

To be of value, the committees when appointed should be provided with adequate staff and back-up resources, including additional part-time specialist advisers of their own choice, and should be free to seek the assistance of the staff of the Exchequer and Audit Departments.

The report recommends greatly increased power for the new select committees. They should be empowered to order the attendance of Ministers, including Secretaries of State, who would be required to give evidence before them and to produce papers and records of

the transactions of their departments. In the event of a refusal by a Minister to produce papers and records demanded by a committee, it would be empowered to claim precedence over public business for debate on his refusals, unless the Government of its own volition provides time for a debate by the sixth sitting day after the motion is laid by the committee.

Hours of sitting:

Although the report proposes no fundamental changes in the overall pattern of parliamentary hours and sittings (whilst giving a passing swipe at the hours the House keeps), it recommends that the House should not normally sit beyond 10 O' clock at night on Mondays and Thursdays. Unless at least 200 Members declare their support for a later sitting, and expresses support for the suggestion that the House should rise earlier for the summer recess, "to help these MPs who have children at school".

Financial Scrutiny:

The committee reserved the right to make later and fuller recommendations with regard to financial matters in a later report. Meanwhile they recommended that the national audit operation should be brought under parliamentary control and that the House or its committees should be able to request the Comptroller and Auditor General to carry out particular inquiries on that behalf although not to direct him as to the manner in which such inquiries should be conducted.

It is clear that the report is not a revolutionary document, but the cumulative effect of its recommendations would be to change radically the procedures of Parliament to improve the knowledgeability and effectiveness of MPs and, perhaps as important as anything else in the report, to give to MPs, who will take the trouble, a more constructive role than sitting long hours on the back benches hoping to be called in a debate that will almost certainly do nothing to influence or control the activities of the Government.

No doubt there will be many in the House of Commons and outside it who remain obdurately resistant to any change, either because they have a romantic view of Parliament and see it as the best of all possible forums, or have jaundiced view that all change can only be for the worse. It may be that the force of inertia will be too strong, but at least the dialogue has begun, or the war is joined again. What is not in question is that if political power is to rest in Parliament as a whole the long struggle that was begun with Magna Carta for Government by Parliament will have to be fought all over again.

ANNEXURE II

**KEY NOTE ADDRESS BY THE SPEAKER, KERALA
LEGISLATIVE ASSEMBLY AT THE SILVER
JUBILEE SEMINAR IN 1982**

SUBJECT COMMITTEES AND BUDGETARY CONTROL

Subject Committees are a Kerala innovation in Indian parliamentary procedure. The functions assigned to these Committees, as we have devised them, come under three broad heads: (i) Financial, (ii) Legislative and (iii) Advisory. Under the first head, it will be the business of these Committees to scrutinise the Budget estimates and report to the House before the Demands for Grants are voted. I shall be dealing with this in greater detail later, as this is directly related to the subject-matter of our discussion in the Seminar this morning. In the second, i.e., the Legislative field, it is provided that every Bill other than an Appropriation Bill, introduced in the Legislature shall, after its general principles are approved by the House, stand referred to the Subject Committee, within whose jurisdiction the subject-matter of the Bill falls, for detailed examination. No legislative measure, under our scheme, may be passed by the Legislative Assembly except after examination by a Committee of the House. Subordinate legislation—Rules and Orders made under statutes—will also be referred to the appropriate Subject Committees in draft form for examination. The third function concerns certain matters of administration and policy. The Subject Committees may study and report on a specified area of governmental activity in the wider public interest, or a project, scheme or undertaking intended for the general welfare. The Committees may also advise Government on a question of policy or legislation on which Government may consult a Committee.

In a parliamentary form of responsible government, the power of the purse, it may be rightly said, is the key to Parliamentary supremacy over the Executive. If one carefully reads the relevant provisions of our Constitution relating to financial procedure (articles 112 to 117 in the case of Parliament and articles 202 to 207 in relation to State Legislatures), it will be clear that the Executive's sanction for expenditure is derived directly from the Legislature. It is the exclusive prerogative of the Legislature to sanction supplies. This is a forbidden field for the exercise of Ordinance-making power. No money shall be withdrawn from the Consolidated Fund of the State except under appropriation made by law passed in accordance with the provisions in this behalf in the Constitution. Even in regard to the imposition of tax, the power of the Legislature is absolute. Article 265 of the Constitution lays down that no tax shall be levied or collected except by authority of law. In the matter of assent to a Money Bill, the President or the Governor, as the case may be, has no right to return it for reconsideration. On presentation after passing by the Legislature, he has to assent to the Bill.

As a matter of constitutional history, it may be of interest to refer to Dr. Ambedkar's observations in the Constituent Assembly regarding the introduction of the Appropriation Act procedure. Following the provision in the Government of India Act of 1935, the original draft of the Constitution did not provide for an Appropriation Act. It provided instead that the Governor (the President in respect of the Union) shall authenticate by his

signature a schedule of authorised expenditure after the legislature had voted the grants. The schedule so authenticated would be laid before the Legislative Assembly but shall not be open to discussion or vote in the Legislature. In proposing the Appropriation Act procedure in place of the authenticated schedule, Dr. Ambedkar explained:

"The Legislature votes the supplies. It is therefore proper that the Legislature should pass what it has done in the form of an Act. Why should the work done by the Legislature in the matter of voting supplies be left to the President to be certified by an executive act, so to say? That is the principal point that we have to consider. In the matter of Finance, Parliament is supreme, because no expenditure can be incurred unless it has been sanctioned by Parliament under the provisions of article 94" (now article 114).

There are however one or two constraints imposed by the Constitution on the Legislature's power to deal with the budgetary demands. Every demand for a grant has to be recommended by the President in the case of the Union Budget, and by the Governor in the case of a State budget. The Legislature may refuse to assent to any demand or may assent to a demand subject to a reduction, but *shall not increase* a demand. (See articles: 113 and 203 of the Constitution.) These constraints are considered necessary because the Legislature may not vote demands in excess of actual resources. The Executive has the prerogative to determine budgetary policies. A predominant pre-occupation of the State Governments in India is how much money is available and how much can be allocated for expenditure pursuant to fulfilling social and economic objectives. An equally important factor in budgetary planning is the ability to fix targets in the context of medium and long-term programmes and projections. In all this field, the initiative is with the Executive.

Under existing procedures, the Legislature's control over Executive spending is exercised through the three standing financial committees, namely, the Public Accounts, the Estimates and the Public Undertakings Committees. It is well-known that the functions of the Public Accounts Committee, both under the Rules and by practice, are *post-mortem*. Its investigations relate to expenditure already incurred or estimates previously laid on. As one commentator put it, the Public Accounts Committee is to some extent "merely an examiner of past events". The Estimates Committee and the Public Undertakings Committee function only in selected fields, and to that extent their area of scrutiny is restricted. Often times, their scrutiny also tends to be *post-event*. The working of these three Committees is familiar ground, and it is therefore unnecessary to elaborate on it further. Their recommendations and findings are important in that they ensure that money sanctioned by the Legislature is laid out efficiently, and expenditure incurred prudently and in accordance with the grants. Any deviations or misapplication of grants are brought to light, and the Executive called upon to take remedial action.

I make one observation in this context. The reports of the Public Accounts, Estimates and Public Undertakings Committees are not discussed in our House, following a convention adopted by the Lok Sabha. Suggestions have been made that the effectiveness of these committees would be considerably enhanced if their reports are subjected to discussion in open House. According to existing practice, the reports are presented to the House and laid on the Table. Similarly, Government's reports on action taken are also so laid. But in the process of securing Executive accountability to the Legislature, the role performed by these committees, it is pointed out has to be more prominently brought to light and this is best achieved by an informed debate of their reports on the floor of the House.

The subject of discussion this morning is on a wider canvas. The rights of the Legislature in relation to the Budget as envisaged in the Constitution are: (1) the right to give *prior* approval to the Budget, (2) the right to sanction allocations of expenditure among different departments and (3) the right to control the execution of the Budget. The right mentioned last (No. 3) is achieved at present through the three Financial Committees. The approval of expenditure allocations is at present done on the floor of the House by discussion, debate and voting on the demands for grants. The process of approval of the Budget is complete when the Legislature passes the Appropriation Bill which embodies the grants made by the House. Here, a number of questions arise. Does the existing procedure enable the Legislature to exercise an effective or meaningful influence on budgetary planning and budgetary allocations? Has the Legislature access to information about the assumptions on which budgetary decisions are based? While policy initiatives rightly belong to the Executive, has not the Legislature also equally a responsibility to see that the policies are best directed towards general welfare and development and are consistent with viable economic norms and sound financial principles? A relevant question in this context will be what constitutes policy and what constitutes good management of public funds?

In accordance with procedure traditionally obtaining in our Lok Sabha and State Legislatures, after the Budget estimates are presented to the House, there takes place a general debate on the budget. Apart from the voluminous Budget statements, including statements and brief description of Plan programmes for the year the other papers available to the members are the Finance Minister's speech and a document on Government's economic review. The debate tends to be general at this stage. It is a well-known saying in Parliamentary parlance that in a Budget debate you may discuss about anything under the sun. After this, a vote on account is taken and the relevant Bill passed so as to allow more time for detailed discussion of the several Demands for Grants. A time schedule is fixed for discussion and voting on Demands, and within this time-schedule are taken up the grants for each individual Department for the Legislature's scrutiny and voting. Any demand or demands left un-discussed at the close of the time-schedule is guillotined by the Speaker. To those who follow the proceedings in the Lok Sabha and State Legislatures, it is well known that a number of Demands are so guillotined.

It would be unreal to imagine that during the discussion in the House of the several Demands, with the severe limitations on time any effective scrutiny at all is possible. The House as a whole is too large a body for any serious in-depth examination of budgetary proposals. The member participating in a discussion has often times a constituency issue to highlight. He looks forward to his voice reaching beyond the four corners of the Assembly Chamber. A member's arguments whether for economy or for increase may not always stem out of a realistic appraisal of the resources position and the projected allocations. In a parliamentary system where parties dominate, there is inevitably a political bias introduced in such discussion. Indeed an Australian parliamentarian went to the extent of questioning "Whether Parliament can ever really control expenditure? Given the facts of the party system, party discipline and interparty conflicts, how can Parliament decide on the size and composition of the expenditure in a Budget?" But this only highlights the need for devising a system with in the parliamentary mechanism to enable the Legislature not to shirk or overlook its constitutional duty. Yet another factor which inhibits a more meaningful debate is the information gap. The budget statements as presented today are too complicated for an average member to comprehend. This is all the more so in the case of a lay member. Going through these papers, one may often get lost in a jungle of figures. The explanatory notes attached to them are routine and somewhat inanimate. Viewed in this back-ground, the budgetary control which the Legislature is able to exercise over expenditure proposals becomes marginal. A direct consequence has been that with the growing complexities of modern administration, and the very large powers that the bureaucracy enjoys, the gap between decision-making and accountability widens. It is relevant to note in this context that there have been pressures in the U.K. (Select Committee on Procedure—1977-78), in Australia (House of Representatives Expenditure Committees 1979), and in Canada (the Lambert Commission, 1979) for changes in the way accounts are presented to Parliament. In particular, these committees have recommended that financial figures should be supplemented by analyses showing the objectives of individual spending programmes and of the results of past programmes.

The Kerala Legislature's Subject Committees are devised as a more effective means of scrutiny of Executive functioning and of enhancing public accountability. These Committees were first instituted in March 1980 as a result of unanimous recommendations by an All-Parties Committee set up by the Speaker in the previous year. In setting up these Committees, we took note of experiences elsewhere, notably in the U.K. and some other Commonwealth countries. Lloyd George and Lord Campion underlined long ago that one of the great virtues of Parliamentary committees appointed to scrutinise administration was that policy and administration could be looked at in a dispassionate "super-party" spirit inside Parliament. Starting with the setting up of a certain number of specialist Committees in 1966 (though these were not directly related to financial control), the British House of Commons effected a significant change in 1971 in its

instrumentality of financial control by replacing the Estimates Committee by the Expenditure Committee. The work of the new Expenditure Committee was designed to effect an improvement in the control by Commons over the pattern of public expenditure. It operated through a highly organized system of sub-committees. In 1976, a new Select Committee on Procedure (composed of members of all Parties) was appointed by the Commons "to consider the practice and procedure of the House in relation to public business and to make recommendations for the more effective performance of its functions". In the omnibus terms of reference, an important subject considered by the Select Committee related to financial control. The Committee's criticism in its Report (1978) of the financial procedure of the Commons was outspoken:

"It is clear to us that the present financial procedures of the House are inadequate for exercising control over public expenditure and ensuring that money is effectively spent. The House as a whole has long since ceased to exercise detailed control over public expenditure in any but the formal sense of voting the annual estimates and approving the Consolidated Fund and Appropriation Bills. The time which was set aside by the House for the consideration of supply is now rarely used for the purposes even tenuously connected with public expenditure. When motions of a financial character are put before the House for consideration on supply days, they are for the most part vehicles for general debate and are not regarded as opportunities for the detailed examination of the Executive's expenditure proposals."

The Commons Select Committee on Procedure accordingly recommended that the Expenditure Committee and certain other existing Committees should be replaced by a system of new, independent, select committees, each charged with the examination of all aspects of expenditure, administration and policy in a field of administration within the responsibilities of a single government department or two or more related departments. Between them the new committees would cover the activities of all departments of the United Kingdom Government, and of all nationalised industries and other quasi-autonomous governmental organizations within the responsibilities of the department or departments concerned. All departmental estimates should as a matter of course be referred to the appropriate departmentally related committees. These committees should be encouraged to examine the estimates in the context of their scrutiny of departmental policy and administration and to report appropriately to the House. The Select Committee further recommended that appropriate amendments to the Standing Order should be made. In June 1979, the House of Commons approved a new Standing Order by adopting a motion for the setting up

of 12 select committees. These Committees were, 1 Agriculture, 2 Defence, 3 Education, Science and Arts, 4 Employment, 5 Energy, 6 Environment, 7 Foreign Affairs, 8 Home Affairs, 9 Industry and Trade, 10 Social Services, 11 Transport, and 12 Treasury and Civil Service. The Standing Order relating to Expenditure Committee was repealed.

I have referred to the developments in parliamentary reform in the U.K. in some detail because we have inherited in our Legislatures a great deal of the U.K. practice and procedure. In Canada, much of the detailed work of the House of Commons is carried out by 18 standing committees provided under standing orders. Most of these committees cover a specified subject area. These standing committees have the opportunity of scrutinizing the details of proposed departmental spending and reporting to the House before the money is voted. Such control over finance as the House is now able to exercise, it is claimed, is due in large measure, to the committee system. To quote the Canadian Royal Commission on Financial Management and Accountability (the Lambert Commission, 1979), "the key to the House of Commons assuming a more effective and influential role in financial management and accountability lies in its committee system". Discussions in Conferences of Commonwealth Speakers and Parliamentarians have shown a definite trend towards the greater use of committees for detailed scrutiny of administration in many countries.

A discussion of the committee system will be incomplete without a reference to the American committee system, though it will not fit into our constitutional frame-work. In the words of Woodrow Wilson, "Congress in session is Congress on exhibition, whilst Congress in its committee rooms is Congress at work". This statement, according to a modern American political scientist, is even more true today than when Woodrow Wilson wrote it in 1883. The real work of the Congress is done by its 38 standing committees (21 in the House of Representatives and 17 in the Senate), and increasingly by their more than 250 sub-committees. These standing committees are recognized by statute (*See* the Legislative Reorganization Act of 1970). "No other major legislative body in the world", according to an American writer, "makes such extensive use of standing legislative committees as Congress or grants them such great autonomy and independence". The American committee system, however, will be contrary to the principle of Cabinet responsibility to Parliament under our Constitution.

Here, I may digress a little into the detailed working of the Kerala Subject Committees in so far as they exercise the right of scrutiny of Budget proposals. We have 10 Subject Committees, each covering a particular subject area or areas related to the concerned department. Between the 10 committees are included all the members of the Assembly. Care is taken to see that each committee reflects, as far as practicable, the

party-wise complexion of the House. Under our Rules of Procedure, at the conclusion of the general debate on the Budget, the Demands for Grants stand referred to the concerned Subject Committees for scrutiny and report. A time-limit of 21 days is fixed under the rules for the scrutiny, such period to commence from the date of completion of the general discussion of the Budget in the Assembly. By internal working rules, each Department sponsoring a Demand is required to make available for the use of members of the committee a background paper giving full information on, among other things,—

- (a) the general lay-out of the demand showing its different sub-heads, together with a brief explanation in precise terms of the expenditure proposal reflected through the demand;
- (b) the policy behind the demand;
- (c) relationship of proposed expenditure to actual needs;
- (d) new services if any, and their nature and justification;
- (e) plan/development programmes with full details; if the proposal is to phase the expenditure, what are the targets for the current year; probable duration of the entire project; cost projections; and the machinery proposed to monitor progress;
- (f) steps taken to avoid supplementary demands for grants etc.

It has been made obligatory for officers—heads of concerned departments—to attend and assist the committees in their deliberations. Ministers have been made Chairmen of these committees. In the evolutionary stages of the committees, this was considered an advantage. The presence of the Minister-Chairman, it was expected, would take care that the committees do not become competing centres of power, and avoid any possibility of conflict with the Executive. Every Minister is made an *ex-officio* member of his related Subject Committee, unless a Minister himself is the Chairman of the Committee.

Our Subject Committees have done the scrutiny of three Budgets so far. It has involved two Ministries and two Assemblies. Members have evinced keen interest in the functioning of the Committees. While it is perhaps a little too early to make any value-judgment of their work, it is now increasingly recognized that the Committee room atmosphere is more congenial for detailed scrutiny. Discussion in the Committees has been free from acrimony or political wrangling, and has cut across partylines. A contributory circumstance has been that almost all the political parties in Kerala have shared power some time or the other. Some members therefore have practical knowledge and experience of administration. They put searching questions and elicit information. The sharing of information between Members and officials, sometimes in confidence, has helped to build a feeling

of cordiality and a sense of mutual trust between the bureaucracy and the elected representatives. Officials have been forthcoming in their presentation of facts or in giving clarifications. The Committee proceedings have generated a new awareness among officials that their performance is being closely watched and accountability is real and is not capable of evasion. To the Ministers, participation in the deliberations of these committees is both education and an experience. It helps them to better acquaint themselves with their individual department's budget projections. They also get what may be called a "pre-view" of member's attitudes and approaches. The Reports of the Committees have been useful documents in the hands of members both for debate in the House and to keep a watch on follow-up action. They focus attention on areas of imbalances in budgetary allocations and enable Government, wherever possible, to take corrective steps.

Looking to the future in the background of results achieved, I would say that we have to streamline and strengthen the working of the Subject Committees. Members, though many of them have an intimate knowledge of public affairs, may not be experts in the art of financial scrutiny. They require secretarial and expert assistance in understanding the budget. The staffing of the committees adequately and where necessary by providing assistance of specialists in particular fields, is a very important factor in their effective functioning. A good research and reference service which will gather and collate information on annual budgetary projections and related areas will be of great value to the Committee's work. Such service will also include continual monitoring of performance. As a necessary complement, the Government departments should improve their present methods of supply of information on the Budget. Each department should be required to prepare programme statements. (The background notes now circulated to members of our Committees are tending to become stereotyped). The programme statements should identify specific policy objectives laid down by government; specify all the activities that contribute to the objectives; identify the resources and costs required to achieve the objectives and contain measurements or assessments of outputs. This will enable the programmes to be evaluated objectively. It would be useful in my view if a separate cell is created in each Department to deal exclusively with the work of the Legislature and its Committees, so that co-ordination between Government Departments and the Legislature Secretariat is facilitated. I understand that the Kerala Government has by a recent order taken some steps in this direction.

I have a word of caution for the members of the Committees also. They should not get lost in details of individual expenditure items, though it is quite likely that a particular member may have a pet scheme of local or constituency interest. A principal objective of these committees is to strengthen the accountability of Ministers to the House for the discharge of their responsibilities. Through the scrutiny of the budget estimates each committee will be able to examine the whole range of activities of a department for

which its Minister will have direct responsibility. The usefulness of these committees as effective instruments in the possession of the Legislature to oversee administration depends entirely on the members' ability to discern and dissect. Work in the Committees will lead to expertise and specialisation for those who may be so disposed.

There is some apprehension expressed in certain quarters that the setting up of Subject Committees may lead to a "draining away of attention" from the floor of the House to the Committee rooms. It is also suggested that it may detract from the significance of the political crossfire that is characteristic of debates on the Demands for Grants in the House. This fear, I think, is misconceived. The best answer to this line of thinking was provided by Mr. Norman St. John Stevas, the Conservative Spokesman on Commons affairs and later Leader of the House of Commons after the May 1979 election. Pointing out that the debate about parliamentary reforms was "not a choice between the Chamber and Committees", he said:

"We need both and we have always had both. In the time of Elizabeth-I, we had a much more developed committee system than we have today. It is not a question of the Chamber, or committees; it is a question of getting the right balance between them. It is not a matter of eradicating one at the expense of the other; it is a partnership that we see to build."

I am conscious that within the frame-work of the Constitution the scope of the committees to alter the structure of the budget is limited. The scrutiny by the Subject Committees will bring a balanced approach and a sense of realism in budget allocations. There is in fact a school of thought that there should be some method of involving the Legislature even at the stage of formulation of the Budget. Thus, the Australian House of Representatives Expenditure Committee argued (Report 1979) that "for the level of parliamentary participation in the expenditure process to be increased, it needs to influence the heart of the process—budget formulation". There is, in my view, too much obsession with secrecy in the matter of framing the budget proposals. A parliamentary system flourishes where there is open government.

Parliamentary reform has to respond to changing needs. This has to be a constant exercise. In no other field is reform more relevant than in procedures to enable members to discharge their parliamentary duties effectively and adequately. In this context, the following observations by the Lambert Commission (Canada) would seem pertinent:

"The time of Members is too precious, the opportunities to challenge spending plans too limited, and the importance of doing so too vital to conclude otherwise. If accountability is to have meaning and effect, the basis upon which it is rendered must receive full attention from Parliament. . . . parliamentarians must treat their surveillance role with the same seriousness they accord their political responsibilities."

Kerala has taken a major step in parliamentary reform by the introduction of the system of Subject Committees. Their deliberations and Reports have helped to strengthen responsible government. We have a lively democracy, and we have a vigilant public opinion. In the functioning of our Legislature, we have given the utmost importance to legislative scrutiny and Executive accountability. It is my belief that other Legislatures in India will benefit from our experience.

ANNEXURE III

SPEECH MADE BY THE SPEAKER, KERALA LEGISLATIVE
ASSEMBLY ON COMMITTEE SYSTEM AT THE MEETING
OF THE COMMITTEE OF PRESIDING OFFICERS
ON COMMITTEE SYSTEM HELD AT
TRIVANDRUM IN JUNE, 1985

In our parliamentary system, responsibility of the Council of Ministers to the Legislative Assembly is a constitutional mandate. Under clause (2) of article 164 of the Constitution, "the Council of Ministers shall be collectively responsible to the Legislative Assembly of the State". To secure this responsibility, the Constitution contains a number of other provisions, and the Rules of procedure of the Legislative Assembly prescribe several procedural devices.

Eversince the Parliament and the State Legislatures came into existence under the Constitution, a number of innovations have been made in their procedures. The growing complexity of modern government, its considerably widened spheres of activity and consequent extension of executive power have all led to a reassessment of the Legislature's role from time to time.

Do the existing practices and procedures enable effective scrutiny of executive functioning and secure executive accountability to the Legislature in adequate measures? Consistent with the principle of Cabinet responsibility, is there scope for improving upon the instrumentalities now available to the Legislature for better scrutiny both of legislation and of executive actions?

The conferences of Commonwealth Speakers and Presiding Officers had time and again discussed the Committee system. The trend of discussion indicated that there was great need of use of Committees first to elicit facts, secondly to examine proposed legislation and thirdly to recommend policy.

It is well known that business on the floor of the House has always to be controlled by the need to get certain legislation through, while at the same time providing for the disposal of a number of routine items on the daily order paper. Besides the traditional debates on the Governor's Address and the annual Budget, it is seldom that time could be found to discuss and debate other important matters of public concern or public interest.

In the Budget session, a major part of the time is taken up for the transaction of financial business; but, even then, it has been the experience year after year that demands for grants pertaining to several important departments get guillotined for want of time. With the material that is made available to members, and within the allotted time, no in-depth scrutiny of the demands is possible, and debate on them on the floor of the House tends to become often superficial. On the guillotined demands, no open debate at all takes place. The functions of the three existing financial Committees, namely, the Estimates, Public Accounts and Public Undertakings Committees, are it is well-known largely *post-mortem*. Effective control over public expenditure is an essential feature of the Parliamentary System.

In the matter of legislation, all Bills do not at present go before Select Committees. The importance of scrutinising legislation with utmost care needs no emphasis. Attention will have to be directed in particular to see that the clauses of a Bill are consistent with the Constitution and existing law and bring out clearly the policy behind the legislation. Legislation is the responsibility of the Legislature, and it is the legislature that must take the ultimate blame if the laws it enacts are found to contain legal or other infirmities.

Many laws passed by the legislature confer wide powers on the executive or other subordinate authority to make rules, orders or issue notifications for giving effect to the provisions of the law. The function of the Subordinate Legislation Committee in the matter of delegated legislation is, like that of the financial committees also *post-mortem*. The inordinate delay in the issue of these rules and orders and the lack of sufficient care that is bestowed on their drafting have often evoked adverse comment. The large powers conferred on officials—sometimes at comparatively junior levels—under these rules and orders further emphasise the need for their close scrutiny. It seems essential to devise a suitable method for prior scrutiny of these statutory instruments in draft form with the twin objective of ensuring that the power delegated by the Assembly is properly exercised and with due expedition and that the delegate acts within the limits laid down under the relevant laws.

In initiating policies and programmes and their implementation, the Council of Ministers has direct and primary responsibility. Equally, the Legislature has the duty to see that such implementation is in the best interest of the people. Members of the Legislature, by virtue of their constant contact with the public are in a better position to gauge public criticism and public opinion. The growth in the executive's power and the manner of its exercise have to be matched by an improvement in the Legislature's modalities for overseeing the executive's use of its power.

Therefore in 1980 we began a novel experiment. Ten Subject Committees were set up to deal with different subjects. The functions of these Committees are:—

- (i) To scrutinise the demands for grants;
- (ii) to examine legislation;
- (iii) to study and report on a specified area of governmental activity in the wider public interest, or a project, scheme or undertaking intended for the general welfare;
- (iv) to advise Government on a question of policy or legislation on which Government may consult a Committee;

- (v) to discuss generally and formulate views on:—
- (a) State's Five Year Plan Programmes and their implementation;
 - (b) Centre-State relations in so far as they concern the State of Kerala;
 - (c) Reports of Public Service Commission;
 - (d) Reports of Public Undertakings;
 - (e) Reports of any statutory or other body, including any Commission of Inquiry, which are laid before the Assembly; and
- (vi) to consider the draft of the rules to be framed by the Government or other authority in pursuance of the rule making powers delegated by an Act of the Legislature or the Parliament.

In the words of Shri A. G. Noorani "the experiment deserves greater notice than it has received so far".

Care has been taken to see that the setting up of the Subject Committees and their functioning did not in any way detract from or infringe the principle of cabinet responsibility to the legislature. The rights and privileges originally enjoyed by members in the House were not diminished.

From 1980 till date, these Committees scrutinised the demands for grants in the Budget for the years 1980-81 to 1985-86 and presented reports to the Assembly. These reports contain 1033 recommendations and out of these 267 recommendations were for enhancing the budget provision. In such cases nearly 30 per cent of the recommendations have been implemented by Government. 56 Bills were referred to these Committees and reports thereon were presented. In the case of 21 bills, the Committees had suggested modifications. 193 draft statutory rules/amendments to rules were placed before these Committees for scrutiny and the Committees approved 39 rules with modifications and the others without modifications. Discussions were held on 139 projects/schemes/topics and 53 points for discussion were raised by members of the Committees.

I do not claim that the working of the Subject Committees here is completely free from defects. I shall enumerate the reasons therefore. As a convention Ministers are nominated as Chairmen of these Committees. For obvious reasons the Chairmen (Ministers) very often find it difficult to convene the meetings of Subject Committees in time and this leads to delay of urgent and important work in the Committees.

The scrutiny of demands for grants by the Committees commences immediately after the general discussion of the Budget in the House. But as per rules this scrutiny has to be done and report thereon has to be finalised within a period of four weeks. Within this short period of time the members of the Committees find it difficult to go through the minute details of the budget proposals and hence the scrutiny done becomes very formal.

In the case of examination of legislation also very often the time at the disposal of the Committees to study the contents of the Bills and to assess its implications is insufficient. For example, a bill will be introduced in the Assembly on a day and it will be referred to the concerned Subject Committee on the very same day with directions to report back the next day. In such a case the Committee will have to meet in a hurry to go through the Bill and therefore there is no in-depth study.

In the case of scrutiny of draft statutory rules/amendments thereof also there are certain defects. Most of the draft rules placed before the Committees at present are intended only to give statutory validity to executive orders issued years previously. In the case of some rules, Government issue rules under cover of exigency and then forward the rules to the Subject Committee together with a note explaining the exigency which necessitated the issue. Thus the matter become a *fait-accompli*.

At present the Subject Committees are doing post-budget scrutiny i.e., scrutiny of estimates after the presentation of Budget. Even though the House discuss the demands for grants before voting, due to the magnitude and complexity of the state activity it is almost impossible for Legislature as a body to scrutinise the myriad of expenditure proposals and governmental activities effectively or minutely. The question of introducing pre-budget scrutiny (except of course the taxation proposals) by Subject Committees has therefore to be considered seriously. Similarly the plan and development scheme proposals should also be placed before the Subject Committee before finalisation so that the members of the Committee who are representatives of the people can give creative and practical suggestion in formulating the schemes. Now only the plan schemes in their finalised form are being placed before the Committee and there is little or no use in giving suggestions at this stage. The Ordinances in their draft form and papers laid on the Table should also be brought within the purview of Subject Committees.

Then I have to say something about the general working of other committees. The contents and quality of reports have to be improved. The Chairmen and members of the Committees have an important role to play in this regard. The proper selection of the Chairmen and Members of Committees is of utmost importance. The contents of the reports should get proper coverage and should reach the maximum number of people through the media. For this purpose, publishing summarised versions of reports should be considered. As a part of improving the working of the Committees, officers of the

Legislature Secretariat should be given expert training. Similarly an efficient research and reference system should be built up in the Legislature Secretariat.

Under the present allocation of work there is overlapping of Subjects in some Committees. This is seen mainly in the working of Estimates Committee, Committee on Public Undertakings and certain Subject Committees. At times this results in making recommendations by those Committees which are contradictory in nature. This can be eliminated if there is proper co-ordination. The question of conducting enquiries on vital contemporary issues of public importance by appointing 'ad hoc' Committees of the Legislature or by the concerned Subject Committees should also be thought of. At present very complicated and technical issues come up for examination of the Committees. In such cases the services of specialists should be made available to render expert advice to the Committees. Eventhough there is provision in our rules of procedure which enables the Committees to make special reports on any matter to the Speaker or the Assembly, no Committee has so far made any such report. The Committee should venture into this sphere and should make such report whenever necessary.

Concluding, I wish to point out that even though the working of Committee system hitherto could not make much change in the style of functioning of the executive, it has made an over all good impact. In order to build up confidence of the people in the democratic set up and to ensure healthy parliamentary activities the working of the Committee system in the Legislatures has to be properly nurtured. Let us earnestly work to achieve this goal.

ANNEXURE IV

**SPEECH MADE BY THE SPEAKER, KERALA LEGISLATIVE
ASSEMBLY ON COMMITTEE SYSTEM AT THE CONFERENCE
OF PRESIDING OFFICERS OF LEGISLATIVE BODIES IN
INDIA HELD AT LUCKNOW IN OCTOBER, 1985**

The cardinal principle of a Parliamentary system of government is executive accountability to the Legislature. With the growing complexity of modern government, its ever-growing spheres of activity and the resultant expansion of executive power, the traditional methods of Parliamentary control have been found to be insufficient. Necessity for improving the existing devices and for inventing new methods has thus been keenly felt in almost all countries where Parliamentary system prevails. In Britain, Canada, U.S.A. etc., the system of specialist and standing committees is being widely resorted to as a measure of improving Parliamentary functioning. In India, we have by and large the British system of traditional committees. We have also begun to feel that Parliamentary reform is an imminent necessity. This is especially so in the field of Parliamentary control over executive functioning.

In 1980, Kerala began a novel experiment in Parliamentary reform by the introduction of a system of Subject Committees. The Committees are ten in number and include between them all members of the Kerala Legislative Assembly. Ministers are Chairmen of these Committees. The main functions of the Committees are to scrutinise the demands for grants, to examine legislation and to consider the draft of the rules to be framed by Government or other authorities in pursuance of the rule making powers delegated by an Act of the Legislature. They can also study and report on a specified area of governmental activity or a Project, scheme or undertaking intended for the general welfare. The Government can at times consult these Committees on a question of policy or legislation. These Committees are also free to discuss generally and formulate views on (a) the state's five year plan programme and their implementation, (b) centre-state relations in so far as they concern the state, (c) reports of Public Service Commission, (d) reports of Public Undertakings, (e) reports of statutory or other bodies including any commission of inquiry which are laid before the Assembly.

As stated above, a very important function of the Committee is to scrutinise the demands for grants. The principal objective of this scrutiny is to ensure that the available resources in a budget year are prudently allocated among the different services, and that such allocations conform, as nearly as may be, to actual or probable needs. The scrutiny may be wide ranging and uninhibited except for one constitutional constraint. Under article 203 (2) of the Constitution, while the Legislative Assembly may refuse to assent to a demand, or assent to it subject to a reduction of the amount specified therein, it may not increase the demand. Thus, while a subject committee may, in examining a demand under its various sub-heads, recommend variations from one sub-head to another, such variations shall not have the effect of increasing the total allocation under the demand. If an increase is sought to be made under one sub-head, a corresponding saving has to be shown under another sub-head within the same demand. A subject committee may, however, recommend an enhancement or a new service, such enhancement or new service has to be effected either by reappropriation where possible or through a supplementary demand. In making its recommendations, the Subject Committee shall keep in view also the resources constraint.

Doubts have been expressed as to how far these committees could be effective in the scrutiny of the budget demands as there are constitutional restraints in altering the structure of the budget. It is contended that the committees cannot suggest increases in budget demands, nor can they change the basic plan of expenditure proposed by Government. As a result, the committees, work in relation to budget estimates would remain largely peripheral. But I would like to point out in this connection that our experience so far has allayed these spheres. Substantial recommendations of a varied nature have been made by the committee for increasing allocations. Going a step further, in certain cases, the Committees have suggested even new services. I can cite a number of such recommendations. It is gladdening to note that Government have promptly responded to these recommendations by issuing instructions and guidelines to departments to effect variations in allocations within the framework of the rules and standing orders in this regard. These instructions contain the different methods adopted by Government to implement the recommendations made by the Committee.

They are as follows:—

- (i) Where a Subject Committee recommends enhancement, if the Committee also indicates savings elsewhere for diversion, the administrative Department may examine whether such diversion is possible without the concerned schemes being adversely affected and, if satisfied that it is possible to do so, they may sanction additional funds, subject to the regulations in the Budget Manual and with the prior concurrence of the Finance Department.
- (ii) Where the Subject Committee recommends enhancement without locating corresponding savings, the Administrative Department may examine the suggestion in all its aspects in consultation with Finance Department and circulate the case to the Minister concerned and the Minister for Finance for orders whether the recommendations is to be accepted and if so for a decision to adopt one of the following courses:
 - (a) to allow additional funds by reappropriation even if no reappropriation has been recommended by the Subject Committee;
 - (b) to obtain a Supplementary Grant during the same year;
 - (c) to take Contingency Fund advance for the purpose in the most emergent cases;
 - (d) to include the programme in the ensuing years budget.

The prompt response shown by government to the recommendations of the Committee by issuing the above detailed instructions and also by actually implementing many of the recommendations clearly show that substantial contributions can be made by the committees through the scrutiny of the budget estimates in shaping and reshaping the budget.

The Subject Committees can also indirectly have its impact on the formulation of the budget proposals. The discussions that take place in the committees during the scrutiny of the budget of a particular year will give government an idea of what the needs and aspirations of the common men are, how they fix their priorities, what are the urgent schemes to be taken up etc. Government can look beyond the usual official channels to feel the pulse of the people and this would definitely help them in the formulation of a more realistic and need-based budget for the coming year.

Another area in which the Subject Committees can do important work is in the scrutiny of subordinate legislation. This scrutiny is now mainly done by the Committee on Subordinate Legislation. But the committee, as you all know, examine the rules etc., only after they are laid on the Table of the House. In many cases the rules are taken up for scrutiny by the Committee, several years after they are issued. Cases are not wanting in our state in which a few rules considered by the Committee happened to be seven years old. By this time whatever damage that could be done by an injurious rule could have already been done with very little means of repairing it. There is also definite provision in the rules for laying of regulations, rules etc., on the Table of the House and modification of the rules by tabling amendments by members. But in actual practice these amendments are seldom considered by the House due to want of time and for other reasons. Thus the control of the House over the framing of the rules is nominal. The two devices mentioned above are ineffective for the reasons stated. The Subject Committees can do yeomen work in this regard. By examining the rules in their draft stage, they can remarkably contribute to and can usefully share in the process of framing of subordinate legislation. A committee of the House examining the rules at their formulation stage is no small matter and the House can thereby gain more effective control over the great volley of regulations, rules, bye-laws etc., issued by government from time to time.

In this context, I would like to mention one or two difficulties that have stood in the way of the successful functioning of the subject committees. As a convention, we have Ministers as Chairmen of the Committees. The idea originally was that the decisions taken at the meetings presided over by the Ministers would be more powerful and would be surely implemented, for Ministers, as Chairmen, have a direct responsibility to see that the decisions of the Committees are given practical shape. They, being the executive heads of the departments under them, have the power and authority to do so. But in actual practice, it is found that as the Ministers are busy with their official and other programmes the meetings of the Subject Committees are convened only very rarely. There are cases where the committees could not meet even once in a month. Further, the leisure and ease that are essential for deep study and elaborate discussions seem to be wanting

in many a meeting as the duration of each meeting tends to be short. Heads of executive government becoming Chairmen of parliamentary committees entrusted with the function of overseeing the administration is an evident paradox. It does not reconcile with the basic scheme of parliamentary control over the executive. In U.K. and other countries, non-official members are invariably Chairmen of Committees. In some cases, members of the Opposition are also appointed Chairmen. We are presently giving serious thought to how this problem could be solved.

Under the present allocation of work there is overlapping of work in some committees. At times this would result in making contradictory recommendations by different committees. But I feel that this can be avoided if there is proper co-ordination at the Secretariat level. When the same subject comes under the purview of two committees, the Committees can hold a joint sitting and can have joint discussions. There is also a fear that when the subject committees become fairly active, Committees such as the Estimate Committee, the Committee on Subordinate Legislation etc., will go into eclipse. To some extent, this is true. But then we have to remember that the subject committees by their varied functions can be more than proper substitutes to these committees and, in the long run, it is inevitable that they have to take over the function of some other Committees. We have to accept that phenomenon, as we are on the march to a better and more efficient Committee systems.

During the examination of the subjects allotted to them, the committees are at times faced with the problem of a lack of expertise and experience. This is particularly true when highly technical subjects are dealt with. According to present practice, government supply necessary background materials for the information of the committee and government officers are themselves present at the meetings to assist the committee in its deliberations. But I should say that the information we obtain from government does not often present a full view of the picture, as they are channelised through the usual official agencies. For understanding the problems of the masses, the real setbacks in the implementation of programmes and policies, the faces of corruption, nepotism, etc., the Committee should have independent sources of information. I understand that in some countries the services of experts, independent of governmental control, are utilised for filling this information gap. At present, the Public Accounts Committee has the invaluable assistance of the Accountant General, which makes its functioning very effective. We have to think of getting the services of similar experts in particular fields in order to improve the working of the subject committees. I would suggest that the sphere of activity of the Committees should not be limited to scrutiny of budget estimates. Legislation being the primary and the most important function of every Legislature, we are duty bound to perform that function in the most efficacious and fruitful manner. The authority delegated to the executive to make laws should also be properly controlled. So, instead of limiting the activities of Subject Committees to scrutiny of

budget estimates, where the scope of work is relatively limited, I would earnestly urge that the committees should take up examination of legislation of all kinds. So also plan programmes which have a major share in the developmental activities of the country should also be gone into by the Committees. Matters of urgent public importance should be discussed, and all these, I believe, would definitely lighten the pressure of work of the Legislatures when they meet in full session. So also the Subject Committees will serve as a continuing arrangement (even during inter session periods) for securing executive accountability to the Legislature.

I hope that this conference will give serious thought to these aspects. I also fervently hope that other states would start introducing the Subject committee system in their legislative bodies very soon. I am sure that these committees will prove to be a milestone in the history of evolution of parliamentary democracy in India.

ANNEXURE V

**RULING GIVEN BY THE SPEAKER ON 11-8-1994 REGARDING
THE MINUTES OF DISSENT TO REPORTS OF SUBJECT
COMMITTEES ON THE SCRUTINY OF DEMANDS
FOR GRANTS.**

വൃത്തിംഗം

സബ്ജക്ട് കമ്മിറ്റികളുടെ ബഡ്ജറ്റ് പരിശോധന സംബന്ധിച്ച റിപ്പോർട്ടിന് വിധേയനാക്കുവാൻ തീരുമാനിച്ചിട്ടുണ്ട്

10-0. സബ്ജക്ട് കമ്മിറ്റിയെ സംബന്ധിച്ചു 1994-95ലെ ധനാഭ്യർത്ഥനകളുടെ പരിശോധനയോടനുബന്ധിച്ച് നൽകപ്പെട്ട റിപ്പോർട്ടിൽ പ്രസ്തുത സബ്ജക്ട് കമ്മിറ്റി സമർപ്പിച്ച റിപ്പോർട്ടിൽ ചേർക്കാതിരുന്നതിനെപ്പറ്റി ജൂൺ 29-ാം തീയതി ഇവിടെ ചൂണ്ടിക്കാണിക്കപ്പെട്ടു. ഇതിനു മുമ്പ് പലപ്പോഴും ധനാഭ്യർത്ഥന സംബന്ധിച്ച സബ്ജക്ട് കമ്മിറ്റി റിപ്പോർട്ടിൽ റിപ്പോർട്ടിന് ചേർക്കാതിരുന്നതും ഇപ്പോൾ അത് ചേർക്കാതിരുന്നതും ഉചിതമായില്ലെന്നും ഉള്ള അഭിപ്രായം ഉയർന്നുവന്നു. ഇക്കാര്യത്തിൽ ചെയറിന്റെ വ്യക്തമായ വൃത്തിംഗം ഉണ്ടാകണമെന്ന ആവശ്യം ഉന്നയിക്കപ്പെട്ടു.

ഈ പ്രശ്നത്തിന് ചെയർ പരിപക്ഷമായ പരിഗണന നൽകി. സെലക്ട് കമ്മിറ്റികളും, സബ്ജക്ട് കമ്മിറ്റികളും ബില്ലു പരിഗണിച്ചു റിപ്പോർട്ടു നൽകുമ്പോൾ അവയിലെ അംഗങ്ങൾക്കൊഴിച്ച് മറ്റെ കമ്മിറ്റി അംഗങ്ങൾക്ക് തങ്ങളുടെ റിപ്പോർട്ടിൽ റിപ്പോർട്ടിന് ചേർക്കാൻ ഉള്ള അവകാശം നിയമസഭാ ചട്ടങ്ങൾ അംഗീകരിക്കുന്നില്ല. ബില്ലൊഴിച്ച് മറ്റെ കാര്യങ്ങൾ പരിഗണിക്കുമ്പോൾ സബ്ജക്ട് കമ്മിറ്റിക്കും ഈ അവകാശമില്ല. സ്ഥായിയായ പ്രശ്നങ്ങൾ ഉൾക്കൊള്ളുന്നതും ചെമ്പ് പെട്ട ഭവനവിഭാഗത്തെ ആകമാനം ബാധിക്കുന്നതുമായ നിർദ്ദേശങ്ങൾ ഉൾക്കൊള്ളുന്ന നയപ്രഖ്യാപനങ്ങളാണ് ബില്ലുകൾ. ആ നിലയിൽ വ്യത്യസ്തമായ നയസമീപനം പുലർത്തുന്ന കക്ഷികൾക്കും വ്യക്തികൾക്കും അവരുടെ alternate policy കളും അഭിപ്രായങ്ങളും സമുപാധക വ്യക്തികളുടെയും അതു സഭയെ ബോദ്ധ്യപ്പെടുത്തുന്നതിനുള്ള സഹായം നൽകുന്നതിനും വേണ്ടിയാണ് ബില്ലിന്റെ കാര്യത്തിൽ റിപ്പോർട്ടിന് ചേർക്കാൻ അനുവദിച്ചിട്ടുള്ളത്. പ്രായേണ അനുവദിക്കുന്ന പൊതുവായ പാർലമെന്ററി നടപടിക്രമമനുസരിച്ച് മറ്റ് കമ്മിറ്റി റിപ്പോർട്ടുകളുടെ കാര്യത്തിൽ പരസ്പരധാരണയോടും വിശ്വാസത്തോടും കൂടി സൗഹൃദത്തിന്റെ അന്തരീക്ഷത്തിൽ അന്വേഷണം വിട്ടുവീഴ്ച ചെയ്ത് അഭിപ്രായങ്ങളെ വിലയിരുത്തി സമന്വയത്തിലെത്തിച്ചേരുന്നതും പൊതുവിൽ സ്വീകാര്യമായതുമായ നിർദ്ദേശങ്ങൾ മാത്രം സ്വീകരിക്കുകയാണ് പതിവ്. അതുകൊണ്ട് മറ്റ് കമ്മിറ്റി റിപ്പോർട്ടുകളുടെ കാര്യത്തിൽ റിപ്പോർട്ടിന് ചേർക്കാതിരുന്നതിന് സാധാരണയായി അനുവദിക്കാറില്ല. എന്നിരുന്നാലും മറ്റ് കമ്മിറ്റി റിപ്പോർട്ടുകളെ സംബന്ധിച്ചുണ്ടാകുന്ന കാര്യമായ നയപ്രഖ്യാപനമുൾക്കൊള്ളുന്ന കാര്യത്തിൽ ഈ പൊതു തത്വത്തിന് അപൂർവ്വം ചില അപവാദങ്ങൾ (exception) ഇല്ലാതെയുമാകില്ല എന്ന വസ്തുതയും ചെയർ പിന്തുടർന്നിട്ടുണ്ട്.

കാതലായ നയ പ്രശ്നങ്ങൾ ഉൾക്കൊള്ളുന്നവയാണ് ധനാഭ്യർത്ഥനകൾ. സഹകരണത്തിന്റെയും സമന്വയത്തിന്റെയും കൗൺസിലിൽ വിലയിരുത്തിയാൽ പോലും ധനാഭ്യർത്ഥനകളുടെ പരിശോധനാ വേളയിൽ നയപരമായ അഭിപ്രായ വ്യത്യാസങ്ങൾ ഉടലെടുക്കുന്നത് സ്വാഭാവികമാണ്. അതുകൊണ്ട് ധനാഭ്യർത്ഥന സംബന്ധിച്ച റിപ്പോർട്ടിന് അന്തിമരൂപം നൽകുമ്പോൾ നയപരമായ അഭിപ്രായ വ്യത്യാസങ്ങൾ ഉണ്ടായി എന്നു വന്നേക്കാം. ഒഴിച്ചുകൂടാൻ പാടില്ലാത്ത സാഹചര്യത്തിൽ ധനാഭ്യർത്ഥന സംബന്ധിച്ച

സബ്ജക്ട് കമ്മിറ്റി റിപ്പോർട്ടുകൾക്ക് ഭിന്നാഭിപ്രായക്കുറിപ്പുകൾ നൽകേണ്ടതായും അവ സ്വീകരിക്കേണ്ടതായും വന്നുകൂട്ടും. ആയതിനാൽ ഇക്കാര്യത്തിൽ നിയമമായ മാർഗ്ഗ നിർദ്ദേശ തത്വങ്ങൾ ഉണ്ടാകേണ്ടത് അനിവാര്യമാണെന്ന് ചെയർ കരുതുന്നു. ഇതു സംബന്ധിച്ച താഴെ പറയുന്ന മാർഗ്ഗ നിർദ്ദേശക തത്വങ്ങൾ ആവിഷ്കരിക്കുന്നു.

ധനാഭ്യർത്ഥന സംബന്ധിച്ച സബ്ജക്ട് കമ്മിറ്റി റിപ്പോർട്ടുകൾക്ക് സാമാന്യേന (as a rule) എന്ന നിലയിലല്ലാതെ അനിവാര്യമായ ഘട്ടങ്ങളിൽ പരിമിതമായ തോതിൽ രേഖപദം (exception) എന്ന നിലയിൽ മാത്രം ഭിന്നാഭിപ്രായക്കുറിപ്പ് നൽകാവുന്നതും അതു സ്വീകരിക്കപ്പെടാവുന്നതുമാണ്. ഇപ്രകാരം ഭിന്നാഭിപ്രായക്കുറിപ്പ് നൽകുന്നതിന് അനുവർത്തിക്കേണ്ട കാര്യങ്ങൾ താഴെ പറയുംപ്രകാരം streamline ചെയ്യുന്നു.

(1) സബ്ജക്ട് കമ്മിറ്റി പ്രയോഗത്തിൽ വരുത്തിയത് എക്സിക്യൂട്ടീവിന് നിയമസഭയോടുള്ള accountability-യും സഭയ്ക്ക് എക്സിക്യൂട്ടീവിന്റെ മേലുള്ള നിയന്ത്രണവും ഉറപ്പുവരുത്തുന്നതിനു മേഖലിയാണ്. ആയതിനാൽ സബ്ജക്ട് കമ്മിറ്റി ഏതെങ്കിലും ധനാഭ്യർത്ഥന പരിഗണിക്കുമ്പോൾ ഈ തത്വങ്ങൾ മറികടക്കത്തക്കവിധം ആ ധനാഭ്യർത്ഥനയിലുൾക്കൊള്ളിച്ചിട്ടുള്ള ഏതെങ്കിലും മേജർ ഹെഡ്ഡോ മൈൻ ഹെഡ്ഡോ പരിശോധനയിൽ നിന്ന് ഒഴിവാക്കുന്ന പക്ഷം അക്കാര്യം ചൂണ്ടിക്കാണിച്ചുകൊണ്ട് അതുമുഖേന അക്കൗണ്ടബിലിറ്റിയും നിയന്ത്രണവും എപ്രകാരം നിവേദിച്ചുവെന്നു കാണിക്കുന്ന ഭിന്നാഭിപ്രായക്കുറിപ്പ് നൽകാവുന്നതാണ്.

(2) നിയമസഭാ നടപടി ചട്ടങ്ങളുടെ 236-ാം ചട്ടത്തിന്റെ (1)-ാം ഉപചട്ടം അനുശാസിക്കുന്നത് such scrutiny shall ordinarily be confined to variations in the Demand from the previous year more particularly increases the need for economy and efficiency, new services and relationship of expenditure to****needs എന്നാണ്. ധനാഭ്യർത്ഥനയുടെ പരിശോധനാഘട്ടയിൽ ഈ ചട്ടത്തിൽ നിഷ്കർഷിച്ചിട്ടുള്ള കാര്യങ്ങൾ പ്രായോഗികമാക്കുന്നതിനുള്ള നിർദ്ദേശങ്ങൾ ചൂണ്ടിക്കാണിക്കുകയും അതു കമ്മിറ്റി അംഗീകരിക്കുകയും ചെയ്യാത്ത സംഗതിയിൽ ഇതു സംബന്ധിച്ച ഭിന്നാഭിപ്രായക്കുറിപ്പ് നൽകാവുന്നതാണ്.

(3) നിയമസഭയുടെ മിനിയെച്ചർ എന്ന നിലയിൽ രേണുലേഖനയുടെ 203-ാം അനുചേദ പ്രകാരം ധനാഭ്യർത്ഥനയിൻമേൽ സഭ സ്വീകരിക്കേണ്ട നടപടികളെതിന്ന് അനുസൂതകായും അതിനുവിധേയമായുള്ള കാര്യങ്ങളെ ഭിന്നാഭിപ്രായക്കുറിപ്പിൽ ചേർക്കാൻ പാടുള്ളൂ. അതനുസരിച്ച് ധനാഭ്യർത്ഥനയ്ക്ക് അനുമതി നൽകുന്നതോ അനുമതി നിവേദിക്കുന്നതോ തുക കുറവു ചെയ്യണമെന്ന വ്യവസ്ഥക്ക് വിധേയമായി ധനാഭ്യർത്ഥനക്ക് അനുമതി നൽകുന്നതോ സംബന്ധിച്ച സംഗതികൾ കാര്യകാരണസഹിതം വിവരണക്കുറിപ്പിൽ പറയാവുന്നതാണ്. എന്നാൽ ധനാഭ്യർത്ഥനയിൽ മൊത്തമുള്ള തുകയോ ഏതെങ്കിലും മേജർ ഹെഡ്ഡിലോ മൈൻ ഹെഡ്ഡിലോ പറഞ്ഞിട്ടുള്ള തുകയോ പുനഃപരിശോധനയ്ക്കുവേണ്ടി തിരിച്ചയക്കണമെന്ന് ഭിന്നാഭിപ്രായക്കുറിപ്പ് വഴി നിർദ്ദേശിക്കുന്നത് ക്രമാനുസൃതമായിരിക്കുന്നതല്ല. ഇതിന്റെയടിസ്ഥാനത്തിൽ നിർദ്ദേശിച്ച് ഭിന്നാഭിപ്രായക്കുറിപ്പിൽ ചില മൈൻ ഹെഡ്ഡുകൾ പുനഃപരിശോധനയ്ക്ക് അനുവദിക്കണമെന്ന ആവശ്യം രേണുലേഖനാപരാമർശം തിരുന്നതിനാൽ അതു സ്വീകാര്യമായിരുന്നില്ല.

(4) ഏതെങ്കിലും ധനാഭ്യർത്ഥനയോ അതിലടങ്ങിയിരിക്കുന്ന ഏതെങ്കിലും മേജർ ഹെഡ്ഡോ മൈൻ ഹെഡ്ഡോ മുഖാന്തിരം ആവിഷ്കരിക്കപ്പെട്ടിട്ടുള്ള നയത്തിന് മേഗെതിയോ alternate policy യോ പ്രയോഗത്തിൽ കൊണ്ടുവരേണ്ട സംഗതിയിൽ അതു സബ്ജക്ട് കമ്മിറ്റിയോഗത്തിൽ ഉന്നയിക്കാവുന്നതും അതു സമിതി അംഗീകരിക്കാത്ത പക്ഷം അതു സംബന്ധിച്ചുള്ള ഭിന്നാഭിപ്രായക്കുറിപ്പ് നൽകാവുന്നതുമാണ്.

(5) ഭിന്നാഭിപ്രായക്കുറിപ്പ് രൂപേണ ആവിഷ്കരിക്കാനുദ്ദേശിക്കുന്ന alternate policy യുടെ കാര്യത്തിലോ ധനാഭ്യർത്ഥന അനുവദിക്കുകയെന്നോ തുകയിൽ കുറവു വരുത്തണമെന്ന വ്യവസ്ഥയ്ക്കു വിധേയമായി ധനാഭ്യർത്ഥനയ്ക്ക് അനുമതി നൽകാമെന്നോ സൂചിപ്പിക്കുന്ന സംഗതിയിലൊഴികെ ഭിന്നാഭിപ്രായക്കുറിപ്പിൽ ഉന്നയിക്കുന്ന കാര്യങ്ങൾ ധനാഭ്യർത്ഥനയ്ക്കോ, ധനാഭ്യർത്ഥന മുഖാന്തിരം ആവിഷ്കരിച്ചിട്ടുള്ള നയത്തിനോ അനുരൂപവും പ്രസക്തവുമായിരിക്കേണ്ടതും ധനാഭ്യർത്ഥനയിൽ നിന്നോ ധനാഭ്യർത്ഥനവഴി ആവിഷ്കരിച്ചിട്ടുള്ള നയത്തിൽ നിന്നോ ബാഹ്യമായ കാര്യങ്ങൾ ഉന്നയിക്കാൻ പാടില്ലാത്തതുമാകുന്നു.

(6) ഭിന്നാഭിപ്രായക്കുറിപ്പ്, നിയമസഭാ നടപടിപട്ടങ്ങളുടെ 235-ാം പട്ടത്തിന്റെ (2)-ാം ഉപപട്ടത്തിനനുസൃതമായിരിക്കേണ്ടതും പൊതുവിൽ ഖജനംദിന രേണകാര്യങ്ങളെ സ്പർശിക്കാത്തതുമായിരിക്കണം.

(7) ഭിന്നാഭിപ്രായക്കുറിപ്പ് മിതവും അന്തസ്സുറർത്തുമായ ഭാഷയിലായിരിക്കേണ്ടതും അതിൽ സബ്ജക്ട് കമ്മിറ്റിയിലെ ഏതെങ്കിലും പർച്ചയെ പരാമർശിക്കുകയോ കമ്മിറ്റിയുടെ മേൽ ദോഷാരോപണം നടത്തുകയോ ചെയ്യാൻ പാടില്ലാത്തതുമാകുന്നു.

(8) ഭിന്നാഭിപ്രായക്കുറിപ്പിന് നോട്ടീസ് നൽകുന്നതിന് സമിതി തീരുമാനിക്കുന്നത്ര സമയം നൽകുന്നതും അതിനുശേഷം കിട്ടുന്ന നോട്ടീസുകൾ പാടെ തിരസ്കരിക്കുന്നതുമാകുന്നു.

(9) ഭിന്നാഭിപ്രായക്കുറിപ്പിൽ ഏതെങ്കിലും വിധത്തിലുള്ള ദോഷാരോപണമോ, വ്യാജസ്തുതിയോ, കുറ്റം ചുമത്തലോ അപകീർത്തിപ്പെടുത്തലോ അടങ്ങുന്നതോ മറ്റു വിധത്തിൽ അനുചിതമോ സഭ്യന്മാരോടു ആയ പദങ്ങളോ പ്രയോഗങ്ങളോ വാചകങ്ങളോ ഉപയോഗിക്കാൻ പാടില്ലാത്തതാകുന്നു.

(10) ധനാഭ്യർത്ഥനകളുടെ പരിശോധന സംബന്ധിച്ച സബ്ജക്ട് കമ്മിറ്റി റിപ്പോർട്ടിന് നോട്ടീസ് നൽകുന്ന ഭിന്നാഭിപ്രായക്കുറിപ്പുകളിൽ ഈ മാർഗ്ഗങ്ങൾക്കതപ്രകാരമുള്ളവ മാത്രമേ പൂർണ്ണമായോ ഭാഗികമായോ കമ്മിറ്റി റിപ്പോർട്ടിൽ ചേർക്കുകയുള്ളൂവെന്ന് ചെയർ അനുസ്മരിപ്പിക്കുന്നു.

(11) ഒരു സബ്ജക്ട് കമ്മിറ്റി റിപ്പോർട്ട് പൂർത്തിയാക്കിക്കൊടുക്കുന്ന യോഗത്തിൽ പങ്കെടുക്കാത്ത അംഗങ്ങൾക്ക് ആ സബ്ജക്ട് കമ്മിറ്റി റിപ്പോർട്ടിന് ഭിന്നാഭിപ്രായക്കുറിപ്പ് നൽകുവാൻ അർഹതയുണ്ടായിരിക്കുന്നതല്ല.

മേലിൽ ധനാഭ്യർത്ഥനയുടെ പരിശോധന സംബന്ധിച്ച സബ്ജക്ട് കമ്മിറ്റി റിപ്പോർട്ടിന് ഭിന്നാഭിപ്രായക്കുറിപ്പ് നൽകേണ്ടത് ഈ വ്യവസ്ഥകൾക്കു വിധേയമായി വേണമെന്ന് ഇതിനാൽ വ്യക്തമാക്കുന്നു.

ANNEXURE VI

സബ്ജക്റ്റ് കമ്മിറ്റികളുടെ പ്രവർത്തനം പുനരവലോകനം
ചെയ്യുന്നത് സംബന്ധിച്ച അഡ്വോക്കേറ്റ് കമ്മിറ്റി റിപ്പോർട്ട്

റിപ്പോർട്ട്

സബ്ജക്റ്റ് കമ്മിറ്റിയുടെ നിലവിലുള്ള പ്രവർത്തനം സമിതി അവലോകനം ചെയ്യുകയും പ്രവർത്തനം മെച്ചപ്പെടുത്തുന്നതിനുവേണ്ടിയുള്ള നടപടികളെക്കുറിച്ച് വിശദമായി ചർച്ച ചെയ്യുകയും ചെയ്തു. അപ്രകാരം നിയമനിർമ്മാണ കാര്യങ്ങളിലും ധനാഭ്യർത്ഥനകളുടെ സൂക്ഷ്മ പരിശോധന നടത്തുന്ന കാര്യത്തിലും ഇന്ന് സബ്ജക്റ്റ് കമ്മിറ്റി നടത്തിവരുന്ന പ്രവർത്തനങ്ങൾ പഠനവിഷയമാക്കിയതിന്റെ അടിസ്ഥാനത്തിൽ അവ കൂടുതൽ മെച്ചപ്പെടുത്തുന്നതിലേക്കായി സമിതി താഴെപ്പറയുന്ന കാര്യങ്ങൾ ശുപാർശ ചെയ്യുന്നു.

1. സബ്ജക്റ്റ് കമ്മിറ്റിയുടെ പരിഗണനയ്ക്ക് അയയ്ക്കുന്ന ബിൽ അന്നേ ദിവസം വൈകുന്നേരം ചർച്ച ചെയ്ത് പിറ്റേ ദിവസം റിപ്പോർട്ട് സമർപ്പിക്കുന്ന രീതിയാണ് പലപ്പോഴും അവലംബിച്ചു വരുന്നത്. ഇതുമൂലം ബില്ലിനെക്കുറിച്ച് വിശദമായി ചർച്ച ചെയ്യാൻ കമ്മിറ്റിക്ക് അവസരം ലഭിക്കുന്നില്ല. ചുരുങ്ങിയത് ഒരു ദിവസമെങ്കിലും ബില്ലിന് പരിഗണിക്കുന്നതിന് സബ്ജക്റ്റ് കമ്മിറ്റിക്ക് ലഭിക്കേണ്ടതാണ്. പ്രധാനപ്പെട്ട ബില്ലുകളിൽ പൊതുജനങ്ങളിൽ നിന്നും തെളിവെടുക്കുന്നതിനും അവസരം നൽകേണ്ടതാണ്. ഓർഡിനൻസുകൾക്ക് പകരമുള്ള ബില്ലുകളുടെ കാര്യത്തിൽ അവ പാസ്സാക്കുന്നതിന് കാലപരിധി ഉള്ളതുകൊണ്ട് മേൽപ്പറഞ്ഞ കാര്യങ്ങൾ കർശനമായും പാലിക്കണമെന്നില്ല.

2. സഭയിൽ ബില്ലിന്റെ രണ്ടാം വായന സമയത്ത് ചട്ടം 79 (i) പ്രകാരം മന്ത്രി അവതരിപ്പിക്കുന്ന പ്രമേയത്തിന് ബിൽ പൊതുജനാഭിപ്രായം നേടുന്നതിനായി സർക്കുലേറ്റ് ചെയ്യണമെന്നോ വീണ്ടും അതേ സബ്ജക്റ്റ് കമ്മിറ്റിയുടെ പരിഗണനയ്ക്ക് അയയ്ക്കണമെന്നോ ആവശ്യപ്പെടുന്ന ഭേദഗതികൾ നൽകി അതിന്മേൽ നടത്തുന്ന പൊതു ചർച്ച ഒഴിവാക്കേണ്ടതാണ്. സബ്ജക്റ്റ് കമ്മിറ്റി വിശദമായി ചർച്ച നടത്തി സമർപ്പിക്കുന്ന റിപ്പോർട്ടിന്മേൽ അത്തരം ഒരു പൊതു ചർച്ചയ്ക്ക് അവസരം നൽകുന്നതു കാരണം ബില്ലിന്റെ വകുപ്പ് തിരിച്ചുള്ള പരിഗണനയ്ക്ക് വേണ്ടത്ര സമയം ലഭിക്കുന്നില്ലെന്നു മാത്രമല്ല, അതിന്റെ ഗൗരവവും നഷ്ടപ്പെടുന്നു. സഭയുടെ സമയം ലാഭിക്കുക എന്ന സബ്ജക്റ്റ് കമ്മിറ്റിയുടെ രൂപീകരണോദ്ദേശ്യവും നിറവേറ്റപ്പെടുന്നില്ല. എന്നാൽ, സബ്ജക്റ്റ് കമ്മിറ്റി റിപ്പോർട്ടിന്മേൽ ഏതെങ്കിലും അംഗം വിമോചനക്കുറിപ്പ് നൽകിയിട്ടുണ്ടെങ്കിൽ ബില്ലിന്റെ രണ്ടാം വായന സമയത്ത് അതു സംബന്ധമായി ബില്ലിന് അവതരിപ്പിക്കുന്ന മുന്നിടസഭയിൽ ഒരു വിശദീകരണം നൽകേണ്ടതും വിമോചനക്കുറിപ്പ് നൽകിയിട്ടുള്ള അംഗങ്ങൾക്ക് അതിന്മേൽ രണ്ട് ചോദ്യങ്ങൾ വീതം ചോദിക്കുവാനുള്ള അവസരം നൽകേണ്ടതുമാണ്.

3. സബ്ജക്റ്റ് കമ്മിറ്റികൾ ധനാഭ്യർത്ഥനകളുടെ സൂക്ഷ്മ പരിശോധന നടത്തുന്ന കാലയളവിൽ മറ്റു കമ്മിറ്റികൾ യാതൊരു കാരണവശാലും യോഗം ചേരാൻ പാടില്ല.

4. ധനാഭ്യർത്ഥനയുടെ സൂക്ഷ്മ പരിശോധന നിശ്ചിത നാലാഴ്ച കൊണ്ടുതന്നെ എല്ലാ സബ്ജക്റ്റ് കമ്മിറ്റികളും പൂർത്തിയാക്കേണ്ടതാണ്. ഈ കാലാവധി ഒരു കാരണവശാലും ദീർഘിപ്പിക്കരുത്.

5. ധനാഭ്യർത്ഥനകൾ സൂക്ഷ്മ പരിശോധന നടത്തി സബ്ജക്റ്റ് കമ്മിറ്റികൾ നൽകുന്ന ശുപാർശകൾ ഗവൺമെന്റ് ഗൗരവമായി പരിശോധിച്ച് അത് അതേ വർഷം തന്നെ പ്രാവർത്തികമാക്കേണ്ടതാണ്. ഏതെങ്കിലും വകുപ്പുകൾക്ക് കൂടുതൽ തുക

ലഭ്യമാക്കണമെന്ന് ശുപാർശ ഉണ്ടെങ്കിൽ അത് നടപ്പിലാക്കാൻ എന്തു നടപടി സ്വീകരിക്കുവാൻ ഉദ്ദേശിക്കുന്നു എന്നും നടപ്പിലാക്കാൻ സാധ്യമല്ലാത്തപക്ഷം അതിനുള്ള കാരണമെന്തെന്നും വ്യക്തമാക്കുന്ന ധനകാര്യ വകുപ്പിന്റെ സ്റ്റേറ്റ് മെന്റ് ബന്ധപ്പെട്ട ധനാഭ്യർത്ഥനയുടെ ചർച്ചയുടെ അവസാനം ധനാഭ്യർത്ഥന പാസ്സാക്കുന്നതിനു മുമ്പായി സഭയ്ക്ക് നൽകേണ്ടതാണ്. ആയതിലേക്കായി സബ്ജക്റ്റ് കമ്മിറ്റികളുടെ റിപ്പോർട്ടിന്റെ കരട് അംഗീകരിച്ചാലുടൻതന്നെ കോൺഫറൻഷ്യൽ ഡോക്കുമെന്റായി അത് ധനകാര്യ വകുപ്പിന് ലഭ്യമാക്കേണ്ടതാണ്.

6. സബ്ജക്റ്റ് കമ്മിറ്റികളുടെ പ്രവർത്തനം നിയമ നിർമ്മാണം സംബന്ധിച്ച കാര്യങ്ങളിലും ധനാഭ്യർത്ഥനകൾ സൂക്ഷ്മപരിശോധന നടത്തുന്ന കാര്യത്തിലും കരടു ചട്ടങ്ങളുടെ പരിശോധനയിലും മന്ത്രം ഒരുക്കി നിർത്താതെ ചട്ടം 235 (1)-ൽ വ്യക്തമാക്കിയിട്ടുള്ള പ്രകാരം സംസ്ഥാനത്തിന്റെ പഞ്ചവത്സരപദ്ധതികളെക്കുറിച്ചും, പബ്ലിക് സർവ്വീസ് കമ്മീഷന്റെ റിപ്പോർട്ടുകളെക്കുറിച്ചും നിയമസഭയുടെ മുമ്പാകെ അവതരിപ്പിച്ച് അന്വേഷണ കമ്മീഷൻ ഉൾപ്പെടെയുള്ള നിയമപ്രകാരമുള്ള ഏതെങ്കിലും സമിതിയുടേയോ അല്ലെങ്കിൽ സമിതികളുടേയോ റിപ്പോർട്ടിനെക്കുറിച്ചും പൊതുവായി ചർച്ചചെയ്യുകയും അഭിപ്രായം രൂപീകരിക്കുകയും ചെയ്യേണ്ടതാണ്. ഈ മേഖലയിലേക്ക് ചില കമ്മിറ്റികളുടെ പ്രവർത്തനം വ്യാപിച്ചിട്ടുണ്ടെങ്കിലും അവ പൂർണ്ണമായും ലക്ഷ്യപ്രാപ്തിയിൽ എത്തിയിട്ടില്ല. കമ്മിറ്റി അംഗങ്ങളും ചെയർമാൻമാരും കമ്മിറ്റിയുടെ പരിധിയിൽ വരുന്ന ഈ വിഷയങ്ങൾ ചർച്ച ചെയ്യുന്നതിന് പ്രത്യേക താല്പര്യമെടുക്കേണ്ടതാണ്.

കമ്മിറ്റിയുടെ മേൽപ്പറഞ്ഞ ശുപാർശകളിൽ പലതും നടപ്പിലാക്കുന്നതിന് നിയമസഭയുടെ നടപടിക്രമവും കാര്യനിർവ്വഹണവും സംബന്ധിച്ച ചട്ടങ്ങളിൽ ആവശ്യമായ ഭേദഗതികൾ വരുത്തേണ്ടതുണ്ട്.