

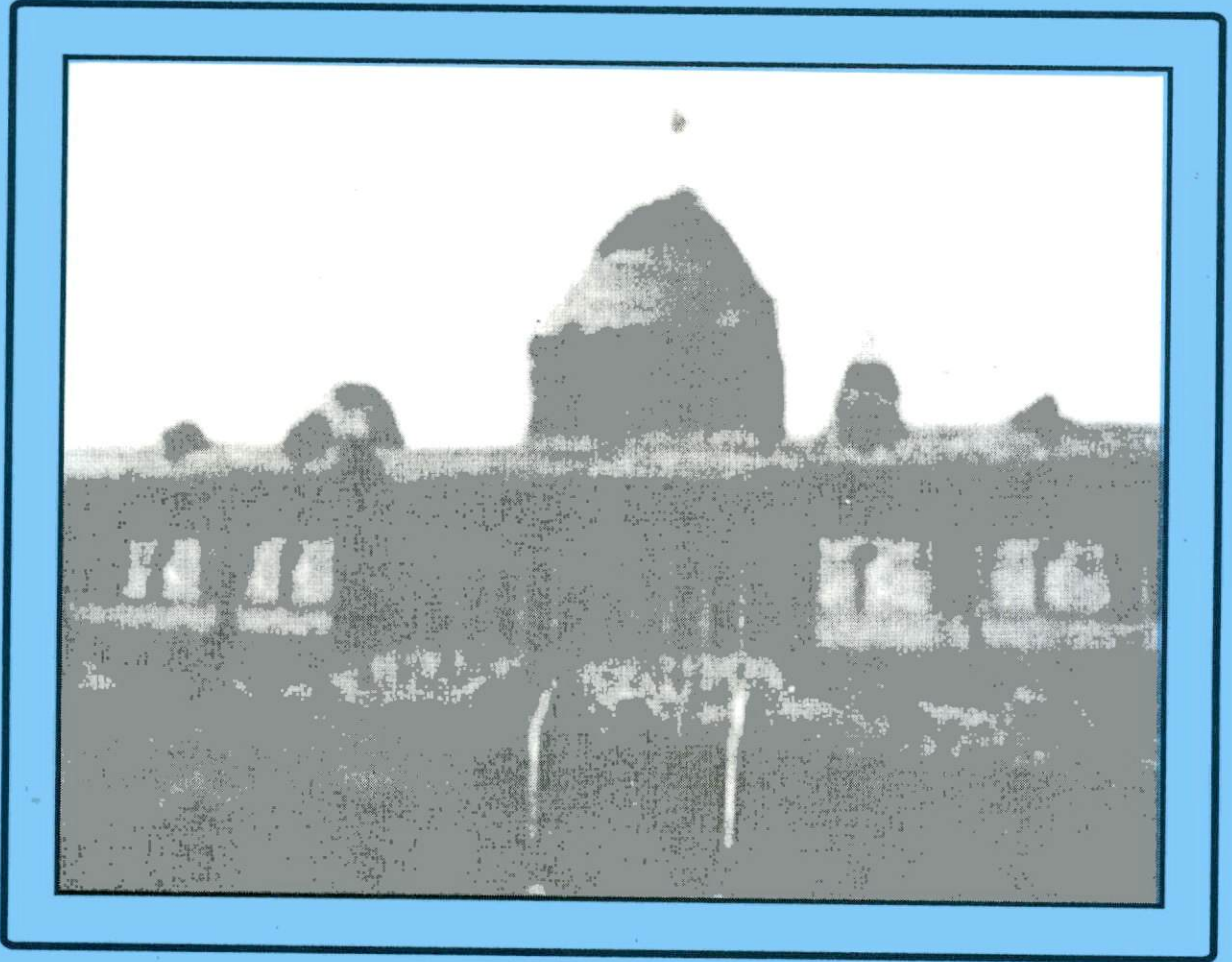
ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮುಕ್ತ ವಿಶ್ವವಿದ್ಯಾನಿಲಯ
ಮಾನಸಗಂಗೋತ್ರಿ, ಮೈಸೂರು - ೫೭೦ ೦೦೬



KARNATAKA STATE OPEN UNIVERSITY
Manasagangothri, Mysore - 570 006

POLITICAL SCIENCE
MA [PREVIOUS]

637



Course - IV
Paper - Major issues in Indian Administration

Block - VI

ಉನ್ನತ ಶಿಕ್ಷಣಕ್ಕಾಗಿ ಇರುವ ಅವಕಾಶಗಳನ್ನು ಹೆಚ್ಚಿಸುವುದಕ್ಕೆ ಮತ್ತು ಶಿಕ್ಷಣವನ್ನು ಪ್ರಜಾತಂತ್ರೀಕರಿಸುವುದಕ್ಕೆ ಮುಕ್ತ ವಿಶ್ವವಿದ್ಯಾನಿಲಯ ವ್ಯವಸ್ಥೆಯನ್ನು ಆರಂಭಿಸಲಾಗಿದೆ.

ರಾಷ್ಟ್ರೀಯ ಶಿಕ್ಷಣ ನೀತಿ 1986

The Open University system has been initiated in order to augment opportunities for higher education and as instrument of democratizing education.

National Education Policy 1986

ಮುಕ್ತ ವಿಶ್ವವಿದ್ಯಾನಿಲಯವು ದೂರಶಿಕ್ಷಣ ಪದ್ಧತಿಯಲ್ಲಿ ಬಹುಮಾಧ್ಯಮಗಳನ್ನು ಉಪಯೋಗಿಸುತ್ತದೆ.ವಿದ್ಯಾಕಾಂಕ್ಷಿಗಳನ್ನು ಜ್ಞಾನ ಸಂಪಾದನೆಗಾಗಿ ಕಲಿಕಾ ಕೇಂದ್ರಕ್ಕೆ ಕೊಂಡೊಯ್ಯುವ ಬದಲು, ಜ್ಞಾನ ಸಂಪತ್ತನ್ನು ವಿದ್ಯೆ ಕಲಿಯುವವರ ಬಳಿ ಕೊಂಡೊಯ್ಯುವ ವಾಹಕವಾಗಿದೆ.

ಡಾ. ಕುಳಂದೈಸ್ವಾಮಿ

"The Open University system makes use of Multimedia in distance education system. it is vehicle which transports knowledge to the place of learners rather than transport to the place of learning.

Dr. Kulandai Swamy

ವಿಶ್ವಮಾನವ ಸಂದೇಶ

ಪ್ರತಿಯೊಂದು ಮಗುವು ಹುಟ್ಟುತ್ತಲೇ - ವಿಶ್ವಮಾನವ. ಬೆಳೆಯುತ್ತಾ ನಾವು ಅದನ್ನು 'ಅಲ್ಪ ಮಾನವ'ನನ್ನಾಗಿ ಮಾಡುತ್ತೇವೆ. ಮತ್ತೆ ಅದನ್ನು 'ವಿಶ್ವಮಾನವ'ನನ್ನಾಗಿ ಮಾಡುವುದೇ ವಿದ್ಯೆಯ ಕರ್ತವ್ಯವಾಗಬೇಕು.

ಮನುಜ ಮತ, ವಿಶ್ವ ಪಥ, ಸರ್ವೋದಯ, ಸಮನ್ವಯ, ಪೂರ್ಣದೃಷ್ಟಿ ಈ ಪಂಚಮಂತ್ರ ಇನ್ನು ಮುಂದಿನ ದೃಷ್ಟಿಯಾಗಬೇಕಾಗಿದೆ. ಅಂದರೆ, ನಮಗೆ ಇನ್ನು ಬೇಕಾದುದು ಆ ಮತ ಈ ಮತ ಅಲ್ಲ; ಮನುಜ ಮತ. ಆ ಪಥ ಈ ಪಥ ಅಲ್ಲ; ವಿಶ್ವ ಪಥ. ಆ ಒಬ್ಬರ ಉದಯ ಮಾತ್ರವಲ್ಲ; ಸರ್ವರ ಸರ್ವಸ್ವರದ ಉದಯ. ಪರಸ್ಪರ ವಿಮುಖವಾಗಿ ಸಿಡಿದು ಹೋಗುವುದಲ್ಲ; ಸಮನ್ವಯಗೊಳ್ಳುವುದು. ಸಂಕುಚಿತ ಮತದ ಆಂಶಿಕ ದೃಷ್ಟಿ ಅಲ್ಲ; ಭೌತಿಕ ಪಾರಮಾರ್ಥಿಕ ಎಂಬ ಭಿನ್ನದೃಷ್ಟಿ ಅಲ್ಲ; ಎಲ್ಲವನ್ನು ಭಗವದ್ ದೃಷ್ಟಿಯಿಂದ ಕಾಣುವ ಪೂರ್ಣದೃಷ್ಟಿ.

ಕುವೆಂಪು

Gospel of Universal Man

Every Child, at birth, is the universal man. But, as it grows, we turn it into "a petty man". It should be the function of education to turn it again into the enlightened "universal man".

The Religion of Humanity, the Universal Path, the Welfare of All, Reconciliation, the Integral Vision- these *five mantras* should become View of the Future. In other words, what we want henceforth is not this religion or that religion, but the Religion of Humanity ; not this path or that path, but the Universal Path ; not the well-being of this individual or that individual, but the Welfare of All ; not turning away and breaking off from one another, but reconciling and uniting in concord and harmony ; and, above all, not the partial view of a narrow creed, not the dual outlook of the material and the spiritual, but the Integral Vision of seeing all things with the eye of the Divine.

Kuvempu



Karnataka State Open University

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮುಕ್ತ ವಿಶ್ವವಿದ್ಯಾನಿಲಯ

M.A. Political Science

(Previous)

Course - IV

MAJOR ISSUES IN INDIAN ADMINISTRATION

Block

6

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Mysore - 6 by **Sri V. Ramanna** Registrar (Administration).

**M.A. Political Science
(Previous)**

Units 23 - 25

Block - 6

INTRODUCTION

Dear Student,

Block 6 Contains Three Units. Unit 23 deals with the Union-State Relations in India and the constitutional position. Unit 24 deals with the Problems and Trends in union-state relations. Unit 25 contains the detail discussion about Executive, Control over administration. Unit 26 deals with Parliamentary and Judicial Control over administration.

Block VI

UNIT-23 Union - State Relations - Constitutional Position:

Structure:

- 23.0 Objectives.
- 23.1 Introduction.
- 23.2 Nature of Union-State Relations.
- 23.3 Union-State Relations in India.
- 23.4 Constitutional Position.
- 23.5 History of Reform of Union-State Relations.
- 23.6 Commissions on Union-State Relations.
- 23.7 Let us sum up.
- 23.8 Key words.
- 23.9 Some useful books.
- 23.10 Answers to check your progress Exercises

23.0 Objectives:

This unit is designed with an objective to familiarize you about the Union-State Relations in India, and its constitutional position. After going through this unit you should be able to understand;

Nature of Union-State relations in India.

Its constitutional position.

23.1 Introduction:

In any federal system of governance it is important to have stated relationship between two or three sets of governments functioning within a political system. Despite clear distribution of powers and functions it is neither possible to have watertight compartment, nor allow overlapping, but it is essential to have an organic relationship that will ultimately provide smooth functioning of the political system. Union-State relationship as in the case of United States, where not only powers but also functions and responsibilities are distributed in a methodical manner to reach out for a harmonious co-existence of two sets of governments not losing the sight of the need for administration, the required autonomy and the welfare of the people at large is a good model. How the Centre-State relationship in India is shaping and how it is affecting the administration are very important questions.

23.2 Nature of Union-State Relations :

It is expected that the nature of Union-State relationship should be invariably smooth and mutually supportive. Despite, idealism it is possible that federal structures might lead to friction thus contributing to slowing down of the functioning of government machinery. In order to avoid this friction constitutions, especially those which are written, deal elaborately on the question of distribution of powers. In spite of this there may arise stress and strain on the two levels of governments depending on their nature and structure. In the case of a country like USA the autonomous states with freedom to act as independent nations because of its age and maturity perfectly coincides with the aim and objectives of America as a nation. In the case of India, which is constitutionally federal in nature but functionally quasi-federal with emergency provisions converting them into centralized system of government or unitary

system there is always the possibility of either the centripetal or centrifugal forces pulling the power equation in favour of the states depending on the political party functioning. Hence, the nature of Union-State relations in a developing country like India, is likely to cause for more tensions as compared with a mature system like USA. There are of course several variables like economic growth; regional development, diversity and self determination clashes that are there in the history of a nation also determine, apart from the other things, the nature of Union State relations.

Federalism, shapes the Union-State relations and begets its peculiar problems. A political contrivance to strike an equilibrium between regional aspiration and country-wide interests, therefore needs, a dynamic, not a dynamic, not a static constitution, and a political party system. While a country's on-going political processes are designed to monitor and reflect such urges, at least partly, it also becomes necessary to align the governing constitution with the ground-level realities. A federal system in other words, is not an immutable one but needs to undergo re-examination at intervals, the aim being to re-adjust or at any rate, re-confirm the equilibrium in the light of emerging situations and compulsions.

23.3 Union-State Relations in India

The framers of the Indian Constitution were not as free as say, the framers of the American Constitution, who had only a few declared principles to guide them. In contrast, the Constituent Assembly functioned closely within the frame work of the Government of India Act of 1935 with its strong unitary bias.

Indeed, the entire administrative tradition of India was distinctly unitary and, therefore, favourable to the Central Government. This culture was powerfully reinforced by the post partition psychology, the communal riots in various parts of the country and Pakistani aggression in Jammu and Kashmir. All this provided the immediate background for the Constitution-making in India.

The Union-State relations in India have always contained seeds of conflict and this partly follows from the arrangements made in the Constitution itself. The Constitution of India made the States deeply subordinate to, and dependent on the Centre in various ways, which was a departure from

the federal principal originally put forward under the Cabinet Mission Plan. The legislative, administrative and financial arrangements devised in the Final document are unmistakable proof of the dominant centrist constitutional culture in 1947. Indeed, the central message which emerges from the constitution, is that the Central Government is not only the Government of *India* but in addition it is also the Government of the other Governments in India. The manner of creation of all India services, of transfer of functions from the State List to Union List, etc.; are among the more glaring instances of the Constitution's solicitation for the Centre. On the top of it, it empowers the Centre to dismiss a state-level ministry and introduce President's rule. Notwithstanding the centrist bias in the Constitution, however, the states in India carry a heavy load of work. The Constitution confers major programmatic responsibilities on them and as such both the components of development and regulatory administration is directly in the State's field of action. But the resource yielding powers are mostly deposited with the Centre, thereby making the States generally dependent on the former for financial support. This was part of the larger scheme of keeping the States under the Centre's discipline and- even control. The imbalance between the functions and resources of the States had been steadily aggravated by the operational realities of the polity. Today, the dependence syndrome has become stronger. The adoption of Planning in India since 1950, making Planning inevitably a centralizing process has contributed to this. The conscious work of Planning for the uniformity of policy over the entire field of Public administration both at the Centre and in the States is a factor in mind. The Constitution of India has set up a horizontal federation whereas the Planning Commission has tended to convert it into a vertical one; the central and State departments of the same portfolios have come to form, so to say, a unit for purposes of planning, programming and expenditure. Centralization, furthermore, received powerful reinforcement from the single party dominance system of the land. The fact of the Congress party being in power at both the levels of government for a long time nearly made the Centre state relations correspond to those between the Pradesh Congress Committees and the High Command in Delhi. When the same party is in power at the Centre and in the States, the problems between them begin to be examined along the party network and to that extent the constitution remains in disuse. Under the single party dominance system, the Centre's relationship with a particular State came to depend on

the political stature of its leadership and the equation it had with the central leaders. But, in the current situation of a shift from this single party domination has led to a continued adjustment among states and the Union.

23.4 Constitutional Position:

A Federal system with a unitary bias is the nature of the Federal Polity In India. It has conferred upon a federal system the strength of a unitary government. Though normally the system of government is federal, the Constitution enables the federation to transform itself into a unitary state in extra ordinary situations.

The Constitution of India establishes a federal polity which has been created by dividing the country into states and allocating them functions as specified in the Constitution. Like all other federations India has a written Constitution which is rigid to a large extent. There is a dual polity and division of powers between the Centre and States.

These characteristics of the federal set-up notwithstanding, the Indian Constitution has a unitary bias. For instance, after distributing the legislative powers in three lists, residual subjects are left with the Union. Even in matters in the concurrent list, the Union government has the final say. Unlike other federations, Parliament in India has a right to change the boundaries of the states. The heads of the States, i.e., the Governors are appointed by the President and are his agents in the States. The Centre can, at any time declare emergency in the States and with that declaration can take over the administration of that state in its own control.

The choice of federalism as a constitutional form was not a sudden development upon the transfer of power on 15 August, 1947. It was there for many years, and, in a limited form it was already in operation in British India. For governing a multi-social, multi-lingual and multi-communal country like India with a vast area and huge population, federalism was only a natural choice. Nevertheless, the framers were cautious to ensure that the unity they sought to establish through federalism was of an abiding nature. In other words, it was their intention to create an indestructible Union and the supremacy of the Union over the States in a number of matters vitally affecting the interests of the nation, was the method.

23.5 History of Reform of Union-State Relations:

The problems of Centre-State relations in India have been discussed by five committees since the inauguration of the Constitution. The period of 1950-66 was characterized by the dominance of the Congress as the ruling party in the Centre and *in* most States, and as such any major controversy over Centre-state relations as did not generally arise, at least in the open. The fourth general elections (1967) changed, for the first time, the political complexion of the country as the Congress was defeated in several States in India. As a result, other parties came into power, and problems of Centre-State relations became acute for the first time. The States mounted a campaign for a re-structuring of relations in a bid to have a higher measure of autonomy financial, legislative and administrative. The history of reform in Union-state relations in India begins with Constituent Assembly itself and traverses through 1967, 1983 and to 2001.

23.6 Commissions on Union-State Relations:

Just before the election in 1967, the Central Government appointed the Administrative Reforms Commission (ARC) whose work included examination of Centre-state relations also. The AKC constituted a Study Team under M.C. Setalved to carry out a comprehensive examination of this problem. The study Team submitted its Report in 1968 making it the base for the ARC, which finalised its own report on the subject in 1969. From there onwards many commissions have been set up in this direction they are dealt in brief in the following pages.

The Setalved Study Team had recommended the constitution of an Inter-State Council composed of the Prime Minister and other central Ministers holding key portfolios, Chief Ministers and others, invited or co-opted. It suggested measures to rationalize the relationship between the Finance Commission and the Planning Commission. Besides, it recommended that the office of Governor be filled by a person having ability, objectivity and independence and the incumbent must regard himself as a creation of the an Constitution and not as an errand boy of the Central Government.

The Administrative Reform Commission in its report noticed that the Central Government had even moved into the field earmarked for the States

under the Constitution and asked it to retreat from it. It recommended the setting up of an inter-State council but made a novel suggestion about its composition. Instead of giving seats in this body to all the Chief Ministers it wanted to have five representatives- one each from the five zonal councils. Much more importantly, the ARC highlighted the need for the formulation of guidelines for the Governor to regulate the exercise of his discretionary powers. This would ensure uniformity of action and eliminate all suspicions of partisanship or arbitrariness. The question whether a Chief Minister enjoys majority support or not should be tested on the floor of the legislature and for this he should summon the Assembly whenever a doubt arises. It also opined that when a ministry suffers a defeat in the Legislative Assembly on a major policy-issue and if the outgoing Chief Minister advises the Governor to dissolve the Assembly with a view to obtaining the verdict of the electorate, the Governor should normally accept the advice.

Tamil Nadu's Centre-State Relations Inquiry Committee:

The central action in setting up a commission to examine inter government relations did not completely satisfy the States. At any rate, Tamil Nadu constituted, in 1969, a Centre-State Relations Inquiry Committee under P.V. Rajamannar to inquire into this field and make recommendations for improving the relations. This committee submitted its report in 1971. The period 1966-70 was one of extreme political fluidity in the country making Centre-State relations a subject of controversy. The controversy was continuously fanned by the manner of use of Article 356 providing for President's rule in the States. In a short period of four years 1967-71, there occurred eleven instances of President's rule in the States. The seventies saw the reverse swing of the pendulum, and the Congress again became nearly the dominant party in the land. Questions of Centre-State relations thus ceased to be matters of public controversy and consequently got relegated to the background, at least temporarily.

The Rajamannar Central-State Relations inquiry committee to recommend the setting up an Inter-State Council but its composition was to be on the lines substantially different from those suggested by the ARC. It recommended that the Council should comprise of all the chief ministers, headed by the Prime Minister. It made other recommendations also. The Governor should be appointed in consultation with the state Government and he should

be ineligible for second term of office as Governor or any other office under the Government. He should have a fixed tenure and is not to be removed except for proved misbehaviour or incapacity after inquiry by the Supreme Court. These provisions were calculated to make him independent of the central political leadership in the discharge of his undoubtedly grave responsibilities. Further, the jurisdiction of Article 356 of the Constitution should be restricted, and the only contingency which may justify the imposition of President's rule under Article 356 should be complete breakdown of law and order in a State, when the State Government itself is unable or unwilling to maintain the safety; and security. of the people and property in the state. The Committee's other recommendations include the transfer of some functions to the State List and re-definition of some items in the Union List. It, moreover, wanted residuary powers of legislation and taxation to be vested in the state legislature. The 282 page Rajamannar Report came out in 1971 but it proved to be still-born, because acting on it lay in the hands of the Centre, which paid no heed to the Report.

The west Bengal Document on Centre-State Relations (1977):

During the early eighties the Leftist Government of West Bengal was articulating the need for a re-definition of the Centre-State relations in India. It sought larger power for the states. It, Particularly, opposed the all-India services and wanted, among others, autonomy in regard to the management of its civil service. The main recommendations may be summerised here. The Preamble to the Constitution of India should be amended to include the word 'federal' in the description of the Republic of India. Consequential changes should also be made replacing the word 'Union' by the expression 'Federation' in all places. To protect the States autonomy, an amendment to Article 248 of the Constitution of India should be made to the effect that legislature of a State should have exclusive power to make any law with respect to any matter not enumerated in the union or concurrent list. Article 249 authorising Parliament to legislate on a subject in the State list under the plea of national interest should be deleted. while enlarging the scope of the states sphere, efforts were required to be made to preserve and strengthen the Union authority by subjects that could be carried out by the Union authority and not by any single State, such as defence, foreign affairs including foreign trade, currency and communications and economic co-ordination. The role of the

Centre should be one of co-ordination in areas such as planning, fixing of prices, wages etc., the Centre might not only co-ordinate, but also issue general direction. The Central Reserve Police or other police force of the Union Government raised to operate in the states was to be withdrawn. The subject of law and order and the policed should be fully in the state sphere, and the Centre should not interfere with its own specially created forces.

The Articles regarding the Finance Commission and the distribution of revenues should be amended so that 75 percent of the total revenues raised by the Centre from all sources, is allocated to different States by the Finance Commission.

Article 356 and 357, which enabled the President to dissolve a State Government or its Assembly or both should be deleted. In the case of a constitutional breakdown in a State, provision must be made for the democratic step of holding election and installing a new government as in the case of the Centre. Similarly, Article 360, which empowered the President to interfere in state administration on the grounds of the threat to financial stability or credit of India, should be deleted. Article 200 and 201, which empower the Governor to reserve bills passed by the Assembly for President's assent, should be done away with. The State Legislatures must be made supreme in the State's sphere and no interference by the Centre in this sphere should be allowed on any ground. In order to enforce the principle of equality of the federating units and to prevent further erosion of the States autonomy, it was suggested that elections to the Rajya Sabha should also be directly by the people at the same time as the Loka Sabha elections and that all States must have equal representation in the Rajya Sabha except those with a population of less than three million. Both Houses must have equal powers.

All India Services such as the IAS, the IPS etc., must be abolished. There should be only Union services and State services and recruitment to them should be made respectively by the Union Government and the State Governments concerned. Personnel of the Union services should be under the disciplinary control of the Union Government and those of the State services under the disciplinary control of the respective State Governments. The Central Government should have no jurisdiction over the personnel of the State services.

Article 368 should be amended as to ensure that no amendment of the Constitution was possible without the concurrence of two-thirds of the members present and voting in, each House of Parliament.

Article 3 of the Constitution, which gives powers to the Parliament to change the area of a State unilaterally, should be suitably amended so as to ensure that the name and area of a State cannot be changed by Parliament to prevent specific conflict between two or of more States in respect / territory. Steps should be taken to amend the Constitution for the settlement of other conflicts (e.g. use of water resources of the same river flowing through a number of States) between the States.

Languages mentioned in the eighth schedule should be allowed in the work of the Central Government and the State Governments at all levels. Any citizen of India would have the right to use his mother tongue in his dealings with any branch of the Government up to the highest stage. English should continue to be used for all the official purposes of the Union- along with Hindi as long as the people of the Non-Hindi regions so desire. It might be necessary to further amend the eighth schedule to include certain other languages such as Nepali.

The special status of Kashmir within the Indian Union, as laid down in Article 370 of the Constitution, should be retained. The way this Article had been worked by the Congress Government at the Centre had raised grave doubts and suspicion among the people of the State. These must be removed.

The Sarkaria Commission on Central-State Relations:

The latest exercises in the field of Central-State relations was undertaken by the Sarkaria Commission on Central-State Relations which the Government of India appointed in 1983. The Commission took four years to complete its deliberations and submitted its report on 27 October 1987.

The report relied heavily on the office of the Governor, considering him as the key functionary in ensuring cordial Central-State relations. The Commission did not approve active politicians being posted as governors. Persons to be appointed as governors should be eminent persons and should be from outside the State. He, moreover, should not be too intimately connected with the local politics and must not be an active politician. Besides, the person to be appointed as Governor must be acceptable to the State

Government and the Chief Minister should be consulted. The recommendation on consultation is a wise one.

The Sarkaria Commission dwelt on the controversial Article 356 of the Constitution relating to President's rule in the States. It did not recommend ending it but sought mending it. Article 356 should be used sparingly after due warning has been given to the erring State. The State Legislature should not be dissolved before the presidential proclamation has been considered by the Parliament. On the appointment of the chief minister, the Sarkaria Commission recommended a four-step formula indicating the order preference. The Governor should invite the leader of the pre-election alliance of political parties winning the largest number of assembly seats. The second step recommended was that the Governor should invite the leader of the largest single party in the Assembly, staking a claim to form the Government with the support of other. This is not only the advice of the Sarkaria Commission but the President of India followed precisely this procedure in ministry-making at the Centre early in 1996.

In 1988 the President of India invited the Governor's comments on the Sarkaria Commission's recommendations on the Governor's role. Most Governors supported its recommendations. In the absence of a clear majority of any single Party, the Governor should invite the leader of the largest single Party. The return of the popular ministry must not be delayed or denied. Raja Bhavan can never be a substitute for Vidhan Sabha: a chamber is always to be preferred to the ante-chamber. Formation of all-India services particularly in technical fields and in inter-governmental council to sort out Centre-state disputes are among other notable recommendations made by the Sarkaria Commission. The main thrust of the Commission was on increased cooperation between New Delhi and the states. The Sarkaria Commission made a total of 247 recommendations of which 24 were rejected, 10 were not considered wholly relevant and 36 accepted with modifications. One hundred and nineteen recommendations are reported to have won the Government's full acceptance.

A persistent complaint of the states in India is the paucity of financial resources at their command, broadly speaking the transfer of resources from the Centre to the state may materializing along three channels in India. The first is the constitutionally enshrined Finance Commission which lays down the formula for sharing of tax revenues. The second is the Planning Commis-

sion which allocates outlays for various sectors under article 282 of the Constitution. and the third is classified as 'other transfers' by the Government of India. The Planning Commission has been set up merely under an executive resolution. Yet, the latter has emerged as a more powerful body restricting in practice, the scope and functions of the Finance Commission which, sadly, finds itself reduced to the level of a body which merely determines the revenue gap of each state and provides for its filling up through a scheme of devolution - of-grants -in-aid and sharing of taxes and duties. what is more, the Finance Commission, it is at present, is deeply one-sided in its approach. While it can examine the financial needs of the states, it lacks authority to look into the financial requirements of the Centre and to recommended funds to it. Also, the Centre demands the units to submit to a kind of discipline from which it itself stands released.

Check your Progress

- Note:-**
1. Use the Space given below for your Answers
 2. Check your progress with the model answers given at the end of the unit.

1. Explain the nature of Union-state relationship.

2. State the recommendations of the Sarkaria Commission regarding Centre state Relations.

23.7 Let us sum up

Dear students, so far we have understood the Union-State relations in India, its nature, its constitutional position and about the recommendations of various committees on it. Here one may note that the dynamics of both democracy and development have significantly changed the framework in which the States now find themselves operating, thus signifying a need for a wide ranging re-examination of Centre-State relations as early as possible, so that they are enabled to have adequate powers as well as resources to meet their growing, even changing patterns of needs. This is possible without weakening the Centre. The big question however is how do we achieve it. The answer to this question came recently when the Constitutional Review Commission appointed by the NDA government under Sri Vajapayee's leadership suggested that the Sarkaria Commission Report was quite extensive on the matter of Union-State relations and that Government should consider implementing it.

23.8 Key words:

Federal - United (of States) but autonomous at two levels

Centripetal - Tending towards the centre.

Centrifugal - Tending to fly from centre.

Commission - A body or board of persons constituted to discharge a task.

Controversy - Disputation.

Devolution - Transfer of power from one level to another.

23.9 Some useful books

Gadgil. V. N. - 'Government from Inside', Meerut, Meenakhi Prakashan, 1968.

Maheswari S.R. - 'Indian Administration', New Delhi, Orient Longman, 2001.

Maheswari S.R. - 'Zonal Councils in the Indian Federal System A case Study', - The Economic weekly, 17 July Bombay, 1965.

'Reports on Centre-State Relationship', New Delhi, Administrative Reforms Commission, 1969.

23.10 Answers to check your progress Exercises:

Check your Progress

1. See section 23.2.
2. See Section 23.6.

UNIT 24 - MAJOR ISSUES IN INDIAN ADMINISTRATION

Problems and trends in Union-State relations.

Structure

- 24.0 Objectives.
- 24.1 Introduction.
- 24.2 Union-State relations in India: An over view.
- 24.3 Problems and trends in the Union-State relations.
 - 24.4.1 Political Dimension.
 - 24.4.2 Administrative Dimension.
 - 24.4.3 Economic and Financial Dimension.
- 24.5 Union - state relations : Trends.
- 24.6 Let us sum up.
- 24.7 Key words.
- 24.8 Some useful books.
- 24.9 Answers to check your Progress Exercises.

24.0 Objectives:

This unit is designed with an objective to familiarize you about the problems and trends in Union-State relations in India. Let us also see and understand where the trends which are emerging in this area are taking Union-State relations in India in the globalized context. After going through this unit you should be able to understand;

- The problems in the Union-State relations in India.
- The emerging trends in this area.
- The ways and means of managing these trends.

24.1 Introduction:

An Federal systems encounter problems in inter- governmental relations, no matter how detailed and elaborate the distribution of functions and resources are between the two levels of governance. This is essentially because the process of adjustment is a dynamic one.

This being the case there are a number of variables which directly or indirectly affect the Union-State relations in a country like India and create certain problems. For example, since independence, India was having a single party dominant system which later on between 1964 and 1967 and in 1977 saw changes leading to the downfall of the monopoly of congress. So far as this monopoly of Congress continued there were very few problems connected to Union-State relations. However, since 1967 with growth of regional political parties, the trends in the Union-State relations changed considerably to place in the centre stage the question of autonomy of States and more freedom to States. Thus, the dynamism of a political system, the political parties that perform in these systems contribute to the growth of the varied trends and problems in Union-State relations.

24.2 Union-State relation in India : An over view:

In India, Union-State relations have taken a new turn after the Fourth General Elections with the regional political parties coming into power (non-Congress coalition governments) in several States and with Congress government at the Centre being reduced to a thin majority. The Union-State tensions before this were, more often than not, an intra-party affair which took the shape of a family quarrel and as such, it was comparatively easy to

resolve it, particularly on account of the presence of the imposing leadership of Sri. Nehru and the prestige that he commanded at the national and state levels. Bargaining pressures were at work and even tensions were generated, as is obvious from stand of B.C. Roy, the Chief Minister of West Bengal, on the Damodar Valley Corporation issue even during those days. But conflict resolution could take place with the help of consultation-consensus technique and that also within the Congress system itself. It appeared that the federal system was operating in a unitary party framework. After the Fourth General Elections the federal system had to operate within a multi-party framework, which perhaps is more akin to the plural social background of Indian federalism. The post Fourth General Election tensions in Union-State relations thus, characterized the transition of Union State relations in India from the stage of one-party dominant politics to the present day multi-party, competitive, and coalition politics.

24.3 Problems and trends in Union-State relations:

The major conflict areas between the Union and the States can be broadly classified into three categories of issues, though no rigid compartmentalization is possible, they are viz., (i) the political dimensions, (ii) administrative dimensions, and (iii) economic and financial dimensions.

24.4.1 Political Dimensions:

There is a tendency in our country to view politics through the constitutional legal mechanism and to suggest constitutional amendments for resolving political problems. Many facets of political life including the Centre-State relations undoubtedly have a legal basis. But, it should be noted that these relations are essentially political and it is important to evolve political solutions rather than to look for legal remedies. However, when the constitutional framework is unstable, and the political context of the relations changes the legal remedies became inevitable. In spite of it can be stated, that in any federation, even the operation of the Constitution is dependent on the dynamics of the political dimension, such as the party alliances, the ideological movements and the people's demands.

In fact, as long as the Congress party was in power at the Centre as well as in all the States, there was little need to use whatever constitutional

provisions were available for managing Centre-State or Inter-State conflicts. These were more like family disputes which could be handled by the elders, the High Command and it was discourteous even to mention these matters in public. It was only when the non-Congress parties formed government in different states, that the party machinery could not be utilised for the inter Governmental disputes. Moreover, inter-party differences also tended to be magnified as inter-government conflicts. The four aspects of political dimensions of Centre: State relations thus are as follows:

- (i) **Dynamics of Political Parties:** As long as the same political party held sway over both the Central and the State levels of the System only intra-party factors were important in determining the Centre-State relations. But in an emerging multi-party system where at least a few of the State government are under parties different from the one in power at the Centre, inter-party factors determine the Centre-State relations and tend to make them more complex. From the viewpoint of the Central Government the various State Governments on the basis of inter-party relations can be divided into three types: (1) identical i.e., of the same party, (ii) congenial, i.e., where ideological and/or interest gap is low, and (iii) hostile, i.e., where the party in power at the state level is radically different in its ideological and political orientation. Normally, relations with the state governments in the first category can be conducted through the framework of the party machinery and party discipline can be invoked to manage the recalcitrant state leaders. Similarly, relations with 'congenial' state governments are easily manageable. Even when the party machinery is not used, there are enough linkages between the two governments which can be utilised. Obviously, the Centre's relations with the 'hostile' State government are more difficult because the gaps in their positions and the conflicting interests are fundamental and compromises are not easily reached on a wide variety of issues.
- (ii) **Politics of Coalition:** The Indian political system has had considerable experience with coalition governments, particularly since 1967. There have been in all a total of 27 coalition governments

in eight states between March 1967 and August 1971. Bihar, of course, has provided the classical example of unstable coalitions, some of which lasted only, for a few days. There are two elements of coalition behavior which affect the Centre-State relations. First, coalition governments particularly those made of several political parties, tend to be unstable and governmental instability in states and/or the Centre adversely affects Centre-State relations. Moreover, a coalition government gives rise to inter-party linkages which are numerous and complex and the inter-party perception of both power and ideology tend to affect the Centre-State relations. If the dominant party at the Centre is a constituent of the coalition government in a state (Kerala coalition of 1982, Jammu and Kashmir coalition of 1975, UP. coalition of 1970, Bihar coalition of 1990, Rajasthan and Gujarat coalition of 1990, Punjab coalition of 1997) the state government can be considered 'congenial'. In this case, there may be a tendency on the part of the Central leadership to use the party linkages for the purpose of inter-governmental relations with State Government. On the other hand, if a state level coalition has excluded the dominant party at the Centre, the State Government may be considered hostile. In this situation, the state leadership of the dominant party would usually like the Central leadership to use governmental power to undermine the state Government (for example, the downfall of the Kerala coalition in 1982 illustrates the view). Since the Centre possesses paramount powers over the State governments, its actions, have great impact on the fortunes of the State Government. If the internal cohesion in the state coalitions is high, Central intervention should tend to stabilise the coalitions and also increase its anti-centre posture.

- (iii) **President's Rule:** One of the more conspicuous and widely used instruments of Central power over the States is the provision for President's Rule under Article 356. This was meant as a safety valve in the political system to prevent an authority vacuum in case of a breakdown of constitutional machinery in a particular state. The experience with the working of Article 356 sug-

gests that during the days of one-party dominance, the President's Rule was used as a device to manage the transitional problem and a short spell of this was usually effective in restoring stability in the States. The situation has changed radically after 1967. Now the use of this emergency device has become more frequent and the critics feel that Centre has used this as a political weapon against the State governments formed by opposition parties. For example President's rule in Tamil Nadu (1976) discovered altogether new and novel dimensions for the application of Article 356 of the Constitution. The DMK Ministry in Tamil Nadu was dismissed from office principally on the ground that it indulged in corruption. But to invoke the tool of President's rule against a State on such charges is to set up a dangerous precedent in the field of Centre-State relations. The dissolution of nine State Assemblies and proclamation of President's rule in 1977 as well as in 1980 was a political move and a blow to the federal democratic structure of the country.

- (iv) **Integrity of States:** A federal system is characterized by two sets of governments with division of powers. The State governments in this system enjoy autonomy in certain areas within their territorial jurisdiction. One of the first tests of a federal system is that the federating units have distinct territorial identity and their integrity is maintained. In this respect, the States in the Indian political system are severely handicapped because the Constitution does not protect their identity and integrity. Article 3 empowers the Parliament to change the territorial integrity and identity of any State. The experience of the post 1956 period suggests that Article 3 has been frequently used to carve out new states and the pressures for its use have continued unabated. Thus, for example, Bombay and Punjab States were bifurcated in response to continued and widespread political agitation. The States like Nagaland, Himachal Pradesh, Meghalaya, Manipur and Tripura were created. There have been two major effects of this continuing States reorganization. First, the integrity of the States have been in doubt. Second, there have been persistent

demands for statehood by Union Territories and the sub-regional groups. As a result, most of the States have sub-regional groups who aspire to have a state of their own. Telengana, Vidarbha, Chhatisgarh, Bodoland, Gorkhaland, Uttaranchal, Jharkhand or Vananchal are a few of the more prominent examples. Since, the Centre alone has the power to create new States, the focus of these demands puts considerable strain on Centre- State relations.

24.4.2. Administrative Dimensions:

Whereas relations between the Centre and the States are essentially political, the operational aspects of the political system can be regarded as the administrative dimension of these relations. The distinction between politics and administration may be possible at the institutional level but in respect of inter-governmental relations the interaction between politics and administration largely determines the substance and style of these relations. An understanding of this administrative dimension is more important in India because unlike other federations, the Indian system contains some unusual features. The Constitution has visualised an administrative system based on the paramountcy of the Centre. Rather than creating parallel administrative structures, the Indian Constitution has provided for a single structure thereby intensifying interdependence of the two levels of government. It is out of the compulsions of interdependence that tensions in Centre-State relations are aggravated. The following major issues are identified here to stimulate discussions: (i) role of the Governor, (ii) bureaucracy; (iii) inter-state disputes, (iv) law and order, and (v) the Constitution.

(i) Role of the Governor: The Governor, as an appointee of the President, has come to be looked upon as chief instrument of Centre's alleged 'conspiracy to topple the ministries in the State. The state governments ruled by the non-Congress Parties just after the Fourth General Elections felt that the gubernatorial offices were being filled by the Union Government with leaders of the Congress Party who had been defeated in the polls and that the ruling party at the Centre was utilizing them to topple United Front governments and to promulgate President's Rule; The Rajasthan Governor Dr.

Sampurnanand, chose, to call the leader of the Congress Party to form the government after his controversial interpretation of the position of the independent MLAs. In West Bengal, the Governor dismissed the Ajoy Mukherjee Ministry in November 1967 because he reached the conclusion that the Chief Minister did not enjoy majority support in the Assembly. After dismissing the United Front Ministry, the Governor appointed a new Chief Minister. It was questioned whether the inclusion into the office of a defector was a sound decision on the part of the Governor. The Governor of U.P., Gopala Reddy, after Charan Singh's part, having been convinced that neither the Samyukta Vidhayak Dal (SVD) nor the Congress was in a position to give a stable administration to the State recommended the dissolution of the Assembly. The main issue that was raised in this case was whether it was not obligatory for the Governor to give a chance to the SVD in deference to the outgoing Chief Minister's advice to form a government.

On many occasion, Governors have dismissed Chief Ministers when the matter should have been decided by the State Legislature. The most controversial in the recent times were, however, the dismissals of Surjit Singh Barnala by S.S. Ray in Punjab (1987), Farook Abdullah by Jag Mohan in Jammu and Kashmir (1985) and N.T. Rama Rao by Ram Lal in Andhra Pradesh (1984). The dismissal of the Janata Dal Government in Karnataka (April, 1989) and Kalyan Singh Government in UP. (1998) are some of the violations of constitutional propriety by the Governor of a State.

The constitution is quite clear on the appointment of the Governor. Article 155 provides that the Governor of a state shall be appointed by the President." The provision was further modified in practice by two conventions. Firstly, the powers of the President in respect of the appointment of Governors were exercised by the Union Cabinet, more specifically the Prime Minister and the Home Minister. Secondly, the Chief Minister of the concerned State was consulted in advance of the appointment. This worked well until 1967 because generally the Chief Ministers and the Governors belonged to the same political mainstream. But this became a subject of public debate after the conflict between the Governor and the cabinet in West Bengal. The United Front Government of West Bengal demanded the withdrawal of Governor Dharamavira and asserted its right to accept or turn down the Centre's choice for governorship in the State. In Bihar also the state cabinet openly expressed its un willingness to accept as Governor the

person appointed by the President.

(ii) The Bureaucracy: Bureaucracy is another area of friction between the Central Government and States. The points at issue are the neutrality of services and formation of new All-India Services. It is being questioned whether the services, which hitherto were called upon to implement the programs and policies of the Congress Party governments along would implement with the same honesty and zeal the policies of the OMK and AIDMK in Tamil Nadu, Akali Oal in Punjab, CPM in West Bengal, and for that matter, a government of any other political complexion in any of the remaining States. Another issue of vital importance is the question of the formation of All-India Services and the general indifference or even opposition, to such a move on the part of States. Three reasons are advanced for this resistance: (a) the All-India Services cuts at the effective spread of State services, thus reducing the employment opportunities for the sons of the soil (b) the All-India Services encroach upon State autonomy and (c) they also involve larger expenditure because of high salary scales. Members of the All-India Services look to the Centre for protection which may be to the detriment of state's political authority. Indeed, the All-India Services are already becoming suspect in the eyes of the States ruled by political parties adopting a leftist or regional stance. E.M.S. Namboodiripad, the former Chief Minister of Kerala, openly questioned the validity of the All-India Services, the members of which "are recruited and trained by the Congress Government at the Centre and posted to States in many of which are non-Congress governments"

(iii) Inter-State Disputes: The other tension areas are the areas of Inter-State conflicts rather than cases of disputes. Normally, an inter-state conflict increases the bargaining power of the Centre vis-a-vis the concerned States and therefore it may be in the interest of the Centre to keep these disputes alive. Moreover, since the Centre is empowered by the Constitution to settle these disputes, the concerned States direct their demands and frustrations at the Centre and convert these conflicts into issues of Centre-State relations.

In India., there are two types of inter-state disputes, viz., inter-state water disputes and inter-state boundary disputes. The major inter-state water disputes are the Krishna water dispute between Mysore and Maharashtra Cauvery water dispute between Kamataka, Kerala and Tamil Nadu and

Narmada water dispute between Gujarat, M.P., Maharashtra and Rajasthan. Inter-State boundary dispute represents the unsettled issue of reorganization of States. There have been many such disputes in the past, but the prominent disputes are: Mysore-Maharashtra dispute, Punjab-Haryana dispute, Assam Nagaland dispute. etc. The Centre's involvement in these disputes is more as an arbitrator than as an interested party and it thus gets caught in inter State cross fires. The disputes manifest themselves not in a movement away from the Centre but in a concentration of conflicting pressures on it, which cut across party lines. For instance, the Mahajan Commission on Mysore-Maharashtra boundary dispute makes an interesting case study. When the Centre appointed the Mahajan Commission, the Maharashtra Government favoured it while the Mysore Government opposed it. The Commission's recommendation, however, were in favour of Mysore and so Mysore demanded implementation of the Mahajan Report but Maharashtra naturally opposed it, thus creating a stalemate for the Centre.

(iv) Law and Order: In the functional sphere the law and order issue has been the most fertile ground of disputes. The Constitution makes the State government responsible for maintenance of public order as well as protection of the Central Government property located in the State. The properties of the Centre and its undertakings are spread all over the country. The most conspicuous instance is that of the railways. Any disruption in the effective functioning of the Central undertakings will cause inconvenience to the public, to avoid such a situation, the Constitution authorises the Centre to give directives to various State governments. In case of non-compliance of any State governments to Central directives, the Centre could resort to the extreme step of taking over the administration of such a State under Article 356.

Apart from regular armed forces, the Centre has the Central Reserve Police (CRP) constituted under the Act of 1939, The CRP is described as a "force charged with the maintenance of public order." Police is a State subject. It is not even in the Concurrent List. Yet the Central Government has built up a huge and ever increasing Central Police Force.. The Force today has strength of 1,67,322 comprising 137 battalions, 5 Signals (199 Executive Battalions, 10 Rapid Action Force Battalions, 2 Mahila Battalions, 5 Signals Battalions, 1 Special Duty Group) 30 Group Centers. 8

Training Institutions, 3 Base Hospitals, 7 Arms workshops and one Central Weapon Stores. In the last two decades, the expenditure on CRPF has gone up from Rs. 32 Crores to Rs. 1,249.2 Crores between 1965-66 and 1997-98. The basic problem arises from the role of the Centre in periods of strife, like strikes, bandhs, gheraos and general lawlessness. In some of the states, like Kerala and West Bengal the situation assumed alarming dimensions. What should the Centre do if the State government do not effectively safeguard the Central Government properties? For example, on 17 September 1968, the Kerala Government turned down the Centre's request that necessary measures, including arrests and prosecution, should be undertaken under the provisions, of the Central Ordinance, promulgated as a sequel to the Central employees strike. Under such circumstances, when the CRP was deployed in the State, it led to Centre-State confrontation. Similarly, One may recall the Durgapur and Cassipore episodes in West Bengal where the deployment of CRP units gave rise to similar Centre-State tensions. As events (Andhra, 1984 for example) have shown, Central forces were deployed purely for political reasons.

The CRP by 1998 had over 137 battalions and the Border Security Force (BSF), that was created after the Chinese aggression in 1962, had nearly 175 battalions. The Central Government deployed the BSF units in several States, at times dealing with peaceful agitations of the people, as in Bihar and U.P. The BSF has also been deployed to fight terrorism/militancy in the state of Jammu and Kashmir and insurgency in the Eastern sector.

Very recently the RJD State Government of Bihar and the CPM Government of west Bengal questioned the legality of the Central team's visit to the states to as assess law and order. "The present exercise by the Central Government (to send teams to Bihar and west Bengal) is not in the spirit of cooperative federalism as envisaged in the constitution but is outright an example of confrontational federalism." Constitutional expert and senior advocate Rajiv Dhawan said. However the Union Home Minister L.K.Advani had said that "I agree that law and order is a State subject but under Article 355 the Union Government is duty bound to protect the state from internal disturbances.

It's true that the police power is the inherent power of every State. It is impossible to think of a State without this basic authority. Thus, though

“Police” as a subject is, undoubtedly allocated to our State, the Centre also has the inherent police power to discharge its multifarious duties as a state. It is unthinkable that the states are totally free to manage their law and order in the way they like and half a million strong paramilitary force with centre is just meant to be a mercenary army maintained for the benefit of the State.

(v) **Constitution:** The Constitution of the country is federal in form but unitary in spirit. The party in power at the Centre is content with the existing constitutional framework, while the regional parties and the States ruled by the non-Congress governments demand a thorough revision and change. They stand for a thorough re-examination and introduction of amendments of far reaching importance in the Constitution so that Centre-State relations could be re-arranged and the states can acquire more power. Thus these kinds of demands as often as possible keep the political system alive and helps towards perfecting the system over a period of time.

24.4.3. Economic and Financial Dimensions:

Complaints from States were almost unanimous that the Centre had not shared taxes with them in the spirit of the Constitution, that they had to perform the ever widening functions in development and social services, but matching finances were not being transferred to them from the Centre, and that under the existing system of allocation of funds the rich States got more and poor States less, which resulted in an ever widening gap. Apprehending lest the Central assistance to the States should be made selectively and not on political considerations, the framers of the Constitution had provided for an independent agency, a Finance Commission, under Article 280. But the mechanism did not work well because the Finance Commissions that were set up from time to time handled and controlled only the Statutory grants-in-aid, and quantum of money at their disposal was very limited. The bulk of the funds assigned by the Union to the States fell within the category of discretionary grants and these were made on the recommendations of the Planning Commission. Whereas the Finance Commission was the creation of the Constitution, the Planning Commission was the offspring of the Union Government. The Prime Minister was its Chairman and the Minister of Planning became its Deputy Chairman. Later on, D.P. Dhar, P.N. Haksar, Lakdawala and Swaminathan held this post. All of them were close confidants of the

Prime Minister. Most of the administrative staff of the Commission was drawn from the Union Ministries. In such a situation, the policies and decisions of the Planning Commission could not be distinguished from those of the Central Government. What and how much grant was made to a particular State was formally a decision of the Planning commission, but that was allegedly made by the Centre.

The Planning Commission controls the development activities of all the States. Even the legislative activities of the State governments relating to such subjects of the State List as agriculture, education, health and co-operation passed into the hands of the Planning Commission. For instance, the land reforms schemes of the States were examined by the Land Reforms Division of the Planning Commission before a bill incorporating them could be introduced in the legislature. In fact, there was hardly any development activity of the State Governments where the Planning Commission was not involved. Voices were, therefore raised that the Planning Commission had become another 'super government' which had made the States subservient to the Centre. Demands were made by the States that the Planning Commission should be made an independent autonomous body and should not merely be a wing of the Central Government.

All the States want the location of some industrial project within their territory. They particularly demand the location of public Sector undertakings of the Central Government which encompass most of the basic industries, such as iron and steel, heavy electricals, heavy engineering, fertilizers and so on. The location of a basic industry with huge investment and tremendous employment potential, has a multiplier effect on the further development of the region in which it is located. The location of large public sector industries, on the other hand, is preceded by claims and counter-claims by the different State coupled with lobbying with the Centre. The circulation of the demand often assumes the form of open protests, like agitation's, strikes and bandhs. For instance, there was a big agitation in 1966 in Andhra Pradesh for the location of the fifth steel plant at Vishkhapatnam. Similar agitation's for the location of the same plant also took place in Mysore and Tamil Nadu. The political leadership in these States, including the Chief Ministers, actively supported the popular agitations and in some cases took initiative in organizing them. Ultimately, the Union Government partly conceded the demands of all these States by splitting the integrated fifth steel plant into three smaller plants

and allocating them to each of these agitating States. Orissa's demand for the location of yet another steel mill Orissa and Kerala's competition for the location of the second ship-building yard, and Andhra and Rajasthan's competition for the location of copper and zinc smelter plants are few of the examples which highlights inter-State rivalry in location of the Central projects. As long as the location of the Central projects are decided on the basis of outcome of the bargaining process, every projects is likely to generate tensions in Centre-State relations. Thus in assessing the problems of the Union-State relations one has to take into account the above mentioned dimensions to have a clear perception of the issue concerned.

24.5 Union-State relations: Trends

From single party domination to the coalition of today, the trends of the Union-State relations could in academics be termed as a trend towards perfecting a system. For a country like India, the obvious and conscious choice was a federal system with its inherent defects, but at the same time a perfect mechanism that truly provided an opportunity to represent diversity. Having accepted it, it is but natural to expect plurality of political parties growing like mushrooms to represent and have a share of their 'power of flesh' in governance. However, this trend will not in any way affect the country or its stability in the long run as some experts express their apprehensions. Experiences have in the past shown that this process will only lead to a tri or bi party alternative in the years to come. Hence the trends in Union state Relations whether or not tensed, is alive and active and dynamic and ensure a living and vibrant federal system in India.

In fact, the factors responsible for the tension in Centre state relations are politically motivated. In the first instance, the Constitution has provided for a federal system of government with an exceptionally strong Centre. This has naturally made the states apprehensive and suspicious of the policies of the Central Government. Secondly, the partisan attitude adopted by the Central government towards various states has also been responsible for tension between the Centre and States. Thirdly, the difference in the ideology of the party in power at the Centre and the party in power at the State level has also been responsible for tension in the Centre-State relations. The negative role which some of the political parties have played has also been

responsible for strained relations. These political parties deliberately raised certain disputes and saw to it that they were not amicably settled, so it the could continue to lead the agitation and make selfish gains.

The best way to avoid Centre-state conflict therefore is for the Centre to show its imagination, understanding and a spirit of accommodation, and to grant the States adequate finance without discrimination. The current situation is that we have a co-operative federalism in India without the Congress dominated system. It is in search of a new anchorage amidst pressures of democracy, national development, regional growth and state autonomy. It is our hope that it will survive many more such onslaughts to be a model to the world at large.

Check your Progress

- Note:** 1. Use the Space given below for your Answers
2. Check your progress with the model answers given at the end of the model.

1. Discuss the problems and dimensions of centre-state relationship.

2. Explain the problems of political dimension with regard to centre-state relationship.

24.6 Let us sum up:

Dear students, so far we have attempted to understand the problems involved in Union-State relations in India, and even tensions and how they contributed to the growth of varied trends in Union-State relations. And it will be discovered that the problem of Indian federalism is an exercise in politics. The nuances of this relationship are ultimately political and may not always be derived from the Constitution. The problem of Centre-State rela-

tionship thus calls for, mutual ways and means of avoiding a confrontation between the two.

24.7 Key words:

Autonomy - Power of self-government.

Bargain - Push and Pull Over terms of give and take.

Intervention - Interfere, so far as to prevent or modify result.

Dissolution - Dismissal of assembly.

Dispute - Controversy.

Bifurcation - Divide into two branches.

24.8 Some useful books:

B.L. Fadia, 'Indian Government and Politics,' Agra, Sahitya Bhavan, Publications, New Delhi, 2000

B.K. Banerji, 'Centre -state relations: A critique of west Bengal Memorandum', Mainstream, 11 March, 1978.

M.S. Dhami, 'Political Parties and State Autonomy Issue - A case of Akali Party' in K.K. Bombwall, ed. National Power and state Autonomy, Meerut 1977.

24.9 Answers to check your progress exercises:

Check your Progress

1. See Section 24.3
2. See Section 24.4.1

UNIT – 25 MAJOR ISSUES IN INDIAN ADMINISTRATION

Control over Administration - Ministerial control

Structure

- 25.0 Objectives.
- 25.1 Introduction.
- 25.2 Salient features of the cabinet System.
- 25.3 Council of Ministers as members of Cabinet and their responsibility.
- 25.4 Control over Administration through cabinet.
- 25.5 Ministerial Responsibility and Control over administration.
- 25.6 Position of the Primer Minister in the Council of Ministers.
- 25.7 Council of Ministers and Their Performance.
- 25.8 Let us sum up.
- 25.9 Key words.
- 25.10 Some useful books.
- 25.11 Answers to check your Progress Exercises.

25.0 Objectives:

This unit is written with an objective to familiarize you about the most

important aspect of control over the administration in India, that too especially of the ministerial control over it. After reading this unit you should be in a position to understand

- Control over Administration in India in general and
- Control over it through cabinet, Prime minister and the council of ministers.

25.1 Introduction:

Administration has always taken an upper hand over the political executives in India, who are temporarily in and out of the office and also because the 'democratic' form of governance has its faith in the inherent 'wisdom' of the elected representatives as against the 'literate' wisdom. From the angle of governance, this is a bane in administration which makes Administrators the real masters and their bosses rubber stamps. However, in a Parliamentary system certain control mechanisms are built in by those who conceptualized it and in this part let us study and understand it.

25.2 Salient features of the cabinet system:

India has adopted the Parliamentary form of government. The parliamentary form of government, having its best form in the English political system, may be described as the rule of the majority party working under the leadership of the Prime Minister with the help and co-operation of his trusted colleagues having charge of important portfolios and in which all have their sense of responsibility towards the Parliament and ultimately towards the people who are their real constituents.

Though the essential principles of parliamentary government continue to remain in observance, a great many changes have occurred in the sphere of relationship between the Cabinet and the Parliament so much so that the very name 'parliamentary government' has been replaced by a more popular one- 'Cabinet government' The cabinet has become, as W.B. Munro said, the "single most important piece of mechanism in the Constitutional structure" or as Ramsay Muir says, "the steering wheel of the ship of the State" A great degree of difference has come to exist in theory and practice, "In theory, it (Cabinet) is dependent upon Parliament; in practice it is the

master of Parliament.” This type of executive has the following essential features:

1. A Nominal Head: The first pre-requisite of this type of government is the presence of a Head of state endowed with nominal authority. The entire administration is run in his name. All powers are formally vested in him but are exercised by his ministers accountable to the parliament. Its best example can be found in the British monarch or in the Indian President who is said to rule, but not to govern. Hence, the control over administration is finally but nominally is with the President.

2. Leadership of the Prime Minister: The prime minister holds the real executive authority and, as such, he may be described “the real working head of the state. He is the Chief spokesman of the government, keystone of the Cabinet arch and leader of the House”. He commends administrators to work for his government to reach out his policies and programmes to the people.

3. Political Homogeneity: The Prime Minister is the leader of the party enjoying clear majority in the Parliament. All ministers belong to the same party that has its leader as the Prime Minister. It may be possible that two or more parties join to form a coalition government when no party is *in* a position to have absolute majority in the Parliament. This enables them to force upon and control administrators to work as neutral and permanent executive to carry out orders.

4. Collective Responsibility: The most important feature of this government is the principle of collective responsibility of the ministers to the parliament. It means that they can live in office only so long as they enjoy confidence or pleasure of the Parliament. They are collectively responsible, they sink and swim together. They therefore make or mar governments along with the support or opposition from administrators.

5. Sound and Effective Opposition: The last requirement of the Cabinet system of government is the existence of a sound and effective opposition that may exercise check on the government so as to prevent it from taking to a path basically opposed to the existence of a democratic political system. They are also the faultfinders and help governments to fix accountability on

administrators being watchdogs of a performing of democracy.

The Cabinet system in India is working exactly on the same lines as it is practiced in England. The President of India does not attend or preside over the meetings of the Cabinet. The Cabinet has political responsibility towards the Lok Sabha. There is the leadership of the Prime Minister. In selecting the Prime Minister, the President must obviously be restricted to the leader of the party in majority in the Lok Sabha, or a person who is in a position to win the confidence of the majority in that House.

25.3 Council of Ministers as members of cabinet and their responsibility

The Constitution does not classify the members of the Council of Ministers into different ranks. All this has been done informally, following the English practice. It has now got legislative sanction, so far as the Union is concerned, is Sec.2 of the Salaries and Allowances of Ministers Act, 1952, which defines Minister as a "Member of the council of ministers, by whatever name called, and includes a Deputy Ministers."

However in practice, all the Ministers, do not belong to the same rank. They are classified under three ranks: (a) Cabinet Ministers or 'members of the Cabinet'; (b) Ministers of State; (c) Deputy Ministers.

The Cabinet rank ministers are the head of their departments. The Ministers of State are not formally of Cabinet status but may be paid the same salary as the Cabinet Ministers and they may also hold independent charge of their department. The Deputy Ministers are paid lesser salary than the Cabinet rank Ministers and have no separate charge of a department.

The number of members of the council of Ministers is not specified in the Constitution. It is determined according to the exigencies of the time. At the end of 1961, the strength of the Council of Ministers of the Union was 47, at the end of 1975, it was raised to 60, and in 1977, it was reduced to 24, omitting the category of Deputy Ministers.

The rank of different Ministers is determined by the Prime Minister according to whose advice the President appoints the Ministers and also

allocates business amongst them. While the Council of Ministers is collectively responsible to the Lok Sabha and Article 78(c) enjoins the Prime Minister, when required by the President, to submit for the consideration of a Council of Ministers any matter on which a decision has been taken by the Minister but which has not been considered by the Council, in practice, the Council of Ministers seldom meets as a body. It is the Cabinet, an inner body within the Council, which shapes the policy of the Government.

While Cabinet Ministers attend meetings of the Cabinet of their own right, Ministers of State are not members of the Cabinet and they can attend only if invited to attend any particular meeting. A Deputy Minister assists the Minister in charge of a Department or Ministry and takes no part in Cabinet deliberations. He will also look after the day-to-day administration and confidentially works hand in hand with his senior colleagues.

25.4 Control over administration through the cabinet:

The word Cabinet is not mentioned in the Constitution, but usage has equated its functions with those assigned to the Council of Ministers under the Constitution. The Cabinet, the inner body of the Council, is composed of the principal ministers who, while holding important portfolios, are responsible generally for the Government's administration and policy.

The Cabinet must be small enough but its size, which has ranged between 12 and 18, has more often been the result of political considerations than of decision making efficiency. The composition of the cabinet reflects a concern for a degree of regional balance and for the representation of important communities Muslims, Sikhs SCs, STs and OBCs.

The Cabinet has four major functions; to approve all proposals for the legislative enactment of Government policy, to recommend all major appointments, to settle interdepartmental disputes and to co-ordinate the various activities of the government and oversee the execution of its policies.

Only members are entitled to attend the weekly meetings of the Cabinet, but ministers of state, Chief Ministers and technical experts may be invited to attend discussions on subjects with which they have a special concern. Voters are rarely taken in the Cabinet; decisions usually are reached after discussion by a consensus. Only major issues are referred to the Cabi-

net, and frequently even these, such as the preparation of the budget, are decided by the appropriate minister in consultation with the Prime Ministers.

The work of the Cabinet is handled largely by Committees. The Cabinet Committees, organised by Nehru to co-ordinate the functions of the various ministries, were largely dominated by a few ministers. As Prime Minister, Nehru, himself was Chairman of 9 of the 10 Committees and the Home Minister was a member of all Committee of the Cabinet, set-up in 1962 and composed of six senior ministers including the Prime Minister, then in Nehru's last years these committees to assume the role of an inner Cabinet and took over many of the decision making responsibilities of the whole Cabinet.

25.5 Ministerial responsibility and control over administration:

As to ministerial responsibility, it may be stated that the Constitution follows in the main, the British principle except as to the legal responsibility of individual, Ministers for acts done by or on behalf of the President.

The principle of collective responsibility is codified in Article 75(3) of the Constitution "Council of Ministers shall be collectively responsible to the House of the People." So, the Ministry as a body, shall be under a constitutional obligation to resign as soon as it loses the confidence of the popular House of the Legislature. Their collective responsibility is to the House of the People even though some of the Ministers may be members of the Council of States.

Of course, instead of resigning, the Ministry shall be competent to advise the President to exercise his power of dissolving the legislature (Lok Sabha) on the ground that the House does not represent the views of the electorate faithfully.

The Principle of individual responsibility of the Minister to the head of the state is embodied in Article 75(2) "The Ministers shall hold office during the pleasure of the President." The result is that, though the Ministers are collectively responsible to the Legislature, they shall be individually responsible to the Executive head and shall be liable to dismissal even when they may have the confidence of the Legislature. But since the Prime Minister's advice will be available in the matter of dismissing other Ministers individually, it may be expected that this power of the President will virtually be, as in England, a power of the Prime Minister against his colleague to get rid of an undesirable colleague even where that Minister may still possess the confi-

dence of the majority in the House of the People. Usually, the Prime Minister exercises this power by asking an undesirable colleague to resign, which the latter readily complies with, in order to avoid the odium of a dismissal.

25.6 Position of the Prime Minister in the Council of Ministers:

As in England, the Prime Minister is the “keystone of the Cabinet arch.” Article 74 (1) of the Constitution expressly states that the Prime Minister shall be ‘at the head’ of the Council of Ministers. Hence, the other Ministers cannot function when the Prime Minister dies or resigns.

In England, the position of the Prime Minister has been described by Lord Morley as ‘primus inter pares’, i.e., ‘first among equals’. In theory, all ministers or members of the Cabinet have an equal position, all being responsible to Parliament in the same manner. Nevertheless, the Prime Minister has a pre-eminence, by convention and usage. Thus, the Prime minister is the Leader of the party in majority in the popular House. He has the power of selecting the other Ministers; the allocation of business amongst the Ministers is a function of the prime Minister. He is the Chairman of the Cabinet; the resignation or death of the Prime Minister dissolves the Cabinet. He is in charge of co-ordinating the policy of the Government.

In India, all these special powers will belong to the Prime Minister in as much as the conventions relating to Cabinet Government are, in general applicable. But some of these have been codified in the Constitution itself. His power of advising the president as regards the appointment of the other Ministers is thus embodied In Article 75 (1). As to his functioning as the channel of communication between the president and the Council of Ministers, the Article 78 provides:

“It shall be the duty of the Prime Minister to (a) communicate to the president all decisions of the Council of Ministers relating to the administration of the affairs of the Union and proposals for legislation: (b) to furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the president may can for, and (c) If the President so requires to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council”

The following are the salient features of India’s Cabinet system:

1. The Prime Minister determines the composition of the Council of Ministers as well as its inner core, the Cabinet.

2. Members of the Council of Ministers are generally appointed from the Prime Minister's own party, and they must be or become members of parliament. After 1989 coalition cabinets too are formed. H.D. Deve Gowda's Ministry was a 13 party coalition while I.K. Gujral's Ministry was a 15 party coalition. The present Vajpayee Ministry is a motley crowd of 19 constituents. Without all their Co-operation, the Vajpayee's Government is a non-starter. Likewise, without the support of Independents and other minor parties, the coalition Governments could lose its "working majority".

3. The Council of Ministers consists of the Cabinet Ministers, Ministers of State and Deputy Minister.

4. The Ministry is jointly responsible to the House of the People.

5. The Cabinet is composed of the senior most ministers. In the process, it has also taken over functions assigned by the Constitution to the Council.

6. Although the Cabinet is the creature of Parliament, it is a creature that leads its creator.

25.7. Council of Ministers and their performance:

The Council of Ministers forms the Government of the Union. It is headed by the Prime Minister, who is the head of the Union government. Its powers and functions may be discussed as below:

1. **Legislative Functions:** The Council of Ministers controls the legislature of the Union Government, i.e., Parliament. It formulates its policy, submits and explains it to Parliament for approval. Since it holds majority in Parliament, it is always sure of the acceptance of its policy. The entire legislation of importance passed by Parliament is initiated by the Ministers.

2. **Financial powers:** The Cabinet controls the financial policy of the Union. It is the Finance Minister who submits the budget to Parliament. Parliament approves the budget expenditure and revenue items in its original form with the support of a subservient majority.

3. **Executive powers:** The Council of Ministers is the executive of the Union. The Ministers preside over the various departments of the government and give direction to the administration. The Cabinet brings about Co-ordination of policy among various departments and settles their conflicts.

The Cabinet formulates policies of the Country and executes the five year plans.

Today, powers of the Parliament have been usurped by the Cabinet. The responsibility of the Cabinet has been converted into its mere responsiveness. The immensely increasing power of the Cabinet cannot be denied and along with it one cannot disagree with the critical observation that though nominally supreme, the Parliament has virtually become subservient to the Cabinet. However, the powerful position of the Cabinet in India should not be described as its 'dictatorship'. There is nothing like the 'dictatorship of the Cabinet' in the Indian context.

The Cabinet form of government was undoubtedly twisted out of shape during the Premiership of Indira Gandhi, especially after the Congress split in 1969. During the emergency it was reduced to mockery. Rajiv Gandhi not only restored the cabinet government, he further undermined it. His cronies dominated the decision making process from outside the Cabinet, within the Cabinet, the Ministers were afraid to speak out their mind. Cabinet meetings were not the forum of serious discussion of policies; they were the occasions for competitive adulation of the Leader. But despite the erosion of cabinet government, it functioned not wholly unsatisfactorily during the long tenure of Nehru despite of the personal ascendancy he achieved after Sardar Patel's death. Again the system worked well comparatively under the brief terms of Lal Bahadur Shastri and Morarji Desai.

There has been a steady decline in the caliber of our Ministers. The first Union Cabinet included Jawaharlal, Sardar Patel, Maulana Azad, Ambedkar, Dr. John Mathai, etc. All of them had competence and vision. How many of the Ministers of the present Union Ministry pass this test? Highly disgusted with some inclusions in the Union Cabinet in June 1988, the then BJP President had remarked: "There is less and less concern for ability, the Cabinet has been turned into a waste-basket of rejected Chief Ministers."

Check your Progress

Note: 1. Use the Space below for your Answers

2. Check your Progress with the model Answers given at the end of the unit.

1. Mention the features of the Cabinet System.

2. Explain the functions of Council of Ministry.

25.8 Let us sum up:

While summing up a fact must be taken into account that in a democracy fixing responsibility is a difficult task of the complex parliamentary and collective responsibility factors. As a result, the executive does not control administration effectively. If at all there is any control it is in appeasement and in making administrators partisan instead of allowing them to be neutral. While the functions of policy making and overlooking implementation gives enough scope to the executive to control administration these things are rarely done. However, the mandatory power to transfer and to punish officials for their anti people attitude or for overriding the directions given provide a considerable amount of control over administration by the ministers.

25.9 Key words:

- Homogeneity - Of the same kind.
Portfolio - The Charge of work held by a minister.
Convention - Agreement between the parties a practice established over time.
Nominal - Existing in the name only.
Ascendancy - A state of being dominant or on the rise.

25.10 Some useful Books:

1. B.C. Fadia - Indian Government and Politics

25.11 Answers to check your Progress Exercises:

Check your Progress

1. See Section 25.2

2. See Section 25.3

NOTE

UNIT - 26 Parliamentary Control and Judicial Control

Structure:

- 26.0 Objectives
- 26.1 Introduction
- 26.2 Parliamentary Control
 - 26.2.1 Control over the Executive - through No-Confidence Motion
 - 26.2.2 Control over Policies and Actions ,
 - (a) Questions
 - (b) Various Motions
 - (c) Member's Resolutions
 - 26.2.3 Financial Control
 - (a) Through Budgetary Process
 - (b) Through Various Committees
- 26.3 Judicial Control
 - 26.3.1 Suits against Government and Government Servants
 - 26.3.2 Extra-ordinary remedies i.e. various writs
 - 26.3.3 Judicial Activism
- 26.4 Let us sum up
- 26.5 Key Words
- 26.6 Some useful books
- 26.7 Answers to check your Progress Exercises

26.0 Objectives

After going through this unit you will be able to understand:

- the methods of Parliamentary control over administration, and
- how judiciary tries to control the administration.

26.1 Introduction

We all are aware that to-day, it is not possible for any State, whether it is democratic or otherwise, to achieve the end, without administration. This administration is carried by an agency of the State. i.e., government. Governments are vested with vast powers to carry on the administration. It is also a fact that the powers of the government are increasing day by day. Consequently the question of democratic control by the citizens as voters and consumers becomes a central one. To-day the concentration of power in administration without proper democratic controls, might subvert popular government itself seems not to be too strong a statement. War, depression, advanced technology and liberal incorporation of laws have the effect of building up power in a big government. It is increasingly necessary therefore, that the power should not be abused. The more power is concentrated at any point in society, the greater is the need for safeguards against its abuse. In other words every delegation of power to an agent must be accompanied by a corresponding degree of accountability.

It is said that democratic form of government is itself sufficient to provide democratic type of administration. But it is not so. The same is the case even with Indian administration.

India adopted democratic form of government after independence, but we often hear the complaint that the administration still largely retains its bureaucratic and authoritarian character of the Pre-Independence days. A number of other factors besides the democratic form of government appear, therefore, to be necessary to democratize administration.

Indian political system stands for a system of limited government, responsible government and rule of law. It is opposed to any exercise of

arbitrary or totalitarian power by the rulers and its fundamental assumption is that sovereignty belongs to the people at large, However, in recent years, there has been phenomenal expansion of governmental activities. This has inevitably led to the strengthening of bureaucracy, in terms of numbers and powers. Increasing unlimited powers in the hands of administration - unrestricted and unregulated can be most dangerous. Therefore control is very necessary by which the Administration is channelised and all administrative acts are to be tested with reference to the Constitutional Provisions.

If democracy is to survive in India, Public Administration must exercise power with restraint. In the words of L.O. White, "it is obvious that an administrative system is an agency possessing great power in a democratic society requires control, and the greater the power, the more need for control."

The misuse or abuse of authority on the part of Public Administration may assume various forms; over riding law and constitution, violation of established procedures, lack of integrity, favouritism or nepotism, gross inefficiency, misuse of discretion and above all, encroachment on fundamental rights and freedom of citizens. A large number of instruments of control have been devised in order to minimise and eliminate the misuse and abuse of authority. Under the modern democratic government, these methods of controls are

1. Parliamentary Control
2. Judicial Control and
3. Executive Control and others. In this Unit, Parliamentary Control and judicial control are discussed.

26.2 Parliamentary Control over Administration in India

The legislature or the Parliament lays down major public policies by enacting laws or by amending or repealing the existing ones. In practice, however, the initiative in policy-making has gradually, but surely shifted to the

executive all over the world. In countries having parliamentary form of government for example in India, the executive is the initiator of public policy. In this background, i.e., after delegating the legislative power to the executive, it has become the most important function of the Parliament to control the executive, as it is accountable and responsible to the people.

To exercise control, Parliament has evolved many devices or they are called as tools of legislative control. They are,

No-Confidence Motions,

Questions

Various Motions

Member's Resolutions

Budgetary Control,

Control through Committees of Finance, and

Control through Committees of Parliament.

Let us discuss one by one.

26.2.1 Control over Executive through No-Confidence Motions

This is the most important constitutional right in the hands of a member of a Parliament, to move a vote of no-confidence against the executive or the Council-of-Ministers. This motion provides an occasion, when the entire policy of the government or a part of it, comes under fire. When such a motion is admitted, members are at liberty to call in question any policy or act of Government. When the 'no-confidence' motion is under discussion, it is the government which has to struggle for its survival and administrative apparatus is not directly affected. But that does not mean that administration can take it easily. Administration has to supply material, facts and data to the government and strengthen the government's case in order to enable the ministers to defend themselves and the administration. The administration is therefore in a severe test at such a time, otherwise an adverse vote on this occasion leads to the resignation of the government. It is a reality that when no-confidence is placed, it assumes a political character.

This provision however remained practically a dead letter until 1962. For the first time it was moved in 1963, discussed and debated. Its frequency has increased in the post Nehru Era. It was this motion tabled in July 1979, which made the Janata Party to disintegrate and finally the government resigned later. Afterwards very frequently no-confidence motions are moved in the Indian Parliament, especially after 1985, when coalition governments have been formed at the Centre.

Usually, no-confidence motions are raised by the members of the opposition only. As the vote of the House is involved and the continued existence of the government is threatened, the supporters of the government have to take the government line regardless of what their innermost feelings are and they have to exhibit combined strength on the floor of the House to defeat the opposition. Administrative accountability through these processes is remote and indirect and get blurred with political responsibility and philosophy of the party in power. Yet it is one of the device to check administration by controlling the executive.

26.2.2 Control over Policies and Actions

Parliament controls the executive's policies and actions by following the methods given below:

(a) Questions:

Parliamentary Questions is a technique of parliamentary surveillance over the administration practiced in all the countries having parliamentary democracy. Members of Parliament in India are free to ask questions to get information on matters of public concern from the members of the government, i.e. ministers. The questions are directed towards the proper implementation of the national and international policies as declared by the government and approved by the Parliament. On any matters or aspects of administration questions can be asked by the members.

The first hour of every sitting in both Houses is devoted to asking and answering questions. It is known as the 'Question Hour'. During this

hour, matters concerning Government of India are raised and problems are brought to the notice of the Government to seek their intervention to meet any situation, to redress public grievances or to expose some administrative abuse or excess. The government is thus put on trial during this hour.

Various Motions :

Various motions like Adjournment Motion, Calling Attention Motion, Short-notice Motion, Half-an-Hour Discussion, Zero Hour Discussion etc. are also used to control the government.

Adjournment motion is a device which helps to raise a discussion in the House on any specific question of urgent nature and of public importance. This motion draws the government's attention to a matter of urgent public importance.

Calling Attention Motion combines asking a question for answer with supplementaries and short-comments in which all points of views are expressed concisely and precisely, and the government will have adequate opportunity to explain its stand. This motion gives an opportunity to the members to criticise the government directly or indirectly and to bring to the surface the failure or inadequate action of the government on an important matter.

Short notice motion or short notice Questions can be asked by the members. This device is used when the news is disquieting, and, Parliament has to be informed immediately of the facts. Then, the minister has no choice except to ask for time to make a statement. Short notice questions are not subject to discussion or vote in the House. There may be implied criticism of the administration if things are not satisfactory, but this does not end in the resignation of the government.

Half an Hour Discussion is one more device. A follow-up of important matters which have not been cleared by the answer to a question. A member may demand half-an-hour discussion at the end of the day. Half-an-hour discussions are held frequently and they serve a useful purpose both from the standpoint of full scrutiny by Parliament and from the viewpoint of

administration which has an opportunity to explain its case in more detail. As observed by S.L. Shakhder, one of the Secretary General of the Lok Sabha: "Half-an-hour discussion is one of the most effective ways in which concurrent and continuous Parliamentary scrutiny over the administration is conducted."

Zero-Hour discussion starts immediately after the question hour and before the House adjourns for lunch. It is a powerful tool of control over the executive. During this hour opposition Members attempt to raise a discussion on some subject which may be agitating the public at the time, 'Zero hour' discussion has the virtue of surprise and moreover being on a specific topic. It is usually directed against individual ministers which has the possible effect of embarrassing them and catching them tripping. 'Zero-Hour discussions have highlighted matters like strikes, hunger-strikes, sudden sufferings caused by natural calamities, accidents, etc.

All the above motions are the devices to check the excess or misuse or abuse of power by the administration.

(c) Member's Resolutions :

Besides, the above motions, there are other types of motions to disapprove a particular policy or act of government. These may involve political consideration or may be designed to call in question some administrative or executive act.

Any member of the House can move resolutions on matters of general public interest. Resolutions may also be moved by ministers. Every resolution intends to exercise control.

26.2.3 Financial Control

The Power to authorize the raising and spending of money rests with the Lok Sabha. The initiative must, of course, come from the executive in the form of the Budget. According to the Constitution, "The President shall, in respect of every financial year, cause to be laid before both the House of Parliament a statement of the estimated receipts and expenditure of the Gov-

ernment of India for that year, referred to as the 'annual financial statement'. A distinction is made between votable expenditure and expenditure charged on the Consolidated Fund of India, while the former is voted upon, the latter is not subject voting, although it is included in the statement of expenditure laid before the House and can be discussed.

Demands for Grants :

The estimates of votable expenditure are submitted to the Lok Sabha in the form of Demands for Grants. When the Grants have been voted, an Appropriation Bill is brought forward, the enactment of which alone confers the authorisation to draw money from the Consolidated Fund. The process for the presentation and passage of Supplementary, Additional and Excess Grants is the same as describe above.

(a) The Budget :

The day the Budget is presented in Parliament is probably the year's most exciting day for the legislators but even more so for the business community and the common people all over the country. Since the Budget, with its proposals for fresh taxation or relief from it, affects the entire population, the visitor's galleries in the Lok Sabha are always packed to capacity when the Finance Minister makes his Budget Speech. The members are given copies of the Budget for study. The Budget remains a closely guarded secret till the Finance Minister presents it in Parliament. The Minister's Speech contains explanations and details of the proposals. An Explanatory Memorandum is also prepared for the benefit of Members of Parliament.

Voting of Grants :

The next step after the general discussion is the voting of grants. The demands for Grants is made by each Ministry in three parts. The first contains a statement of the total estimated expenditure to be voted by the House. The second gives the sub heads and the third provides the details of the sub heads. The demand is made by introducing a motion.

Cut Motions :

The debate at the Demand stage is narrowed down to each head and is further limited to the particular subject of the motion when cut motions are moved. A 'Cut motion' is also a device which members can employ to draw attention to specific grievances or criticise particular policies of the government. It may be a 'Disapproval of Policy Cut', the cut motion in such cases is that "the amount of the Demand be reduced to Re. 1." The second type of Cut motions is known as the 'Economy Cut' and says that the Demand be reduced by a specified amount representing the economy that can be effected. A third type is for a 'Token Cut'. If the motion seeks to reduce the demand by a cut of Rs.100. it aims to ventilate a specific grievance which is within the sphere of the responsibility of the government and such a motion is known as a "Token Cut". The House allots the time that may be given to each Ministry's Demand, both the opposition and the Government being consulted in the matter.

Vote on Account :

The process of voting of Demands continues for a long time while day to day expenditure of the Government Departments cannot wait till the Budget is finally passed. To meet this difficulty a new device was introduced in 1950 known as the 'Vote on Account'. The passing of the Vote on Account followed by the Appropriation (Vote on Account Act) authorizes the Government to draw on the Consolidated Fund of India, generally for a period of two months. The Vote on Account which is usually passed without debate, enables the House to consider the Budget at leisure.

Appropriation Bill :

The Appropriation bill constitutes the final step in financial legislation. It gives legal effect to the voted demands and authorises the supply of money from the consolidated Fund.

The Finance Bill :

The passing of the Appropriation Bill means that Parliament has

authorised all expenditure. Approval of the Government's proposals for raising revenue has, however, yet to be given. It is the Finance Bill which contains these proposals and this Bill is introduced in the Lok Sabha after the Finance Minister's Budget speech. Consideration of the Bill is taken up after the Appropriation Bill has been passed. It follows the usual procedure for Bills. Passing of the Finance Bill is the final act of Parliament's financial procedure.

(b) Through Financial Committees :

During the years in which the Indian Parliament has functioned as a sovereign body, there have been remarkable developments in Parliamentary practice and procedure. A noteworthy part of these developments has been in the direction of Parliamentary Committees. Parliament discusses policies but unless there are Committees which can discuss details and where those who run the administration have to give evidence, where matters can be thoroughly examined, Parliament's control tends to be feeble. Unlike on the floor of Parliament where discussions are likely to be on party lines and often mixed with politics and passion, in the Committee's members can meet in a more informal and peaceful atmosphere and concentrate in a truly business-like fashion on the problems entrusted to them. It is here that the greatest advantage of the Committee system lies.

Parliamentary Committees are of two kinds Ad hoc Committees and Standing Committees. An Ad hoc Committee is appointed for a specific purpose and when it has finished its assigned work and has submitted its report, it ceases to exist. The best known and most regular examples of Ad hoc Committees are the Select and Joint Committees on Bills. Such Committees are appointed on the other matters as well. One such committee functioning at present is the Railways Convention committee.

Each House has a number of Standing Committees. The Rajya Sabha and the Lok Sabha each have a Business Advisory Committee, a Committee on Petitions, a Committee of Privileges and a Rules Committee. The Lok Sabha has in addition a number of other Committees.

Of special importance is yet another class of Committees which act as Parliament's 'Watch Dogs' over the executive. These are; the Committee on Subordinate Legislation, the Committee on Government Assurances, the Estimates Committee, the Public Accounts Committee, Committee on the Public Undertakings. The Estimates Committee, and the Committee on Public Undertakings play an important role in exercising check on Governmental expenditure.

The functions and composition of the important committees of Parliament are discussed here:

Public Accounts Committee :

The Public Accounts Committee, popularly known as PAC, is the oldest Financial Committee. This Committee consists of 15 members elected by the Lok Sabha. Seven members of the Rajya Sabha are associated with it. A Minister is not eligible for election.. As a matter of practice, since 1967, a member of opposition is being appointed as the chairman of the committee.

The main duty of the Committee is to ascertain whether the money granted by Parliament has been spent by Government "within the scope of the demand". The appropriation accounts of the Government of India and the Audit Report presented by the Comptroller and Auditor-General mainly form the basis for examination by the Committee. Cases involving losses, nugatory expenditure and financial irregularities come in for severe criticism from the Committee. The Committee is not concerned with questions of policy. It is concerned only with the execution of the policy laid down by Parliament and its results. The life of the Committee is one year.

Estimates Committee :

This Committee consists of 30 members who are elected by the Lok Sabha every year from among its members. Unlike the PAC and the Committee on Public Undertakings, the members of Rajya Sabha are not associated with it. A Minister is not eligible for election to this Committee. The life of the Committee is one year.

The Committee examines estimates of the various Ministries, De-

partments and Projects of the governments of India and suggests economy, improvements in organisation and efficiency or administrative reforms which can be effected in consistence with the policy underlying the estimates. The committee acts as the continuous 'economy committee' and its criticisms and suggestions act as deterrent on extravagance in public expenditure.

26.2.4 Accountability through other Committees

(a) Committee on Public Undertakings :

The Committee on Public Undertakings consists of 22 members-15 elected by the Lok Sabha and 7 from the Rajya Sabha. The Members of the Committee hold office for a term of one year. The Committee was constituted for the first time with effect from May 1, 1964.

The functions of the committee on Public Undertakings are: (a) examine the reports and accounts of the Public Undertakings; (b) to examine the reports, if any, of the Comptroller and Auditor-General on the Public Undertakings; (c) to examine in the context of the autonomy and efficiency of Public Undertakings, whether the affairs of the Public Undertakings, are being managed in accordance with sound business principles and prudent commercial practices; and (d) to exercise such other functions vested in the Public Accounts Committee and the Estimates Committee in relations to the Public Undertakings as are not covered by clause (a), (b) and (c) above and as may be allotted to the Committee by the Speaker from time to time. The Committee does not, however, examine matters of major Government Policy day-to-day administration of the Undertakings.

(b) Business Advisory Committee :

The Business Advisory Committee of the Lok Sabha consists of 15 members, including the Speaker who is the ex-officio Chairman. The members are nominated by the Speaker. Almost all sections of the House are represented in the Committee. In the Rajya Sabha, this Committee consists of ten Members including the Chairman who is also the Chairman of the Committee. The function of the Committee is to recommend the time that

should be allotted for discussion of legislative and other business which the Speaker/ Chairman, in consultation with the leader of the House, may refer to it. The Committee, on its own initiative, may also recommend to the Government to bring forward particular subjects for discussion in the House and recommend allocation of time for such discussion. The decision reached by the Committee are always unanimous in character and represent the collective view of the House. The committee generally meets at the beginning of each session and thereafter as and when necessary.

(c) Committee on Absence of members from the Sittings of the House

The Committee consists of 15 members who hold office for one year. The members are nominated by the Speaker. This Committee considers all applications from members for leave of absence from the sitting of the House and examines every case where a member has been absent for a period of 60 days or more without permission from the sittings of the House. In its report, it makes recommendations in each case as to whether the absence should be condoned or leave applied for granted or whether the circumstances of the case justify that the House should declare the Seat of the Member vacant.

(d) Committee on Private Members' Bills and Resolutions :

This Committee of the Lok Sabha consists of 15 members. The Deputy Speaker is generally its chairman. The committee allots time to Private Members' bills and Resolutions, examines private Members' Bills seeking to amend the Constitution before their introduction in the Lok Sabha and also examines such Private Members' Bill where the Legislative competence of the House is challenged.

The Committee, thus performs similar function in relation to Private Members' bills and Resolutions as the Business Advisory committee does in regard to Government Business. The Committee holds office for a term not exceeding one year.

(e) Rules Committee :

The Rules Committee in both the Houses consists of 15 members nominated by the Speaker/Chairman. The Speaker or the chairman is the ex-officio Chairman of the committee. The committee considers matters of procedure and conduct of business in the house and recommends amendments or additions to the Rules of Procedure and Conduct of Business that are considered necessary.

(f) Committee of Privileges :

This Committee consists of not more than 15 members in the Lok Sabha and not more than 10 members in the Rajya Sabha. Its function is to examine every question of privilege of the House or of the members or of any of its committees referred to it by the House or by the Speaker/ Chairman. It determines, with reference to the facts of each case, whether a breach of privilege is involved and makes suitable recommendations in its report to the House.

(g) Committee on Petitions :

The committee on Petitions is one of the oldest Parliamentary Committees. It consists of not less than 15 members in the Lok Sabha and 10 members in the Rajya Sabha. The members of the Committee are nominated by the presiding officers of the respective House. A Minister is not nominated to, this Committee and if a member is appointed a Minister after his nomination to this Committee he ceases to be a member of the Committee from the date of such appointment.

The right of submitting petitions to Parliament is an inherent right of the people, which enables them to ventilate their grievances and put forth suggestions before the Supreme Body elected by them. The functions of the committee on Petitions are (i) to examine all petitions presented to the House and to satisfy itself that they comply with the rules relating to petitions; (ii) to examine the specific complaints made, in petitions on matters of general public interest and suggest either remedial measures applicable to the cases un-

der review in a concrete form, or to prevent recurrence of such cases in future.

(h) Committee on Government Assurances :

In the Lok Sabha this Committee consisting of 15 members are nominated by the Speaker. In the Rajya Sabha it consists of 10 members nominated by the Chairman. A Minister is not nominated to this Committee. While replying to questions in the House or during discussions on Bills, Resolutions, Motions, etc. Ministers at times give assurances or undertakings either to consider a matter or to take action or to Furnish the House with further information later.

The functions of this Committee is to scrutinise these assurances and report to the House on the extent to which the assurances have been implemented.

(i) Committee on Subordinate Legislation :

The committee on Subordinate Legislation came into existence on December 1, 1953. This committee consists of not more than 15 members in each House, who are nominated by the Speaker or the chairman as the case may be. A Minister is not nominated to this Committee.

The Committee scrutinises and reports to the House whether the powers to make regulations, rules, sub-rules, bye-laws, etc., conferred by the Constitution or delegated by Parliament are, being properly exercised by the Executive within the scope of such delegation. The Committee may also examine provisions of Bill which seek: (i) to delegate powers to make orders; or (ii) to amend earlier Acts delegating such powers, to ensure that suitable provisions for the laying of the orders on the Table of the House have been made therein.

(j) Committee on Papers laid on the Table :

This Committee consists of not more than 15 members who are nominated by the Speaker. The committee examines all the papers (other

than those which fall within the purview of the committee on Subordinate legislation-or any other Parliament Committee) laid on the Table of the House by Minister to see whether there has been compliance of the provisions of the Constitution, Act, Rule or Regulation under which the paper has been laid.

(k) Committee on the Welfare of Scheduled Castes and Scheduled Tribes :

This committee consists of 30 members-20 from the Lok Sabha and 10 from the Rajya Sabha. The Committee considers all matters relating to the welfare of the Scheduled Castes and the Scheduled Tribes and keeps a watch whether the constitutional safeguards in respect of these classes are properly implemented.

(l) Joint committee on Offices of Profit :

This Joint Committee consists of 15 members, on a Government motion moved in the Lok Sabha and concurred by the Rajya Sabha. 10 members are elected from the Lok Sabha and 5 from the Rajya Sabha according to principles of proportional representation by means of single transferable vote. The Committee is constituted for the duration of each Lok Sabha.

The Speaker nominates the Chairman from among the elected members. The main functions of the Committee are to examine the composition and character of the Committee and other bodies appointed by the Central and State Governments and to recommend what offices should disqualify and what offices should not disqualify a person from being a Members of Parliament under Article 102 of the Constitution.

(m) Other Committee:

Besides these, there are the General purposes Committee, the House Committee and the Joint Committee on Salaries and Allowances of Members of Parliament which deal with facilities to members or other matters of

interest of them.

The General Purpose Committee has no fixed number of members. It advises the Speaker who is the ex-officio Chairman of the committee on such matters concerning the affairs of the House as may be referred to it by the Speaker from time to time. The House Committee of each House is concerned with residential accommodation to the Members of the Lok Sabha or the Rajya Sabha as the case may be.

The Library Committee is an informal Committee constituted by the Speaker to advise him on matters pertaining to the maintenance and up-keep of the Parliament Library. The Committee consists of six members from the Lok Sabha including the Deputy Speaker who is the ex-officio chairman of the Committee and three members of the Rajya Sabha. The Committee holds office for a term not exceeding one year.

The Joint committee on Salaries and Allowances of Members of Parliament consisting of 10 members from the Lok Sabha and 5 members from the Rajya Sabha is for regulating the payment of daily and travelling allowances under the Salary, Allowances and Pension of Members of Parliament Act, 1954 (as amended) and also for providing medical, telephone, other allied and postal facilities to Members of Parliament.

(n) New committee System in Parliament :

On 29 March., 1993, the Lok Sabha took a historic decision, by a unanimous vote, to introduce the Standing Committee System in the Indian Parliamentary practice. The new committee system was inaugurated at a special function in Parliament House by the then Vice-President Mr. K.R. Narayanan. The new system-recommended by the Rules Committee of the Parliament-envisages the formation of seventeen joint standing committees which are as follows; Committee on commerce, Committee on Home Affairs, Committee on Human Resources Development, Committee on Industry, committee on Environment, Forests, Electronics, Science and Technology, committee on Transport and Tourism, Committee on Agriculture, Com-

mittee on communications, Committee on Information and Broadcasting, Committee on Defence, Committee on Energy, committee on External Affairs, Committee on Finance, committee on Labour and Welfare, Committee on Petroleum and Chemicals, Committee on Railways and Committee on Urban and Rural Development. Each Committee comprises 45 members 30 from Lok Sabha and 15 from Rajya Sabha. Ministers are not eligible for the membership of the committees. The normal membership term of the committees is one year. The chairpersons of the various committees are nominated by the Speaker in consultation with the party Leaders. The main function of these committees is to examine and discuss in detail the budget proposals relating to the relevant ministries. They will also scrutinise all other bills (except highly technical ones) proposed to be moved in Parliament. Thus these Committees-which will normally meet during the recess of Parliament -will ensure a fuller examination and Parliamentary scrutiny of grants and bills. At the same time, by relieving the pressure on Parliament's time, they will ensure fuller debate and discussion in the Houses on important measures and policy Issues.

The merit of the new committee systems is that Parliament will be able to examine grants of departments in detail. At present Parliament only finds time to discuss the demands for about 7 or 8 ministries, and the rest were guillotine, without detailed scrutiny of the financial allocations by Parliament. Under the new system, not only the annual grant of each ministry would come under detailed scrutiny by the standing committees, but their performance would also be examined in detail.

Check Your Progress - 1

Note: 1) Use the space given below for your answer.

2) Check your answer with the model answer given at the end of this unit.

1. Explain the technique of No-Confidence motion to control the Executive.

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2. Write a brief note on various Motions used to control administration by the legislature.

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3. How the financial committee of the Parliament helps to control the administration?

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26.3 Judicial Control over Administration in India

26.3.1 Objectives and Scope

We know that there is a tremendous increase in the powers of the administrative authorities in modern times. The evolution of new socio-economic order has increased the activities of the State, and has resulted in new vistas of administrative functions. In the context of increased powers of the administration, the judicial control has become an important area of administrative law because courts have proved more effective and useful than the legislature in the matter. In the words of Professor Jain and Jain, “the real

kernal of democracy lies in the courts enjoying the ultimate authority to restrain all exercise of absolute and arbitrary power. Without some kind of judicial power to control the administrative authorities, there is a danger that they may commit excess and degenerate into arbitrary authorities, and such a development would be inimical to a democratic constitution and the concept of rule of law.”

Scope of judicial intervention :

Courts of Law intervene in any of the following cases;

- (i) Abuse of power
- (ii) Lack of jurisdiction
- (iii) Error of Law
- (iv) Error of fact finding; and
- (iv) Procedural error

The courts occupy key position in India as regards judicial control of administrative action. The court’s intervention may be sought if the public servant uses his/her authority vindictively to harm some person. The court also intervenes, if the administrator has acted without authority or if the act falls outside the scope of his authority. Similarly, an error in discovering a fact, or departure from the rules of procedure that have been laid down, are grounds for judicial intervention. Any administrative act which violates the Constitution is liable to be pronounced unconstitutional by the judiciary.

26.3.2 Suits against Government and Government Servants

(Article 300)

Under Article 300, the courts have been empowered to entertain and allow petitions for damages against the Government for tortious acts of their servants.

The Government of India may sue or be sued by the name of Union of India and in the same way the Government of a state may sue or be sued by the name of the State and may subject to any provisions which may be

made by Act of Parliament or of the legislature of such state enacted by virtue of powers conferred by this constitution, sue or be sued in relation to their respective affairs.

The government officials including the Ministers do not enjoy any immunity, they may be sued like ordinary citizens, if their acts are tortious. However, President, Governors and judicial officials are immune from liability. A public official incurs liability for torts and illegal acts unless he has acted in good faith in the exercise of some statutory power. Civil proceedings can be initiated against him after two months notice in writing.

26.3.3 Extra-ordinary Remedies

The judicial control of administrative action provides a fundamental safeguard against the abuse of power. Since our Constitution was built upon the deep foundations of the rule of law, the framers of the Constitution made sincere efforts to incorporate certain Articles in the Constitution to enable the Courts to exercise effective control over administrative action.

The judicial control over administration operates through a system of writs. According to Article 32, the Supreme Court and according to Article 226, the High Courts have the power to issue writs. They are ;

- (a) Writ of Habeas Corpus
- (b) Writ of Mandamus
- (c) Writ of Certiorari
- (d) Writ of Prohibition
- (e) Writ of Quo Warranto

(a) Writ of Habeas Corpus:

Literally means 'to have the body'. This writ provides remedy for a person who is wrongfully detained. When this writ is issued to a person who detains another person in custody, the detained person must be produced before the court and submit the cause for the detention. The detaining authority must justify the cause of detention. If there is no valid reason for

detention, the court will immediately order the release of the detained person.

The writ has assumed great importance in view of the protection of the personal liberty of a person. The writ is available to all the aggrieved persons alike. It is the most effective means to check the arbitrary arrest by any executive authority.

(b) Writ of Mandamus:

A writ of Mandamus is in the form of command directed to the Lower court, tribunal, a board, corporation or any administrative authority, or a person - requiring the performance of a specific duty fixed by law or associated with the office occupied by the person.

This writ is issued to compel an authority to do his duties or exercise his powers, in accordance with the mandate of law. This writ cannot be claimed as a matter of right, it is issued at the discretion of the court, and the court does not issue it, so long as some alternative remedy is available.

(c) Writ of Certiorari :

Certiorari is a command or order to an inferior court or tribunal to transfer the records of a case or matter pending before them to the superior court to deal with that case, if the order of inferior court is found to be without jurisdiction or against the principles of natural justice. This writ is issued only against some judicial act, and has the effect of either quashing or upholding the judgement of the inferior court.

(d) Writ of Prohibition :

The writ of prohibition is issued by a superior Court to an inferior court, preventing the latter (inferior) court from usurping jurisdiction which the law does not endow it with. It is thus of a negative character, preventing an inferior court or a lower court from "usurping a jurisdiction" with which it is not legally vested. This writ can be issued only against judicial or quasi-judicial tribunals.

(e) Writ of Quo-Warranto :

Quo-Warranto literally means what warrant or authority. This writ is issued in case of an illegal occupation of public office by an unauthorised person. The writ calls upon the holder of office to show to the court under what authority he holds the office. If the court finds that the incumbent holds the office illegally it would pass order of ouster, which must be obeyed by him.

From the above, it is clear that these writs are in the nature of judicial control over judicial acts, and some are judicial control over administration. The judicial control over administration safeguards individual liberty and, is therefore absolutely necessary.

26.3.4 Judicial Activism

Judicial policy making may be either an activity in support of the legislative and executive policy choices or in opposite to them. When judiciary opposes, any executive or legislative activity, then that is usually styled as judicial activism. The essence of true Judicial activism is the rendering of decisions which are in tune with the temper and tempo of the times.

Activism is judicial policy making which furthers the cause of social changes or articulate concepts such as liberty, equality or justice. Activism' counters the traditional concept that judiciary is a mere umpire. On the contrary, it should work as an active catalyst in the constitutional scheme. It has to be an arm of the social revolution. A activist judge activates the legal mechanism and makes it to play a vital role in socio-economic process. If the executive or legislature fails to follow legal and constitutional obligations then judiciary can take a view that they are against constitutional provisions and as such violates the rights of the individuals. That means judicial activism can take place only when the other organs of the government i.e. executive or legislature are the defaulters.

Judicial activism did not visit the Indian Courts till 1970's. The Emergency reduced the Supreme Court and High Courts, virtually to an arm of

the authoritarian executive. After the end of the Emergency, the Supreme Court and also some of the High Courts began to show signs of judicial activism. The Supreme Court was now extending its activism to areas considered till then the preserve of the executive.

The Judicial activism was inevitable as the credibility of the Government's investigative agencies - particularly the C.B.I had been fatally eroded over the years, because they protected the strong and the moneyed through a variety of tactics, thus causing hardship to the less fortunate. The current phase of judicial activism draws its justification from the reluctance of the legislature and the executive to take hard and unpleasant decision. The question is, is it the job of the Supreme Court to take hard and unpleasant decisions not taken by the Government and Parliament?

In conclusion, the judges are of the opinion that it has often been forced to pronounce judgement on political-legal and socio-economic issues. Thus judiciary indirectly protects the rights of the individuals in Indian democracy becoming active and making the administration to move on a right path.

Check your progress - 2

1. Examine the scope of judicial intervention.

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2. Explain the various writs issued by the courts to safeguard the rights of the individuals.

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3. what is meant by Judicial Activism ?

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26.4 Let us sum up

In this unit, the importance of the control over administration or how the legislature is accountable to the people has been explained. In case if legislature fails to be accountable, then how the actions of the legislature are controlled are examined i.e., the means of controlling the administration through legislature is explained. Then in the second part, the role of the judiciary in making the executive and the legislature responsible is explained. Though the judicial control is not direct how it can make the executive and the legislature responsible is understood well.

26.5 Key Words

Kernel	:	essence of anything
inimical	:	hostile
vindictive	:	vengeful
tortious act	:	Full of twists and turns to harm anybody
integrity	:	honesty
favouritism	:	unfair favouring of one person at the cost of another
Nepotism	:	favouratism shown to relatives
Sue	:	Law suit for redress
discretion	:	to act according to one's judgement

restrain	:	to check, or under control
arbitrary	:	despotic
petition	:	request by writing
immune	:	protected against a charge or exempt from

26.6 Some useful Books

1. Avasthi and Maheswari : Public Administration 1996
2. R.B.Jain : Contemporary Issues in Indian Administration 1976
3. A.R.Tyagi : Public Administration 1990
4. B.L. Fodia and Kuldeep Fodia: Public Administration (Administrative theories and concepts 2000)
5. Arora R.K. and Goyal Rajani : Indian Public Administration 1995

26.7 Answers to check your progress exercises

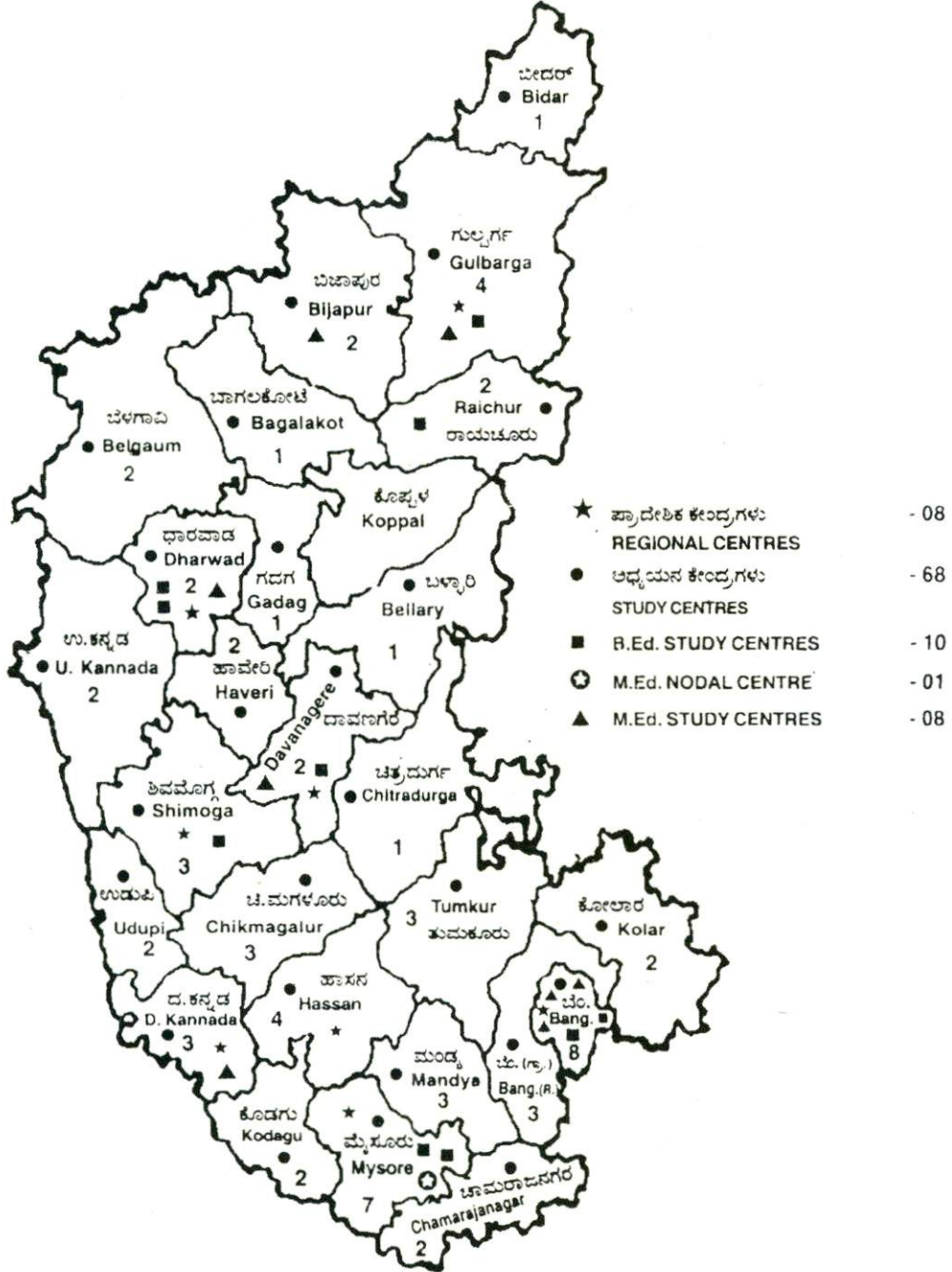
Check your progress - 1

1. See section 26.2.1
2. See section 26.2.2 (b)
3. See section 26.2.3 (c)

Check your progress - 2

1. See section 26.3.1
2. See section 26.3.2
3. See section 26.3.3

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮುಕ್ತ ವಿಶ್ವವಿದ್ಯಾನಿಲಯದ ಪ್ರಾದೇಶಿಕ ಹಾಗೂ ಅಧ್ಯಯನ ಕೇಂದ್ರಗಳು
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(ನಮೂದಿಸಿರುವ ಅಂಕಿ - ಜಿಲ್ಲೆಯಲ್ಲಿರುವ ಒಟ್ಟು ಅಧ್ಯಯನ ಕೇಂದ್ರಗಳ ಸಂಖ್ಯೆಯನ್ನು ಸೂಚಿಸುತ್ತದೆ.)
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