

Political Control Over Executive Departments in India

SHRIRAM MAHESHWARI*

The power of the executive branch of the government which handles varied functions must always be balanced with those of the legislature and the judiciary. In India, this balancing control has to comply with the fundamental features of its Constitution. Being under a parliamentary form of government in itself provides two forms of control over the executive: a control which holds the political executive accountable to the legislature and a control in the form of a political executive which is actually the council of ministers with the Prime Minister at its head. In addition, control is also exercised by the political parties, mass media, pressure groups, etc. These old mechanisms, however, have proven to be insufficient: the Parliament cannot sustain effective control over the executive; control by the press suffers from outside influences, and control by pressure groups although occasionally has fruitful results will entail harmful consequences if done on a large scale. Thus, the different control mechanisms need restructuring and redesigning to cope with the expanding power of the executive.

The heart of democracy is constitutionalism which implies that the government enjoys limited powers. This makes out a case for a system of surveillance and check to guard against possible overstepping and to ensure proper functioning. Thus viewed, control is built into the very processes of exercise of authority in a democracy. It is firmly and formally institutionalized in a parliamentary polity by making the executive accountable to the legislature. There are practical reasons pointing to the need for effective control over the executive. With the government taking up a vast array of new and novel functions, more so in social and economic fields, it becomes necessary to keep watch over them to find out how these func-

tions are being performed and, further, to determine whether planned objectives were indeed achieved or not. All these factors and forces call for the maintenance and coordination of a system of control over the executive.

While, therefore, the executive necessarily finds itself subject to political control in a democracy, the control mechanisms would necessarily vary depending upon the kind of polity a country has opted for and its political culture. Political control over the executive in India has to be in accord, among others, with the fundamental features of the Indian constitution. It is, therefore, necessary that one recalls them even though very briefly. These are:

*Professor of Political Science and Public Administration at the Indian Institute of Public Administration, New Delhi.

- (1) India operates under a parliamentary form of democracy characterized by the exec-

utive's¹ continuous accountability to the legislature.

- (2) The Parliament in India itself enjoys limited power determined by the Constitution and subject to its sovereignty.²
- (3) Parliament has no power to change the basic structure of the constitution. The basic structure of the Constitution is itself not categorically spelt out by the Constitution or by the Supreme Court.
- (4) India is a federation, each level of government being ordinarily autonomous within the field of activities delineated in the Constitution.

Operational Realities

In addition to the above-mentioned fundamental features which define the

¹ But Parliament is not in continuous session as against the executive which, so to say, operates continuously. Today, Parliament sits for as many as seven to eight months in a year. But the fact of its non-continuous functioning inevitably affects the range and quality of parliamentary control. The state legislatures meet even less frequently.

² In its latest judgment delivered on 9 May 1980 the Supreme Court of India made it plain that it is the Constitution that is supreme and not any of the three organs created by it, the executive, the judiciary, or parliament, in particular the last named. The Supreme Court struck down sections 4 and 55 of the controversial Forty-second Amendment (Section 4 established the primacy of the directive principles of state policy over fundamental rights. Section 55 not only gave limitless power of amendment to Parliament but put it beyond the reach of the judiciary), asserting its rights to be the final interpreter of the Constitution and repudiating the theory of Parliament's absolute amending power. (See *The Statesman*, 10 May 1980.)

bases of political control over the executive there are certain operational realities which also influence and, on occasions, mould it. The more important among them are enumerated below:

- (1) Indian political system has been characterized by a one-party dominant system. The Congress Party has been in power at the center (except during 1977-1979). In most states (the two most notable exceptions are Kerala and West Bengal), there are many other political parties also in existence, generally to maintain an opposition. The political opposition, however, is weak and fragmented and generally unable to forge a common front.
- (2) The adoption of economic planning since 1950 has had the effect of integrating the administrative system of the two levels of government though constitutionally they are designed to operate as distinct and separate entities. As a consequence, the classical tools of political control have either been supplemented or silenced. A state government department may, for instance, take up a function for which it may owe accountability to its central level counterpart.
- (3) The Indian Parliament is a bicameral body, but the Upper House, called *Rajya Sabha* (Council of State), is neither a purely titular body like the British House of Lords nor a very powerful one like the American Senate. From the standpoint of political control, the Upper House has an im-

portant though limited role to perform. Its approval is essential if the constitutionally prescribed arrangements relating to federalism are to be modified or recast. For instance, new all-India services can be created only by a resolution to be passed by this body. Similarly, the Rajya Sabha enjoys another politically effective power, the might of which was demonstrated for the first time with such telling effect during the Janata Party rule (1977-1979). As the Rajya Sabha is elected by the state legislatures, its political composition may differ from that of the Lower House. This indeed was the case during the Janata Party's rule. While this party commanded a massive majority in the *Lok Sabha* it was a minority party in the Upper House with the result that some of the amendments to the Constitution already passed by the *Lok Sabha* were turned down by the Rajya Sabha, thus making vivid its role as a revising or at any rate delaying chamber.

- (4) Indian political system is parliamentary but its politics is agitation-oriented, according legitimacy to many kinds of anomalous actions. It is generally by recourse to agitations that budding politicians secure both visibility and acceptability in India.

Typology of Political Control

Parliamentarism itself delineates two forms of control over the executive. The legislature holds the polit-

ical executive accountable to it for its various actions, and secondly the political executive keeps the administrative system under its control and command. Besides, political control over the executive is also exercised by political parties, mass media, pressure groups, and so on. In addition, political control includes extra-parliamentary forces and processes which on occasions may prove to be even more effective in bending the executive's suitability. The extra-parliamentary device is not unimportant in its impact or infrequent in its occurrence as to be completely overlooked in a study of political control. The present paper has worked out the following typology for discussion of political control over the executive departments:

- (1) Parliamentary Control
- (2) Control by the Political Executive
- (3) Control by Political Parties
- (4) Control by Media
- (5) Control by Extra-Parliamentary Processes.

Each of these forms of control will be discussed below.

Parliamentary Control

Parliamentary control over the executive is a cardinal principle underpinning the constitutional arrangements devised for the country, flowing as it does from Article 74(3) of the Constitution itself which lays down that "the council of ministers shall be collectively responsible to the House of the People." This provides the basis of executive accountability to Parliament, which in this context means the lower house, called *Lok Sabha* or House of the People.

Parliamentary control over the executive may be said to fall into two types. The first one is of day-to-day application. Parliament can utilize the following devices and opportunities for exercising this type of control:

- (1) Question hour
- (2) Adjournment motions
- (3) Vote of no confidence
- (4) Discussion on demands for grants
- (5) Calling attention notice
- (6) Half-hour discussion
- (7) "Zero hour" discussion.

The second type of parliamentary control is *post facto* in nature, which means that it activates itself after some action has already taken place. This is a post-mortem function which Parliament undertakes to perform by way of evaluation. To put it differently, Parliament asks why the executive has taken a particular course of action. Strictly speaking, this is more in the nature of accountability than control. The various committees of Parliament exercise control after the event has occurred.

These two types of control are important from another angle. The first one is directed against the political executive and, thus, is basically of a political nature. Tools of control like adjournment motions, no-confidence motions, calling attention notice and the like are, in India as elsewhere, politically motivated and are aimed at the political executive. In contrast to this, the second type of control makes bureaucracy its proximate target and is administrative in nature. Precisely because of these reasons, it is non-partisan in character uninfluenced by those political considerations which weigh heavily

when, for instance, an adjournment motion is moved in the house.

A discussion of the devices used to ascertain their effectiveness from the stand point of control over the executive follows.

Question Hour. The first hour of each House is devoted to questions by the members and answers by the concerned ministers. The question hour is the liveliest time at the legislature. Not only are members in nearly full attendance in the House but also the public galleries are generally packed. The device of question hour has certain features either unique to itself or in its effect. Perhaps, of all the tools of control available to the Members of Parliament, it is the parliamentary interpellation which they have the full freedom to use, and this is also exercised by the members of the ruling party. Thus, even the members of the party in power may, and do, put questions and, thus, subject the members of the treasury benches to some sort of cross-examination. But it is not the question which threatens the minister. The questions which are put forth to him are usually known in advance. It is the right to put forth supplementary questions which keeps the minister on his toes. As parliamentary questions are addressed to any particular minister, both members of the opposition parties and own Party members including ministerial colleagues are critically assessing the responses. For this reason the question hour becomes an exceptionally sharp and sensitive device of control. According to the rules, a maximum of twenty questions are admitted for answers by ministers, but ordinarily not more than half of them do get answered

on the floor, others not getting their turn for sheer want of parliamentary time. Sometimes, the Member of Parliament under whose name a question figures is found to be absent when his turn comes. It has also happened that ministers show the utmost circumspection in their replies, disclosing almost nothing of any consequence. Moreover, a minister may refuse to make any reply in the "public interest" and Parliament may find itself helpless. Even otherwise, a parliamentary question is not fatal — a minister remains in his office so long as the Prime Minister wants him to.

Adjournment Motions. Members of Parliament can move adjournment motions to discuss matters which according to them are of urgency and of public importance, the general motive being to censure the Government of the day for its faults. Adjournment motions are, as a rule, moved by the opposition. Their incidence may be inferred from the figures available for 1977-79 when three such motions were moved, their subjects being the following:

- (1) Dissolution of the Jammu-Kashmir Legislative Assembly.
- (2) Failure of the Government to give protection to the voters, especially the *Harijans* ("Untouchables") and other weaker-sections to exercise their right of franchise freely, and large scale rigging of the elections by the ruling party (i.e., Janata) in the bye-elections held in Uttar Pradesh and Bihar where the two chief ministers of the respective states contested.
- (3) "Brutal and unwarranted" lathi charge at Lucknow on Raja-

gopal Naidu and some other Members of Parliament with Congress workers of Uttar Pradesh.

An adjournment motion contains an element of drama in it. It is an interruption in the regular work of the House whose attention on the subject for the motion is desired. The subjects for adjournment motions need not necessarily be the federal government's direct responsibility. This is especially mentioned here, for Parliament in India has sometimes discussed matters, which, under the constitution, are the states' direct concern.

The adjournment motion has an obvious publicity value, seeking to turn public opinion against the Government. After the discussion is over, they are either withdrawn by the mover or disapproved, thanks to the majority behind the Government.

Vote of No Confidence. By initiating a vote of no confidence, the Lok Sabha arraigns the executive for his faults and threatens to withdraw its confidence compelling it to resign, unless, on hearing of the preferred charges, it renews its confidence. It is a solemn event, challenging as it does the claim of the Government to stay in power. A definite time is allotted for the discussion of the vote of no confidence; and opposition censures the Government which at the end gives its reply followed by a voting on the move.

The sixth Lok Sabha (1977-1979) discussed no-confidence motions on three occasions. In May 1978 the then opposition Congress Party (Indira) moved such a motion against the Janata Party Government which was admitted, discussed, but defeated. The

other two motions were unusual and remain memorable in the history of recent Indian political development.

The first of these cases occurred in the summer of 1979. It was during the course of a debate on a vote of no confidence against the Morarji Desai-led Janata Government that Morarji Desai resigned. It is to be noted that the then Prime Minister tendered his resignation to the President of India before voting on that motion was held. This happened on 16 July 1979.

The latest case of a vote of no confidence occurred in August 1979 with Charan Singh's Ministry as the target. This no-confidence motion had an unusual history. When after the resignation of Morarji Desai, the President of India appointed Charan Singh as the Prime Minister, his appointment was conditioned by a vote of confidence in the Lok Sabha. The Lok Sabha was to meet on 20 August 1979 with the trust vote as the first item on agenda. But even before the Lok Sabha was due to begin its session to discuss the confidence issue, Charan Singh had decided to resign. In the case of the fall of the Desai ministry, the confidence motion was under debate, but voting did not take place. In the case of the Charan Singh ministry, Charan Singh never made the confidence motion.

Leaving aside these technical niceties, the vote of no confidence in the two cases highlighted above proved to be very effective. This is likely to happen when the political party in power is not cohesive or when a multi-party coalition is in power. It is, however, too much to expect truly dramatic results from a censure move. At best, a vote of no confidence is

an occasion utilized by the opposition to launch a concentrated attack on the ruling party and to shake its moral authority.

Discussion on Demands for Grants. The executive is obliged to come to Parliament to request for funding, and before the latter grants the request it insists on articulating the people's grievances against the executive, and seeking the assurance for their redressal. It is a common practice for the individual minister to make a detailed reply at the end, rebutting the charges, giving some assurances, if necessary, and reiterating better performance in the future. The discussion on the budget offers apparently limitless opportunities for the Members of Parliament to exercise control over the executive. The time allotted in India for discussion of demands for grants is nearly 100 hours and over 200 Members of Parliament (a total of over 520) participate in the discussion.

Calling Attention Notice. The calling attention notice pertaining to matters of urgent public importance does not have an element of censure of the Government as is the case with the adjournment motion. It is, therefore, moved more uninhibitedly and the movers include the members of the ruling party. According to the rules, the time allotted for this motion is thirty minutes.

Half-Hour Discussion. Members can ask for half-hour discussion on a matter of sufficient public importance which has been the subject of recent controversy, and the answer of which needs clarification on matters of fact. This occasion is also utilized by the members to keep executive actions under surveillance and control.

"Zero Hour" Discussion. "Zero Hour," India's innovation in the field of parliamentary practice, has emerged, since 1962, as a powerful tool of control over the executive, although it is not a formally prescribed device available to the Members of Parliament. It is, in a way, extra-regular and is so called because it is invoked in the House immediately after the question hour but before the items on the order paper of the House (that is, the agenda for the day) are taken up for discussion and disposal. As the Parliament meets at 11:00 a.m. and the question hour is over at 12:00 noon the latter is the zero hour. At this hour the Members of Parliament can raise, subject to the permission of the presiding officer, matters which in their eyes are of public importance even if not listed in the day's order paper. "Zero Hour" has come to assume parliamentary status since 1962 as many questions of great public urgency have begun to surface, but which could not be raised in accordance with earlier parliamentary practices. Thanks to the advent of Dr. Ram Manohar Lohia's open pressures against the agenda-bound "order, order" and persistent demands for attention to be paid to specific recent public calamities, such as strikes, hunger-strikes, sudden sufferings caused by natural calamities, awful accidents, all resulting in deaths. Members of Parliament succeeded, in one or two sessions, in familiarizing Parliament with the emergence of what has come to be the "Zero Hour." This is a parliamentary weapon with which government has to contend with and the presiding officers have to live with moderating their "order, order" in a more suitable manner.³ Zero Hour

discussion has evolved little by little but became prominent during Sanjeeva Reddy's first term of speakership of Lok Sabha. Since 1977, the "Zero Hour" has undergone subtle change in the sense that up to five Members are allowed by the Speaker to raise, soon after the question hour is over, matters of public importance under rule 377 of the Rules of Parliamentary Procedure. "Zero Hour" discussion has the element of surprise and specificity of purpose. It is usually directed against individual ministers.

Audit. Parliament's control over budget is apt to remain superficial, even incomplete, until it provides for an independent examination of the public accounts to ensure that public money has been spent strictly in accordance with parliamentary regulations. In India, the audit of government expenditure is conducted by the Comptroller and Auditor General, a functionary provided for in the Constitution and endowed with powers and status which make him independent of the executive. As Audit reports are, as a rule, made available to Parliament and, moreover, become the chewing fodder for the Public Accounts Committee, they are tools of direct parliamentary control over the executive. In addition, they provide indicators of how tasks and affairs in public administration are managed. The provision for audit of government expenditure has an anticipatory effect: the hindsight of the auditor becomes the foresight of the civil servant. Secondly, audit brings to the notice of Parliament (and of the larger public) cases of financial ir-

of Democracy: Old and New Weapons," in S.L. Shakhder (ed.), *The Constitution and the Parliament in India* (Delhi: National, 1976), p. 271.

³N.G. Ranga, "Parliamentary Armoury

regularities and other transgressions enabling an august body to identify those responsible for them. Once the audit has unearthed certain irregularities, the civil servants responsible for them run the risk of getting censured by the political executive. Thus viewed, audit is an aid to the assuring of administrative accountability. It should, however, be noted that the Indian practice is not to have a 100 percent audit, thus leaving some areas of public expenditure unexamined. Moreover, successive audit reports unflinchingly bring to light acts of financial mismanagement, which show the limited value of audit.

Committees of Parliament. The picture of parliamentary control over the departments may not become clear without alluding to the activities of the committees which Parliament has set up to undertake examination and scrutiny of specified matters. Parliament is a busy body, not having the necessary time for such detailed examinations. Nor can such tasks, which are of a technical nature, be efficiently performed in the whole House whose proceedings are guided by unconcealed political considerations. To relieve it of such detailed exercises and also to enable their undertaking in a non-partisan spirit, the Parliament has set up committees composed of members drawn from among its own ranks. These are: the Public Accounts Committee, Estimates Committee, Committee on Subordinate Legislation, and Committee on Public Undertakings. A parliamentary committee summons the civil servants to give evidence before it, and in the process subjects them to a cross-examination on matters under examination. The civil servants may refuse to disclose information in the public in-

terest or for national security, but there are no firm guidelines governing bureaucratic action vis-a-vis these committees.⁴

⁴In contrast, the senior civil servants in Great Britain, who necessarily have to appear before the parliamentary committees, have been given guidelines on what not to say and to whom. The memorandum prepared by the British Civil Service Department in May 1980 informs the Civil servants: "The general principle to be followed is that it is the duty of officials to be as helpful as possible to (parliamentary) committees, and that any withholding of information should be limited to reservations that are necessary in the interests of good government or to safeguard national security." The civil servants are precluded from disclosing facts or opinions about:

- a. Interdepartmental exchanges on policy issues
- b. Civil Service advice to ministers
- c. The level at which decisions were taken and the manner in which a minister consulted his colleagues
- d. Questions "in the field of political controversy."

The guidelines further postulate:

- a. In no circumstances should any committee be given a cabinet paper or extract from it or be told of discussions in a cabinet committee.
- b. Nor should information be given about the existence, composition or terms of reference of cabinet committees or the identity of their chairman.
- c. It is not open to specialists, like members of the Government Economic Service, to explain the advice which they have given to the government on a matter of professional judgment, or would give, if asked by the government. They cannot therefore go beyond explaining the economic reasoning which, in the government's view justifies their policy.
- d. If there is no quotable public evidence of a government view and the civil servant is asked for his professional judgment of the view that the government would be likely to take, he

Each of the parliamentary committees undertakes a detailed and thorough examination of issues within its terms of reference and submits its report to the House. The report is not formally discussed; this convention avoids any possible controversies in the Parliament though members may — indeed, do — refer to it in the course of debates and discussions. A well-defined convention is one where in a parliamentary committee reports on behalf of the House, and immediately proceeds to the executive for action, who is under obligation to report on the action taken. A parliamentary committee not only examines matters but also makes follow-ups of actions taken.

The Public Accounts Committee, consisting of 22 members, seven of whom are from the Upper House, examines the accounts of the executive departments to ascertain whether money granted by Parliament has been spent in the manner authorized and with "wisdom, faithfulness and economy." The examination, as is formally laid down, does not extend to questions of policy; it is concerned with methods of expenditure and in particular whether sound financial principles and the prescribed procedures have been observed. In practice, the committee has consistently interpreted its charter liberally.

There is the Estimates Committee, consisting of 30 members of the Lower House, which makes suggestions on how accepted policies may be implemented economically. This com-

mittee, too, has defined its tasks in liberal terms and has even been dealing with issues and problems which cut across departmental jurisdictions.

In addition, there are the Committee on Public Undertakings and the Committee on Subordinate Legislation which examine, respectively, the functioning of (specified) public undertakings and the practice of subordinate or delegated legislation.

All these committees scrutinize actions after they have occurred thus being in the nature of post-mortems. The object of the examination is the bureaucratic conduct of public affairs, and in the process, acts of maladministration and malpractices are exposed. The Public Accounts Committee, in its fiftieth report (1966), referred to certain transactions by the Ministry of Iron and Steel in 1959-1962 which involved wrongful issuance of pre-import licenses to Amin Chand Peareyal group of firms, resulting in a loss of about twenty-four million rupees of foreign exchange earnings. As a result of this exposure, the career of the then Secretary of the Ministry S. Boothalingam came to an abrupt end. These committees keep the machinery of public administration under parliamentary scrutiny and exercise wholesome influence over the executive. By highlighting the shortcomings and mistakes of public organizations they exercise control over the latter. The arms of these committees do reach the wrong-doers and their names and deeds do get publicized. The feat itself tends to keep the bureaucracy more cautious and careful of its administrative actions. However, a public organization examined by a parliamentary committee remains, in practice, immune from

should refer to the political nature of the issue and suggest that the questioning be addressed or referred to ministers (See *The Times*, 22 May 1980).

similar scrutiny for a number of years. Besides, the machinery of government has today become so vast that the parliamentary committees are not able to cope with the volume of work to be done.

Critique of Parliamentary Control

The above-mentioned devices, except the last two, seek to exercise control over the political executive while the audit and parliamentary committees are directed towards examination of bureaucratic actions. The importance of these tools of parliamentary control can hardly be exaggerated. Today's government is not a minimal one addressing itself only to the tasks of regulation and maintenance. Where the government is taking up an unprecedented array of functions both in traditional and new fields which impinge heavily on people's welfare, it is absolutely essential that it should be subjected to an adequate system of control.

With all its devices and opportunities, Parliament finds itself unable to sustain effective control over the executive. This state of affairs is due to several factors. What is called parliamentary democracy has long since yielded supremacy to the Cabinet. It is the latter which has in reality come to control and commandeer supremacy. This has come about because of the emergence of the party system which by ensuring majority support for the government of the day makes it feel safe and secure regardless of whatever may be said on the legislative floor. The party system has seriously compromised the member's freedom of expression. The Members of Parliament have thus come to enjoy freedom of speech in Parliament to

the extent that the parties to which they belong permit such freedom. The device of whips which parties impose on their members so freely mobilizes majority support for the party in power. Besides, individual member's dependence on the party has over the years increased for the latter provides the resources indispensable for winning elections. Further, as membership of Parliament has become the source of livelihood for the average politician, they would not allow Parliament to be dissolved prematurely. If Parliament does not behave, the Prime Minister can advise the President to dissolve the House, thus exposing them to all the uncertainties of an electoral contest. This, too, makes the honorable Members of Parliament docile and pliant to the political executive.

The use of the word "control" for the type of work done by Parliament may appear to be rather too strong an expression. These devices do not enable Parliament to control the executive; they merely help in putting attention on certain aspects and features of administration. The executive, however, is not necessarily deterred from action by them.

To be brief, these devices serve the purpose of building public opinion (provided there is faithful reporting of parliamentary proceedings in the press) on the matters raised, but the executive feeling secure behind its majority may not change much its behavior and actions. All these are secular forces operating on all parliamentary systems. In addition, the Indian Parliament operates under several constraints. The manner in which Parliament has functioned left much to be desired even during the lifetime

of India's first Prime Minister, Jawaharlal Nehru. Nehru, however, made sincere efforts to nurture parliamentary democracy and was responsive to the criticisms made in the Houses even though the Congress Party enjoyed massive majority. Nehru's demise pose a serious setback to Parliament. Traditional feelings of reverence for Parliament was not evoked by his successors. The decline of Parliament became pronounced by the early seventies. In the eighties, it found itself at the nadir of its fortune, M. Ruthnaswamy, himself a member of Parliament, has emphasized: The minds of members (of Parliament) are already made up before the debate begins and they vote accordingly in spite of the arguments that have been urged on the other side. In fact, it is the avowed practice of the ruling party to have the issues to be raised in Parliament discussed and decided upon before the meetings of the Congress Parliamentary Party; its members go into parliament and vote according to the decisions taken at the meeting of the Parliamentary Party. Decisions therefore, come before discussions in Parliament. Thus, the debates of the Indian Parliament have become a form of ritual that have little or no effect on the final result. The debates have been robbed of their meaning and purpose. This accounts for the sparse attendance of members during the debates, the members trooping in at voting time especially when a vote of confidence is imminent.⁵ Members often display an obvious indifference towards their parliamentary duties.

⁵M. Ruthnaswamy, "The Manner of Members in Parliament," in S.L. Shakhder (ed.), *The Constitution and the Parliament* (Delhi: National, 1976), p. 336.

On an average day, a large number of members troop out once question time is over. The attendance in the afternoon is even smaller. Quite often the quorum bell has to be rung to get the honorable members to the House so that proceedings may continue. Even some of those whose questions appear on the day's list choose not to be in the House when the Speaker calls them formally to ask the questions.⁶ Although Friday is the day set aside for the discussion of Private Members' Bills, and is thus truly the Members' event, the attendance on this day is generally the lowest! Besides, parliamentary sessions in India have been declining over time. In 1952, the Lok Sabha met for 880 hours but the total duration fell to 616 hours in 1971.⁷

One may also look into the time allotted for budgetary discussion in the Lok Sabha. The figures for the last four years are as follows:

1976	113 hours
1977	92 hours
1978	94 hours
1979	87 hours

One may thus notice a decline in the number of hours on general budget discussion. What is more, rail-roading of items is becoming a common feature. The number of ministries whose demands were passed with-

⁶As an example see *Lok Sabha Debates*, 13 March 1979.

⁷In contrast to this, the number of sittings of the British House of Commons is around 160 and at the rate of eight and a half hours per sitting the parliamentary time per year is 1360 hours. Thus, the parliamentary time available in British is nearly two and a half times that in India.

out any discussion was 15 in the year 1975, 13 in 1978, and 19 in 1979. Too little time is devoted to budgetary control and policy matters. A disproportionately large time is consumed by items of small consequence. This has made the House of the People's role in regard to scrutiny and control of the executive even weaker. The executive has become the most powerful of the three organs of the state.

Control by the Political Executive

Democracy obliges the administration of a country to be under the control and command of the political executive which represents the people and which, moreover, has been given its present position precisely because of the mandate received from the latter. The political executive is the council of ministers with the Prime Minister at its head. In reality, it is the Cabinet, a smaller body consisting of the more senior members of the council of ministers functioning on the principle of collective responsibility, which is the top policy-making body in government. It exercises control over the entire machinery of government and public personnel, the object being to ensure accomplishment of desired tasks. To transact its business, it ordinarily meets once a week depending upon circumstances. Unlike parliamentary control, the political executive's control over administration is continuous and all pervasive. Thus viewed, Parliament in a sense, may find itself in a somewhat weaker position than the political executive. However, its span of control is very broad. Parliament exercises its control over both the political executive and the administrative system including its personnel. The

cabinet is the top policy-making body and it controls the permanent executive by virtue of this position. It has the power of appointment and removal of personnel and of issuing directions to ensure proper execution. It particularly exercises surveillance and control over the machinery of government by requiring the following matters to come before it for decision:

- (1) Cases involving legislation including the issue of ordinances.
- (2) Addresses and messages of the President to the Houses of Parliament.
- (3) Cases involving negotiations with foreign and commonwealth countries on treaties, agreements, and other important matters.
- (4) Cases relating to Proclamation of Emergency under articles 352-360 of the Constitution and other matters related thereto.
- (5) Cases relating to commencement or cessation of a state of war and related matters.
- (6) Proposals relating to, (a) creation of new corporations or companies wholly owned by central (i.e., federal) government or by a public sector undertaking; (b) participation by the central government or a public sector undertaking in providing share capital to a new or any existing corporation or company; (c) winding up, amalgamation, or such other major schemes of structural reorganization of public sector undertakings.
- (7) Cases in which a difference of opinion arises between two or more Ministers and a Cabinet decision is desired.
- (8) Cases in which a committee of cabinet or its chairman desires a decision or direction of cabinet in a matter of importance on a subject assigned to its charge.
- (9) Cases having financial implications on which the Finance Minister desires a decision of the cabinet.

- (10) Proposals to vary or reverse a decision previously taken by the cabinet.
- (11) Any other case which the President or the Prime Minister may, by a general or special order, require to be brought before the cabinet.

Matters other than these fall within the spheres of individual ministers. Here also, not all kinds of business need come to the minister for his direct action. Indeed, there are well-defined internal rules regarding the levels of decision making, leaving only the more important items of work to be decided by the ministers. These rules, however, do not restrict the minister's powers and position, and he is at liberty to decide by himself on any item of work falling under his political charge. He enjoys the right to issue directives and instructions to the public personnel under his charge.

Critique of Control by the Political Executive

The foregoing is an institutional description of the political executive's control over the machinery of government. While it provides knowledge of what may be called the institutional framework of control, it does not, for instance, indicate how and with what effect the political executive operates the various mechanisms available to it.

It is exceedingly difficult to answer such questions, at least at the present stage of our knowledge of the functioning of the country's political executive. Matters to be decided by the Cabinet are initially discussed by the senior bureaucracy which is expected to prepare notes on and in the process even suggest plausible courses of ac-

tion out of which a choice can finally be made. Sometimes, the civil service even makes a definite recommendation on a matter coming before the Cabinet. Is the Cabinet then deciding matters in a rather routinary way on the basis of these agenda notes? Do all or most members participate intelligently and effectively in the discussions in the cabinet meetings? In the absence of authentic knowledge about such and other questions, it is not possible to form a firm view.

One may, however, make a few observations which are more in the nature of hypotheses than proven truths. Where the party in power has made some commitments to the electorate, as in a manifesto, these would be implemented by the cabinet. This would also be the case with matters on which members of the political executive have firmly set their hearts on. In short, what the political executive feels very passionately about will prevail. The administrative system will dutifully implement its wishes. A minister, being a professional politician, has to attend necessarily to political, public, and party activities, which leaves him with so much less time for office work. His intellectual achievements, too, may not necessarily be of a very high order, being a product of adult franchise in a society with widespread illiteracy; nor may the range of his interests be very wide. All these factors tend to make him lean heavily on the career bureaucracy. In a very wide range of matters, the bureaucracy appears to rule the roost, of course, under the name of, and with the passive approval of, the political executive. It would, therefore, not be very incorrect to say that the political executive's control over administra-

tion is not consistently effective.⁸ Bureaucracy is known to have sometimes been able to take the members of the political executive for a ride. Where the bureaucratic traditions are old and political institutions are of relatively recent origin this need not look surprising.

It may occur that the political executive's control over the machinery of government and its personnel may not often be smoothly ensured. One is led to make this point on the basis of what the then Cabinet Secretary had said on this matter nearly four months after the Janata Party came into power. In August 1978, the Cabinet Secretary told the secretaries that experience of the functioning of the administrative machinery since the Janata Government took over in March 1977 showed that implications of the political change have not been fully appreciated or incorporated in their minds and work. He asked them to fully familiarize themselves with the political philosophy, objectives, and approach of the Janata Government to economic and administrative matters which were naturally different from those of the previous government. The Janata Party manifesto, the decisions of the new government and the various policy pronouncements made by the Prime Minister set out the manner in which the Janata Government wished to function and what it wanted to achieve. He reiterated that the role of the administrative machinery was to assist and advise the government in the formulation

of policies and programs as well as in their effective implementation.⁹

The above observation made by the Cabinet Secretary in the central government suggests that the bureaucracy is slow to respond to the demands made by the political executive and, further, it has its own internal logic and compulsions to motivate its actions on a variety of matters.

There is another phenomenon which weakens the available control mechanisms. Indian politics is fast becoming linkage politics of which many ministers and civil servants are often integral parts. In such a situation the relationships that grow are mutually supportive in nature, which have the effect of benumbing the various control mechanisms.

Control by Political Parties

One potentially powerful instrument of control over the executive is the political parties of the land. During the period of the British *raj*, the organizational wing of the Congress Party controlled the parliamentary wing, including the council of ministers. That was the period when the top ranking leaders of the party usually preferred to remain in the organization and only their lieutenants were sent to the ministerial positions — an arrangement which had the effect of tilting the balance in favor of the Party, which was thus in a position to oversee the functioning of its ministerial part.

This role of Congress ceased once India became independent. There

⁸This is the finding of a study carried out in 1975. See S.R. Maheshwari, "Constituency Linkage of National Legislators in India," in *Legislative Studies Quarterly*, Vol. I, No. 3 (August 1975.)

⁹*Indian Express*, 18 August 1977.

were a few occasions when the organizational wing of the Party sought to announce and assert its superiority over the ministry, but such attempts were foiled and the proponents of the view crushed. Rather, there has been a reversal of the roles of the two wings. Today, it is the parliamentary group headed by the Prime Minister which controls the Party.

Members of the opposition parties are assigned to keep watch over the functioning of the Government. It must be said, to their credit, that despite their small number, as well as the absence of any research wing in any of the parties, they do subject the executive to criticism. But, as is to be expected, the criticisms are deeply politically motivated. Besides, behind most extra-constitutional agitations, one would find the hands of these parties. This kind of action however, may at best discomfit and embarrass the government but not unseat it. Furthermore, since the seventies a process of polarization in the political parties has been developing; there is decreased responsiveness on the part of the party in power to criticisms raised by the opposition.

Control by Media

In India, the radio and the television are under government ownership and control making them instruments of the government, not of control. The amount of freedom available to them depends upon the orientations of the ruling party of the day. This freedom would only allow making of suggestions for "further improvement" in the matter under consideration. The Government makes fullest use of them for transmitting information, although, since mid-1977 the political

parties have been allowed limited radio and television facilities during election time. At times, there has been dissatisfaction expressed against such direct government control, and demands too have been made to set up autonomous corporations to run the broadcasting and telecasting services. The government has, however, turned down such demands. In short, the radio and the television in India do not generally serve the purpose of controlling or overseeing government; these, on the other hand, are harnessed to condition and control citizens' minds in favor of the ruling party at the center.

In sharp contrast to the radio and the television, the press in India is not directly under government ownership and control.¹⁰ Each major political party today strives to publish a paper. Likewise, each big industrial house aspires to launch a paper to project its image. Besides, even though the press is not within the governmental sector, the government does in effect exercise varying degrees of control over the newspapers by its power to regulate the supply of newsprint and by the power to approve the release of government advertisement—two major inputs without which most newspapers may not be able to keep going. In short, the independence of the press gets compromised. Moreover, newspapers do not have "investigative reporting" which is vitally important if they are to act as independent instruments of control over the executive. At present, newspapers aspire to perform the control function through its editorials

¹⁰The only exception is *The Andaman and Nicobar Times*, a daily published from Port Blair by the local administration.

and commentaries on contemporary issues as well as through its columns on "Letters to the Editor."

Extra Parliamentary Devices of Control

India's contemporary political culture accords, in practice, at least, legitimacy to certain kinds of agitational politics notwithstanding the occasional disclaimer. The then Speaker K.S. Hegde, for instance, categorically ruled out the place of extra-parliamentary devices in the ordering of public affairs of the land. He expressed the view that in a democracy there was no room for "disruptive politics;" while the government of the day has to be responsive to the people's wishes there must be no resort to "extra-constitutional methods or means to enforce demands." He even warned: "Violence has no place in the democratic system."¹¹ No one took these words with any seriousness, for agitational politics has steadily emerged as an integral part of the contemporary Indian political style. Although it has not been completely absent at any time since Independence, it was since the mid-sixties that political agitations accelerated to a high degree of velocity and vehemence. Political agitation is particularly endemic in certain parts of the country even though all political parties and most pressure groups appear to revel in it. The contemporary politician in India is, as a result, socialized more in agitation than in constitutionalism. It is "agitability," more than anything else, which today makes a politician in India. *Satyagrahs*, strikes, hunger

strikes, relay fasts, fasts unto death, demonstrations, picketings of government offices, mass movements, self-immolation, *bandhs*, *geraos*, and so on are all too familiar features of Indian politics. Indeed, the contemporary political culture's capacity to tolerate extra-constitutionalism is striking. The various devices are pressed into service depending upon local situation but all seeking to control the contents of the "outputs." These are all anomic phenomena. These devices are generally invoked to beam out messages to the political executive and Parliament, but on occasion, they may be directed against what their organizers considered to be bureaucratic high-handedness. They are often manifestations of local anger and seek to bring both the political executive and the legislature round their viewpoints.

Irritated by the irregular running of local trains, the commuters sit on the rail track, thus, paralyzing the train services. The crowd surrounds and besieges a local police post to protest against the death of a suspect while in police custody. The local people stall the proposed change of the name of a well-known university by staging demonstrations and observing "hartals." The recent deterioration in law and order in Delhi led many organizations, especially of women, to present demand charters to the government. In many cases the extra-constitutional devices succeed in getting their demands accepted, at least in principle, by the bureaucracy or by the political executive. These are extra-constitutional actions, but do often produce results very quickly. This perhaps explains why the incidence of such phenomena has been increasing over the years.

¹¹*The Statesman*, November 14, 1978.

Critique of Extra-Constitutional Devices

Agitational politics as a control mechanism cannot be wished away; it is a natural recurrence in a society, like India, experiencing a revolution of rising expectations — much like smallpox.

The extra-constitutional devices of control are as a rule invoked by the better-organized groups, such as industrial labor, students, and lower-level staff in government organizations. While there is no season of the year barring them completely, they are pressed into service with reckless imprudence, particularly, on the eve of elections. The agitational methods are, moreover, seen in practice to bear fruits, thus, making them look like dividend-yielding tools in the eyes of the people, especially the more volatile and impatient groups in the society. But any large scale allegiance to it entails gravely deleterious consequences to the country's style and system of governance. Control implies an existence of a predetermined objective which shapes action, but when extra-constitutional devices are invoked and activated they often tend to promote narrow sectional interests. Those with powerful vocal chords are often seen to win the game. This raises pertinent questions, such as, control for what? or how to distinguish control from coercion? Any massive shift of national attention from ballot-box politics to agitational politics demeans both the Parliament and the political executive, and before long strips democracy of its credibility. Ideally viewed, the third dimension, extra-constitutionalism, is in lieu of the first two ones, and its wider use is apt to undermine the efficacy of

both the political executive and the parliament vis-a-vis the administration.

Concluding Observations

The three organs of state — the executive, the legislature, and the judiciary — must remain in a state of dynamic equilibrium, and when this is disturbed, the political system gets subjected to stress — a situation which does not augur well for the polity's continued health. The analysis in the present paper shows that Parliament's control over the executive leaves much to be desired. The Parliament as presently constituted is no match for the executive. Whatever Parliament does by way of control does not have any binding effect on the executive. If the latter so wills, it may not take any action against a civil servant though he might have been censured by the Parliament. An objective evaluation of control by the political executive is presently handicapped for want of adequate empirical data. But it may be permissible to surmise that in a functioning democracy the political executive's control cannot be qualitatively different in its impact from parliamentary control. When Parliament cannot be very effective, it is too much to expect the political executive to turn the table and consistently keep the administrative system under effective control. This conclusion is reached because the political executive is but a microcosm of Parliament. It must, moreover, be clearly understood that exercising effective control is very different from instilling fear or terror. A political executive, in a bid to look firm and strong, may totally demoralize the bureaucracy by arbitrary actions. This is anything but intelligent exercise of

control, which in its true sense is not in the least inhibitive of managerial initiative and risk taking — qualities which are vital for growth and development. The political parties and the mass media have great potentials but they have either been ineffective or not appropriate.

It follows then from the foregoing that the classical mechanisms to keep the executive under control are found to be insufficient and inadequate. The fact is that the power of the

present executive has enormously expanded largely by design but partly also by accident. This, among others, calls for an alert judiciary, vigilant Parliament, fearless watchful press, and powerful watchdog organizations. It is vital, therefore, that these institutions move forward to restructure themselves, redesign their business practices, and reinforce themselves. Moreover, when a bureaucracy is unavoidable and inescapable, efforts must simultaneously be made to humanize and professionalize it.