

Chaos By Design?

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The executive power of the Union vests in the President and that of the States in Governors. However, this power is to be exercised on the aid and advice of the Council of Ministers. The Constitution has Articles 77 for the Centre and 166 for the States under which Rules are to be framed by the President or the Governor as the case may be for transaction of the business of government and for allocation of business among ministers. It is under these Rules that ministries and departments are formed. All issues which come within the allocated business as per the Business Allocation Rules are to be disposed of by the department concerned, the head of which will be the Minister and the Chief Executive of which will be the Secretary. The method of functioning of the departments and the powers of the Minister and the Secretary would be defined by the Rules of Business of the executive government. In the States when a department cannot decide an issue because other departments are involved the procedure would be to send the matter to the Chief Minister through the Chief Secretary in what is officially termed coordination and the Chief Minister may either give suitable instructions on the disposal of the matter, constitute an inter-departmental committee to decide the issue or direct that the matter be placed before the Council of Ministers for its decision. Incidentally, all matters in which there is difference of opinion between the administrative department and the finance department have to be placed before the Council of Ministers for its orders. Had this procedure been followed the matter of irregular or illegal allotment of 2G spectrum and the consequences which flowed would have been avoided.

In the Centre the procedure of coordination cases does not exist, but where there are issues of inter-ministry coordination the Secretary of the Ministry concerned would be expected to bring the matter to the notice of the Cabinet Secretary, who would then obtain the Prime Minister's direction on the action to be taken. In any case the objective of Articles 77 and 166 is to ensure that government works in harmony, that the left hand of government is aware of what the right hand is doing and on policy issues every ministry and department of government is a partner and that all of them work together to ensure smooth implementation of government policy. That is how a properly organised, systematic government functions. That is how the Central Government and the State Governments functioned in the past because the Council of Ministers understood its collective responsibility to Parliament or the State Legislature, in public the ministers of government spoke as one and any differences within the Council were ironed out in private. I cannot remember a single instance of a Minister of Government expressing views in public contrary to those of the Council as a whole when Jawaharlal Nehru, Lal Bahadur Shastri, Indira Gandhi and Rajiv Gandhi were Prime Minister. A Minister who spoke contrary to what the Council had decided would have been thrown out of government posthaste. Let me give an example from Britain. Alec Buchanan-Smith was a Conservative Member of Parliament from Scotland for over twenty-five years and for a major part of this period he was also a Cabinet Minister. Margaret Thatcher was the Prime Minister who proposed a package of devolution of power for Scotland and Wales, with which Alec disagreed. He told the Prime Minister that he would not be able to support the proposal in the Cabinet and that he would not be able to obey a party whip in Parliament in this behalf. He gave his resignation from the Council of Ministers and from his parliamentary seat, but said that he would stand for election as an independent candidate from his constituency when the next general election was called. This is how a responsible minister should behave. It says much for Mrs. Thatcher that she accepted his resignation from the Cabinet but told Alec

to continue as M.P, with an assurance that his name would be repeated from the constituency in the next election. He was permitted to vote according to conscience.

Contrast this with today's India. Article 75 (3) states that the Council of Ministers is collectively responsible to the House of the People. The Constitution does not qualify this by saying that this provision will not apply to a coalition government. Despite this we have the unedifying sight of the Minister for Railways presenting the railway budget, duly approved by the Council of Ministers and then resigning because his party chief so desired. His successor, from the same party, then publicly disowns the budget. Where is the collective responsibility of the Council of Ministers? Unfortunately he is not the only one in the present government who has behaved in this manner. Even ministers belonging to the lead party of the coalition, the Indian National Congress, have publicly adopted postures which are contrary to the policy of the Council. It is almost as if Article 75 (3) did not exist, that Parliament did not care to enforce it, the Prime Minister did not advise the President to dismiss the Minister and the President did not think fit on her own initiative to remind the Prime Minister and the Minister concerned of collective responsibility.

When we move down from the Council and look at policy whose purpose is implementation the position is much worse. The Prime Minister announces that there will be six thousand model schools of the Navodaya pattern. The Ministry of Human Resource Development and the Planning Commission shoot down the proposal by introducing the Public-Private-Participation (PPP) mode. The Cabinet decides that there will be an ambitious Pradhanmantri Sadak Nirman Yojana and the Ministry of Surface Transport is given the responsibility for implementation of the scheme. All roads are built on land and to construct them we need earth, moorum, boulders, aggregate, asphalt and other building material. The Ministry of Rural Development, which is nodal for land acquisition, decides that rich farm land will not be acquired and the Ministry of Forest and Environment decides that forest land will not be surrendered. That ministry also puts severe restrictions on quarrying of material so that virtually the road cannot be built. Why was the scheme sanctioned if these other restrictions are to cause it to abort? The Ministry of Water Resource Development obtains approval for a dam, a hydroelectric station or for the infrastructure of irrigation. Land acquisition is not only not facilitated – it is obstructed both by other ministries and by courts acting on petitions filed by interested parties. This is true of thermal powers stations also. Where is the coordination in government? One ministry decides an industrialisation, another ministry decides against every step needed for industrialisation. The Agriculture Ministry decides on a policy of increasing farm protection. No one gives thought to development of the infrastructure needed to increase productivity, to market and process the agricultural produce and to ensure that the farmer gets a just return. Where is the coordination in government? We as a people never think holistically about anything. The Planning Commission was established to remedy this defect and to prepare coordinated development plans but today the Planning Commission is the biggest centre of ad hocism and the greatest opponent of holistic thinking. The situation today is that not only does the right hand not know what the left hand is doing – even the right hand does not know what the right hand is doing.
