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THE INDIAN JOURNAL OF PUBLIC ADMINISTRATION

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on

Union-State Relations

(Administrative Aspects)

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OUR CONTRIBUTORS

Articles

Dr. C. P. Bhambhri is Reader, Department of Political Science, University of Rajasthan, Jaipur.

Shri V. M. Bhide, IAS, is Joint Secretary, Planning Commission, New Delhi.

Shri K. K. Dass, ICS, is Secretary, Ministry of Information and Broadcasting, Government of India, New Delhi.

Shri P. K. Dave, IAS, is Chief Secretary, Government of Jammu and Kashmir, Srinagar.

Shri S. K. Dey, formerly Minister of State for Community Development, Government of India, is President of All-India Panchayat Parishad, New Delhi.

Shri Dharma Vira, ICS (retd.), is Governor of Mysore, Bangalore.

Dr. Iqbal Narain is Professor of Indian Government and Politics, Department of Political Science, University of Rajasthan, Jaipur.

Dr. V. Jagannadham is Professor of Social Policy and Administration (and head of Citizen and Administration and Social Services Unit), IIPA, New Delhi.

Shri N. J. Kamath, IAS, is Joint Secretary, Ministry of Industrial Development and Internal Trade, Government of India, New Delhi.

Dr. Shriram Maheshwari is Reader in Public Administration, IIPA, New Delhi.

Shri J. P. Naik is Adviser, Ministry of Education and Youth Services, Government of India, and also Member-Secretary, Indian Council of Social Science Research, New Delhi.

Shri S. S. Puri, IAS, is Joint Secretary, Planning Commission, New Delhi.

Shri Arvind K. Sharma is Lecturer, Department of Public Administration, University of Rajasthan, Jaipur.

Shri B. Sivaraman, ICS, is Cabinet Secretary, Government of India, New Delhi.

Dr. Ram K. Vepa, IAS, is Director, Ministry of Industrial Development and Internal Trade, Government of India, New Delhi.

Shri Vishnu Sahay, formerly Governor of Assam and Nagaland, is a retired member of the ICS, New Delhi.

EDITORIAL NOTE

Union-State relations are an area where politics and administration are best seen as two aspects of decision-making process in government. The balance in the Union-State relations has been disturbed considerably with the coming into power of parties, in several States, different from the party ruling at the Centre, emergence of coalition governments with different ideologies and programmes, and increasing defections in legislatures. The upsurge of regional aspirations and demands, and the uneven spread of benefits of development between different States has also accentuated tensions.

The new stresses and strains which have developed cover a wide range of issues and problems. These include: use of discretionary powers by the Governor in appointment and dismissal of ministries and in convening, proroguing and dissolution of assemblies; the Governor's role as the head of the State; the declaration of the President's Rule; deployment of Central Reserve Police to protect the Central property located in the States; use of Hindi as national language; the demand for constitution of new States on considerations of economic backwardness and cultural and linguistic differences; inter-State boundary disputes; inroads made into jurisdiction of the States by centralized planning; meagreness of the resources of the States and the demand for larger financial assistance and powers and for flexibility in utilizing Central grants; constitution of food zones; location of industrial plants; creation of new all-India Services and the like. For facilitating better dialogue between the Centre and the States, some constitutional and extra constitutional forums have already emerged and other similar devices are being actively discussed.

Much has been said about the Union-State relations in India from the political and financial angles. In most of the writings and debates, until recently, the administrative aspects of these relations were just touched upon. The reports of the Administrative Reforms Commission, and its Study Team on Centre-State Relations, however, looked into this subject in some depth. We are aware that it is not always easy, beyond a point, to single out administrative aspects from other aspects, such as constitutional, legal and financial; but, it is possible and necessary to devote greater attention to the administrative aspects of

the Union-State relations. The administrative aspects are of particular importance for the success of the development plans as well as for maintaining stability in the context of the changed political conditions. They need to be studied with greater care and thoroughness. It is proposed to make a beginning in this direction by publishing this special number. Attention has, therefore, been given to administrative structures, processes, practices, problems of functional areas, role of personnel, etc. There are some articles in this number which also provide a wider perspective to the administrative activities at the two levels. The subject of this special number is, according to us, both of topical as well as of perennial interest.

A study of the articles included in the present volume will indicate that while the structural framework has remained more or less unaltered, the day-to-day relations between the Union and the States are ever changing and dynamic in terms of the contemporary challenges. The success of a structure depends primarily upon the spirit in which it is worked. It is also clear that the subjects in the State List often need a heavy Union-level support. On the other hand, some of the responsibilities devolved on the Union can be effectively discharged only with the active cooperation of or through the State Governments. Nowhere the balance is exactly as it is stipulated on paper. There has to be a continuous adjustment leading to creative partnership. The whole apparatus of Union-State relations has to be operated in the spirit of "we" to work out compromises in the midst of tensions; Union Vs. the States does not appear to be a helpful stance.

Public Administration in a federal set-up has necessarily to be treated as an organic whole. Certain things have necessarily to be tackled on an all-India basis and certain others, at the State and local authority levels. It is not always by sanctions but by mutual understanding, accommodation and concern for the ultimate national goals that the people working at the various levels are to be guided in discharging their responsibilities.

We are thankful to our contributors drawn from several walks of life, for taking pains to delve into some of the administrative aspects of Union-State relations for many of which the available data is scanty. We are fully conscious of the limitations of our venture. But we earnestly hope that it will provoke further thinking on this important subject and be of some interest to scholars of political science and public administration, administrators, politicians, lawyers and others interested in public affairs.

—Editor

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GOVERNOR'S ROLE IN ADMINISTRATION

Vishnu Sahay

IN 1951, in the course of casual conversation, I asked Pandit Govind Ballabh Pant, then Chief Minister of Uttar Pradesh, what he thought the Governor's role was. The reason why I happened to ask that question was that there had been some talk going on at the time about how frustrated and neglected the Governor of U.P. was feeling. The latest instance of this neglect, it was said, was that one evening it was only when he switched on the radio for news that the Governor discovered that he had just appointed a new minister. The appointment of a Minister was one of the few functions which were expressly recognised as part of the Governor's responsibility, even though it had to be done on the advice of the Chief Minister. The Governor of the day was Shri Homi Mody, a distinguished industrialist from Bombay, with a reputation for ability and patriotism but without political influence. Pantji had all-India status in the Congress hierarchy and in U.P. itself, he was then at the peak of his authority and prestige. There were some snipers, it is true, but on the whole his leadership over the party was at that time undisputed. The incident of announcing a ministerial appointment without even informing the Governor was due to an inadvertent failure of routine, and Pantji, the most circumspect of men, did not refer to it in his reply to my question. He said—his words have struck in my memory—"The Governor may, if he likes, send down a note, but he should not afterwards enquire about it".

Pantji had great respect for form and I am not sure that he was wholly serious in his reply. But it did reflect the contemporary realities

of power. The Governor was an appointee, he usually came from outside the State of which he was the constitutional head, he did not have a relevant base of political strength on his own and was largely dependent for his influence with the Ministry on what it thought his relations were with the Prime Minister and, to a lesser extent, with the aid-giving ministries and organizations at the Centre. Congress Chief Ministers were usually at the head of powerful and obedient majorities—this was before the era of Aye Rams and Gaye Rams, and in the midst of their own complex problems of party management, of reconciliation of sectional interests, of obtaining resources for the clamant demands of economic development, many of them tended to be impatient if a Governor read the Constitution too literally. One did, and tried to act as ombudsman. His zeal resulted in his being translated to another post of high responsibility. The incident roused little public comment. This was soon after Independence and though there was no clear definition of what a Governor was expected to do when people came to him with complaints and asked for redress, it was widely recognized that the action taken was inevitable.

Notwithstanding his inheritance of Government House, complete with guard of honour and red-tabbed A.D.C., the Rajyapal was obviously not a continuation of the departed Lat Sahib. It was not for him to act as a court of appeal against the action of a popular ministry. When the Constitution came into effect, the position was put on a legal basis. The Governor was bound to act (with some exceptions) on the advice of the Ministry. He did not have direct executive power though all action purported to be in his name. But there had to be some one to choose the Chief Minister, and some one formally to appoint the rest of the ministry on the advice of the Chief Minister. The Governor personified the State in functions such as summoning the Legislature, proroguing it, adjourning it, opening it. In addition, there was a theory, following the Westminster model, that he had the right 'to be informed, to advise and to warn'. Since ours was a semi-federal constitution, he was also considered to be the representative of the President, meaning thereby the Government of India. The Constitution-makers had deliberately made him an appointee of the President rather than an elected official. Though there was a term of five years prescribed for him, he held office only at the President's pleasure. In those early years, no one raised the question as to where his responsibilities to the Government of India ended *vis-a-vis* his constitutional obligations as Head of the State and there was an easy assumption that no dichotomy could arise.

In the ordinary course of duty, he was expected to keep the Central Government 'informed' and to help in keeping central wishes and

state action in line. The President required him to write fortnightly reports, extracts from which were, on receipt, circulated to the Central Ministries concerned as a matter of routine. A copy was also usually sent to the Chief Minister. There was little appreciation that these reports from the Governor reflected a special constitutional obligation to the President and if they were to express frank views on matters of political importance, copies should not have been sent to the Chief Minister as a matter of course. Much labour and assiduity was devoted to these fortnightly letters, but in normal times they were usually repetitions of the State Government's official fortnightly letters to the Central Home Ministry, padded with a summary of what the Governor had said at various prize givings and a list of the dignitaries he had entertained in Raj Bhawan. At least one President, known for his love of good literature, did not read them. Nor did the Prime Minister; it was left to his Secretariat to point out whether there was any special paragraph needing his perusal. Those were politically quiet times and the Governor as a source of information was of not much practical importance. The Centre had many sources for getting information on the political situation in the States. Those days the political situation mainly meant the situation of the Congress Party. The Chief Ministers themselves, in easy and familiar contact with the leaders of their party at the Centre, were an adequate source and if there was any inadequacy in their reporting, there never was a lack of kind friends and followers taking the road to Delhi and filling the gap.

As for 'advising and warning' of which Bagehot wrote in describing the role of the Constitutional Head in Britain, the Chief Minister was usually a trusted party stalwart carrying the kudos of years of sacrifice and leadership in the national struggle; and if he needed being 'advised or warned', the most practical course of action for the Central leadership was obviously that on a party basis. The existence of a great national party in power both at the Centre and in the States and the presence of a great charismatic leader towering over the whole political scene have been factors which shaped and limited the Governor's role for nearly twenty years till, in 1967, the situation changed dramatically.

It is not suggested that throughout this period, Governors performed only a ceremonial role all the time. The position varied from State to State. In the Punjab with its tremendous post-partition troubles, Shri C. M. Trivedi presided over his cabinet for quite some time almost exactly as if it had been 1946 rather than 1948. The Congress party there did not at the time have any very outstanding leader, the Governor was an administrator of great experience and energy and the State government

was heavily dependent on the Centre for all kinds of aid. Also at that time there was much to be done in connection with affairs in which Pakistan was involved. In the circumstances, the ministry was not unhappy to receive, and accept, guidance from a Governor who could effectively take up its cause with the official machinery at Delhi. In Assam, Shri Akbar Hydari's work in integrating the Hill States and in getting the famous Nine-Point Agreement of Union signed by the representatives of the Nagas is still remembered. In Lucknow, the hospitable and gracious Shrimati Sarojini Naidu did much to comfort the Muslim community, at that time in a state of trauma after the migration of most of its leaders to Pakistan. A few years later her daughter, with equal grace and success organised help and relief for the afflicted in West Bengal. In Orissa, Dr. A. N. Khosla, a distinguished engineer in his own right, worked full time on preparing detailed plans for the development of the hydro-electric resources of the State. Another Governor was called upon to mediate when the armed police of two neighbouring states faced each other in a boundary dispute. On occasions of 'Communal' difficulties, the usual course for the Centre was to fly in some Central leader or leaders supposed to have influence with the affected communities, but some times the Governor also was required to act as an unobtrusive mediator. Two such occasions arose in my own experience. Others must have had similar experiences.

The first was in the winter of 1960 when I was appointed acting Governor of Assam in a short vacancy caused by the illness of the permanent incumbent. The Assamese of the Brahmaputra valley wanted Assamese to be the official language of the State. The considerable Bengali and Tribal minorities were opposed to this and the controversy had led to serious 'language riots'. The Assembly had passed a Bill which made Assamese the official language and it was awaiting the Governor's formal approval. The Constitution gave the Governor the right, at his discretion, to reserve a Bill for approval by the President. When I left for Shillong, the Home Minister, Pandit Govind Ballabh Pant, whom I have quoted earlier, asked me to see what I could do to bring about a settlement. He explained that assent to the Bill was the only 'handle' I had. This was different from "the Governor may if he likes send down a note but he should not afterwards enquire about it". Circumstances had changed. On arrival I went round the Valley making the usual speeches about unity and Gandhian ideals and contacting leaders of the various groups who mattered. In the end, I found that there was no possibility of a compromise till time had brought a cooling-off of tempers, and after keeping the controversial Bill on my table for a few weeks, I had no choice but to approve

it. The incident was an example of the part the Governor could sometimes play in buying time. It showed also the limitations of his role.

The second time I was called upon to take a hand in solving a political dispute was in 1963. The Khasis and Garos had been agitating for a few years for separation from Assam. Assam was, however, not the only State with separatist regions and the Centre was worried about the dominoes effect of the tribal demand. Prime Minister Nehru had put forward as a solution "the Scottish pattern" of devolution as it came to be called. This was not acceptable to the Hill leaders, who took a deputation to him when he was passing through the Gauhati airport. Panditji tried to explain to the deputationists that his proposals contained the essentials of effective devolution but he had to leave for Delhi and could not have a long session with them. He left saying that they should discuss the matter further with the Governor. This was done but I cannot say that the discussion carried the matter any further. In matters of high political importance, when there are groups or communities emotionally worked up over conflicting claims, the Governor can assess, report or explain but for negotiations of substance, people will not be content with any one much less than the fountain head of power.

These were isolated instances. In ordinary times the Governor's activities were mainly non-political. There was no set pattern. Much depended on the predilections of the individual Governor and of the Chief Minister and on their mutual relations. Most Governors devoted a good deal of energy to organizing and encouraging social work, raising funds for worthy causes and generally to provide community leadership. Broom in hand, Shri V. V. Giri, when Governor, gave a personal lead to a keep-your-city-clean campaign in Bangalore. If the Chief Minister was not available, the Governor could always be called upon to say a few graceful words at the inauguration of a cultural show or a Convention of industrialists or a Conference of Meteorologists or Sanskritists. Quite a few worked hard on schemes for the welfare of ex-servicemen. State Soldiers' Boards were as a rule starved of funds but whenever the country had to fight, as in 1962 and 1965, resources and concessions for ex-soldiers became easier to obtain and there was scope for useful work to be done for this deserving class. Governors were required to deal personally with mercy petitions addressed to them. They were also officially involved in appointments to the High Court. The State Chief Justice initiated the recommendations, the Chief Minister was then consulted and the Governor then sent them up with his own comments after making such efforts at co-ordination as were feasible.

Many Governors were much involved with Universities of which they were *ex-officio* Chancellors. There was some controversy as to whether as Chancellor, the Governor had to act on advice or on his own. One set of lawyers argued that since under the scheme of the Constitution, the Governor always acted on advice (except in specified cases), as Chancellor too he was bound to act likewise. It was, however, by an Act of the State Legislature that the Governor was Chancellor and other lawyers took a different view. In the early years after the passing of the Constitution, this controversy caused discomfort to Governors in some States where the Chief Minister of the day was particularly conscious of his power. In most States, however, the autonomy of the University, with the Governor—Chancellor and integral part of its governance, was accepted and respected. Law apart, there was often practical advantage in letting the University authorities bear the first brunt of intrigue, scandal or student unruliness. The Chief Minister or Education Minister could then appear later on the scene as *deus ex-machina* and acquire due credit for the inevitable 'concessions'.

In many states there were some outlying areas which, in spite of attractive travelling allowance rates and free jeeps, did not figure in official tour programmes except at election time. Many Governors made a point of visiting them. These visits were of distinct value when the inhabitants of these areas were tribes or other groups which felt isolated from the mainstream of national life. The routine on these occasions was something like that of pre-1947. There would be an address of welcome and a list of local demands. These would mainly be for more schools, roads, bridges, public buses, ferries, forest rights and the like, and though subsequent action on these requests followed its normal leisurely routine in the State Secretariat, there occasionally was some important grievance which the Governor could help to solve by personal approach to the Minister concerned. Such visits served to bring the presence of the Sarkar to a neglected area and, in the later part of the period under review at any rate, they were not unpopular with the Ministers, particularly if the Governor in his speeches was tactful enough to make an appropriate reference to the beneficent ministers who would remedy the grievances.

In times of calamity, the Governor was expected to pay a visit of sympathy to the afflicted area. In case of floods, an aerial survey was customary. It was an expensive and perhaps not very effective way of showing sympathy or overseeing relief. In times of riots or insurgency, when it became necessary to call on the Defence Services, the Governor could sometimes help with his contacts with the

Army or the Air Force. For some unaccountable reason, perhaps because the Governor was supposed to represent the Centre to whom belonged these forces, perhaps because of old habit, Major Generals and Air Marshals tended to feel more at ease when dealing with the Governor than with the Ministry. Perhaps they thought their reluctance to get involved in police duties, and, once involved, their desire for freedom of action as regards the mode of use of force would be better understood by the Governor than by a Minister harried with political pressure from supporters and opponents.

In times of emergency when the country had to fight, questions of constitutional rights and responsibilities were tacitly dropped and it became a case of all hands to the pump. Executive responsibility was willingly shared with the Governor. The Governor, if he was wise, recognised that this should be only a temporary phase and he should not use the occasion to build up his own public image at the expense of the Chief Minister. Ultimately the responsibility would have to be carried by the Chief Minister; it was he who would have to face attacks from the people for the unavoidable untoward incidents and administrative failures; it was he who would have to carry with him the critics in his own party. For the building up of proper relationship between the roles of the Ministers and the Governor, it was necessary that the distinction should be borne in mind even when the Governor did in fact, in special circumstances, take a hand in executive action.

The above is a rough sketch illustrating the Governor's role during this period but no mention has been made so far of his informal work with the ministry. The Rules of Business adopted by the State Governments at the instance of the Centre usually laid down that he was to be kept informed of the agenda for Cabinet meetings, of its recorded proceedings, of proposed legislation, and of important communications from and to the Central Government. Certain high appointments required his formal approval. Few Governors have wished to provoke public controversy and information is, therefore, not available about what they did by way of informal private talks. The public impression naturally was that they acted only as rubber stamps. Perhaps in some States and with some Chief Ministers, they had no alternative, but from what I have heard, there were occasions towards the later part of this period when Governors did intervene informally and with some success, specially if the proposal needing reconsideration was one in which a reluctant Chief Minister was being dragooned into acquiescence by a rival clique in his own party. On such occasions, a little support from the Governor was not unwelcome.

The Governor's intervention also sometimes helped to soften conflict between the State Ministry and a Central Minister bent on action unpalatable to the State. Indeed, as Central planning became more and more pervasive, a growing feature of the Governor's references to the Centre was pleading for more Central aid for his State. The demand was sometimes made on behalf of a specific project on which the people of the State had set their heart, like a new railway, an important bridge or a refinery. Sometimes the pleas were for increased aid for the State plan as a whole. Advocacy of the first kind helped but wholesale advocacy for more and more money on account of "special circumstances" tended to get lost in the midst of "special circumstances" equally strongly pleaded by every one else. There was a Governor, known for his eloquence, who used to come to the Governors' Conference armed with a massive brief from his Government and liked to cover the whole State Plan in full and complete detail. He was able to do so on his first appearance but on the second occasion, the President, with an obvious twinkle in his eye, postponed calling upon him to speak till it was only fifteen minutes to lunch-time and pangs of hunger provided a painless guillotine.

The normal role of the Governor was largely concerned with working with a ministry but there were interludes in some states when, under President's Rule, he had to exercise direct executive power. There was little ambiguity about his role in that situation. He was bound by the instructions of the President, meaning thereby the Government of India, but the responsibility for every-day administration was his. He was usually assisted by one or two Advisers from the ranks of professional administrators and though the sheer volume of work required that he should delegate a great deal, there was no question as to where final authority at the State level lay. Recently, however, the Prime Minister, answering critics of the Governor of Bengal, is reported to have said something to this effect—"it does not matter who the Governor is, policy is laid down by the Government of India and there is a Council of Advisers". Policy is certainly to be laid down by the Government of India but the implications of the rest of the argument are so novel that I hesitate to believe that they correctly reflect the Prime Minister's views.

After the elections of 1967, Governors were presented with conundrums of a new kind. When no party had a clear majority, whom was he to invite first to undertake the formation of the ministry? The leader of the largest party or the leader of some motley group of parties and independents, who claimed to have a majority? Was he to count heads in a parade at Raj Bhawan or should he use his judgment and let

the numbers be tested on the floor of the legislature? What action was appropriate when an existing Chief Minister's claim to majority support was challenged and he dodged it by advising proroguing or adjournment so that during the interval he could create more ministers? The Constitution set a limit of six months for the interval between two sessions of the Legislature. Was the Chief Minister to be allowed the full six months for avoiding meeting the challenge or must he be asked to have his supporters counted at a moment's notice when every one knew that most parties carried a considerable floating population? The British Parliament on which we had modelled our own system of parliamentary government provided on precedents for meeting such situations.*

Before 1967, there had been only one case in which the Governor had to exercise his discretion in appointing a Chief Minister. This was in Madras in 1952. The Congress party had failed to get a clear majority. The Governor nominated a former Governor-General of India, the distinguished Rajaji, to the Upper House—he belonged to the Congress party then—and gave him the mandate to form a ministry. Rajaji succeeded in doing so. My recollection is that at the time the Governor's initiative was much admired. It did in fact lead to a stable ministry, but it is unlikely that the Governor's discretion exercised in that way would receive much support today. The most conscientious of Governors now will have to live down the taint of being an appointee of the Central Government. There would be loud assurances, of course, that he had been left free to use his discretion but if his decision appeared to be one favouring the ruling party, there would be inevitable doubts as to whether there had been some telephoning between Delhi and the State capital. Incidentally in favour of Shri Sri Prakasa, it may be said that the contemporary evidence was that he acted on his own, the telephone line to Delhi being out of order. In the circumstances of the day, however, no one would have thought it odd if he had been able in fact to obtain guidance from Pandit Jawaharlal Nehru. Circumstances have changed greatly since then.

*Constitutional problems similar to ours did rise in the U. K. in connection with the Dominions just before the passing of the Statute of Westminster when the U. K. ministry ceased to have a say in the matter at all. These were concerned with the demand of the ministry that the Governor was absolutely bound to accept its recommendations for nominations to the Upper House (New South Wales 1926), with the existing Chief Ministers' right to demand a dissolution, even if the Head of the State thought an alternative ministry was possible, with the demand that the Head should consult the Centre, *i.e.*, the U. K. Government (Canada 1925) and the like. The line taken by the U. K. Government was that the Governor or Governor-General was bound to act in his individual judgment alone and should not even consult the Dominions Secretary in these matters. In these questions his primary responsibility was to the people of the State of which he was the Head. (See Leopold Amery's autobiography, *My Political Life*, Vol. II, p. 378 *et seq.*)

I do not propose in the compass of this article to attempt a discussion of the answers which have been suggested to these problems of choice. There is an excellent exposition to be found in a recent paper entitled 'Role and Position of Governors' by Shri K. Hanumanthaiya, formerly Chairman of the Administrative Reforms Commission which itself has made some useful recommendations on this topic. One of the recommendations, however, is that there should be formal guidelines to prescribe the manner in which the Governor should exercise his discretion. There is a little danger in this proposal. However carefully worked out these guidelines were, they could not cover all the possible nuances of the situation that may develop—we are not a people lacking in ingenuity in these matters—and a formal rigid set of instructions would lead to legalistic disputation on what is essentially a matter of judgment and good conscience. A less formal formulation of broad guidelines would be undoubtedly useful.

The Governor's role is changing. Attention is at present concentrated on his role in ministry—choosing and the like. But there will always be a time when he will be able to help as a moderating influence in Centre-State Relationships, as a rallying point for communities, as a symbol of the continuity of the state, or as a standby in an emergency. He does wear two hats and dilemmas will arise in practice. These will be best solved if he acts, and appears to act, as a creature of the Constitution to which he has sworn fealty.

FROM LOCAL GOVERNMENT TO THE CENTRE

S. K. Dey

OUR country lately has begun to be a question mark in the comity of nations whether advanced or developing. We have also grown significantly more sensitive as well as allergic to criticism of us as a people, which we could laugh over at one time to the disarming bewilderment of friends and foes alike. Even within the nation, questions are being debated in public, such as "Whither India?", "Parliamentary democracy or President's rule?", "Civil Rule or Army Rule?", "People's capacity to administer their affairs whether at the village or at national levels?", etc. Every thinking man, from the aged to the young, from the eminent to the obscure, is being plagued with these thoughts. Being an open society it behoves us to make a dispassionate analysis of the rights and wrongs in our practices of democracy so that the chaff could be separated from the grain and more light shed on the path of the dialogue now on.

For Freedom of the People

The advent of Mahatma Gandhi on the scene of Indian politics ushered in a biologically new element into the struggle for India's freedom. Gandhi deprecated the princes and the elite gentry in their ivory tower. He spearheaded the call for India's freedom being synonymous with the freedom of the people—the toiling masses. It was Gandhi who raised the question "For whose Freedom?" the battle was to be waged. It created a consternation in many an erstwhile leaders ruling the roost then. The British rulers who held sway over the sub-continent jeered at this "Naked Fakir". But Gandhi won the battle of ideology, pushed many a seasoned leaders of people into the dustbin of history. He moulded men out of the dust he picked from the brown and virgin soil of the sub-continent. From Kashmir to Kanya Kumari, from Kutch to Kohima, people rose as a man because this little man identified himself totally with the dusts of India. He held out the promise as an earnest that every adult regardless of caste, creed, religion, language, occupation or economic status would have an equal voice in determining the shape and character of the Government that should rule the nation once the nation was free of its colonial shackles.

Gandhi Asked for Optimum Decentralization

Science and technology were purring for centralization in production techniques and for concentration of wealth. Very few of Gandhi's contemporaries apprehended the significance of the concentration of economic and political power symbolized by communism as much as by its opposite. People would be helpless, he knew by instinct, against the concentration of economic and political power whether in a few owners of capital and their satellites or in a few demagogues or political adventurers. Optimum decentralization in administration and of political and economic power is what he stacked his entire life upon. His concept of the nation representing the oceanic circle as an organic expansion of the small circle of the Village Panchayat and the Gram Sabha as the Parliament of the adults in the village with capacity to regulate authority when abused, his concept of people running their economic affairs individually or cooperatively, are the warp and weft of the new fabric of free Indian humanity which he envisaged. No wonder the classes had to respond to his clarion call for mere survival when the masses joined their voice to his towards a national chorus. When Gandhi issued the mandate in the name of the people for British power to quit India, he least expected that this would result in white colonial power being replaced by brown feudal power. He asked for the abolition of pomp, ostentation, and ceremony which characterized our foreign rulers in this country. He promised that the Viceroy's House would be turned into a hospital or a museum to serve the people. Gandhi was removed physically from the scene through the action of an assassin's bullet. Tragically, we had already killed him in spirit through the blood bath enacted following Partition and the unholy stampede for occupation by brown power of the seats left vacant by the retreating white power. When the Constituent Assembly began to come into real grip with its task, Gandhi had already been cremated with his ashes entombed in the new shrine—Rajghat—along with the philosophy professed and the pledges made by him in the name of the people. The red stone and granite building in which the Constituent Assembly had its deliberations was too cosy, too secure a mansion to remind the inmates of the other side of India wherein the millions dwelt and with whom Gandhi, who was no more, had still "promises to keep".

A Gap

Instead of looking at the new Government of India from the people upwards, the sight and thoughts of those who deliberated in the Constituent Assembly were turned from the mighty dome of the Constituent Assembly downwards. We drew for our Constitution

from other lands which had secured political freedom for their people after they had secured economic freedom largely through centuries of economic and political exploitation of other peoples and lands many times their own. At the tailend of the deliberations in the Constituent Assembly, some discordant voices were raised in the name of Mohandas Karamchand Gandhi. The betrayal of the cause that Gandhi had championed was evident beyond question. But it was too late to begin all over again at the advanced stage already reached in constitution making. Article 40 as a Directive Principle, asking the Government to constitute Panchayats as units of local self-government, was a belated admission of the gap between constitution-making and the dire need to honour Gandhi and his promises to the nation. Local self-government and the development of the rural people, who constitute 80 per cent of India's rural humanity in all aspects of their life, constituted largely the prerogative of the State Government under the Constitution.

Gram Sabha to Lok Sabha

August 15, 1947 had seen the end of white bureaucracy and its replacement by a brown one and the substitution of the Parliament at Westminster by its Indian counterpart, through the Constituent Assembly then consisting of brown representatives of the brown people of this sub-continent. Independence ushered in a new urge in people for a massive move forward for improvement in the level of living, on the one hand, and for an egalitarian democratic society, on the other. The brown bureaucracy knew little of the implications of democracy. The leaders, barring a notable few, hardly knew what it was to run a sovereign administration of a sovereign land. The nation-building departments had been functioning more as rituals, basking in sovereignty throughout the British rule except during emergencies. The old traditions continued even after Independence; nay worse, Departments functioned in isolation from each other with whom they were to be inextricably inter-related if a major push was to be given to production, whether in agriculture, industries or social welfare, or whether in education, public health or other related fields. Community Development was the first effort to bring about order in a chaotic system of sovereignties where departments vied with each other horizontally rather than vertically. It was also a programme for direct involvement of the people in the administration of their own affairs near and dear to them. The approach led with its natural logic to the growth of Panchayati Raj as grassroots democracy which promised to create an interlocked link from the Gram Sabha to the Lok Sabha. Jawaharlal Nehru had his inspiration from the Mother

of Democracies—U.K. He had his baptism under Gandhi. Panchayati Raj and Sahkari Samaj were his interpretation of Gandhi's dream of decentralized people's raj—Swaraj—as Gandhi christened it, co-existent with Nehru's understanding of the age of science and technology which was ushering in a new element in human society.

Devolution of Resources and Responsibilities

We already had, for a number of decades in India, a system of local government in Taluka Boards and District Boards created by the British, which looked after primary education and many an element of village uplift programme. These were based on limited subsidy from the Boards to the village people who made substantial contributions in cash and kind for activities near to their heart, more especially those that related to the Community as a whole—village roads, sanitation, village schools and the like. The institutions had been functioning with considerable autonomy both in their revenues and in the administration of subjects entrusted to them. The call for Panchayati Raj in Independent India should have meant accretion of further strength and authority as compared to what obtained earlier, whether in Village Panchayats, Taluka Boards or in District Boards. For instance, the entire programme of development under the Plan falling within a district, such as agriculture, animal husbandry, minor irrigation, health, education, rural industrialization, cooperation, women and children's programme, communications, etc., could be entrusted to Zila Parishad with complete transfer of resources and staff with corresponding devolution, subject to interlocking, down the line. If a villager with no experience or tradition in administration could act as Minister or Chief Minister in a State with the highly complex responsibilities involved, surely he could also be depended upon even more effectively to look after the limited responsibilities of development in closer touch with and under the vigilant eyes of the people.

Panchayati Raj—Base for Democracy

But only in two States in India, namely, Maharashtra and Gujarat, a serious effort was made to translate Nehru's call for Panchayati Raj as the base for our democracy. Substantial authority, responsibility and resources were devolved on the Zila Parishads, Block Panchayat Samitis and the Village Panchayats in these two States. In an intermediate group of States, such as Tamil Nadu, Mysore, Rajasthan, and Andhra, an effort was made to secure some kind of a semblance between what obtained during British rule and what was envisaged by Nehru as the Prime Minister of India. We had then States which summarily

disbanded the District Boards and the Taluka Boards in the name of the new Panchayati Raj institutions which were round the corner. A semblance of authority, responsibility, and resources was given to the new institutions. But, in practice, one hand took away more than the other gave. Panchayati Raj institutions remained more as debating clubs on the 'how' and 'why' of development, with administration and implementation of programmes highly diluted through a mix-up of direct Government functions with the functions of these local government bodies. At the other end, we had States which abolished the Local Government Institutions then prevailing, enacted legislation which with honesty could mean significant transfer of power to the people, but even today such legislation remains still to be implemented in practice.

Inter-dependence and Interlocking

In the rapidly changing world, the world as a whole is growing to be a village. Sovereignty of nation States is being increasingly circumscribed by limitations emanating from world consensus in the parlours of the United Nations and other international forums. Nation States are coming together to subserve their respective needs cutting across national barriers. If this is so for sovereign nations, it is obvious, neither Panchayati Raj nor Sahkari Samaj can envisage sovereign autonomy for institutions at any level just as it also cannot imply arbitrary interference in a lower institution by a higher institution. Inter-dependence through a system of interlocking is innate in the system as it obtains, for instance, between the State Government and the Centre as envisaged in our Constitution. Jawaharlal Nehru had deep and abiding faith in local government and local institutions of cooperatives as the twin foundations of our democracy. He succeeded in enforcing some degree of compliance by States even where they were too feudal in spirit and character to reconcile themselves to the concept of 'power to the people', let alone the call of the new age of science and technology which was knocking relentlessly at our door. When departmental oligarchs, supported by their political counterparts in the States, refused to accept the imperative of an integrated approach to development and inter-dependence in planning and implementation of programmes, the Chief Minister could use the initiative of the Centre backed by the will and faith of Jawaharlal Nehru, the Prime Minister, to bring about order in chaos and to promote reconciliation between departments where recalcitrance prevailed.

Integrated Approach Whittled Down

The Central Ministry of Panchayati Raj, Community Development and Cooperation had no other subject-matter of its own except the

philosophy of Panchayati Raj and Cooperation as the base respectively for political democracy and economic democracy, to transmit and realise down the line. Community Development was but as an approach to integrated development of people and their resources in the rural areas. With the vigilance of Jawaharlal Nehru as Prime Minister and Chairman of the Central Committee for supervision of this programme, the Ministry could take dynamic initiative and remained continually alert to happenings around in the States. The writ of Jawaharlal Nehru ran throughout the country. Because of his faith in the people and undiluted loyalty to their cause, he was listened to with respect and responded to faithfully with rare exceptions. But after Jawaharlal Nehru passed away the Union Government grew to be an active battle ground for power-mongering. The credo of 'Power to the People' was swept off virtually overnight by the craze for 'Power over the People'. Those who had enacted legislation but were reluctant to implement it, secured a new lease of cold storage of the concept and its implementation. The erstwhile local government institutions which had functioned during the British Raj had already been abolished by them under diverse pretences. Others, who were left-handed in their devolution of power to these institutions, discovered in this new no-man's land, an opportunity to whittle down what limited powers and resources they had bestowed on these institutions. The oligarchs ruling nation-building departments—politically or administratively—found a new opportunity to undo the integrated approach and coordination in programme-implementation, which had already begun to settle down as new rules and traditions

A Contrast

Many a new office bearer in the institutions of political democracy at State level have scant faith in people much less any prior commitment to them. They are also not sure of the continuity in the seats of political power which they have ascended. The Baghdad proverb of the "Jackal acting as the overseer in a city without a dog" finds a magnified expression in such States, where the sly and wily have their link up with their counterparts all along the line. The unjust and nonrighteous receive protection, the just may expect only harassing chastisement. The erstwhile central Ministry of Community Development, Panchayati Raj and Cooperation has been amalgamated in the sprawling Ministry of Food and Agriculture where food is the principal item of business. It would have been too much to expect special initiative from them in the current context. No wonder they have relegated the subject as one which belongs to the State by Constitution! The process has been accelerated by the pre-occupations elsewhere of the Central

Cabinet. Panchayati Raj and Sahkari Samaj as a net result are treated as noble in concepts but misfits in the context where democracy itself is a question mark. And this is happening when a mature democracy, such as U.K., has just proposed a three-tiered structure as base for its Parliament following the recommendations of a high-power commission.

We have reached such a pass through all these devious actions, that the nation as a whole is afflicted overnight with a crisis of faith in itself. We basked in the reflected glory of freedom from fear, of manliness, with towering giants like Gandhi and Nehru as our leaders. With Gandhi and Nehru gone from the scene a new age has descended on India. Instead of pooling our strength and resources for accelerating our strides forward we are out to cut the ground underneath each other. We have grown captives in our own narrow selves because the politician's main concern is his own immediate future and not the immediate and distant future of the people as a whole. Therefore, we are afraid of sharing power for fear of the challenges that are likely to be flung on us. There has been a deliberate and concerted effort to arrogate more power to the Centre through fiscal devices taking away, through the backdoor, power given to the States by our Constitution. No wonder, the States in turn are tending to take away whatever limited authority, resources, responsibility they devolved on the nascent institutions of Panchayati Raj on one excuse or the other. Alongside, they are also raising their revolt against encroachment by the Union, under one pretext or the other, into domains which are not strictly its own. Since the fateful day that the Congress as a major party split in the Parliament, the divisive instinct has spread all along the line up to the village level. It has also spread to all other political parties. The party now ruling at the Centre is striving to ensure enlargement of its political following in States which are being run by Governments not of its own complexion. The Centre-State relations are suffering a blow through this shortsighted politics. Defections and floor crossings in politics have grown to be the rule rather than exception. The brazen welcome such blatant betrayal of decency in politics is accorded, shows the moral bankruptcy in which the nation is being increasingly engulfed to the helpless bewilderment of the masses in the face of these inexplicable antics of those they elected to represent them.

It Could Have Been Different

Yet even a cursory analysis will reveal that this craze for concentration of power at the Union and the State levels, the cannibalistic

orgy in which all contenders are now caught, have reasons deeper than meet the eye. These proceed largely from the denial of political expression to the growing urges in increasing numbers of people who are being awakened to the consciousness of their rights and obligations in the new free State which is emerging out of our feudal and colonial past. If we had been guided by the voice of sanity uttered by Gandhi and the beacon light offered by his successor, Jawaharlal Nehru, the nation would have had its political power dispersed for action to 200,000 Panchayats, 5,400 Panchayat Samitis, and 340 Zila Parishads. Representatives elected to these institutions would have functioned nearer to the watchful eyes of the people. Planning would have been more realistic *vis-a-vis* the felt-needs of the people. The problem of resources could have eased radically through willingness of people to tax themselves specifically for programmes strongly felt for by them and urged through their local representatives at local levels, as has been abundantly proved, for instance in Maharashtra, Gujarat, Tamil Nadu and Andhra Pradesh. These institutions would have offered opportunities to protagonists of all political thoughts to prove their qualifications and fitness to serve the people with honesty, integrity and competence. The institutions would have grown to be healthy nurseries for potential contenders to the higher institutions of democracy, namely, State Legislatures and Parliament. This would also have contained the rising *crescendo* of demands for autonomous States all over the country which are bound to pull administrative standards down to a new low, apart from their economic non-viability. The growing disputes over territories and waters which consume the major energies of States today, could then be transformed into the opposite urges and competition for excellence in standards and performances to the enrichment of the character and content in us all. The cannibalism in politics that we see at play today would have found in these institutions a constructive outlet just as the Kosi waters which devastated the countryside once, are now finding fruitful outlet in irrigation and electrification in large areas to which these waters are now catering.

Building up Capacity to Regulate Authority

But legislation for the creation of genuine local government institutions is one matter; implementation of the programme is another. The grassroots democracy needs a continuing mother's care from above and of a father's vigilance during the transition, if the adolescent are not to raise hell, left totally to themselves. Therefore, there is need for adequate rules of business in these institutions, continuing cross-fertilization horizontally between them and eternal vigilance from the top all along the line so that the good and God fearing will have

incentives provided to them from above to function progressively better, just as the bad and doubtful characters could be put under leash through continuing exercise of deterrents. There is only one final court of appeal against mal-functioning of a democratic institution—an organized, enlightened and determined public opinion. This is the base that has to be created from the Gram Sabha upwards so that in the words of the Mahatma, Swaraj in India can grow to be "not the acquisition of authority by a few but the acquisition of the capacity in the many to regulate authority when abused". If such a giant programme is to be undertaken over the country as a whole, initiative for encouragement of the good and deterrents to the evil, has to flow from the national level down. The Ministry in the Centre has to provide this in ample measure or else an alternative instrument has to be forged to achieve it. It is quite clear that the authority at the Centre which will work for the promotion of local government as the organ of grassroots democracy will have to be an instrument free from subject-matter biases of its own, but charged with the exclusive responsibility of promoting education in democracy for the people and an organization for interlocked democratic functioning from the Gram Sabha to the Lok Sabha.

A Crucial Role for the Union

If the programme is not to land the nation into chaos, decentralization has to be matched by its opposite—centralization in research, training, evaluation and cross-fertilization. The Union Government has a crucial role in this consummation. Whether or not our democracy in Parliament and in the State legislatures will survive and endure through the stormy transition ahead will be determined strictly by how we succeed in providing organic roots for democracy in people from the village upwards to the Centre, now in the reverse order.

BALANCE OF ADMINISTRATIVE AUTHORITY IN A DUAL POLITY: THE CASE OF FOOD ADMINISTRATION IN INDIA

Iqbal Narain and Arvind K. Sharma

THE discussion on the balance of administrative authority in a dual polity does not admit of any doctrinaire view. Various federal polities have different patterns of balance, depending on the character of the political system, the measure and strategy of economic growth, the nature of the social structure,¹ and the level of political development—not merely of the country as a whole but also of the federal units. There are, thus, not merely inter-polity variations, but intra-polity differences as well. Different forces may prove functional or dysfunctional to the balance of administrative authority in a dual polity in regard to different units within it.² Not merely this. The concept of the balance may also differ from one federal polity to another. One country may like to have *state autonomy based balance and the other centre-oriented balance*.^{*} The conceptual variations lead to differences in the approach to the realization of the conceptual image.³ Thus, the conceptual image of balance in one federal polity may be viewed as a case of 'imbalance' in another. Finally, there is the gap between the image and the reality. The image of balance as projected through the constitution of a country, when exposed to the rugged realities of national life and the rough and tumble of politics, may get transformed almost beyond recognition. Altogether, thus, the quest of the balance of administrative authority is more elusive than tangible in its orienting premises and operational profile. One has, therefore, to take a dynamic and not static view of the problem and should be prepared to admit all sorts of deviations in the theoretical model that one postulates.

¹ For a general discussion of interaction between social structure and distribution of powers in a political system see: Michael Banton (ed.) *Political Systems and the Distribution of Powers*, Tavistock Publications, 1965.

^{*} This point has been ably brought out in the specific Indian context by Marcus F. Franda in his book *West Bengal and the Federalising Process in India*, Princeton, 1968.

^{*} The federal systems of U.S.A. and India offer interesting points of contrast on this score.

³ For a comparative review of concepts and approaches see: Ivo D. Duchacek, *Comparative Federalism: the territorial dimension of Politics*, Holt, Rinehart and Winston, Inc., New York, 1970.

The problem of the balance of administrative authority in a dual polity has got to be approached through a *multi-factor interactive angle*. We could, thus, hypothesize that the balance of administrative authority in a dual polity is the result of a symmetrical and proportional interaction between the constitutional framework, compulsions of objective social and geo-politic realities, techno-economic and administrative premises, and the dialectics of the polity. We propose to elaborate this hypothesis with illustrations from food administration in India.

CONSTITUTIONAL FRAMEWORK

The Constitution is an instrument of structuring the pattern of relationships between the Centre and the units in every federal polity and so also in India. The Constitution, thus, provides the philosophy and the legal framework of the balance of administrative authority through a set of specific and derived powers, which at times tend to run counter to each other, becoming thereby more an earnest of imbalance than of equilibrium. The judiciary is expected to regulate the power system to keep the balance intact according to the spirit^{*} or the letter[†] of the law or both[‡]. There is, however, no guarantee that the judiciary would always work to restore the balance; it may itself create a situation of disequilibrium. The *Implied Power Doctrine* of Justice Marshall and the *Golak Nath* case in India are cited by some as examples of disequilibrating role of the judiciary, though others are equally vehement in its defence. The Indian Constitution has deliberately adopted a Union-oriented concept of the balance of federal authority⁴, though it is not certain whether the same is true of the

^{*} The judiciary in the U.S.A. is called upon to interpret and preserve the spirit of the constitution and as such it works on the basis of *due process of law* principle. As a result of this role, it has become so strong that some constitution critics in the U.S.A. and abroad have called it a third chamber.

[†] An effort has been made to strike a balance between parliamentary and judicial supremacy in India and, as such, the judiciary has to concern itself mainly with the letter of the Constitution. It, therefore, operates on the principle of *according to the procedure established by law*.

[‡] The difference between the two is one of degree than of kind. In fact, the judiciary cannot always adhere to the line of differentiation between the 'spirit' and the 'letter' principles.

⁴ One may recall here what Ambedkar said in the Constituent Assembly: "It may be that the Constitution assigns to the Centre too large a field for the operation of its legislative and executive authority than is to be found in any other federal constitution. It may be that the residuary powers are given to the Centre and not to the States. But these features do not form the essence of federalism. The chief mark of federalism, as I said, lies in the partition of the legislative and executive authority between the Centre and the Units by the Constitution. This is the principle embodied in our Constitution. There can be no mistake about it. It is, therefore, wrong to say that the States have been placed under the Centre. Centre cannot by its own will alter the boundary of that partition. Nor can the judiciary. . . . The second charge is that the Centre has been

(Continued on next page)

balance of administrative authority.⁵ The judiciary in India, as guardian of the Constitution, appears to be swinging between the 'letter' and the 'spirit' approaches.* The correlation between specified and derived powers has also tended to tilt the balance of the power system in the Indian case as also the gap between federal and the administrative balance of authority.

The last formulation can be easily illustrated with reference to food administration. Agriculture is the backbone of food. The Constitution of India places powers, in relation to agriculture, exclusively with the States in List II of the Seventh Schedule under item 14.† These extend to all aspects of agriculture including, for example, animal husbandry, irrigation and drainage, rights on land and land records, land revenue, agricultural income-tax, colonization, agricultural credit, etc.—to mention only more important of them—besides, indeed, such other items as are concerned with agriculture more intimately, like production, supply and distribution of goods, intra-State trade, cooperatives, local government, education, etc. Clearly, it was the intention of the makers of the Constitution to place in the charge of the States all matters concerning agriculture and welfare of rural masses. And rightly so, since regional and local variations are of paramount importance in agriculture. Even though the Constitution does not specifically vest the Union Government with any powers in relation to agriculture, it does, however, place upon it certain responsibilities which have a bearing on it. The Centre derives its powers in respect of agriculture from its powers in the fields of production, supply and distribution of food stuffs including (edible) oilseeds and oils, fodder, raw cotton, and raw jute⁶; economic and social planning⁷; agricultural research

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given the power to override the States. This charge must be admitted. But before condemning the Constitution for containing such overriding powers, certain considerations must be borne in mind. The first is that these overriding powers do not form the normal feature of the Constitution. Their use and operation are expressly confined to emergencies only. The second consideration is: Could we avoid giving overriding powers to the Centre when an emergency has arisen?" C.A.D., Vol. XI, 1949, pp. 976-977.

⁵Appleby thought that the Centre was helpless if the States refused to cooperate in implementing what the Centre desired. The post-1967 developments seem to bear out his fears. For details see: Paul H. Appleby, *Public Administration in India: Report of a Survey*, New Delhi, Manager of Publications, Government of India, 1953, pp. 18-19.

*This is borne out by the shifts in judicial interpretations about the relationship between the Fundamental Rights and the Directive Principles of State Policy.

†The item is: 'Agriculture, including Agricultural Education and Research, protection against pests and prevention of plant diseases'.

⁶Under Item 33 of List III. Together with the *Essential Commodities Act*, this authorizes the Centre to bring under cultivation any waste or arable land for crops or to increase their cultivation otherwise.

⁷Under Item 20 of List III, the Central and State Governments share responsibility in respect of planning. This, along with the Item 33 and the *Essential Commodities Act*, make the Centre squarely responsible for preparing five yearly and annual plans in the field of agriculture.

and training⁸; supply and distribution of agricultural input⁹; agricultural credit¹⁰; finance and taxation; inter-State rivers; price control; labour relations; etc. Over and above these, certain other provisions of the Constitution—when considered in the light of the Essential Commodities Act—help further to bring out the Union Government's role in the sphere of agriculture. These provisions relate to the Directive Principles of the State Policy. Articles 47 and 48, for instance, call upon the State respectively 'to raise the level of nutrition', and 'to endeavour to organize agriculture and animal husbandry on modern and scientific lines'. One thing which clearly emerges is that the Centre's powers in the field of agriculture are not such as the Constitution may have directly conferred upon it, but these are more in the nature of derived powers. A natural corollary of it is that the State's autonomy in the field is not absolute; it is restricted by the Centre's powers in this behalf which it derives from its exclusive and concurrent jurisdictions under the Constitution. Centre's powers are essentially in the nature of overseeing, evaluation, coordination, determination of standards, policy formulation, guidance, and advice to the constituent States in matters relating to agriculture. Decisions with regard to the major ingredients of food policy, namely, production (including imports), procurement, price fixation, zonal restrictions on the movement and distribution of foodgrains, are the result of mutual consultations and discussions between the Central and State Governments. Powers of legislation in these spheres are vested partly in the Centre and partly in the States. However, for the implementation of the food policy, the Centre depends almost exclusively upon the administrative machinery of the States.

COMPULSIONS OF OBJECTIVE REALITY

The Constitution does not operate in a vacuum. It is at once a reflection of and instrument of induced change in the objective geopolitical and social realities. The Constitution is, thus, expected not

⁸While the Constitution declares agricultural research to be a State responsibility under Item 140 of List II, it makes Centre responsible—under Items 64, 65 and 66 of List I—to regulate the scientific and technical (educational) institutions of national importance; and the Central agencies which are working in the field of professional training or special research; and to work to bring coordination and determine standards in the institutions of higher education and research and also in those meant for scientific and technical education. Clearly, these provisions seek to emphasize the importance of research, training, and technical education for agriculture.

⁹Centre derives powers in this behalf from Items 41, 42 and 52 of List I under which it respectively performs functions in relation to imports, trade and commerce, and control over industry.

¹⁰This power is derived from the Centre's control over the Banking system which occurs in List I.

merely to establish a dialogue between tradition and modernity¹¹ but also to carry forward the processes of modernization.¹² At times, the pull and swing of objective realities and the conflict between tradition and modernity are so overwhelming that it tends to upset the scheme of power distribution in the system. This is more true of developing than of developed systems and India is no exception.

Again, illustrating the premise with reference to food administration in India, we may recall the proverbial *troika* of scarcity, instability and regional inequality of food production which serve as an intervening variable between the formal power distribution between the Centre and the States and its operationalization. Table I which gives State-wise estimates of production of food grains over a period of five years from 1964-65 and 1968-69 would substantiate the point.

The *troika*, in fact, indicates factors which may be treated as constant parameters in the existing situation; these relate to the under-develop nature of the country's economic system and its socio-political fabric which are experiencing the pangs of a society in transition. Under these circumstances, food supply acquires the trait of inelasticity and the population explosion only deepens the crisis, which is further aggravated by the scarcity-ridden and unstable character of the economy. Besides, the regional variations in the production of food grains are so marked and the existing institutional arrangements to ease the emerging tensions so inadequate that they result in politics of parochialism which militates both against the federal and administrative balance of authority. And yet the politics of scarcity,¹³ in spite of all its parochial overtones, is also an earnest of economic integration of the country which is the ultimate backbone of political integration also.

TECHNO-ECONOMIC AND ADMINISTRATIVE PREMISES

The sociological handicaps are deliberately exposed to economic planning, technological revolution and administrative innovations for their redemption. This exposure, naturally enough, has its

¹¹ For perceptive reflections on tradition-modernity interaction in India see: (i) Lloyd I. Rudolph and Sussane H. Rudolph: *Modernity of Tradition* (Chicago, 1967); (ii) M. N. Srinivas: *Social Change in Modern India* (Berkeley, 1966); and (iii) Rajni Kothari: *Politics in India* (Orient Longmans Ltd., 1970).

¹² For theory and practice of modernization see: (i) S. N. Eisenstadt: *Modernization: Protest and Change* (Prentice-Hall of India Pvt. Ltd., 1969); and (ii) David E. Apter: *The Politics of Modernization* (Chicago Press, 1965).

¹³ One can look up with advantage on this topic, Myron Weiner, *The Politics of Scarcity: Public Pressure and Political Response in India, Asia, 1962*.

Table I
STATEWISE ESTIMATES OF FOOD GRAINS
(1964-65 to 1968-69)

State	Year	Rice	Jowar	Bajra	Maize	Wheat	Total Food Grains
Andhra Pradesh	1964-65(P)	4 892.1	1 206.8	281.4	252.6	3.9	7 633.6
	1965-66(P)	3 961.4	1 015.8	241.3	182.9	2.9	6 219.3
	1966-67(P)	4 852.8	1 553.6	370.2	172.8	2.8	7 717.6
	1967-68(F)	4 674.0	1 340.5	284.0	307.0	2.8	7 186.0
	1968-69	4 341.0	N/A	N/A	N/A	3.0	6 847.0
Assam	1964-65(P)	1 911.5	...	...	10.9	3.5	1 965.9
	1965-66(P)	1 847.4	...	...	12.3	3.3	1 902.8
	1966-67(P)	1 756.3	...	...	12.7	3.5	1 811.1
	1967-68(F)	1 98.0	...	...	13.1	4.3	2 037.0
	1968-69	2 251.0	...	...	N/A	5.0	2 340.0
Bihar	1964-65(P)	4 915.5	6.1	14.3	584.4	417.8	7 532.1
	1965-66(P)	4 262.0	12.0	6.4	757.2	477.3	7 147.5
	1966-67(P)	1 645.2	4.4	5.4	948.7	365.0	4 132.8
	1967-68(F)	4 732.0	5.1	5.9	1 129.8	914.0	8 627.0
	1968-69	5 197.0	N/A	N/A	N/A	1 259.0	8 870.0

(Continued)

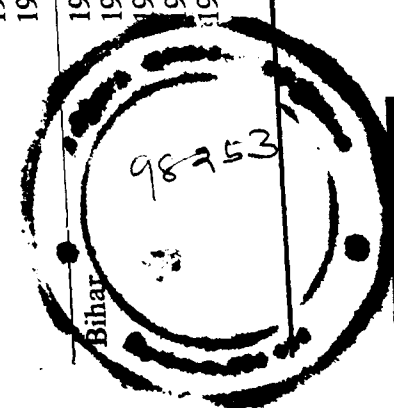


Table 1—Contd.

State	Year	Rice	Jowar	Bajra	Maize	Wheat	Total Food Grains
Gujarat	1964-65(P)	470.2	427.4	787.8	301.9	424.9	2 815.6
	1965-66(P)	247.4	336.6	699.2	210.0	579.3	2 305.3
	1966-67(P)	294.3	324.0	756.0	145.2	456.9	2 185.9
	1967-68(F)	464.0	422.6	1 182.7	280.5	700.4	3 330.0
	1968-69	230.0	N/A	N/A	N/A	621.0	2 346.0
Haryana	1966-67(P)	223.0	49.0	373.0	86.0	1 054.0	2 572.5
	1967-68(F)	287.0	58.0	457.0	127.7	1 466.4	3 992.0
	1968-69	265.0	N/A	N/A	N/A	1 522.0	3 006.0
Jammu & Kashmir	1964-65(P)	207.9	0.2	15.3	214.5	81.7	565.6
	1965-66(P)	160.5	0.1	3.7	159.2	111.2	479.5
	1966-67(P)	256.7	0.2	4.3	221.4	112.2	652.3
	1967-68(F)	280.0	0.1	9.0	190.8	142.0	682.0
	1968-69	487.0	N/A	N/A	N/A	210.0	1 099.0
Kerala	1964-65(P)	1 121.4	0.6	...	...	...	1 149.7
	1965-66(P)	997.5	0.5	...	...	...	1 025.1
	1966-67(P)	1 084.1	0.5	...	...	...	1 112.0
	1967-68(F)	1 124.0	0.5	...	...	...	1 151.0
	1968-69	1 400.0	N/A	...	...	...	1 427.0
Madhya Pradesh	1964-65(P)	3 485.1	1 728.3	142.3	551.8	1 981.3	10 208.9
	1965-66(P)	1 700.6	1 313.9	166.8	479.2	1 327.3	6 807.3
	1966-67(P)	1 910.3	1 380.9	192.1	454.2	1 031.4	6 310.7
	1967-68(F)	3 193.0	1 978.9	137.4	657.9	1 881.8	10 232.0
	1968-69	3 005.0	N/A	N/A	N/A	2 007.0	9 460.0
	1964-65(P)	1 477.3	3 301.4	475.4	21.8	413.4	6 838.0
Maharashtra	1965-66(P)	893.4	2 328.6	330.3	22.0	304.5	4 721.9
	1966-67(P)	1 065.0	3 208.1	404.3	47.0	366.6	6 050.0
	1967-68(F)	1 457.0	3 437.3	506.7	52.7	360.0	6 825.0
	1968-69	1 369.0	N/A	N/A	N/A	428.0	7 157.0
	1964-65(P)	1 655.9	1 479.0	113.3	11.6	101.4	4 530.0
Mysore	1965-66(P)	1 159.7	1 233.0	91.0	7.7	50.0	3 133.5
	1966-67(P)	1 636.2	1 428.4	109.1	10.5	47.0	4 172.6
	1967-68(F)	1 797.0	1 411.7	117.0	9.0	133.0	4 665.0
	1968-69	2 001.0	N/A	N/A	N/A	160.0	5 049.0
	1964-65(P)	42.8	...	...	...	...	42.8
Nagaland	1965-66(P)	43.2	...	...	...	...	43.2
	1966-67(P)	50.0	...	...	...	...	50.0
	1967-68(F)	51.0	...	...	...	...	51.0
	1968-69	53.0	...	...	...	...	53.0
	1964-65(P)	4 421.4	2.0	1.6	17.7	7.2	4 946.4
Orissa	1965-66(P)	3 285.4	1.7	1.7	32.9	10.3	3 736.5
	1966-67(P)	3 691.6	4.9	2.4	49.4	14.2	4 354.9
	1967-68(F)	3 756.0	5.2	1.9	50.4	5.0	4 335.0
	1968-69	4 699.0	N/A	N/A	N/A	17.0	5 429.0

(Continued)

Table 1—Contd.

State	Year	Rice	Jowar	Bajra	Maize	Wheat	Total Food Grains
Punjab	1966-67(P)	338.0	2.6	150.0	614.0	2 493.9	4 216.8
	1967-68(F)	415.0	2.6	187.0	773.3	3 352.0	5 391.0
	1968-69	460.0	N/A	N/A	N/A	4 520.0	6 252.0
Rajasthan	1964-65(P)	98.4	410.4	1 271.1	779.0	1 103.1	5 307.5
	1965-66(P)	23.5	291.6	939.7	641.7	784.7	3 839.2
	1966-67(P)	21.6	345.8	1 228.6	613.7	872.2	4 350.6
	1967-68(F)	95.0	399.1	1 445.5	1 024.7	1 319.0	6 602.0
	1968-69	57.0	N/A	N/A	N/A	1 178.0	4 007.0
Tamil Nadu	1964-65(P)	4 048.3	537.5	306.9	3.5	0.4	5 738.8
	1965-66(P)	3 709.4	500.5	274.2	3.2	0.5	5 250.8
	1966-67(P)	4 076.4	558.8	342.2	3.2	0.5	5 789.9
	1967-68(F)	4 116.0	557.8	295.5	3.1	0.5	5 761.0
	1968-69	3 940.0	N/A	N/A	N/A	...	5 415.0
Uttar Pradesh	1964-65(P)	3 323.4	594.6	694.3	888.2	4 117.9	15 288.6
	1965-66(P)	2 342.0	450.6	586.4	1 121.0	3 754.7	13 311.4
	1966-67(P)	2 013.1	358.1	518.6	1 076.1	4 230.3	11 873.7
	1967-68(F)	3 262.0	484.5	485.2	1 167.2	5 841.0	16 779.0
	1968-69	2 922.0	N/A	N/A	N/A	6 087.0	16 296.0

West Bengal

West Bengal	1964-65(P)	5 760.7	1.3	0.1	38.8	27.9	6 259.6
	1965-66(P)	4 893.1	0.9	0.2	42.5	34.0	5 448.4
	1966-67(P)	4 824.3	1.2	0.1	39.6	45.5	5 377.2
	1967-68(F)	5 208.0	1.3	0.2	45.8	71.0	5 741.0
	1968-69	6 246.0	N/A	N/A	N/A	300.0	7 154.0
All-India	1964-65(P)	39 034.2	9 749.0	4 453.9	4 658.1	12 290.3	88 995.6
	1965-66(P)	30 655.1	7 526.9	3 655.0	4 760.0	10 424.4	72 030.1
	1966-67(P)	30 437.9	9 223.8	4 468.3	4 893.6	11 392.8	74 231.0
	1967-68(F)	37 612.0	10 107.2	5 131.9	6 275.1	16 540.0	95 036.0
	1968-69	39 757.0	N/A	N/A	N/A	18 652.0	94 004.0

Note : ... —NIL or Negligible

N/A—Not available

P —Partially revised estimates

F —Final estimates

SOURCE: Economic Times Research Bureau,

"Statewise Survey of Monsoon",

The Economic Times, October 9, 1969.

implications for the balance of federal power. This, again, can be illustrated with reference to food administration in India. For example, the introduction of comprehensive social and economic planning has endowed the Centre with an irreversible thrust in terms of active involvement in the field of agriculture and food production. Planning inevitably implies some amount of centralization in decision making, which—for the most part—rests with the Centre, all the more because it is in a position to secure acceptance of national policies and programmes through the leverage of loans, grants and subsidies. This will be further borne out by the wide span on Union Government's responsibilities in the field which are listed below:

- (i) Formulation of the Food Policy—production, imports, procurement, zonal arrangements, price-fixation, and distribution of food grains being its major ingredients. This task is performed with the active participation of the States and expert advice of the Planning Commission—a staff agency attached to the Centre;
- (ii) provision of financial assistance to the States by way of loans, grants, and subsidies;
- (iii) provision of inputs for food production, *e.g.*, improved seeds, fertilizers, insecticides, improved agricultural implements, technical assistance, etc.;
- (iv) administration of research and training;
- (v) extension and education;
- (vi) livestock dairying, fisheries, and horticulture development;
- (vii) land reclamation and soil conservation;
- (viii) conservation and utilization of water resources and forests;
- (ix) coordination, supervision, and evaluation of State Governments *vis-a-vis* the plans for agricultural development; and
- (x) organization and implementation of foreign aid, *i.e.*, food grain imports and financial and technical assistance agreements.

Again, as hinted earlier also, plan allocations for the schemes of agricultural development to the constituent States are made by the Centre under Article 382 of the Constitution of India. These schemes fall under roughly four categories: (i) Central schemes; (ii) Centrally sponsored schemes; (iii) Pattern schemes (of States); and (iv) Non-pattern schemes (of States). Under the first category fall those schemes

which are both financed and administered by the Centre. Centrally sponsored schemes are such schemes as are partially or wholly financed by the Centre but implemented by the States. Schemes in the last two categories are both financed and implemented by the States with or without financial assistance by the Centre. In the recent past, opinion against the schemes of first two categories has gained currency in the country. Side by side, it is also being argued that the States be left on their own to decide about the use of the Central grants according to their own sense of priorities. But if this were to happen, it is feared, it might give rise to certain imbalances which central and centrally sponsored schemes alone can help to avoid*.

Further, application of science and technology to agriculture in general, and food production in particular in order to put them on modern lines with a view to reducing, if not completely eliminating, the remediable human misery as quickly as possible is another reason that explains the growing role of the Union Government in the field.

Still further, demands of economic growth postulate the needs of administrative innovation. The Centre has also tended to be a brain trust for the States in this respect. One can mention in this connection particularly the establishment of the Centrally owned Food Corporation of India (FCI)—a new administrative innovation—which was established in 1965 as the Union Government's procurement agent.¹⁴ It was intended to assure Centre's authority eventually as it acquired a commanding position in the trade.¹⁵

Finally, technological and economic imperatives at least partially cut across ideological plants and controversies.

POLITICAL VARIABLE

It is politics, however, which in a democratic polity like India emerges as the key variable in the scheme of Centre—periphery

*In fact, it has been suggested that in view of the federal structure of our polity it may be desirable that the 'memoranda of agreements' of the kind that are entered into in the U.S.A. between the Federal and the State Governments are also negotiated between the Centre and States in India. In these memoranda specific 'operation schedules' could be laid down, and the responsibilities of the different agencies constituted in the process could be pinpointed.

¹⁴ The biggest wholesale trader in food grains with a strategic position in the trade, the FCI was established to undertake purchase, storage, movement, transport, distribution, and sale of food stuffs; to promote the production of food grains; and to set up or assist in the setting up of rice mills, flour mills, and such other undertakings for processing food grains and other food stuffs. *India 1969*, New Delhi, Publications Division, Government of India, p. 232.

¹⁵ Norman K. Nicholson, "Political Aspects of Indian Food Policy", *Pacific Affairs*, (Canada), Vol. 41, No. 1 (Spring, 1968), p. 44.

relations. It is, in fact, *politics within limits* which is at once the quest and the dilemma of the theorists of political development.¹⁶ The equilibrium of administrative authority in a dual polity, in the ultimate analysis, depends on a balanced interaction between technocrats, administrators and the political elite which is easier to conceive as a theoretical postulate than to practise and realize in life. The political variable largely expresses itself through party ideologies and political elite-mass interaction which manifests itself in efforts of the leadership to build and placate the support structure on the one hand, and in the attempt of the people to pressurize the ruling elite to promote their interests on the other. The pressure politics thus generated, at times, gives a serious jolt to the envisaged equilibrium between technology, administration and politics both horizontally and vertically.

This, again, can be easily illustrated with reference to the food administration in India. Let us begin with the role of party ideology. It is common knowledge that the period from 1947 to 1967 was a period of one party dominance in the history of India's political development. In spite of this, the food policy was exposed to intra-party ideological differences through different Food Ministers. For example, under the inspiration of Gandhian liberals, the then Food Minister, K. M. Munshi (1950-52) prepared a *laissez faire* plan of food decontrol.* Similarly, the Bhuvaneshwar Resolution of 1964 on 'Democracy and Socialism' had its implications for food policy also. The resolution stated:

"It was of the highest importance that the provision of the basic needs of every individual is ensured and a national minimum comprising the essential requirements in respect of food, clothing...(etc.) is established as speedily as possible."¹⁷

Consequently, C. Subramaniam, the then Food Minister, placed great reliance on the state trading in food grains as an important lever of the new policy, whereas he discarded too much dependence on

¹⁶ For a penetrating discussion of the problem see: (i) Ralph Braibanti (ed.): *Political and Administrative Development*, Duke University Press, Durham, 1969; and (ii) Rajni Kothari, *op. cit.*, who strikes a different note insofar as he acknowledges the primacy of politics in political development.

*Shri Munshi was very much obsessed by the formidable administrative difficulties of controls and he argued that beginning with rationing, the government must follow-up and control production and markets, undertake intensive procurement, and devise difficult system of price controls. He was ideologically averse to all this.

¹⁷ Indian National Congress, 68th Session, January 9-10, 1964: *Resolution on Democracy and Socialism* (Mimeographed), p. 6.

imports labelling it as inadvisable. A natural corollary of Subramaniam's policy was an intensive procurement drive as a means to adding to the Union Government's food stocks. It is also worthwhile to recall in this context the rationale that Rao Birendra Singh, the then Haryana Chief Minister gave for convening a conference of the non-Congress Chief Ministers to discuss the country's food situation immediately after the 1967 general election. He was of the opinion that the non-Congress governments were not expected to fall in line with the policies of the Union Government if it asked them to implement the policies of the Congress party.¹⁸ The Chief Minister of Orissa, however, thought that there were many matters of common concern, irrespective of party affiliations and the food policy was one of them.¹⁹

The political elite-mass interaction has had still more serious repercussions on food administration. The more important illustrative cases are given below:

- (i) State Governments with a view to placating the masses at their own level would mount up pressure on the Central Government. For example, Kerala, a deficit food State but a big foreign exchange earner of the country on account of its cash crops²⁰ would threaten to use it to buy food grains, or transfer large chunks of land, currently under cash crops, to food crops if the Centre did not manage to get it adequate supply of rice. Similarly, the then Food Minister of Bihar, Kapildeo Singh, would threaten to stop supplies of iron ore, coal, mica and other minerals if the food needs of his State were not met by the Centre or if surplus food States prevented his Government from buying food grains from them at the market price. Annadurai, the then Tamil Nadu Chief Minister, would announce at a May Day Rally, in Coimbatore, his Government's cheap rice scheme (rice at one rupee a measure) expecting a Central subsidy, in spite of the then Finance Minister, Morarji Desai's repeatedly telling that subsidy was not possible.²¹

- (ii) The Centre had also invariably fallen a prey to the politics of pressure and thus sacrificed the economics of food policy

¹⁸ "New Context of Centre-State Relations", *Thought* (Weekly), (New Delhi), April 8, 1967.

¹⁹ *Ibid.*

²⁰ Kerala cash crops earn about 1/8th of India's foreign exchange. For further details see: "Food and National Unity", *Weekend Review* (Weekly), New Delhi, April 8, 1967.

²¹ For details see: "Centre-State Friction", *Link* (Weekly), New Delhi, May 14, 1967; and "Incompliable" (editorial), *The Economic Times*, Bombay, June 10, 1967.

at the altar of political expediency.²² For example, the Centre ignored two important recommendations of the Agricultural Prices Commission (APC) relating to lowering of the procurement prices, and imposition of a compulsory levy on all producers above a fixed limit of land holdings. In this regard, the Central Government left it to the States to decide and act in the matter. In the case of the former, the Union Government, however, decided to fix higher procurement prices than recommended by the APC in complete disregard of the latter's warning that this would generate inflationary trends in the economy. There has, in fact, occurred an upward revision of the procurement prices of wheat from year to year. These were raised from Rs. 65—95 in 1967-68 to Rs. 76—81 in 1968-69.²³ This becomes all the more anomalous in view of the fact that the index numbers of wheat production have increased from 154.4 in 1965-66 (base 1949-50 equal to 100) to 258.7 in 1968-69 and, at the same time, the wholesale (issue) prices of common white wheat have increased from Rs. 70.00 in 1965 to Rs. 85.00 in December 1968.²⁴ Table II below brings home the situation with regard to the increase in total food grains production from 1950-51 onwards:

Table II

INDEX NUMBER OF AGRICULTURAL PRODUCTION
(Base : Agricultural Year 1949-50 equal to 100)

Commodity/ Group	Weight	1950-51	1955-56	1960-61	1966-67	1967-68
Rice	35.3	87.0	114.2	137.7	120.9	150.4
Wheat	8.5	101.1	131.3	162.3	168.8	245.5
Total cereals	58.3	90.3	114.9	138.3	129.5	165.1
Gram	3.7	98.0	138.9	160.4	93.0	155.1
Total pulses	8.6	91.7	118.4	129.0	85.3	125.0
Total food grains	66.9	90.5	115.3	137.1	123.8	159.9

SOURCE: India 1969.

²² A survey conducted by *The Statesman* at the Central and State levels amply bears it out. Besides the Union Government, the survey covered Governments of U.P., Kerala, Punjab, M.P. and West Bengal—a sample representing both surplus and deficit states on the one hand and the Congress and non-Congress on the other. For details see, *The Statesman*, May 28, 1967.

²³ India 1969, op. cit., Table 119. In the last five years, the issue price of wheat has risen from 37.51 to Rs. 78.00, an increase of more than 100 per cent.

²⁴ *Economic & Political Weekly*, Bombay, Vol. V, No. 24 (June 13, 1970), p. 950.

Furthermore, in the last four years the situation on the food front has improved. This is reflected in the opening and closing stocks of food grains and food procurement. There has also been a decline, overtime, in wheat imports as well as in issues from the public distribution system as can be clearly seen in Table III below:

Table III

PUBLIC DISTRIBUTION OF FOOD GRAINS (1966-69)

	1966	1967	1968	1969
1. Opening Stock	2.1	2.2	1.9	3.8
2. Procurement	4.0	4.5	6.8	6.2
3. Imports	10.3	8.7	5.7	3.8
4. Total of 1, 2 and 3	16.4	15.4	14.4	13.8
5. Issues	14.2	13.5	10.6	9.5
6. Closing Stock	2.2	1.9	3.8	4.3

SOURCE: H. Laxminarayan, "Doing without a Food Policy?", *Economic and Political Weekly*, Bombay, June 13, 1970, p. 950. (Slightly modified).

Thus, there is no economic justification of the continuous upward revision of the procurement prices of wheat by the Central and State Governments.

As one analyses the Centre's attitude towards the recommendations of the expert body, three factors appear to inhibit its proper handling of food administration: (a) constitutionally the Centre does not have any power to force a solution on the States²⁵; (b) administratively the Centre has to depend upon the States for the implementation of the policy and the latter, more often than not, have tended to defy the former in this respect; and (c) politically the Congress party at the Centre has not considered it at all expedient to take a strong stand against producers and traders. After the Congress split, the position of the Centre may become weaker still in the specific context of coalitional politics.

²⁵ It is interesting to note in this connection that in an interview—the then Kerala Chief Minister, E. M. S. Namboodiripad suggested that the Constitution should be amended to empower the Central Government to enforce an All-India policy for procurement of food grains: "Pollux", *The Times of India*, October 1, 1967.

- (iii) In the States, again, the attempt is to tailor the food policy to suit the needs of the different constituents of the Governments, and to satisfy the maximum aspirations of the constituents in the heterogeneous coalitions of the post-1967 period. The food policy, thus, has become the product of intra-party squabbles and inter-party pressures with the result that no one knows the precise reason for taking a particular decision and the outcome is a policy which is at once internally inconsistent and technically unsound. In U.P., for example, though barely 8 per cent of farmers were affected by the direct State grain procurement then in operation there, the Central executive of the Jana Sangh—the dominant partner in the then ruling SVD coalition—passed a resolution opposing grain procurement to the great embarrassment of the State party. This was obviously to placate the traders and the land lords who have an important place in the support structure of the Jana Sangh. Similarly, the first act of Kamlapati Tripathi, the UPCC President, after his election to the Assembly, was to attempt to rally the eastern districts, which were in his sphere of influence, against the procurement scheme, though his own party was committed to it. The political pressures resulted in whittling down the procurement target from 5 lakh tonnes to a little over 3 lakh.²⁶

In Kerala, again, while the then Chief Minister Namboodiripad was against food imports, the Food Minister, Mrs. Gouri Thomas, spared no pains to attack the Union Government for its failure to enter into barter with Japan and U.S.A.²⁷ Again, the Chief Minister, who was known for his advocacy of a southern zone, suddenly after the meeting of the Politburo at Calcutta took a decision in favour of single-state zones became a champion of the latter.*

The tendency of politicization of the food policy has tended to persist. For example, when the Chief Ministers met recently (on September 26 and 27, 1970) at New Delhi to consider the measures necessary for speedy implementation of land reforms and the APC's Report on Kharif food grains, one expected them to be much closer to reality on account of the recent nationwide land grab stir. They strongly opposed the Prime Minister's proposal for lowering the land

²⁶ *The Statesman*, New Delhi, May 28, 1967.

²⁷ A Marxist minister M. K. Krishnan, in fact, went much ahead and claimed that from China, if only the Centre would show 'a shade

zone, which would have meant free movement of rice from the States, was more favourable to it.

ceilings with the obvious intention of placating their support structure. The issue was shelved, though in name referred to the newly constituted Central Committee on Land Reforms to be headed by the Food Minister, Fakhruddin Ali Ahmed.²⁸

In respect of food policy, the maintenance of the existing rice zones²⁹; increase in the procurement price of coarse food grains from the current price of Rs. 52.00 per quintal to at least Rs. 55.00 per quintal³⁰; and acceptance of the APC's Kharif procurement target of 5.5 million tonnes (4.7 million tonnes of paddy and 0.8 million tonnes of coarse food grains) were the major recommendations of the Chief Ministers' Conference. The Union Food Minister said that the Government would consider these. The Union Government would do well to consider the recommendations on their merit before taking a final decision on these. But looking to its past record, it is open to serious doubt if the Centre would not succumb to pressures again.

THE DELICATE BALANCE

It is, thus, obvious that balance of administrative authority in a dual polity is precariously held. It is so because administrative authority is, after all, not autonomous. It is, in fact, in a sort of double bondage both vertically and horizontally. Tied to the demands of a socially fragmented and economically handicapped society, on the one hand, and tagged to the pressures of political expediency, on the other, the balance naturally tends to be uneven and unstable. The

²⁸ Commenting on the relevance of land reforms for green revolution in the context of the Chief Ministers' Conference, *The Economic Times* pointed out in its editorial: "...Conference was loudly heralded because it was being held in the context of the recent abortive land grab movement...there was also a growing realization in the agricultural extension agencies that the green revolution faced the biggest hurdle in the absence of a proper land policy. The Prime Minister's pleading in this connection produced a feeble response....At least some of the Chief Ministers should have realized that dithering on land problems is an open invitation to extremists and anarchy." Exercise in Evasion (Editorial), *The Economic Times*, September 29, 1970.

²⁹ On this recommendation, *The Economic Times* (September 29, 1970), editorially commented: "Where Politics are supreme, it is hardly surprising that the rice zones are being maintained regardless of the agony of surplus states and the fact that even in deficit states rice is hawked freely".

³⁰ As a piece of advice and caution to the Central Government, *The Times of India*, (September 29, 1970) observed in its editorial: "The bias of State Governments in favour of more affluent farmer was again reflected in their unanimous demand for an increase in the procurement price of Kharif cereals. These have been raised repeatedly in recent years and the balance in terms of trade between the rural and urban sectors, which was heavily tilted in favour of the latter a decade ago, has now been redressed. The Centre has no reason, therefore, to succumb to the Chief Ministers' clamour for higher procurement rates than were recently recommended by the APC."

equilibrium in the political system itself is the pre-condition of balance of administrative authority in a dual polity. It is, however, not the primacy of politics, which is natural to a democratic polity, but its excess which disturbs the equilibrium. And the excess may get rationalized through the democratic experiment itself as the country moves from the present-day politics of drift to a politics of commitment.



THE SERVICES IN PARLIAMENTARY DEMOCRACY*

Dharma Vira

PARLIAMENTARY democracy, as we know it today, had its birth in the United Kingdom. Having been under the domination of Britain for a long time and in the process having been influenced by the British traditions, it was only natural that after Independence we should have adopted a Constitution based on the British parliamentary system. A period of just over twenty years is too short to pass a verdict on the working of the Constitution in India. Nevertheless, a review at this stage may be rewarding inasmuch as the deficiencies, if any, may be highlighted and early steps taken to remedy them.

In running the administration of a country under the system of parliamentary democracy, the principal parties are the politicians and the Civil Services. The politicians are the elected representatives of the people. They come to power with a mandate from the electorate and as such lay down the policies that have to be followed by the administration for carrying out the mandate of the people. The role of the politician is thus principally that of the policy-maker and also to keep an eye on the performance of the executive wing, *viz.*, the Services, in regard to the proper implementation of the policies laid down by him. The Civil Services are the principal advisors of the political masters in policy-making and thereafter they have to ensure that the policies laid down are honestly and effectively implemented. Once a policy is laid down, it is not for them to question it or to try to sabotage it by dragging their feet or through other dilatory or obstructive methods. But before the policy is settled, that is at the consultative stage, it is the duty and obligation of the Civil Servants to give honest and unbiased advice, regardless of the personal likes or dislikes of the political master. Any Civil Servant who is a mere sycophant and who gives advice only to please his political boss or to suit his convenience is neither being true to himself nor is he serving the national cause.

There is a lot of talk these days of committed Civil Servants. I do not know what is behind the back of the minds of the people who

*Slightly edited version of the text of Feroze Gandhi Memorial Lecture delivered on September 12, 1970 at the Vithal Bhai Patel House, New Delhi.

talk about commitment. If by commitment they mean that a Civil Servant should give unbiased opinion for achieving the social, economic and political objectives of the Government, and, when the policies have been evolved, carry them out to the best of his abilities without worrying about anything else, there should be no difficulty in the matter. If, however, it is expected to mean subordinating his honest views to the wishes of his political bosses and giving only such advice as may be acceptable to him, there would be serious difficulties. The very role of the Civil Servant as an honest and unbiased adviser would be jeopardized. There is also the converse to this situation. A Civil Servant can be a good and effective adviser only if the political masters would permit him to be so. There is no doubt that ultimately the political master has to take a final decision on any matter, but at the same time, it should be realized that the politicians have not the monopoly of wisdom in all matters. They would be doing an injustice to themselves if before taking decisions they denied to themselves the benefit of the advice of the professional Civil Servants under them, whom the State maintains for the purpose and who have over a period of long service acquired valuable experience in many matters. There would be no point in keeping paid Civil Servants if they are not even listened to and they are only expected to be their political master's voice. If this was the case, only low-paid clerks and private secretaries should do.

After the policy decisions have been made, it is the task of the Civil Services to get them effectively and speedily implemented. As stated earlier, once a policy has been decided upon after due deliberation by those whose task is to make them, it is not for the Civil Servant to question it or to obstruct it. His duty is to conscientiously implement it. It would be very unfortunate if the services in a democracy lose their objectivity and become politically motivated or are guided in their actions by personal ends.

The third and the most important task the Services perform in a democracy is ensuring the continuity and smooth running of the administration. In a democracy, the governments come and go according to the change in the fortunes of the political parties but the Services go on for ever. They are the only constant factor in administration and hence theirs is a great responsibility to maintain its efficiency and continuity. That is one reason why our Constitution-makers decided in favour of permanent Services. The Services, however, can perform their task only if they are purely objective in their approach and are actuated by the desire to give to the country and the people a clear and efficient administration regardless of political vicissitudes.

Now, we might examine, in the light of the above principles, how things have actually operated in our country since Independence. When Independence was achieved in 1947, the administrative machinery in the country was faced with a number of difficult problems. As the country was partitioned on communal grounds, not only did the British element of the Services leave the country in a body but also the bulk of the Muslim members of the Services left for Pakistan. Thus, the strength of most of the senior services was suddenly reduced to less than half and there was also serious denudation of the other services practically all over the country. On the other hand, the tasks with which the Services were confronted had become much more difficult, varied and complex than the Services in the past had ever been called upon to face.

The assets had to be partitioned between India and Pakistan. The serious communal riots on the eve of Independence and soon thereafter had to be controlled and quelled. A flood of refugees on both sides of the border with Pakistan had to be regulated and thereafter speedy steps had to be taken first to provide relief and then to rehabilitate the refugees who came to our side. Considering that the number of refugees who came to India after partition was in the neighbourhood of nine millions, this in itself was a stupendous task. Before Independence, India consisted of what was then called 'the British India' and 'the Indian States'. Britain was the paramount power over the princes ruling over the Indian States and by virtue of that position exercised control over their activities. With the advent of Independence, the paramount power moved away from the scene and the Indian States technically became independent. This was an impossible situation which free India could not possibly permit to continue. The task of integration of all the Indian States into the new India had to be tackled as an urgent problem. On top of it all, came the aggression by Pakistan in Kashmir which soon degenerated into a minor war. Further, with Independence the very nature of the machinery of Government changed. From a law and order Government, whose principal tasks were to maintain law and order and to collect revenues, we overnight got converted into a welfare State. Economic development of the country had been held back for centuries. Literacy was only about 14 per cent, health services were scanty and death rate and infant mortality were high. Agriculture was in a bad shape and the condition of the tenant was deplorable. The task of removing disparities and giving a fair deal to the masses in itself was enormous.

The depleted Services, under the inspiring leadership of leaders, such as Jawaharlal Nehru, Sardar Vallabh Bhai Patel, Maulana Azad,

Rafi Ahmed Kidwai, applied themselves to these numerous tasks with will and dedication. There was full understanding between the Services and their political masters and the country made remarkable progress in the beginning. Even then, there were politicians who were anxious to dominate the Services and to reduce them only to the state of camp followers and courtiers. The country was, however, fortunate at that time in having a Home Minister of the sagacity and farsightedness of Sardar Vallabh Bhai Patel who steadfastly refused to distrust or denigrate the Services. According to him, the Services were the politicians' tools and they could not expect to work well with blunted tools.

This position, however, obtained only for a short while. As the politicians got firm in the saddle and some of the more sagacious and farsighted politicians passed away, the pressure on the Services increased. That was the time when the senior members of the Services, in the interest of the true role of the Services in democracy, should have given the lead by resisting the pressure. They should have insisted on their right to give objective advice to their political masters and should have refused to anticipate their views and to adopt the role of courtiers. Self-interest and temporary gain, however, got the better of their sense of duty to democracy and today we are faced with the spectacle of power-grasping politicians and Civil Servants who are mere sycophants and courtiers. The politician is becoming increasingly averse to objective advice and with the exception of a rare few, the Civil Servants for fear of being victimized and to achieve personal preference are becoming more and more servile and unobjective in their work. The net result has been that one of the principal tasks of Civil Servants in democracy, *viz.*, assisting in correct policies being formulated is being jeopardized.

The timidity and servility of the Services, particularly in the States, is also affecting their second role, *viz.*, the speedy implementation of the policies decided upon by the party in power. They have become more or less incapable of taking any decision. Practically, everything has to be referred to the Ministers and in any case, because of the indiscriminate use of organizations, such as the Vigilance and the C.B.I., and the terror they have created in the hearts of the government servants, they prefer to involve in any important decision, if possible the Minister, and in any case some of their colleagues. A sort of debility has overtaken the administration and even speedy disposal of cases has become a matter of suspicion.

The last role, *viz.*, maintaining the continuity of administration, notwithstanding frequent political changes, has not yet been fully

tried. In the Centre, luckily we have had a stable Government all along since Independence, but in some of the States, we have had the spectacle of instability and frequent changes of Government. In these States, whilst the Services have in a manner of speaking, maintained the continuity of administration they have—because of the uncertainty in their minds as to who their new political masters would be—they have been very hesitant about taking decisions in important matters. They have been content just with making the machinery of Government to tick along but that is about all. In the process, the administration as well as the people have suffered.

For a parliamentary democracy to succeed, the essential point is that the Government should work almost entirely through career Civil Servants, because whilst politicians come and go the Civil Service remains. The Civil Service is a permanent structure virtually self-administering. They are a class of skilled administrators, free of politics and divorced of narrow expertise, who can be moved from job to job and be expected to acquit themselves reasonably well in most of them. The main point is the distinction between policy-making which is made by Ministers and advice which is given by the Civil Servant who is free of politics. This system, however, is very different from the American one where practically all the top Civil Servants change with the change in Government. But it must be realized that the American Constitution is very different from the type of democratic constitution which we have adopted. Our system of Government is based largely on the British Parliamentary system where a Cabinet of Ministers chosen out of the majority party in the Parliament, rules, advised and assisted by permanent Civil Servants. This is the system practised in most of the other democratic countries, such as France, West Germany, etc. In fact, at one stage in France, with its frequently changing Governments, it was only the permanent Civil Service which kept the machinery of Government going. If they had the system which obtains in the States of changing top Civil Servants with the change of Government, the entire administration would have collapsed. The American system has been sustained only because the President or the Governor once elected by direct vote of the people continues uninterruptedly for the full term of his office regardless of changes in the Assembly or the Senate. It is the President or the Governor, as the case may be, who provides stability to the administration and top Civil Servants who change with the change of the President or the Governor are to advise him alone.

I hope that I have not drawn too gloomy a picture of the role of the Civil Services in our democracy. I am no prophet of doom.

In fact, I am an incorrigible optimist. Ours is a new democracy. The period of adjustment between the politicians and the Services in this new democracy has not yet passed. We have some very good young people in our Services who are extremely patriotic and are anxious to serve their country and its people. There are also a number of far-seeing politicians. It is, however, necessary to highlight some of the disturbing tendencies that are developing in regard to the role of Services in our young democracy before they get crystallized and result in damaging greatly the structure of the democratic institutions in this country. The future is in our hands, if we learn to adjust ourselves to the requirements of a true democratic society. I do hope that the parties concerned will bring about this adjustment without further delay. This way lies the progress and good administration of our country.

INDIAN FEDERALISM AND THE INDIAN ADMINISTRATIVE SERVICE

C. P. Bhambhri

THE democratic political system of India is on trial. The collapse of the 'one party dominance system' in the general elections of 1967, emergence of unstable coalition governments in many States, the grand split in the Congress Party in 1969, and the near certainty of 'coalition' governments being formed both in the Centre and in the States after the next general elections—all this changes the context in which the institutions of parliamentary democracy were operating. All these changes have a direct bearing on Centre-State relations in India. When the Congress Party was in power both at the Centre and in almost all the States of India up to 1967, whatever stresses and strains were observed in Union-State relations were resolved by informal methods. After the elections of 1967, a new phase in India's political life has started. Different political parties are in power in the States and at the Centre. The impact of this change has been severely felt on formal and legal institutions like those of the Governor and the Indian Administrative Service. Discussion shall be confined here to the impact of new political developments on the functioning of the Indian Administrative Service.

I

A pure federal model in essence means 'division of powers' between the Union and its units with 'autonomy' in their respective spheres of activity. If the pure model is accepted, it means that whatever powers have been given to the States should be managed by the State Government concerned with the help of its own administrative personnel and agencies. The only exception recognized in all federations is that in grave periods of emergency, crisis, or breakdown of law and order, federal authority may take action in State matters with a view to helping the State government perform its functions.

No known federal system works on the basis of 'pure model'. All pure features of federations have been 'diluted'. 'Owing to the

variety of possible origins, every federalism is likely to be different from every other.¹ The framers of India's Constitution had not started on a clean slate. Certain institutions which were tested and tried in the pre-Independence period were accepted after Independence, and the concept of an all-India Service was attempted to be reconciled with the idea of federalism. An integrated, well-knit, all-India Service to manage important and crucial sectors of administration throughout the country was a 'legacy' of the past and the framers of the Constitution accepted it.²

Recruitment to the IAS (as a successor service to the ICS) is on an all-India basis. An IAS officer is allotted a State where he is expected to serve under a State government. No serious disciplinary action can be taken against a member of the IAS by a State government without the concurrence and approval of the Centre. Within the State administration, crucial positions are occupied by the IAS, who after gaining rich experience of the district and State administration can migrate to Centre to occupy positions of responsibility in the Central Secretariat or other important Central government agencies.

This arrangement, that an all-India Service shall manage affairs both in the States and at the Centre, has been justified in the interest of efficiency in administration. The Administrative Reforms Commission wrote in its report:

"At the time of Independence, two new all-India services, viz., the IAS and IPS, were created, the existing members of the old ICS and IP being borne on the new cadres. The intention of having all-India Services was mainly to ensure uniformly high standards of administration in all States in key activities, to provide for inter-change of experience between the States and the Centre, and to obtain, where needed, the experience of State administration at the decision-making levels at the Centre."³

The ARC Study Team on Centre-State relationships and the ARC Study Team on Personnel have also said that the 'continuance of the Service (IAS) is imperative'.⁴

¹ Carl J. Friederich : *Constitutional Government and Democracy* : New Delhi, Oxford & IBH Publishing Co., 1966, p. 204.

² Asok Chanda : *Indian Administration*, London, George Allen & Unwin Ltd., Second Edition, 1967, pp. 102-110.

³ ARC Report, *Personnel Administration*. New Delhi, Manager of Publications, April 1969, p. 7.

⁴ *Ibid.*, p. 8

The ARC report asserts:

"The all-India Services have come to stay. The concepts underlying the all-India Services, namely, common recruitment which seeks to ensure uniform standards of administration in all the States, and the availability of experience gained in different parts of the country to the higher administration at the Centre are valid. More all-India Services are being contemplated in different fields of administration in the States and at the Centre. We would urge their early formation. It is, of course, obvious that such all-India services would be in a position to function effectively only if Centre-State relations continue to rest on a sound and cordial basis."⁵

Sardar Vallabhbhai Patel defended the idea of all-India services for it provided unity to the country, efficiency to administration and offered frank and objective assessments because the selections are made on merit and on an all-India basis. He said:

"Many of them (all-India Services) with whom I have worked, I have no hesitation in saying that they are as patriotic, as loyal and as sincere as myself... we are talking here under security kept in very difficult circumstances. These people are the instruments. Remove them and I see nothing but a picture of chaos all over the country."⁶

II

The questions that have to be answered on the basis of available empirical evidence regarding the functioning of the IAS are:

- (a) How did the IAS function from 1947 to 1967 ?
- (b) How are they likely to function under the changed context of Centre-State relations in post-1967 India ?

Functioning of the IAS in the States from 1947 to 1967

The Indian Administrative Service official went to the State and was expected to adjust to the demands of the State politics. There was no Governor-General or Governor to safeguard his interests as it was the case before 1947. The Central Government only ensured that no serious disciplinary action would be taken against its members of IAS. If the IAS Officer was harassed by the local or the State leaders,

⁵ ARC Report, *Personnel Administration*, op. cit., p. 15: Also see: ARC Report, *Study Team on Centre-State Relationships*, Vol. I, Sept. 1967, pp. 237-271.

⁶ B. Shiva Rao (Ed.): *The Framing of India's Constitution*, New Delhi, IIPA, 1968, p. 722.

or if he was inconveniently transferred, it was he who had to thrash the issues with the State leaders. The performance of the IAS up to 1967 fell in one of the following categories:

- (1) adjusted well with the State leaders, worked efficiently, got a good chit from them and migrated to the Centre;
- (2) could not adjust well to the political culture of the State, remained unhappy and ultimately resigned; and
- (3) entered into a collusion with State leaders and became a party to maladministration.

After examining the above three categories a conclusion regarding the pattern of behaviour of the IAS in Centre-State relations up to 1967 may be reached.

The all-India Service personnel who could not adjust with the State governments charged the latter of following policies of interference in day-to-day administrative matters on purely political or party considerations. It was alleged by this category of officials that the norms of administrative efficiency came into conflict with the demands of political leaders who put pressure on the officials to do things for personal or party gains of the State leaders. Even the Chief Ministers of some of the States were a party to the harassment of the officers. The following three observations will prove that the above mentioned malady existed:

- (a) Dr. Nabgopal Das, who resigned from the ICS, has the following to say about Bengal:

"... (there) functioned on administration in which decisions were taken by only one man (Dr. B. C. Roy, Chief Minister), who would often impatiently brush aside advice given by senior officers. I do not deny that, in a problem state like West Bengal, a certain degree of firmness was both necessary and desirable, but I have always held that even the most well-meaning dictator cannot rise above his predilections and prejudices and these latter need not necessarily be always for the common good. It was not, therefore, to be wondered that the Chief Minister and I often clashed. The climax came in 1958 when, as Special Secretary, Home Department, in charge of anti-corruption and the enforcement of special laws, I started submitting reports on corruption and other

malpractices in high places and desired that action be taken against certain individuals. A gentle hint was given to me that I should 'go slow' with these enquiries. I was even promised a better assignment if only I would be a little more accommodating. Unfortunately, I was far too pig-headed to listen to such counsel. The result was a virtual deadlock causing considerable mental agony and worry to me."⁷

- (b) Similarly, N. Baksi narrates his experiences of pressures under the Congress Ministers of Bihar headed by Dr. Sri Krishna Sinha in connection with the stand he took in respect of his position 'as the court of wards'. His harassment was so acute that he resigned on the 16th March, 1959 with the statement that "my spirit was not in harmony with the official environment of my life."⁸ His whole case should be carefully studied.

- (c) N. B. Bonarjee, who was the Chief Secretary of Uttar Pradesh, resigned from the service since he found himself, "unable to fit snugly into the altered administrative ethic, resignation was the only straight forward case."⁹ Writing about his experiences as Chief Secretary, he says:

"... the question of appointments became the subject of personal likes and dislikes and the sources of canvassing. The administrative merits of officials ceased to be the criterion, and one Minister even went so far as to pass orders to me that no postings should be made to his home District without his specific consent. Even when it was explained to him that, if all Ministers were to pass similar orders, no postings could ever be made, it was doubtful whether he understood the position. The postings of key men to the Districts thus became shuttlecocks between a number of politicians motivated solely by their own personal idiosyncrasies. So much so that in some cases it became impossible to make appointments at all without considerable delay, and important and heavy Districts were left in the hands of junior and inexperienced staff at a critical time."¹⁰

⁷ Dr. Nabgopal Das: "My Life in the ICS", Kewal L. Panjabi (Ed.), *The Civil Servant in India*, Bombay, Bharatiya Vidya Bhawan, 1969, pp. 263-64.

⁸ N. Baksi, "In Bihar—The State of My Adoption", Kewal L. Panjabi (Ed.), *op. cit.*, p. 211 (pp. 141-213).

⁹ N. B. Bonarjee, *Under Two Masters*, London, Oxford University Press, 1970, p. 255.

¹⁰ *Ibid.*, p. 233

III

Another category was of those IAS Officers who succumbed to the pressures of the State political leaders and became a party to maladministration. An IAS official was expected to provide clean administration, and his all-India character was expected to ensure impartiality in conduct. The Das Commission's inquiry into the conduct of Sardar Pratap Singh Kairon, the then Chief Minister of Punjab, revealed that even the highly placed officials indulged in nepotism to curry favour with the Chief Minister. Justice Das repeatedly writes in his report that officials' conduct was influenced by a desire to please the Chief Minister, and that they did not hesitate even in doing illegal acts.¹¹

It must be noted here that compared to the State administrative officials, the IAS officials were firm and stood their ground and only a small fraction of them collapsed in integrity in the face of pressure from the State political leaders. It was not because of the presence of any special virtue in the character or personality of the IAS Officers or the absence of that virtue in the State administrative service officers. It was because of the recruitment of the IAS on all-India basis, better salary and status in the service, and its elite character. These factors ensured better level of conduct of the members of IAS. But cases are on record where the service failed to provide clean administration in the States.

IV

Besides maladjusted officials, who ultimately resigned or officials who indulged in maladministration, the IAS officers established good working relations with the political leaders in the States. Two important factors were responsible for a proper understanding between the IAS officers and the State political leaders. They are:

- (1) While dealing with the IAS officers, the State leaders knew that being members of the all-India service they (the former) would not easily fall prey to the whims and fancies of the latter. Some State leaders realised this fact on the basis of common sense intelligence; others realized it after some kind of confrontation where they found that it was difficult to influence an IAS officer.

¹¹ *Report of the Commission of Inquiry (Das Commission)*, New Delhi, July 1964; See, Myron Weiner, *State Politics in India*; Princeton, Princeton University Press, 1968; Paul R. Brass, *Factional Politics in an Indian State, The Congress Party in Uttar Pradesh*; Berkeley, University of California Press, 1965, Myron Weiner, *Party Building in a New Nation: The Indian National Congress*, Chicago, The University of Chicago Press, 1967.

- (2) The IAS officers also made deliberate efforts to provide efficient and clean administration in the States because they knew that this was to be the basis of their being taken in the Centre. After serving a State government for the prescribed period (14 to 20 years) the IAS officers want to migrate to the Centre which opens many new opportunities for them. How can an IAS officer be accepted by the Central government if he has not shown efficiency as a district officer or in the state secretariat? Further, if an IAS officer has not been able to adjust to a State Minister, how can he adjust with the Union Minister? A very important variable in the behaviour of an IAS officer is his desire of going to the Union Government. This desire cannot be fulfilled if he has not received a good chit from a State government. In sum, a vast majority of IAS officers have worked efficiently and impartially in the States because it was in their own interest to do so. In a rational model of bureaucracy, climbing up in the ladder is a legitimate aspiration. This aspiration of the IAS officers to be promoted to the higher posts in the Central Government has proved useful because it has kept them efficient and honest. Some enlightened State leaders were interested in clean and efficient administration, and the IAS personnel got on very well with them.

Thus, up to 1967, some of the IAS officers could not adjust with the State leaders, some others became a party to maladministration, but the majority of them justified the objectives for which the IAS was created.

V

Post 1967 Period

The above mentioned three types of the IAS officers will continue to exist even in the changed context of Centre-State relations in India. There is an apprehension that the IAS officers may not be able to adjust well to the fast changing political landscape of the States especially where coalition cabinets are collapsing like a house of cards. The adjustment between bureaucracy and leadership takes time. In the new context of Centre-State relations, another role may be played by the IAS. With different political parties in power in the Centre and in the States, the political importance of the State leaders will increase. The Central government will have to seek cooperation of the State

leaders (irrespective of party considerations) for fulfilling certain national goals, like economic planning, agrarian reforms, and fight against unemployment. In this situation, the IAS will play a 'moderating role'. An IAS officer will tell his State leaders that so much may be accepted by the Centre, and so much of cooperation with the Centre is in the interest of the State. He will also tell his counterpart in the Centre that his State government will go to a certain extent on an issue and not beyond it. The IAS will project the right demands of the State before the Centre, and convince the State that the Centre will not tolerate more than the specified limit. Because the IAS is a well-knit integrated service, the IAS officer in the State has his counterpart in the Centre, and because both belong to the same service, all sorts of bottlenecks between Centre and the State is likely to be resolved to a certain extent through the instrumentality of the IAS. It is an important and a difficult and new role for the all-India service to act as defenders of the State government's interests, to identify with the State leaders, and to exercise 'moderating' influence on the reckless adventurism of party leaders. More and better channels of communication will have to be evolved between the Centre and the State secretariats so that respective viewpoints of the Centre and the State governments get full appreciation; and in this, the role of the IAS will be very crucial. When the Congress Party was in power both at the Centre and in the States, differences between the Centre and the State were resolved informally on party basis. With the breakdown of this system, some agency will have to perform the task of smoothening Centre-State relations; this will be the task of the IAS, whose members will have to work as errand boys, messengers, informers, negotiators, and coordinators of Centre-State activities.

VI

Safeguards for the IAS

The above analysis of the behaviour of the IAS has shown that it has to serve two masters faithfully and efficiently. The concept of the all-India service worked very well during the British period because of the unitary character of the government. In spite of the brief experiences of provincial autonomy of 1935, the British provinces were simply administrative areas subject to the full control of the Governor-General of India. Even when popular ministries were installed in the provinces, full protection was given to the ICS by the provincial Governors, many of whom were members of the Governor-General's Executive Council or had been former members of the ICS. An unbroken chain of command was established from Governor-General

to Governor to Commissioner to Collector. The chart of hierarchy was as follows:

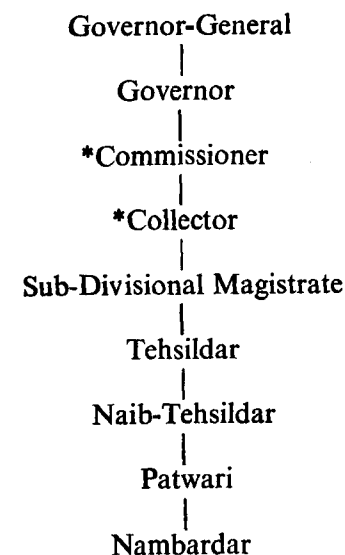


CHART 1—PRE-INDEPENDENCE HIERARCHY OF CIVIL SERVANTS

Thus all-India service fitted well into the British framework of administration.

In a federation, an all-India service is an innovation. Like all such innovations, it poses problems. The most important problem observed during the past two decades is that the IAS was left to its own ingenuity to adjust to the State governments. The Central Government recruits IAS officers and guarantees that no serious disciplinary action shall be taken against them without the prior permission or concurrence of the Centre. For the remaining conditions of work, the IAS officer has to establish his own rapport with the State government. This gives a good handle to the State government to harass him, if it is interested in doing so. The most important device adopted by the State governments to get rid of uncompromising and unobliging IAS officials has been to transfer them frequently and to post them in unimportant places¹². Postings and transfers should be on purely

*All ICS officers were on these positions. Hence, it shows that ICS was in an exclusive control of the situation.

¹² Average period of stay for District Collector of Jaipur is about one year : See : Shum Sun Nisa Alvi, *Development Role of the District Collector* (A study in Jaipur District) (unpublished thesis), Jaipur, Department of Public Administration, University of Rajasthan, 1969, pp. 37-38.

administrative considerations. Further, it is not a Minister's job to decide who will be appointed Collector in which district. Postings and transfers are administrative decisions to be taken by administrative officials. The role of Ministers in a democracy is to formulate policies and supervise their implementation. Instead of performing their main task, they are busy, it is said, in taking unhelpful interest in day-to-day matters of transfers and postings. It is not without reason that transfers of key officials are very frequent and on whimsical and political considerations. It affects the morale of the services. Besides transfers on flimsy grounds, suspension of the IAS by State government can be another device for harassment of the officials. A suspended IAS official can send memorial to the President if he feels that he is not getting fair treatment from the state government. But the Central Government cannot ask a state government not to proceed with an inquiry against an official or not to suspend him.¹³ An ICS officer enjoys this privilege. He can not be suspended by the State Government. Only President can suspend him. The Supreme Court did not uphold the suspension of R. P. Kapur, ICS, by the State Government.¹⁴ It is the Central Government's responsibility to care for the morale of the all-India Services. This factor has assumed importance because the chart of hierarchy of administrative set-up between the British period and the post-Independence era has undergone a change. The chart is as on page 331.

Hence, an institutional arrangement to defend the legitimate interests and service conditions of the IAS officers posted in the States is needed; and one suggestion can be that the Chief Secretary of a State, who is head of the Services, should be appointed by the Union Government to discharge this responsibility. This is a logical step if the morale of the all-India services has to be defended. If merit has been seen in the idea of an all-India service and experience has proved that such a service can stand the test of time, it is necessary that service conditions for such a service be safeguarded both by the Union and the State governments. The Chief Secretary of a State should enjoy great authority in matters of transfers and postings of the members of the IAS. The Maharashtra Reorganization Committee (1962-68) recommended that the Chief Secretary should "be concerned only with matters relating to transfers, appointments and promotion of Heads of Departments and senior gazetted officers".¹⁵

¹³ *All India Services (Discipline and Appeal) Rules*, 1967, Rules 3 and 7.

¹⁴ *R. P. Kapur Vs. Union of India*, A.I.R., 1964, S.C. 787.

¹⁵ Quoted in ARC Report on *State Administration*, November 1969 (Cyclostyled), p. 50.

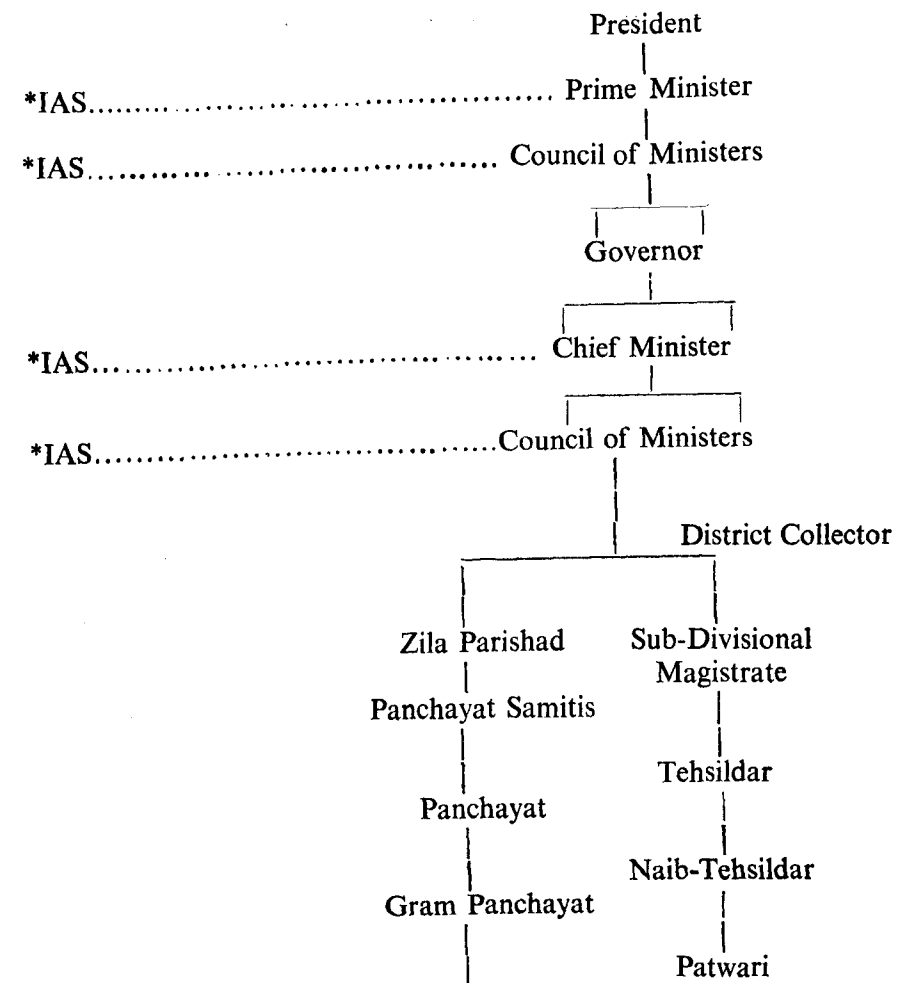


CHART 2—POST-INDEPENDENCE HIERARCHY OF CIVIL SERVANTS

The Chief Secretary can perform this function only if he can act independently of the State Government. It is surprising that the ARC Reports on Centre-State Relationships, and State Administration have nothing to say about the necessity of safeguarding the conditions of service of the IAS while working in the States. The ARC Study Team on Centre-State Relationships also observed that:

"...the Central Government must keep a vigilant eye on the health and vigour of the service for which it is, in the ultimate analysis,

* Broken lines (. . .) show supportive role of the IAS. He is accountable to the deliberative bodies. He is answerable to the political leaders. All this did not exist during British days.

responsible. For too long in the past did it adopt a policy of an acquiescent spectator"¹⁶.

But neither the Study Team nor the Report has spelt out specifically as to what kind of safeguards are needed to keep the morale high of the IAS in the States.



UNION-STATE RELATIONS : ADMINISTRATION OF LAW AND ORDER

K. K. Dass

THE administrative aspects of Union-State relations in the sphere of law and order are inseparable from the legal aspects. The law on the subject is not altogether clear and is still developing. Unless it has been sufficiently clarified, the powers, duties and rights of officers and forces of the Union and the State remain uncertain to some extent. Since officers may hesitate to act unless their actions have legitimacy, the first essential is that they should understand clearly where they stand as the law is today; and for this purpose an authoritative pronouncement is necessary. At the same time, it is necessary that the Union and State Governments should undertake further legislation to meet the types of situations that have occurred with some frequency in the recent past and are likely to occur again in the future.

Let us first look at the Constitution and the law as it now stands. Article 355 of the Constitution says:

"355. It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of this Constitution."

This finds place in Part XVIII of the Constitution headed EMERGENCY PROVISIONS, which deal largely with the Proclamation of an Emergency. This Article, however, makes no reference to an emergency. Hence, the duty of the Union is always present, and does not only emerge when a proclamation is issued. Two other Articles, which have a bearing on this question, are 256 and 257 which read as follows:

"256. The executive power of every State shall be so exercised as to ensure compliance with the laws made by Parliament and any existing laws which apply in that State, and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose.

¹⁶ ARC Report of the Study Team on Centre-State Relationships, New Delhi, Manager of Publications, Vol. I, 1970, p. 241.

"257. (1) The executive power of every State shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union, and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose."*

Let us now look at Article 246 which defines the legislative powers of the Union and States. This reads as follows:

"246. (1) Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the 'Union List').

"(2) Notwithstanding anything in clause (3), Parliament, and, subject to clause (1), the Legislature of any State also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the 'Concurrent List').

"(3) Subject to clauses (1) and (2), the Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the 'State List').

"(4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included in a State notwithstanding that such matter is a matter enumerated in the State List."

*The rest of the Article is as follows :

"(2) The executive power of the Union shall also extend to the giving of directions to a State as to the construction and maintenance of means of communication declared in the direction to be of national or military importance :

Provided that nothing in this clause shall be taken as restricting the power of Parliament to declare highways or waterways to be national highways or national waterways or the power of the Union with respect to the highways or waterways so declared or the power of the Union to construct and maintain means of communication as part of its functions with respect to naval, military and air force works.

"(3) The executive power of the Union shall also extend to the giving of directions to a State as to the measures to be taken for the protection of the railways within the State.

"(4) Where in carrying out any direction given to a State under clause (2) as to the construction or maintenance of any means of communication or under clause (3) as to the measures to be taken for the protection of any railway, costs have been incurred in excess of those which would have been incurred in the discharge of the normal duties of the State if such direction had not been given, there shall be paid by the Government of India to the State such sum as may be agreed, or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India, in respect of the extra costs so incurred by the State."

Article 248 gives Parliament residuary law-making powers, and reads:

"248. (1) Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List.

"(2) Such power shall include the power of making any law imposing a tax not mentioned in either of those Lists."

If there is any conflict about laws in the Concurrent List then the law made by Parliament, whether passed before or after the law made by the Legislature of a State, shall prevail according to Article 254.*

Coming to the Lists themselves, we find that the first two items in the State List read as follows:

"1. Public Order (but not including the use of naval, military, or air forces or any other armed forces of the Union in aid of the civil power).

"2. Police, including railway and village police."

The first 3 items in the Concurrent List read as follows:

"1. Criminal law, including all matters included in the Indian Penal Code at the commencement of this Constitution but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding use of naval, military or air forces or any other armed forces of the Union in aid of the civil power.

"2. Criminal procedure, including all matters included in the Code of Criminal Procedure at the commencement of this Constitution.

*Article 254 reads as follows :

"(1) If any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of any existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2), the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void.

"(2) Where a law made by the Legislature of a State with respect to one of the matters enumerated in the Concurrent List contains any provision repugnant to the provision of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that State :

Provided that nothing in this clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of the State."

"3. Preventive detention for reasons connected with the security of supplies and services essential to the community; persons subjected to such detention."

The Sections relating to the use of armed forces in aid of the Civil power are 129, 130, 131 of the Code of Criminal Procedure. These read as follows:

"Use of armed force 129. If any such assembly* cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Magistrate of the highest rank who is present may cause it to be dispersed by the armed forces.

"Duty of officer 130. (1) When a Magistrate determines to disperse any such assembly by the armed forces, he may require any officer thereof in command of any group of persons belonging to the armed forces to disperse such assembly with the help of the armed forces under his command, and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.

(2) Every such officer shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

"Power of commis- 131. When the public security is manifestly endangered by any such assembly, and when no Magistrate can be communicated with, any commissioned officer of the armed forces may disperse such assembly with the

*An unlawful assembly is meant—vide Section 127(1) which reads: "Any Magistrate or officer in charge of a police-station may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly."

help of the armed forces under his command, and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law; if, while he is acting under this section, it becomes practicable for him to communicate with a Magistrate, he shall do so, and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action."

The Constitution and the law, thus, indicate that while the maintenance of law and order and protection of life and property is primarily the responsibility of the State Government, the Union has the authority as well as the duty to intervene when the State Government is unable or unwilling to discharge its responsibility. This authority and duty of the Union is not limited to cases where its own property or the lives of its own employees are endangered. This is clear from a reading of Articles 355 and 256. The first item in List II of the Seventh Schedule also limits the State powers regarding public order to cases where the armed forces of the Union are not employed in aid of the civil power. Here, it may be clarified that the question of aid of the armed forces of the Union to the civil power of the State does not arise only when the latter asks for it, as is borne out by Articles 355 and 256. When the civil power of the State is unable or unwilling to carry out its duties then the Centre is bound by Articles 355 and 256 to employ its armed forces to help in the carrying out of these functions, or to take them over entirely if the civil power ceases to function.

It should be noted here that the armed forces of the Union include not only the military (Army, Navy and the Air Force) but also its armed police forces, such as the Central Reserve Police, and the Border Security Force.

The above, it seems is the constitutional and legal position as it exists today, but, as mentioned earlier, there should be an authoritative pronouncement so that officers can function under the umbrella of legitimacy.

The next step is to pass laws with regard to those areas which are not sufficiently covered by the existing provisions. Such legislation should cover three areas:

- (a) It should coordinate the powers of the Union with the provisions of the Criminal Procedure Code.

- (b) It should define the role of the armed forces of the Union in the maintenance of public order. Since this role has been explicitly excluded from the State List, it can be dealt with under Parliament's residuary powers of legislation.
- (c) It should ensure that actions taken by the Union authorities are not subject to control by the State Governments, and that persons carrying out these actions are given the necessary immunity from civil and criminal proceedings.

The reason why the first area should be covered is that under the Criminal Procedure Code, as it now stands, any armed force employed in the maintenance of law and order is apparently subject to the jurisdiction of any magistrate who happens to be present or the senior magistrate having jurisdiction. Two lines of action are possible: either to remove the Union forces from the jurisdiction of local magistrates or to empower the Union to appoint magistrates whose orders would override those of the senior-most magistrate of the State Government. I am not in favour of the first alternative. India has a fairly long tradition that, in dealing with the civil population, a magistrate is always interposed between them and the police or the armed forces. Also, magistrates have long experience of dealing with such situations, whereas the armed forces do not and should not normally have such experience. Further, one of the axioms of democracy is the supremacy of the civil power. The armed forces of the Union may or may not be clearly identified as an integral part of the civil power, whereas a magistrate is definitely part of the civil power hierarchy and is identified as such by the people. It is interesting to consider how best the law can be amended, or fresh legislation passed, to give overriding powers to these magistrates appointed by the Centre, but this would be outside the scope of this article. I merely record my personal view that the necessary changes can probably be brought about without disturbing the normal functioning of the district authorities working under the overall charge of the State Government.*

The need for the legislation suggested in an earlier paragraph beginning with 'The next step is to pass laws . . .' sub-paragraphs (b) and (c) is fairly self-evident and needs no elaboration.

*In this connection, Article 247 is relevant. It reads as follows:

247. "Notwithstanding anything in this Chapter, Parliament may by law provide for the establishment of any additional courts for the better administration of laws made by Parliament or of any existing laws with respect to a matter enumerated in the Union List."

While it is quite clear that the Union has overriding powers and duties in the matter of maintenance of law and order, it is equally clear that its intervention should take place only rarely and in extreme cases. Also, its intervention should be withdrawn at the earliest possible moment. There are sometimes counsels of extreme caution because no one can really be sure when Union's intervention can be safely withdrawn. But the decision should be to withdraw as soon as order is restored.

The reason is that in a very large country like India, Government is best carried on by sharing power with smaller units throughout the country, otherwise the feeling of participation and local responsibility is lost. Further, law and order is best maintained by the people themselves. Sometimes, organized forces have to step in, but they too can only function with the broad support of the people. It has been found by experience that the people by and large tend to support the local forces—the ones with whom they are daily in touch and whose ways they have come to understand. In cases of emergency and where the local forces are unable to act, they welcome intervention by more distant forces like the State Armed Constabulary or the armed forces of the Union Government, but the support of the people to these forces tends to fade the moment the emergency is over. They are then looked upon as burdensome intruders and interlopers. Thus, the force which should, as far as possible, first be used in the maintenance of law and order is the Home Guards or similar formations. Next should come the civil police, followed by the armed police, then the State Armed Constabulary, then the armed police force belonging to the Union and last of all the Military.

My personal experience is that if the Home Guards and State Police are used promptly and with determination, there is no need whatever to call in the Army, and I have never done so myself. In this connection, I recall Pandit Govind Ballabh Pant's oft-repeated desire that the Army should never be called in, to the aid of the civil power for the maintenance of law and order. In fact, in U.P. the Army has almost never been called for this purpose after 1949 or so.

The next point is the conflicts which may arise between the States and the Union regarding maintenance of law and order. Such conflicts are particularly likely when Union property, such as railways, post offices, radio stations, Army and Central Reserve Police barracks, and Union Government's public sector projects are subjected to mob violence.

In almost every such case, State Governments give protection by their own forces or readily ask for Union Government's help to supplement their forces. However, situations do arise where the State Government is unable or unwilling to give protection. In such an eventuality, two alternatives are open to the Union. One is to issue a directive under Article 256 and simultaneously to take action under Article 355 by stationing its own armed forces to protect its property. The State may either obey the directive and call for help from the Union or it may refuse to obey, in which case Article 356* which brings about Presidential Rule in the State comes into play. However, the Union can, even without invoking Article 356, direct its armed police forces or the military to protect its installations by virtue of Article 355.

Cases may also arise where the State uses its powers to stop the functioning of a Union Government's installation. This can be done either by the use of police force or by an 'order' under section 144 Cr. P.C. In fact, one such case, where a magistrate (acting probably with the knowledge of the State Government) passed such an order, has come to notice. However, such an order whether under Section 144 Cr. P.C. or otherwise is unconstitutional and void *ab initio*. Therefore, an officer in charge of a Union Government installation can and should reject this order and carry on. Then, if the authority which passes such an order decides to enforce it, it will be doing so at great peril to itself and the State.

*Article 356 reads: "(1) If the President on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may by Proclamation—

- (a) assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or any body or authority in the State other than the Legislature of the State;
- (b) declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament;
- (c) make such incidental and consequential provisions as appear to the President to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Constitution relating to any body or authority in the State;

Provided that nothing in this clause shall authorise the President to assume to himself any of the powers vested in or exercisable by a High Court, or to suspend in whole or in part the operation of any provision of this Constitution relating to High Courts."

AGRICULTURE—STATE-UNION RELATIONS

B. Sivaraman

OUR Constitution has tried to demarcate the fields of action, particularly legislative, between the States and the Centre. Certain fields have been left in the Concurrent List. Agriculture is a field allotted to the States. It is, therefore, said that the Centre in maintaining a large agricultural organization, is acting against the letter and the spirit of the Constitution, and is thereby creating friction in the States' field of action. The Sub-Committee of the Administrative Reforms Commission, which was headed by Shri Chennabasappa has drawn pointed attention to this and has recommended that the Centre should substantially curtail its activities in the agricultural sector and leave this field mainly to the States whose responsibility it is. This report was considered by the Parliamentary Forum on Agriculture and they have disagreed in many respects with the Sub-Committee and have agreed that the Centre has a great responsibility in the field of co-ordination, inputs and research, which responsibility can be shirked only at grave risk to agricultural production. From the aspect of State-Union relations, it is desirable to analyse this problem and come to a clear understanding as to the State's and the Centre's responsibility in this sector and whether there is scope for friction.

The Constitution has no doubt placed agriculture in the State List. What does this connote? The State has the power to legislate in the field of agriculture. It has the right to spend money from the consolidated funds of the State for research and development of agriculture. Where then is the need for the Centre to come into this field?

Agriculture is mainly a private sector operation, carried out by millions of farmers' households in the country. Our objective is to improve agriculture so as to raise production to meet the various needs of the population and the economy. We have to activate the millions of farmers to take pains and improve their agricultural methods and increase production in their fields. If there has to be any legislation to compel the farmers to follow a programme or to observe certain routines and restrictions, then it is only the State which can legislate. The Centre

has no direct responsibility in this matter. Experience the world over has shown that we cannot activate millions of farmers by legislation or punitive methods. Wherever it has been tried, production has not grown, but rather declined. So, the weapon of legislation which is a State prerogative can make only a marginal impression in agricultural growth.

How then do we plan our growth? In the last few years our experience clearly shows that the individual farmer is tempted to take to better agriculture and increase his production if the method gives him extra profits which are substantial. Marginal increases do not enthrall him to try hard. The last few years have also shown us that high-yielding variety of seeds which are responsive to irrigation and fertilizer application, can give substantial additional profits to the farmer, if he follows the routine laid down and invests in the inputs and agricultural operations that are necessary. Growth in agriculture can come by providing the farmer with the necessary inputs in time and at fair prices. Growth can come by guaranteeing the farmer a fair price for his produce. The new agriculture requires large investments in comparison with the normal agriculture carried on before. This necessitates credit to the farmer. What is the share of the States and the Centre in organising this?

The new agriculture is based on science. The science also is of a high order. Agricultural education and research is a subject in the State List; but co-ordination in institutions for higher education or research is in the Central List. Science today is not an individual's effort but a joint effort of many scientists in many disciplines. Agricultural science particularly has proliferated vastly and has to be supported by many disciplines in science. Break-through in the high-yielding varieties was the result of co-ordinated research in several institutions. It has been found that co-ordinated research of many types is required for the rapid progress of the new science. Thus, though research institutions may be in the State sector, co-ordinated research has to be organized by the Centre. Further, the Centre directly maintains important agricultural and animal husbandry institutes of national importance. The IARI, IVRI, and NDRI are institutes of this nature. These contribute tremendously to agriculture and animal husbandry sciences. These are in the Central sector.

Water is the main input that the farmer needs. Till the end of the Third Plan, investment in water was mostly in the public sector and funds were provided in the Plan. The droughts of 1966 and 1967 gave a tremendous impetus to private investment in water. Some

progressive farmers in every State found that it was ultimately most economic to have one's own water source, if possible, though per acre cost of irrigation may appear higher than water from a State system. Ground water exploitation by farmers through their own investment has been one of the major developments in the Fourth Plan. A scientific appraisal of the possibilities of striking ground water and some indication of the type of water that will be found is essential before the farmer invests in digging a well or boring for water. Under the division of responsibilities, the Geological Survey of India is the responsibility of the Centre. Geological Survey includes Hydrological Survey. Extensive ground water surveys have to be carried out in the country to support the massive ground water investment programme. The Geological Survey of India has to do the base work in mapping out the water bearing areas, assessing type of water available and also estimating the replenishment capacity of the aquifers. For facility of work, once the Geological Survey gives broad indications of the water availability in the area, detailed deep drilling and testing is done by Exploratory Tubewells Organization in the Department of Agriculture in the Centre, to give a more detailed mapping of the water bearing stratas. The States have organizations which can deal with shallow boring and investigation of the shallow aquifers. Deep aquifers which require heavy investment in machinery and equipment has been taken as the responsibility of the Centre under the Hydrological Survey as a support to the Geological Survey.

Good seed is a prime requirement for the new agriculture. During the last six years, seeds of various kinds are being produced under control all over the country. Varieties which are approved for release to the farmers, have to be maintained in purity by some organization. Maintenance of nucleus seeds which reproduce the characteristics of the variety that has been approved, is the first stage in the routine. Nucleus seeds have to be grown every year under complete controlled conditions and the base stock replenished every year. This work can be done only in well established laboratories and experimental plots attached to agricultural institutes and research units. Previously, any laboratory which had produced a new approved variety, used to have its own arrangement for maintaining the stock. Now with co-ordinated research and also the large requirement of nucleus seeds, somebody has to nominate a centre or centres where the seed will be maintained and also multiplied for issue to the seed production programme. This requires a basic co-ordination. It has been found by trial and error that a co-ordination by the Centre with the approval of the States is the best way to organize the maintenance and multiplication of nucleus seeds.

From nucleus seeds, foundation seeds have to be produced, on a large enough scale to meet the demand of seed growers for annual replenishment of quality seeds. Foundation seed production raises various problems of isolation and proper seed threshing and treatment and good selection. This can be done only by a highly organized and technically competent organization. Large farms are necessary to maintain the isolation distance for crops. This requires large investment. The Centre had, therefore, acquired large farms and also organized the National Seeds Corporation to undertake this work. Though individual States could have put up a large seed farm or a Seed Corporation, the magnitude of the problem being what it is, this work has been left substantially to the National Seeds Corporation and the Central State farms.

Another aspect of seed production is also relevant to this discussion. Each area of the country has its own cultivation season for each crop. Seeds as fresh as possible have to be supplied to the farmers in each State at the right time. Though each State can organise its own seed requirements by its own production, an All-India organization can give fresher seeds at the right time to the State. As an example, we may take the programme for potato seed production. Large storage of potato seeds adds to the cost of seeds. At the same time, to break dormancy, potato seeds have to be kept in storage for a couple of months before they can be planted. Plantation seasons are related to the winter conditions in the States. Seeds are produced in Assam, Himachal Pradesh, Punjab and Tamil Nadu (Mettupalayam). Each of the regions has a different harvesting season. Only an All-India approach can link up the seeds with the cultivation programme of the State. This co-ordination is undertaken by the Centre. Another important example is vegetable seeds. Particularly those which are called English vegetable seeds, can be grown best only in the higher altitudes of Kashmir and Himachal Pradesh. Seeds are required all-over the country. Here again it is only a Central organization which can take up this task. Therefore, though seeds are in the State List of responsibilities, the national interest requires a Central co-ordination and also help. The present division of labour is a pragmatic approach to the problem.

The new agriculture is based on seeds and plants which are highly responsive to application of high levels of fertilizer. It has been estimated that an annual growth of the order of 25 per cent in fertilizer nutrient application will be necessary to support the probable programme of high-yielding varieties. Multi-cropping is another of the basic strategies of the new agriculture. Multi-cropping, under conditions of availability

of irrigation water, also requires heavy fertilizer application per acre of land. Both these programmes rapidly diminish the basic fertility in our soils. Therefore, for replenishment, high level application of balanced fertilizers is a necessity. This means that the country must have sufficient fertilizers of the nitrogenous, phosphatic and potassic varieties. The country has not so far identified any source of potassic fertilizer. Schemes are being prepared for getting potash as a by-product of ventures for distillation of sea water, but this will give only marginal quantities. We depend for our potash requirements on foreign countries. In phosphatic fertilizers, we depend substantially for the phosphate rock on foreign countries and for sulphur entirely on foreign countries. We have been lucky to strike a good deposit of phosphate rock in Jamarkota in Rajasthan and a pyrites deposit in Saladipura. But the exploitation of these will take time and even full exploitation of these sources will not meet more than a part of our fertilizer need for phosphates and sulphur. For production of nitrogenous fertilizers, we depend on naphtha to a large extent. Naphtha is a product of our petroleum refineries. Therefore, raw material for our nitrogenous fertilizers is based on refining crude oil, a substantial part of which is imported into the country. Raw materials for our fertilizer production is even now substantially dependent on imports. The Centre's responsibility extends to petroleum, petroleum products, and imports. Unless the Centre is fully involved in the planning of the organization for the fertilizer production, even if factories are in the private sector, fertilizer will not be produced. Inputs require foreign exchange, which is a difficult commodity to get in our economy. Planning for foreign exchange allocations is a Central responsibility.

For production of fertilizers, we have to invest in high capital intensive factories. Large amounts of Indian and foreign capital are required. Private entrepreneurship in the country is not in a position to meet the demand. Therefore, a planned programme of construction of fertilizer factories in the public sector had to be included in the Plan. As these plants require heavy finances, the States are not generally in a position to invest in the Plants. Therefore, the programme had to be started in the Central Sector. Further, it has been found that dependence on Naphtha may lead to continuous drain of foreign exchange. It has, therefore, been planned that we should use our large coal reserves to base part of our fertilizer production on coal. This is a high capital intensive and high cost production. The risk has been taken in the Central sector.

Till our production catches up with demand, we have to import large quantities of fertilizers to meet the demand of the farmers. In

1968-69 alone as much as Rs. 200 crores worth of fertilizers were imported. This again is a very substantial drain on our foreign exchange resources. Very special steps have to be taken to earmark these funds. This is within the Central responsibility.

Thus, in the field of fertilizers, it will be seen that though this appears to be a purely trade venture, which should be managed by the normal trade, very special steps have to be taken to organize fertilizer production and the Centre has to come in a big way in this. The Central responsibility includes petroleum and petroleum products, foreign exchange allocations and input imports without which the fertilizer programme cannot go through.

The new agriculture requires investment in water, application of heavy doses of fertilizers and expenditure on crop protection. It requires labour on a much larger scale per acre than the ordinary agriculture absorbed. If intensive agriculture of a multi-crop pattern is attempted, it requires help of machinery for the crucial operations. Till a few years ago, districts in Maharashtra, where Co-operative gave a short-term loan of Rs. 300 per acre were considered very forward in credit supply. Today the short-term funds required per acre of multi-cropping, are of the order of Rs. 600 to Rs. 700. In addition, if investment has to be made in water, medium and long-term credit of the order of anything from Rs. 500 to Rs. 3,000 per acre is required. Even farmers who were considered affluent a few years ago and who were expected to find their own resources for the cultivation programmes, will find it difficult to find these funds readily from their savings or earnings. As a result, requirement of credit both short and long-term for the new agriculture has proliferated widely and also increased per unit of demand. This country has for long years placed its faith on the co-operative organizations being built to meet the credit demands of the farmers. Though co-operative credit has increased spectacularly over the years, it still falls far short of the present requirements. In addition, as the Rural Credit Review Committee have pointed out, the credit is uneven and does not cover the requirements of many parts in the country. There are large pockets in the country which are co-operatively weak and require special measures. The requirement of long-term credit for investment in water started increasing 5 years ago, and the demand is rising fast year by year. The land development banks were activated to take over a substantial part of this demand. In the last 5 years, credit of land development banks has gone up from Rs. 50 crores a year to Rs. 170 crores and is expected to rise still further. But demand is outstripping supplies. Theoretically co-operative administration is

in the State Sector. It may be argued that there is at least one field of service which can be left to the State sector. The pressures of the new agriculture make this unworkable.

Medium and long-term credit had always been marginal in the years before the green revolution. It was mostly medium term and for three years. Less than a quarter of the amount was given for a term of 5-year basis. The droughts of 1966 and 1967 pushed up the demand for water all over the country. Private investments burst out in a large way. Support to this programme was initially in the State Plan sector. But in 1966, it was found that the State Plan could not absorb even a fraction of the demand. It was, therefore, decided to support massively, the land development banks programme of debentures floating. The support for this had to come in a large way from the Reserve Bank, the State Bank of India and the Life Insurance Corporation. In addition, direct allocation of funds in the Central sector was found necessary. Even this did not meet the bill. The scheduled commercial banks had to be induced to come in a big way to take up these debentures. The control over the banks and the L.I.C. is purely a Central function. If the theory that the Centre should not interfere in this purely State field, was followed meticulously, there would have been no need for the Centre to invest directly in the debentures or to invest the funds of the banking sector in this. The problem required a solution and the pragmatic solution was obviously involvement of the Centre in this field in order to help the States to meet the demand.

Short-term loans for the agricultural operations were required in greater quantity and by more people. The co-operative structure, though vast, left many areas of the country out of its reach. Alternatives had to be found. The scheduled commercial banks were asked to enter the agricultural sector in a big way. Rural banking was to be expanded. The movement has still to gather momentum. It is the expectation that soon this section will supplement co-operative credit in many parts of the country by giving direct credit to the farmers. Meanwhile the banks have been activated to give credit to the fertilizer retailers, machine operators, hire purchase operators and so on. In order to enable the banks to take to this sector in a big way, a credit guarantee scheme for loans to small operators has also been accepted by the Centre. Thereby, in this field of purely state responsibility, the Centre has to come to the rescue of the States.

The new agriculture has made the difference very noticeable in incomes of those following the new strategy and those following the old. Provided the levels of investment required are met, the profit

per acre on a single crop is highly significant. In a multi-cropping programme, the returns are really impressive. The key to prosperity is the capacity to invest. Obviously those with the capacity to invest have the best chance of making good. At the same time, the strategy has the potential to make even a 3-acre farmer a viable producer provided the necessary investment funds are made available. In the interest of the production as also of social justice, it becomes incumbent on the State to enable these small farmers to make good. There are inherent difficulties. The co-operative structure, which was expected to finance the small farmers on their crop potential and not the credit worthiness, have by and large failed to make much impact. The commercial banks also would not voluntarily enter the field where risks are large. A well-organized programme of controlled credit is the answer. This requires funding by the States. The State Plans should have taken note of the demand and provided for it. As the pressures developed after the Plan resources had been earmarked for various schemes, it was found that the States were not in a position to invest large amounts in the programme. Further, the States where poverty was greatest were also those who had least resources to invest. Faced with the problem, the Centre had to take a bold lead and agree to provide directly for pilot schemes in 45 districts in the country. A direct investment of 1½ crores per district is intended. This provides for covering the risks of lending by the credit institutions along with expenditure on various infra-structures required. This investment is expected to generate 3 to 4 crores of lending by the banks and the co-operatives. Here again, because of the constraints of finance, the Centre has had to take the lead in a purely State sector. This again is a pragmatic solution to a felt need. A point may be raised as to why these funds could not have been given to the States as part of Plan resources. Should that have been done, the needs of the financially weak States for this experiment could never have been met. Distribution of Plan resources has been based substantially on the population of the State and not on its comparative growth requirements to bring it up to the level of the more fortunate States. The new programme has received the general approval of the States.

Similarly, the Centre has had to come in a big way to support schemes for sub-marginal farmers in 40 districts of the country and pilot schemes for dry farming research in 22 Centres. A new national need arising after the Plan resources had been mortgaged, has necessitated pragmatic adjustments without reference to the fields of responsibility.

We have built up in this country a vast extension organization called the National Extension Service, which is a part of the Community

Development programme. Agricultural extension was one of the major duties of this organization, which is entirely in the State sector. The key staff in the organization are the Village Level Worker and the Agricultural Extension Officer. This staff was reasonably competent to handle the agricultural extension of the ordinary routine kind. The new agriculture has shown up serious deficiencies in this organization. Extension of the new agriculture has to be done by the scientists, and the various problems thrown up in the field have to be brought back quickly to the scientist for examination and a solution. Otherwise, the damage can be very substantial. Scientists' involvement in the programme has been brought about by the introduction of the National Demonstrations. One important part of this programme is the use of the broadcasting media of the All India Radio to reach the advice and explanation of the scientist to the rural households. A close-co-ordination between the scientists working in the programme and the broadcasting experts in the radio organization and an adjustment of the programmes to the local needs are both necessary. Broadcasting over radio is a Central subject. It is, therefore, evident that in an important aspect of the new agriculture unless there is close co-ordination and understanding between the States and the Central Administration, the message of new agriculture will not get across sufficiently fast.

Lastly, the farmer is motivated by the profit motive in taking to the new agriculture. Profits from increased production can grow only if the price of the produce is kept at a reasonable level and is not allowed to fall according to the normal laws of supply and demand. A minimum price guarantee is the key to the production drive. It was high prices that agricultural produce got in 1966 and 1967, which really gave a start to the new intensive programme with all its investment. The country is guaranteeing the farmer a minimum purchase price for the key agricultural commodities and also guaranteeing to purchase it from whoever will offer the produce. This guarantee implies the building of an organization which can buy the grain or produce wherever it is offered. Its storage and sale in the markets needing supplies is an all-India operation. Trade and commerce across the State boundaries is a Central sector responsibility. The operations require large funding, which are found both by created money and by bank finances. Both these fields are Central responsibility. Thus, complete Central involvement in the maintenance of the price levels is the basic requirement of the production programme. States by themselves will be helpless.

The concept of clear realms of power is a concept of simple societies. If we try to hold fast to such concepts in societies of growing complexity,

we find ourselves in various dilemmas. India laid down the caste system, which is a simple division of functions amongst the members of a community. In small societies and groups, it allowed for specialization in simple functions. We have seen how much the persistence of these ideas have led to complexities in modern India where caste can have no relation to functions. The concept of State-Union relations can similarly lead to complexities if we do not understand the process of change and the requirements of progress. Basically the division of functions in our Constitution is a division based on facility of handling. In order to prevent confusion, certain spheres have been given to the Centre and certain to the States. In certain sectors there is concurrent jurisdiction, but the views of Parliament prevail. Residuary powers are with the Centre. Our federal structure is a decentralization of powers from the Centre to the States. Sometimes this basic fact is not understood and it is argued as if the powers of the State are so sacrosanct that the Centre has no responsibility there. A federation where a number of units have decided to give regulatory functions to the Centre in certain aspects of administration is a completely different concept. Our Constitution is a creation of the people of India, who have not split themselves into groups in framing the federation. It is a comprehensive whole.

Restricting ourselves to the field of agriculture, we find from the detailed analysis, which has been done that in modern agriculture, there is a close interaction between State's functions, Central functions and concurrent functions. Unless all these sectors are coordinated, and a comprehensive scheme of action is implemented, Indian agriculture cannot progress. That coordination has perforce to come from the Centre. At the same time, it is a power that can only arise out of the cooperation of the States. There is no conflict of functions or in-roads into either Union or State rights. Much of the controversy about Centre's interference in States' field is a mistaken controversy.

Concepts of authority, concepts of responsibility, and concepts of sovereignty are fast changing in the world because of the greater and greater interaction between the economies of the countries of the world. The big countries of Europe have agreed to merge their sovereignties in the European Economic Community in order to achieve progress in their economies. The Commonwealth countries have similarly certain economic ties. These are not in-roads into sovereignty, but a calculated get-together for coordination for basic self-interest. Against this background, an argument whether the particular action is in the State or Central sector responsibility, in the agricultural field in India, is to some extent an exercise in semantics. What is relevant

is whether the arrangement is acceptable to both and whether the national interest is thereby secured. From this viewpoint, the answer is simple. The greater the get-together, and the greater the willingness to adjust, as problems arise, the greater the welfare of the country.

UNION-STATE RELATIONSHIP IN AGRICULTURAL ADMINISTRATION

S. S. Puri

IN the late fifties and the entire decade of the sixties agricultural administration was often the whipping boy for those who were dissatisfied with the growth of the agricultural economy in India. In 1958, the Agricultural Administration Committee characterized 'administrative lapses' as a 'universal' feature of implementation of agricultural schemes and concluded that this had "directly caused shortfalls in production".¹ Again, in 1963, a high-level Working Group opined that "unsatisfactory administrative and organizational arrangements was, by far, the most important single factor responsible for inadequate progress in the sphere of agricultural production."² More recently, in 1969, the Expert Committee on Assessment and Evaluation of the Intensive Agricultural District Programme has referred to the administrative system as "a major constraint on agricultural production"³.

Administration of agricultural development programmes, as in the case of administration in several other spheres, still continues to exhibit a variety of inadequacies, particularly at district, block and village levels. However, at the State and the national levels, concerted efforts have been made in recent years to strengthen and streamline the administrative machinery dealing with agricultural programmes. Even more significant than that is the fact that certain deliberate efforts have been made to evolve new devices for facilitating a purposeful collaboration between the Union and the States. It is the purpose of this article to identify some of these devices and to throw light on their effectiveness.

According to the Report of the Study Team on Centre-State Relationships, set up by Administrative Reforms Commission,

Views expressed in this Paper do not necessarily represent those of the Planning Commission.

¹ Report of the Agricultural Administration Committee, 1958, p. 4.

² The Report of the Working Group on Inter-departmental and Institutional Co-ordination for Agricultural Production, 1963, p. 1.

³ Report of the Intensive Agricultural District Programme, 1968-69—Vol. 1, p. 23.

"no well-understood or well-articulated strategy on Centre-State Relationship is observable"⁴. The main thesis of this article is that such hypothesis is questionable insofar as agricultural administration is concerned. An effort has been made in this article, in the first instance, to bring out how the legal position under the Constitution has been evolved in order to allow emergence of a collaborative relationship between the Union and the States. The subsequent part of the article deals with a few examples of the administrative devices that have been worked out. Finally, certain broad conclusions have been drawn about the future possibilities.

THE CONSTITUTIONAL POSITION

In a discussion on Union-State relationship, one has to keep in view the fact that agriculture in India is a State subject. The purpose of throwing in this observation differs from one group to another. For some, particularly those connected with the Union level administration, it may be a convenient way of identifying an alibi for ineffectiveness of an agricultural development programme sponsored by the Union. For another group, representing the States, it helps to serve as a caution to the Union officials who may sometimes be prone to be too meddlesome. Finally, for some exponents of public administration, the observation signifies a serious hurdle in the way of effective agricultural planning and progress in India. Illustrative of this view is the following extract from Paul Appleby's Report: "Neither agriculture nor fisheries has greater local significance than national, if as much. In a nation dedicated to the welfare state ideal, the food supply and the welfare of farm families are inescapable national responsibilities Almost all economic activities are carried on in localities, but this fact does not make their significance local. The constitutional effort to specify scopes of national and state powers so precisely would appear to raise the most serious barriers before national needs to develop and execute national programmes in the interests of the national economy and the national public."

On a close analysis, it seems that the various points of view mentioned above do not represent an adequate appreciation of the constitutional position in India. This position has not been static but has undergone some vital changes during the last two decades. In the Constitution, as it stood originally, the entries relating to agricultural and allied sectors were provided in the State List. As regards the Union,

⁴ Report of the Study Team on Centre-State Relationships of the Administrative Reforms Commission (1967)—Vol. 1, p. 9.

the Constitution did not, in express terms, confer any powers to deal with agriculture. However, in the Union and the Concurrent Lists, there were a number of provisions which authorized Union action in the sphere of agriculture. Furthermore, during the decade of the fifties by a Constitutional amendment, a new Entry No. 33 was inserted in the Concurrent List to the following effect :

“Trade and commerce in, and the production, supply and distribution of:

- (a) the products of any industry where the control of such industry by the Union is declared by Parliament by law to be expedient in the public interest, and imported goods of the same kind;
- (b) food-stuffs, including edible oilseeds and oils;
- (c) cattle fodders, including oilcakes and other concentrates;
- (d) raw cotton, whether ginned or unginned and cottonseed; and
- (e) raw jute.”

The above mentioned provision, it will be observed, is indeed very wide in scope. Coupled with the fact that the subject of economic planning is also in the Concurrent List, it is obvious that, under the Indian Constitution, the Union has been given a significant *locus standi* in the sphere of food and agricultural development.

Before concluding the discussion on constitutional relationship between the Union and the States in regard to agricultural and allied sectors, it seems necessary to take cognizance of the following observations made by the Study Team of the Administrative Reforms Commission:

“By a constitutional amendment (Entry 33 in List III) the production, among other activities, of foodstuffs (including edible oilseeds and oils), cattle fodder, raw cotton and raw jute has become a concurrent subject. These items together form much the largest part of agricultural produce. If the word ‘production’ occurring in this entry has to be given a wide import, agriculture for the most part must be deemed to have become a concurrent subject. In that case the amendment of this entry has introduced an element of confusion in that Entry 14 in List II reading ‘Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases’ has

not been amended. If the term ‘production’ is to carry a limited import, it is not clear at all what that limitation is. The confusion needs to be resolved through a parliamentary review so that responsibility is clearly defined. It appears to us that agriculture should administratively be treated as a State subject and that central encroachment in the shape of the assumption of responsibility for substantive activity should not be permissible. However, considering the importance of agriculture to the national economy, the centre should have the right to lay down overall policies and, if necessary, legislate for them.”⁵

It seems difficult to subscribe to the above approach to the subject of agricultural administration. It is hardly permissible to take on *a priori* view whether agriculture should administratively be treated as a State subject or as Union subject or as a Concurrent subject. The fact of the matter remains that the Indian Constitution does have an explicit entry in the Concurrent List empowering the Union to intervene both in production, and supply and distribution of a whole range of important agricultural commodities. This entry was made by a specific amendment to the Constitution. Hence, it is tenable to conclude that the Constitutional provisions are flexible and they allow a variety of permutations and combinations in the relationship between the Union and the States with regard to agricultural development. It is also pertinent to add here that even the Study Team cited above has conceded the need for the Union being given the power to lay down overall policies and, if necessary, to legislate for them.

DEVICES FOR COLLABORATION

Agricultural Produce (Development and Warehousing Corporations) Act, 1956

One of the significant steps in the evolution of the Union-State relationship on a new collaborative basis was taken when, in 1956, the Parliament enacted the Agricultural Produce Development and Warehousing Act. The Act sought to give effect to certain important recommendations made by the All-India Rural Credit Survey Report. The Act provided for the establishment of a National Co-operative Development and Warehousing Board, and a Centre Warehousing Corporation. There were also enabling provisions for establishment of State Warehousing Corporations. For enacting this legislation, Entry 33 in the Concurrent List (cited earlier) was invoked. The

⁵ Report of the Study Team on Centre-State Relationships appointed by the Administrative Reforms Commission, Vol. 1, (1967), p. 164.

statute accordingly laid down that the main functions of National Co-operative Development and Warehousing Board would be to plan and promote programmes for the production, processing, marketing, storage, export and import of agricultural produce (as defined in Entry 33) through co-operative societies.

The establishment of National Co-operative Development and Warehousing Board was, in many ways, a significant administrative innovation. In the first place, it created a statutory agency at the Union level in the sphere of co-operation. It was provided with a corpus of fund called the National Co-operative Development Fund. Finally, the membership of the Board included non-official co-operators appointed by the Union Government out of a panel of names recommended by State Governments. Thus, a significant inbuilt measure of Union-State collaboration was included in the statute itself.

The Act of 1956 was also remarkable in another way. The Act provided for the establishment of a Central Warehousing Corporation as a subsidiary of the National Co-operative Development and Warehousing Board. It also provided for the constitution of State Warehousing Corporations in which the Central Warehousing Corporation was to be a shareholder alongwith the concerned State Government. Thus, in a commercial enterprise, the concept of a partnership between the State and the Union was given explicit legal recognition. This concept has served a variety of useful purposes. Firstly, it has enabled the State Government enterprises to receive equity capital from a Union Government undertaking. Secondly, it has helped to foster an integrated and co-operative approach in the location and operation of warehouses. While the Central Warehousing Corporation has undertaken warehousing activities in the bigger market centres, the State Warehouses, which are smaller in size, have been located at other places. Finally, this arrangement has helped in the development of warehousing movement under the unified leadership of Union agency which has provided both financial and technical support to the State agencies.

The administrative relationship between Central Warehousing Corporation and the various State Warehousing Corporations provides an interesting insight into Union-State relationship conceived in a collaborative setting. Legally, the State Warehousing Corporations are in subordination to the Central Warehousing Corporation. The latter holds 50 per cent of the shares and nominates half the number of members of the board of each State Warehousing Corporation. It also has the right to approve the budget and the programme of

activities of a State Warehousing Corporation. The appointment of chairmen and the managing directors of the State Warehousing Corporations is also subject to the approval of the Central Warehousing Corporation. However, in actual practice, the State Warehousing Corporations have enjoyed a large measure of autonomy. The State Governments' proposals for appointment of chairmen and managing directors of the State Warehousing Corporations are usually accepted in a routine course. Similarly, the nominees of the Central Warehousing Corporation are largely a set of directors proposed by the State Governments. The State Warehousing Corporation, thus, remains essentially a State Government enterprise even though a Union agency has certain reserved powers of intervention in its capacity as a major shareholder.

Agro-Industries Corporations

The device of Union collaborating with a State enterprise was followed up when the idea of agro-industries corporation was conceived in 1964-65. These corporations have now been set up in all States except Nagaland. The Articles of Association of these corporations envisaged a wide range of objects. However, essentially, they are concerned with supplying, hiring, and servicing of agricultural machinery. These corporations have been set up as companies registered under the Companies Act. About 50 per cent of their shares are held by the Union Government (by the Department of Agriculture in the Ministry of Food, Agriculture, Community Development & Co-operation) who also have the right to nominate up to three directors. In practice, however, only two directors are usually nominated.

The above-mentioned development, unlike the case of warehousing, is not an outcome of a statute but of administrative policy. It embodies the concern of the Union for accelerating the pace of mechanizing agriculture without, in any way, diluting the responsibility of the State Governments for undertaking necessary promotional and service functions in respect of agricultural machinery. The agro-industries corporations, thus, represent an interesting step in the evolution of Union-State relationship in the field of those programmes of agricultural development which are capable of being run on commercial lines.

Slaughter House Corporations

Establishment of modern slaughter houses is an important programme included in the Fourth Five Year Plan relating to animal

husbandry. The Plan envisages establishment of modern slaughter houses in 14 major towns. A beginning is being made in this direction by first modern slaughter house in Bangalore. The administrative structure adopted in this slaughter house represents a further step in a collaborative relationship between governments at various levels. It is proposed to organize a commercial corporation in which the Union, the State Governments as well as the local municipal corporations will be the shareholders. To a limited extent, both the Union and the State Governments would also participate in management even though primarily the management will be carried on by nominees of the Municipal Corporations on the board of directors of these Corporations.

All-India Co-ordinated Research Projects

The preceding examples dealt with cases of collaboration between the Union and the States in regard to agricultural development activities of a commercial or quasi-commercial type. However, in recent years, this concept has also been extended to other spheres, particularly agricultural research. The idea of a coordinated research project involving multi-disciplinary approach and inter-institutional cooperation is now an accepted feature of the pattern of agricultural research in the country. This idea was tried out as early as 1957, when a coordinated maize breeding programme was initiated. Since 1965, a systematic effort has been made to formulate other coordinated projects. It is estimated that during the Fourth Plan about 72 All-India coordinated research projects on various crops as well as various identified subjects will be in operation. Each of these projects envisages research scientists in the Central and State Institutes as well as agricultural universities working as a team with a project coordinator appointed by Indian Council of Agricultural Research, acting as a research leader fostering co-operation and coordination of research carried out by various participating institutions.

Small Farmers Development Agencies

Perhaps the latest experiment in the sphere of Union-State partnership in administration of agricultural development programmes is provided by the projects for development of small farmers. In the Fourth Plan, a number of such projects have been envisaged, each involving an outlay of about Rs. 1.5 crores. The funds for this purpose are being provided by the Union Government. However, the actual implementation of the programme vests, in each district, in a small farmers development agency, which is a society incorporated under the Societies Registration Act. The local District Collector is usually the chairman and most of

the other members of the managing committee are officials of the State Government posted at the district level. The Union is represented on the small farmers development agency by not more than two of its nominees.

From the administrative point of view, the small farmers development agency represents a very interesting experiment of collaboration between the Union and the States in undertaking a very complex and difficult programme. The formulation of this programme has itself represented a significant joint effort on the part of the Union and the States. The undertaking of the programme was preceded by a number of studies of the problems of small farmers. Some of these studies were undertaken by State agencies even though at the initiative of the Union. The information thrown up by these studies and other relevant experiences were kept in view by the Union while formulating the broad guidelines which helped the States to draw detailed schemes for individual projects. The implementation of the projects was also, as already stated, a joint effort of the States and the Union, the States naturally playing a more continuous and detailed part in the implementation.

CONCLUSION

Reviewing the relationship between the Union and the States in the sphere of planning on the eve of the present Fourth Five Year Plan, the Study Team of Administrative Reforms Commission observed as follows:

“As a result of planning, the three horizontal layers of administration represented by lists of Central, Concurrent and State subjects have been vertically partitioned into Plan and non-Plan sectors and that within the plan world, the compulsions and consequences of planning have tended to unite the three horizontal pieces into a single near-monolithic chunk controlled from the centre.”⁶

These observations were made in 1967. Since then, there have been a number of radical changes. The scheme-wise pattern of Union assistance has been abolished. In the new Fourth Five Year Plan, the Union assistance is distributed among the States on the basis of certain objective criteria and in the form of block grants and block loans. At the same time, priority is sought to be ensured for agriculture by treating it as a tied sector.

⁶ Report of the Study Team on Centre-State Relationships appointed by Administrative Reforms Commission, Vol. I, (1967), p. 95.

From what is stated above two parallel tendencies are observable. While the Union's stranglehold on individual agricultural programmes has been sought to be removed, its ability to innovate and influence State action in certain spheres has been increased by development of new devices facilitating partnership between the Union and the State agencies. This is a trend which is significant and which holds considerable promise for the future. Agricultural development necessarily involves enmeshing of both local and the national effort. Hence, one of the main challenges of agricultural administration lies in evolving ways and means to foster a growing collaboration between governments at the Union, State and local levels. That this is so in other federal countries, as much as in India, is borne out by the following observations made by Rowell-Sirois Commission appointed by the Government of Canada: "In the highly interdependent and complex society of today, with the great expansion of governmental function which has become necessary, efficiency and economy in government cannot be obtained merely by a division of powers between governments. Cooperation in the pursuit of common objects and in the solution of common problems is no less essential."

ADMINISTRATION OF WELFARE PROGRAMMES FOR WEAKER SECTIONS

V. Jagannadham

The welfare of weaker sections has, all along, been running as the undercurrent of India's development plans since their inception. Recently, however, a greater concern has been in evidence because a nagging feeling persists that development programmes have not been benefiting the under-privileged sections of the population as expected. The Prime Minister has recently stated that benefits of development should accrue in increasing measure to the common man and the weaker sections of society, so that the forces of production could be fully utilized*. Among the many reasons for the weaker sections not receiving the welfare benefits under the development plans, the federal nature of the polity as well as the lack of experience and tradition among governments in handling the personal or group welfare problems may be mentioned. The poor state of local authorities and local communities, etc., also explains the many deficiencies due to which the weaker sections suffer because ultimately welfare is the product of individual and group capacity to assimilate services as much as the administrative capacity to provide need-oriented and community-based services at the local level.

The Chapters on Fundamental Rights and Directive Principles of State Policy in the Constitution embody the elements of justiciable and non-justiciable claims respectively for citizens welfare in general and the welfare of weaker sections in particular. The three lists in the Seventh Schedule specify the respective jurisdictions of the Union and State Governments separately and concurrently. What is welfare and who are the persons constituting the weaker sections is a subject for endless debate. However, many attempts have been made to prepare tentative schedules and programmes in this regard.†

At present, in the area of welfare of weaker sections, the following are a few characteristic features of the Union-State administrative

*Preface to the *Fourth Five Year Plan*, July, 1970, p. ii.

†Vide Report of the Study Group on the Welfare of Weaker Sections of the Village Community, Vol. I, 1961 appointed by the Ministry of Community Development and Cooperation, in 1960.

relationship*:

1. The Union Government plays a prominent role in policy and planning; though the States are associated in the deliberations and formulations of policies and plans, they play a secondary role.
2. For the most part, welfare subjects fall under the State List or Concurrent List of the Seventh Schedule of the Constitution. However, some important laws bearing on these subjects are enacted by Parliament. There is no line of demarcation about the Union Government's powers over States for securing compliance of Union laws on subjects in State or Concurrent List. Implementation of laws is the responsibility of the States but it suffers from many deficiencies because of lack of clarity about Centre's powers and due to lack of pursuit in effective enforcement at the State and local levels. There are varying degrees of differences in consensus and commitment between the Centre and the several States towards welfare policies and welfare laws and their administration.
3. At the Centre and in the States, there is a lack of coherence and viability in organization, procedures and personnel for effective administration of welfare subjects.
4. The absence of a clear-cut statement on social policy and the lack of effective measures for creating social awareness and social responsibility in the social environment and institutions are major handicaps in the administration of welfare programmes for weaker sections.

These are illustrated briefly from the areas of policy and planning, and from a few development programmes and one welfare statute.

*Vide Report of the Study Team on Social Welfare and Welfare of Backward Classes, Vol. I, Committee on Plan Projects, Government of India, New Delhi, July, 1959, pp. 20-21 (hereinafter referred as Renuka Ray Committee Report).

Also vide Dr. A. B. Bose, "Central and State Responsibility for the Development of Social Welfare Services", *The Indian Journal of Social Work*, Vol. XXXI, No. 1 (April 1970), Bombay, pp. 25-34.

Also, refer to (1) "Towards Growth With Social Justice" published by the Government of India, outlining some programmes for the well-being of the needy and the poor in the shape of schemes for small farmers and agricultural labour, nutrition programmes for pre-school and school children, housing and urban development, etc., p. 21. (2) "Whither Social Justice: Our Resolves Versus the Reality", AVARD News Letter, Vol. VI, No. 1-2, 1964. This contains some of the debates and questions in the Lok Sabha on the question of disparities, both individual and regional, etc.

PLANNING AND POLICY

Weakness in Welfare Planning

The Indian Constitution came into being in January, 1950, and the Planning Commission was set up in March, 1950. These are landmarks in Indian Administration. Both of them provide the framework for the formulation of policies and their execution. Though the Constitution and the Planning Commission came into being within a brief interval of a few months, there appears to be a trend towards pulling in a somewhat conflicting directions among the bodies working under the Constitution and the Planning Commission. While the Constitution favours democratic decentralization and State autonomy, the planning processes seem to encourage administrative centralization and uniform developmental methods*. These trends have been the subject of much discussion in general and the impact of the transversal strains between democracy and development have been acutely felt in the welfare field. The inflexibility in plans and programmes and the resentment of the States against this has been brought to light by the Study Team on State Level Administration, which observed, "Although there is a National Development Council where the Chief Ministers of various States are members, the Planning Commission has so worked in practice that it leaves very little flexibility to the States in the formulation of their development plans. The State Plans depend largely on the manner in which Central assistance is made available to them. There is a tendency on the part of the Central agencies to have their own way in their dealings with the States on matters in the Concurrent List"†. In addition to this general feature, we may draw attention to a few specific characteristics in Union-State administrative relations in the welfare field.

To counteract the centralizing trend, no serious effort has been made by developing a viable planning machinery at the State and local levels. There is also no provision for financial aid for administrative expenditure in certain Central sector programmes. This seriously impedes implementation of programmes, because the State Governments are not keen about providing extra administrative support for development programmes in the welfare sector. Differences in Union-State perception and appreciation of priorities in handling the welfare of weaker sections is another weakness in welfare planning.

*Administrative Reforms Commission—Report: The Machinery of the Government of India and its Procedures of Work, 1968, pp. 33-34.

†Administrative Reforms Commission: Report of the Study Team on State Level Administration, Government of India Press, 1968, p. 3.

Absence of a Clear Policy

Clearly formulated policies are a prelude to sound administrative relationships and practices. Industrial and Scientific Policy Resolutions have been helpful in clarifying the implications of the policy, in demarcating roles, relationships and responsibilities among the various sectors operating in the field, and in spelling out some operational implications at different levels of Government.

Many efforts have been made to persuade the Union Government to adopt a Social Policy Resolution. The Renuka Ray Committee (1959) pointed out (page 210) that the major drawback in the administration of social welfare schemes is the absence of a "comprehensive and clear-cut national social welfare policy". In 1964, the Council for Social Development stated the need for social policy and prepared a model Social Policy Resolution. In 1969, the Committee on Untouchability, etc., emphasised the need for a clear-cut policy for social reconstruction of the Hindu society and to outline it in the form of a Social Policy Resolution, incorporating the cardinal features of the reforms. The Committee observed: "There is a complete lack of planning approach to social change. The natural law or the *laissez faire* doctrine is obviously the guiding principle of social management to our policy-makers."*

Welfare may be vague and vast, but it need not be woolly and wobbling. When welfare becomes a function of considerable magnitude, under Governments at different levels, it should be developed as a definite programme of action, subject to all aspects of administrative efficiency and accountability. A clear formulation of policy and its follow-up by concretizing the operational exercises in its implementation would be a great help in the delineation of Union-State administrative relations in the welfare field.

IMPLEMENTATION

(a) Development Programmes

Many development schemes have been planned and implemented for promoting the welfare of the general population as well as of weaker sections during the last two decades. Community development programmes and the programmes of the Central Social Welfare Board and those of the Ministries of Education, Health, Labour and

*Report of the Committee on Untouchability, Economic and Educational Development of the Scheduled Castes and Connected Documents, Department of Social welfare, Government of India, 1969, p. 1. (Hereinafter referred as Eliya Perumal Committee Report).

Employment, Food and Agriculture, etc., and the corresponding departments at the State level, have been aimed at the development/uplift of the weaker sections.

As has been observed in the Second Five Year Plan, the Union-State administrative relationships under these programmes reflect two approaches, namely, (i) the weaker sections should have a share in the general development programmes, and (ii) some exclusive programmes should be devised for the welfare of backward classes, particularly the scheduled castes.

On both the points, the Second Five Year Plan observed:

"In the administration of development programmes, care is to be taken to ensure that schemes are so formulated that the weaker sections of the population are aided in the largest possible manner. . . . The special provisions made in favour of backward classes should be so utilized as to enable them to derive the maximum advantage from the general development programmes and to make up, as speedily as possible, for retarded progress in the past."*

On the operational side, the Plan Document suggested that departments concerned with the welfare of backward classes in States should make special efforts to get all the other development departments to consider ways by which their programmes can produce marked impact on the welfare of backward classes. In other words, the general and special development programmes are to be operated in a manner complimentary to one another. In fact, the Plan Document prescribed a careful working out of priorities for each section of the backward classes. It was realized that the benefits which the backward classes may realize will be in direct proportion to the effectiveness of implementation and to the integrated efficiency and the attitudes of the staff working in the field.†

In the light of the above concern of the Union Government and the Planning Commission, several directives and instructions have been flowing from them to the State Governments. For example, the Union Ministry of Home Affairs, in 1959, directed that the State Governments should ensure that maximum advantage is given to the backward classes from general development programmes by showing separately, wherever possible, the proportion of the outlay in the

*Second Five Year Plan, 1956, Planning Commission, Government of India, New Delhi, p. 588-89.

†*Ibid.*

general sector allocated for the direct benefit of the disadvantaged people. The Planning Commission in 1960, addressed a letter to the various Union Government Ministries "to earmark certain portions of the outlay in the general sector for the welfare of backward classes". In 1962, at a Conference of the State Ministers in charge of the welfare of backward classes, it was unanimously agreed to implement, wherever possible, the principle of earmarking a certain portion of the general sector programmes for the welfare of backward classes.

In pursuance of these directives and decisions, some State Governments (Andhra Pradesh, Mysore and Kerala) have instructed that 15 per cent of community development funds has to be spent in Harijan localities. These Governments have also issued instructions to Panchayats and Panchayat Samitis to review the position and report the matters periodically to the State Governments. One State Government, however, felt that "the problems being the same, there is no need for re-orientation in the schemes in the general sector of the Plan for the welfare of Scheduled Castes". Examples of differences in the States' attitudes towards the directives and objectives stated by the Union Government could be multiplied.

There seems to be an understandable indifference on the part of several State Governments, Zila Parishads and Panchayat Samitis to follow them. At the field level, difficulties were experienced in making separate allocations and showing separately the utilization rate of allocations from the general funds, for the benefit of weaker sections. Experience also shows that unless penal sanctions are enforced, such as by withholding development grants, etc., the State Governments in their relationships with the local self-governing bodies, suffer the same helplessness as the Union Government in relation to the States in securing conformity to the directions and instructions flowing from above.

The inability to conform to instructions need not be attributed to sheer indifference. It could be genuine. Administration finds itself encumbered with demands for information in proforma on many subjects from many ministries and departments. Administratively, it may not be feasible for the field staff to separately report about the information of allocations for and impacts of general development programmes on the welfare of weaker sections. It seems necessary to make a purposeful analysis of the information supplied by the field staff at the secretariat level and prepare suitable analytical information-pamphlets that could serve several purposes. There is, from all points of view, a need for a better unified and strengthened organization for the promotion of the welfare of weaker sections at all levels of

governmental and non-governmental organizations. The weakness at present is more in the organizational than in constitutional relations.*

Conflicts and Dysfunctional Effects

Not as many difficulties are experienced in the administration of special development programmes for the welfare of weaker sections. However, there is a conflict in outcome between two of the objects of policy towards welfare of the weaker sections. The special measures for the promotion of welfare of weaker sections are coming into conflict with the integration of scheduled castes and scheduled tribes with the general community.

The conflict in objectives may be illustrated by referring to the establishment of separate institutions, such as Hostels and Homes exclusively for the members of backward classes. Similarly, drinking water wells and tanks may be separately provided. Housing schemes may be implemented but separately in a segregated area for the Harijans.

While the Union Government may regard the provision of separate facilities as a deviation from the standpoint of social assimilation, the local administrators are compelled to follow the path of least resistance and satisfy the needs without provoking resentment of the wider community. Disturbance to social prejudices would often mean an invitation to a breakdown of law and order unless the community awareness for assimilation is ahead of prejudices. The field administrators face a real problems in the non-capability of the members of scheduled castes and scheduled tribes to take advantage of general community services. This is due to centuries of segregation and stagnation. In remote rural areas, attempts at sharing the general community services by the backward classes may result in rousing the social prejudices and creating law and order problems. Consequently, local administrators find it prudent to provide separate facilities. Cohesion in administrative relationships among the Union-State-Local authorities is affected by distance from the field and consequent differences in appreciation of local situation. Surface tensions are regarded lightly by the distant Centre whereas they are critical at the locality.

The special welfare measures have been resulting in creating a vested interest in backwardness as contained and interpreted in administrative orders. This is the case under the constitutional provisions

* Much of the conflict between the Centre and the States has arisen not because of any faulty distribution of powers or resources between the Centre and the States, because of the methods and procedures that have been followed in giving effect to the Constitutional provisions. A.R.C. Report, Centre-State Relationships (1969), p. 6.

regarding reservation of seats in legislatures, admissions to technical educational institutions and reservation of jobs in Government. Under political pressures, the provision of the special welfare/uplift benefits under the Constitution has been prolonged from decade to decade on an *ad hoc* basis. Many committees and commissions have brought to light the dysfunctional effect of the special benefits, namely, the perpetration of a vested interest in claiming caste-backwardness for the sake of receiving special welfare favours. Both the Union and State Governments should together consider, in the light of experience, the policy and administrative implications of special programmes with a view to resolving the emerging conflict in objectives. The aim should be to harmonize and integrate the concept and media in welfare administration.

SELECT DEVELOPMENT PROGRAMMES

(i) Family and Child Welfare Projects

The integrated scheme of family and child welfare, prepared at the Centre and administered by the Panchayat Samitis, provides a striking example for the study of administrative relations between the Union and State Governments as well as between governmental and non-governmental agencies. The projects were started in November, 1967, in cooperation with the UNICEF. As incorporated in the Fourth Five Year Plan, it is a Central scheme under the social welfare sector. The Department of Social Welfare entrusted the scheme to a non-governmental organization, namely, the Central Social Welfare Board (CSWB) for its implementation, but the Department releases funds allotted for the programme to the Board in instalments. An Inter-Ministerial Co-ordination Committee was constituted for securing the cooperation of other Ministries and U. N. organizations. The CSWB has a Standing Coordination Committee, consisting of representatives of the Social Welfare Department, the Planning Commission and UNICEF "to advise on the day to day problems that may emerge in the promotion of the programmes". The Central Board selects the projects, prepares detailed programmes for each project and releases funds along with detailed guidelines for the promotion of the programmes through the State Social Welfare Advisory Boards which are non-governmental organizations. At the State level, similar arrangements exist.

At the Block level, Functional Committees administer the programmes. There are equal number of representatives from the Block Panchayat Samiti and the State Welfare Advisory Board on the

Committee. The Block Development Officer, the Medical Officer of the Primary Health Centre and the Head Master of the Village School, are *ex-officio* members of the Committee. The Mukhya Sevika works as Member/Secretary of the Committee. The functional committee is expected to meet at least once a month.

An Evaluation Committee on Family and Child Welfare Projects, 1970, found that, in the absence of a unified line of command, either of the governmental or non-governmental organizations, many difficulties were experienced.* The parity in representation of governmental and non-governmental representatives does not seem to be contributing to smooth working in practice. The Committee found that "Although provision of funds for the programme is adequate, the inadequate and irregular release of funds to the projects is the major cause of the inadequacy of the services, provided under the Programme." Recommendations were made by the Committee to the Department of Social Welfare to "adopt a liberal procedure for the release of grants for the total programme in regular instalments". Similar suggestions were made about release of funds by the Central Board to the State Boards and by the State Boards to the Functional Committees. Supervision and guidance are to be provided by the State Board. On the latter aspect, the Committee observed:

"... that the State-level supervisors were finding difficult to make even one visit every three months. Besides, these visits were not confined to the work of the projects. Hardly any supervisor was reported to have stayed for a few days at the project to guide the staff in the selection and working of the centres. The work was left to Mukhya Sevikas to look after the Programme. . . In fact, the requirement of supervision was inadequately understood and supervision inadequately provided."†

On the subject of cooperation of other departments and organizations, it was found (page 51) that the Block staff as yet have not been oriented in the programme of family and child welfare and as such, very limited, if any, cooperation was visible from them (page 51 of the Report). The Committee recommended (page 52) that:

"The Co-ordination Committee at the State level as well as at the Central level should establish cooperation with the concerned departments and ministries dealing with the programmes of community development, Panchayats, cooperation, education and

*Pages 16, 17 mimeographed report.

†*Ibid.*, p. 47.

health services. Only through the joint cooperation of all these organizations, the objectives of the programme of family and child welfare could be ensured."

From the above mentioned accounts, it could be seen that the Union-State administrative relations in Central projects to be run through State Governments at local levels still remain very much unrelated and are little understood by the field operators. The soundness of concepts and plans is not pervading the administrative organizations and personnel at the operational levels. The point needs to be examined in depth.

(ii) *Post-Matric Scholarships Scheme*

Among the welfare programmes devised for promoting the welfare of the weaker sections, the Post-Matric Scholarships Scheme is one of the important and the earliest schemes. Dissatisfaction with its implementation by a Special Board in the Central Ministry of Education led to its delegation for administration by the State Department of Education in 1959. The dissatisfaction seems unabated after a decade. The Eliya Perumal Committee Report (1969) observed:

"In fact, the scholarships schemes at the State level still suffer from complicated and protracted procedure, insistence on too many formalities and subsequent delay in sanction and payment. Complaints in delay in the grant of scholarships are widespread."

The Committee, therefore, suggested that the Union Department of Social Welfare should prepare a uniform procedure for the disbursement of grants acceptable to all the States.

Experiences like delays, complex procedures, etc., do not seem to get cured by delegation and decentralization. Something inherent in governmental organizations account for these malaise. Remedying the root causes of administrative malaise at all levels is a follow-up step for ensuring the success of delegation and decentralization. Otherwise, dissatisfaction with procedures leads to oscillations between centralization and decentralization and these mar efficient execution of welfare programmes.

(b) *Implementation of Legislation*

Legislation is a means of translating policy into action through the instrument of Law. Much welfare legislation either on matters in the

Concurrent List or as model legislation is enacted by the Union Parliament but administered through the appropriate Departments and Directorates at the State level. An outstanding piece of welfare legislation is the Untouchability (Offences) Act of 1955. The implementation of this Act would be taken to illustrate Union-State relations.

Under the Act, the practice of untouchability is declared a cognizable offence. According to the Act, anyone who practises untouchability is punishable with imprisonment up to six months or fine extending to Rs. 500 or more.

In the light of experience of the working of the Act, it was found necessary to pass some special laws by the States. Uttar Pradesh, Maharashtra and Kerala have passed such Acts but not all the other States. The Central Government does not seem to be in a position to persuade or pressurise the States to pass appropriate laws in order to remove technical defects under the Law. So far, there is no amendment to the Act by Parliament.

In view of the special national interest in the effective implementation of the Act, the Joint Select Committee of Parliament recommended appointment of special committees to watch the working of the Act. The Union Home Ministry wrote to all the State Governments/Union Territories "to make suitable arrangements for the effective implementation of the provisions of the Untouchability (Offences) Act, 1955, and, if they consider it proper, appoint small committees at Headquarters in order to ensure that the matter receives proper attention and, wherever necessary, action is taken to enforce the provisions of the Act."

Barring Bihar and Madhya Pradesh, very few States have appointed the suggested committees. Even where they were appointed, their recommendations were not acted upon by the State Governments. In 1963, the Central Advisory Board for Harijan Welfare had drawn the attention of the Union Government to the absence of committees. The Union Home Ministry called upon the State Governments (1964) to take action in the matter of appointment of committees.

The Eliya Perumal Committee has made a detailed study of the implementation of the Act. Its findings show that there is a predominant lack of awareness about prohibition of untouchability in both urban and rural areas.* Very few District Offices seem to have

*Page 47 of the Eliya Perumal Committee Report, 1969.

copies of the Act and many Government officials do not seem to have knowledge of the provisions of the Act. The Committee found even villagers complaining "that the guardians of law who are expected to take cognizance of the offences under the Act, were mostly ignorant of it" (page 43 of the Report). Publicity and collection of information about registration of offences under the Act are very inadequate and unsystematic. Proformas were furnished to the State Governments for supply of information about registration of offences under the Act. There was considerable slackness in the submission of returns and there was no purposeful analysis of information supplied.

A serious finding of the Eliya Perumal Committee related to the non-committed attitude of the officials entrusted with the implementation of the Act. After analysing replies to the question: "How do the members of the Scheduled Castes look at the working of the Untouchability (Offences) Act, 1955, and on the basis of its observations during tours, the Committee commented:

"The impression that we gathered during our tours is that sound instinct has persuaded exuntouchables to look upon the working of the Act as one of protective conservatism. They do regard that the Act is the right step towards the direction but also feel that those charged with the implementation of the Act are not interested in the job."*

The officialdom is described as "protective ramparts of conservatism". The Committee conducted a special survey in a district in Uttar Pradesh. On the basis of the survey findings and replies to their questionnaire, the Committee brought to light many weaknesses in the implementation of social reform legislation enacted by the Union Parliament. The question for consideration is the non-availability of adequate machinery for the Union Government for securing effective enforcement of laws enacted by Parliament on subjects in the State or Concurrent List of the Seventh Schedule of the Constitution.

The question is relevant notwithstanding the existence of the office of the Commissioner for Scheduled Castes and Scheduled Tribes at the Centre with regional offices, *inter alia*, for watching the implementation of and reporting about the offences under the Act. A recent Committee report found that the Commissioner's Organization "has been powerless even to collect the basic and requisite data for his assessment in fulfilment of his constitutional duties. His Annual

*Page 55 of the Report.

Reports are a record of his bewailings and beseechings year after year".*

The poor record of implementation of the Untouchability (Offences) Act of 1955, notwithstanding its special importance under constitutional directives, is a moral and a warning to the fate of other social reform laws like the Child Marriage Restraint Act 1929-30 and the Hindu Code Legislation of 1955-56. In order to overcome slackness in implementation of the Untouchability (Offences) Act, 1955, the Eliya Perumal Committee recommended the appointment of a special machinery, by way of special Boards, consisting of an administrative and quasi-judiciary wings under an officer called Haripal, at taluka level, to investigate and mediate as well as administer the provisions of the Act. Their work would be coordinated by an official of the State Government at the State Headquarters.

The recommendation for establishing a special machinery at the State level for enforcing the social disabilities removal legislation enacted by the Centre raises serious issues about the whole machinery of the present Police and Judicial system within the State *vis-a-vis* the Union Government. If the latter could not trust the existing State machinery for effective implementation of laws enacted by it, could we repose trust in the special machinery suggested by the Committee? On the other hand, is there not a need for federal Police and Judicial system as in U.S.A. These questions deserve scrutiny.

Two All-India Committees submitted reports, one in 1959 and another in 1969, on the subject of the welfare of Backward Classes and Scheduled Castes respectively. Two decades since Independence is no doubt a short period to feel in any significant way the impact of welfare programmes on the weaker sections, who have been for centuries the victims of social philosophies and social structures which have become outdated and obsolete currently consequent upon the growth of science, technology and new ideologies. Nevertheless, the trends are clear to produce disillusionment. It is eagerly hoped that the 'socialist Welfare State' philosophies and development administration techniques would soon enable the free Indian nation to create an ethos of achievement and a sense of satisfaction for the weaker sections. But this hope has been dispelled by experience. We find that articulation of social philosophy outpaced administrative effectiveness. What suggestions could be given to fill the gap between rhetoric and action?

**Ibid.*, p. 398.

Could better results be achieved if there is an Inter-State Council contemplated under Article 263 of the Constitution? It is difficult to say anything in the matter in the absence of any such an organization. However, the National Development Council has, to some extent, been operating as a national policy-making and coordinating body. But it meets only occasionally and for a limited purpose, that is discussing the draft Plan. It has no permanent secretariat of its own. We do not have, as in the U.S.A., an Advisory Commission on Inter-Governmental Relations. We do not have a body which makes a continuous study and analysis of the problems between the Union, State and Local Governments. The present system of Parliamentary or Legislature Committees do not fully meet the need. It seems desirable to create such bodies as would help a sharper identification of problems and offer tentative solutions for consideration and action by the Governmental and non-Governmental organizations at all levels.

The pressing problem in the field of welfare of weaker sections, is to secure an agreement about policy and a firm commitment from governments and non-governmental bodies to allocate resources and train personnel to implement policies after discussion and agreement in an Inter-State Organization like the National Development Council or Inter-State Council. An all-India organization on which the Union and State Governments are represented with a permanent secretariat of its own is a next step in the further evolution and improvements of Union-State Administrative relationships. It would be desirable to constitute a similar body at the State level with select representatives from rural-urban local bodies and from State-wide non-governmental organizations for clarification of issues and administration of agreed policies and programmes at the local government and community levels.

CONCLUSION

This brief account of Union-State administrative relations concerning the welfare of weaker sections has brought to light: (1) the dominant role of the Centre in planning, policy-formulation and assistance to the States, (2) the weak links in organization at all levels, (3) the absence of policy resolution as a handicap to resolving conflicts in objects and deficiencies in administration.

The paths to improvements are two-fold: (1) Decentralization, and (2) creation of new organizations and re-vitalization of old organizations for administration of plans, policies and programmes at all

levels in governmental and non-governmental sectors. Welfare implies three elements, namely, freedom, growth, and justice. While all these are being pursued, the last one is eluding the administration's grasp because, in the words of Shri B. Venkatappiah, Member, Planning Commission, "Injustices are often apparent, but not the means of remedying them, because the whole weight of costly and cumbrous procedure, judicial and administrative, almost invariably throws itself against the under-privileged aspirant to promised benefits."* He has rightly emphasized that "what has been more or less intractable in all-India terms may be more amenable to treatment in small but intensive areas of coordinated effort such as is contemplated in the programmes of the Small Farmers Development Agency."†

Decentralization or the creation and revitalization of organizations require an approach of break-through in the "fortress of unrelatedness" under the intra-governmental spheres. Often the unrelatedness is slurred over by vague references to lack of coordination or the vagueness and vastness of the subject. Much deeper seem to lie the causes of unrelatedness. Many Committees, Boards and Bodies are started at the Centre to prod the States into action in a manner expected by the Union Government without ensuring an organizational viability or coherence at the State and local levels. Not that it is very much there at the Centre. At the Centre, with reference to the State subjects, there are many 'staff' and few 'line' agencies. Hence, there is an active tendency at the Centre towards displacement of policy objectives by administrative directives or instructions. These are seldom understood and often ignored at the field level. In order to overcome this state of affairs, the Administrative Reforms Commission suggested the creation of a unified Ministry of Health, Education and Welfare at the Centre.‡

It also suggested keeping the Centrally sponsored schemes to the minimum, the redistribution of Central assistance among States without strings and handing over certain schemes to the States, in the light

*Shri B. Venkatappiah: "Small Farmers' Development Agency—Outline of Programme of Action". Address at 29th Annual Conference of the Indian Society of Agricultural Economics, Waltair, 30th September, 1969, Government of India Press, p. 19. This address contains a useful description of how a Central sector scheme is worked out to be implemented by the Agency with the involvement of local institutions. A detailed Project approach in the schemes for each homogenous group or area of weaker sections as attempted in the Small Farmers' Development Agency scheme would be of great help in achieving sound administration in the welfare field also.

†*Ibid.*

‡Administrative Reforms Commission, Report on the Machinery of the Government of India and its Procedures of Work. Also vide: V. Jagannadham, "Social Administration at the Union Level", *The Indian Journal of Public Administration*, Vol. V, No. 2, pp. 186-98.

of certain criteria.* The Report observed that: "We have no doubt that if this approach be accepted and translated into action, a good deal of work in the Ministries, such as, Education, Health, Social Welfare, Irrigation, Food and Agriculture, would cease to be handled by the Centre." However, the Report prescribed a new role to the Centre. "Where any State is deficient in the means to do justice to such work," suggests the A.R.C. Report, "it would be better for the Central Government to help the States to equip themselves for effective discharge of those responsibilities than handle them itself." The Commission has indicated how this role could be played:

"Such help, for instance, could take the form of loan of technical or administrative personnel and loan of equipment.†"

Besides these, the Commission emphasized the need to take measures to secure better coordination between the States and the Centre and "to ensure that States make progress in the right direction".‡

There is a new concern with the Union Government to attack poverty and stagnation in society. But, will the concern be relevant and effective unless it is shared by the leaders and people at the State and local levels? The Union Government should conserve its energies for larger issues and proceed to find ways of strengthening state and local administrations to achieve the desired results in promoting the welfare of weaker sections.

According to Prof. Peter Druker "Development is largely a matter of the dynamics of individuals and of a local community. These can be supplied only by generating local, responsible initiative and multiplying human energies."§

Federation is an institutional device in Government to homogenize diversities and promote federal loyalties without sacrificing State autonomy. These are no doubt vague prescriptions, whose operational implications are hazy and clouded in uncertainties. Only through a systematic design of experiments could these prescriptions enrich experience and ensure revision in the near future. Without experiments, seldom could there be progress. The national interests are served by joint efforts of non-governmental organizations as well as the

* *Ibid.*, p. 34.

† *Ibid.*, p. 36.

‡ *Ibid.*, pp. 35-36.

§ Peter F. Druker, "Economic Development and Human Talents", *American Review*, January, 1970, p. 27, Vol. XIV, No. 2. Put by USIS, New Delhi.

Governments of the Units and the Union together. "One of the most challenging administrative problems of the future", according to Mrs. Evelyn M. Burns, "will be the discovery of ways and means of improving joint administration".* This challenge is nowhere more insistent and complex than in India where many heterogenities and diversities bedevil the scene of action.

* Evelyn M. Burns: *Social Security and Public Policy*, McGraham Book Company, 1956, p. 259. Also vide V. Jagannadham: "Federalism and Social Administration in India" in "Essays on Indian Federalism" Ed. by S. P. Aiyar and Usha Mehta, Allied Publishers, New Delhi, 1965, pp. 134-149.

UNION-STATE RELATIONS IN EDUCATION : THEIR IMPLICATIONS FOR EDUCATIONAL ADMINISTRATION

J. P. Naik

I PROPOSE to discuss, in this brief article, a few problems of educational administration in India in the context of the changing Centre-State relations in education.

The Constitution defines the status of education very clearly. According to it, education is essentially a State subject and all educational authority vests in the States, except a few specific powers which have been reserved to the Centre. These include Central Universities, Institutions of National Importance, coordination and maintenance of standards in institutions of Higher Education, Scientific Research and Technical Education, Welfare of Indian students abroad, and educational relations with other countries. The Centre also has some specific responsibilities for the education of the Scheduled Castes and Scheduled Tribes and for the promotion of Hindi, the official language of the Union. Besides, technical and vocational education has been made a concurrent responsibility. The Central authority and responsibility for education is thus very limited.

The dominant authority and responsibility of the States in education was somewhat clouded between 1947 and 1967 by three main considerations. The first was the singular situation under which the same political party was in power, both at the Centre and in the States. The second was the charismatic leadership of Pandit Nehru and the third was large earmarked grants-in-aid which could be made available by the Government of India, through the Planning Commission, to the State Governments for development of education programmes. These made education largely a concurrent subject in practice. But all these extraneous considerations have now disappeared with the result that we are now called upon to administer education, for the first time, in the literal spirit of the Constitution. This is a situation for which we were not quite well prepared and has, therefore, given rise to some immediate problems. But there is no escape from facing them squarely and solving them in the course of next few years. The sooner we begin to do so, the better.

The administrative aspects of this effort to re-build Centre-State relations in education within the strict confines of the Constitution will cover three main issues: policy formulation; organization of administrative services; and financing of education. It is these three issues that I shall now discuss seriatim.

II

Let me first begin with *policy formulation*. It is obvious that, in this particular field, the Centre and the States will have to work together in the larger interests of the nation. Education may be a State subject under the Constitution. But it will always continue to be a national concern because of its vital role in social and economic development. It is also necessary for the Centre to ensure that the different regions of the country march together with a more equal step and that no serious regional imbalances in educational development are created. This necessarily calls for a certain element of central coordination. In formulating educational policy, therefore, the Centre will necessarily have to play a more dominant role than what may be strictly justified on a literal interpretation of the Constitution; and the States will have to adjust their policies to some extent, not only in deference to the wishes of the Centre, but in deference to the other States as well.

How will the Centre and the States work together to decide a common educational policy—that is one of the main questions to which educational administration will have to find an answer, especially because the Constitution itself does not provide any machinery for the purpose. Historically, a tool has been fashioned for this purpose in the form of the Central Advisory Board of Education, of which the Education Minister at the Centre is the Chairman and the State Education Ministers, along with a few educationists representing important sectors, are members. This Board was first created in 1935 and since then it has been meeting, ordinarily once a year, to discuss various educational problems and has been making recommendations, both to the Government of India and the State Governments. The pertinent question to be examined is whether we can utilize this machinery (with or without changes) or whether it will be desirable to create another machinery instead.

The working of the Central Advisory Board for the last 35 years and especially since 1947 has brought to light certain inherent problems. The first is the magnitude and variety of issues that need discussion between the Centre and the States. If all such issues are to be discussed

in the Central Advisory Board of Education only, it will have to meet very frequently and spend a good deal of time in each meeting. Since this is not possible, a practice was initiated of creating other organizations, on which both the Government of India and the State Governments would be represented, to deal with special issues such as adult education, school textbooks or physical education. While the advantages of this practice are obvious, they also have one disadvantage in the sense that the importance of the Central Advisory Board of Education is reduced in consequence. The problem has often been discussed. Some hold the view that the Central Advisory Board of Education should be the *only* agency for Centre-State coordination in policy-making and that it may, if necessary, function through a number of Standing Committees dealing with special sectors. Others argue that this will make the Board extremely unmanageable and that it would be desirable to constitute a few other coordinating agencies between the Centre and the States for policy-making in specified sectors. Probably, what is needed is a balance between both the viewpoints, each of which has some merits. But this golden mean does not seem to have been attained so far and we have generally swayed from one position to another—some times creating too many rivals to the Board and sometimes eliminating them altogether.

A second difficulty experienced in practice arises from the non-existence of a special Secretariat for the Central Advisory Board of Education. The theory is that the entire Ministry of Education at the Centre should function as the Secretariat of the Board. But this is a cumbrous and ineffective procedure with the result that the agenda of the Board meetings gets crowded with all kinds of issues, the necessary papers are not prepared sufficiently in advance and a full use is not often made even of the limited time available. A good secretariat with proper streamlining of procedures is one of the urgent needs of the situation if the Central Advisory Board of Education (or any coordinating machinery between the Centre and States for policy-formulation) is to function effectively.

Another set of problems now arise from a failure to concentrate on a few basic issues. The tendency in the Central Advisory Board of Education in the past has been to try to cover any and every educational problem with the result that one fails to see the wood for the trees and effectiveness is sacrificed on the altar of comprehensiveness. It would probably be a good policy to make a radical departure from this tradition and to concentrate, in the Central Advisory Board of Education, on a few major educational issues such as improvement of standards, promotion of national integration, relating education to

productivity or employment manner in which cooperation and collaboration between the States and the Centre or between the States themselves could be promoted, and resolution of likely conflicts that may arise between the Centre and the States or between one State and another.

Yet another set of problems arise from the lack of seriousness with which both the Centre and the State Governments sometimes look at the recommendations of the Board. One very often comes across unanimous resolutions of the Board which were adopted with great enthusiasm but which, later on, were not implemented at all or implemented too indifferently. This is partly the result of the circumstances already described. If there are too many resolutions on all kinds of subjects from the least important to the most fundamental, the significance of the programme as a whole is lost and the baby often gets thrown out with the bath water. But this is also due to the fact that the Centre and the States do not seem to be attaching that significance to this instrument of policy formulation which it deserves.

The steps to be undertaken in the future are obvious. We must not allow the significance of the Central Advisory Board of Education to go down and ensure that we do not create too many rivals to it in an attempt to take off some legitimate load from its shoulders. A whole-time Secretariat, efficient and committed, will be another major improvement. A self-denying resolution under which the Board could limit its discussions to a few issues of fundamental importance is urgently called for and there is a need, for the Centre as well as the States, to ensure that the Board is treated with proper respect and that its recommendations are duly implemented. This is not constitutional 'concurrency' which would authorize the Centre to legislate on education. But it is the equally important programme of developing educational policies through mutual discussions. It may even be called 'concurrency' or joint endeavour in policy formulation.

III

The second aspect I would like to discuss is that of administrative services. During the British period, two models of educational services were evolved. In the first model, which operated from 1855 to 1897, each province had its own educational service but there was no educational service at the Centre. It was not then possible for an officer of one State to go to work in other States or for officers from the States to go and work at the Centre. Between 1897 when the Indian Education Service was created to 1947 when the service finally came to an

end, the administrative personnel in education consisted of the Indian Education Service (which expanded between 1897 and 1924 and gradually contracted and died out between 1924 and 1947) whose officers occupied the key posts at the Centre and in the States and of Provincial Education Services which occupied the lower posts. Since 1947, a third model is created which consists of a small Advisory Service restricted to the Ministry of Education at the Centre and a large educational service in each State/Union Territory. But all these services are water-tight and there is no possibility of any movement from one to the other.

None of these three models will obviously meet our requirements of the future. The pre-1897 model in which there were only State Education Services and no educational service at the Centre is obviously obsolete because the Centre cannot discharge its responsibilities in education, explicit or implicit in the Constitution, without an adequate educational service of its own. The post-1897 model of the British period where an Indian Education Service dominated the whole scene is also not possible because the State Governments will not now allow such a service to come into existence. Probably, they will be right in doing so. We are, therefore, left only with the third model which now exists and whose main disadvantage is the isolation of each service from one another. Dissatisfied with this arrangement, an attempt was made to go back to the second model and to recreate the IES. But it has not succeeded so far; nor is it likely to succeed in the near future.

Under these circumstances, we have really to make a serious effort to evolve a fourth model which will eliminate or at least minimize the disadvantages of the existing situation. This is possible if an imaginative and unorthodox approach can be adopted. We should strive to build up, in this new pattern, an educational service at the Centre which would have two major roles. The first would be to advise the State Governments on the formulation and implementation of educational policy. For this purpose, it will have to consist of the best educational leaders available in the country and invited to function within it on a tenure basis. The second would be to administer the Central responsibilities in education for which it will be necessary to build up a small nucleus of a regular service recruited and trained for the purpose. Steps will also have to be taken to ensure that it will be possible for officers of the State Education Departments to work at the Centre for specified periods on the usual deputation terms and similar steps will also have to be taken to provide opportunities to officers in the Central Education Service to go out to the field for specified areas to gain practical experience. Provision will also have to

be made for contractual arrangements between the Centre and the States for exchange or deputation of education officers from the State Services to the Centre or *vice-versa*. This looks complicated at first sight. But it is certainly not beyond the administrative talents available in the country to work out a practicable scheme to meet these requirements. If such an effort can be successfully done, we would have built up, at the level of the administrative services, a large measure of cooperation between the Centre and the State educational officers, which will do an immense good for the development of education in the country. I might briefly describe the programme as 'administrative concurrency' and its success will depend upon the quality of leadership provided by the Centre through its own educational service.

IV

I shall now take up the financial aspects which are so intimately connected with policy formulation and implementation. The Constitution vests the elastic and growing financial resources in the Centre so that the State Governments will always depend upon grants-in-aid from the Government of India for effective educational development. But no amount of Central aid can serve the purpose if simultaneously the initiative and responsibility of the States to raise additional resources to finance educational development is not properly emphasized. What we need, therefore, is a practical partnership between the Centre and the States to ensure that the necessary resources for educational development are made available.

The major problem here is whether the grants given by the Centre to the States be tied to certain educational objectives or not. The State Governments naturally prefer to have grants which are not tied up to any programme, including education. On the other hand, the Centre may prefer—and in this it has the support of the vast majority of educators—to give tied grants for educational development. Thus arises a conflict which has not been satisfactorily resolved so far. In the meanwhile, one thing has happened. The Centrally sponsored sector, or the tied grants for educational development, have begun to decline: and if the State Governments had their way, they would disappear very soon.

The weaknesses of the Centrally-sponsored Sector which the State Governments emphasize are readily recognized. There has been a proliferation of schemes in the Centrally-sponsored Sector. Not all

the schemes have an inherent priority of their own. The Centrally-sponsored sector has also led to some centralization and rigidity in the administration of grants. It has also been used to bolster up weak proposals and the distribution of the funds under the programme between the various States has often been inequitable. This is a serious charge-sheet, no doubt. But the significance of developing the crucial sectors in education through tied Central grants is so great that one would prefer to evolve a programme of a Centrally-sponsored Sector which eliminates these weaknesses rather than abandon it altogether. Not enough thought has been given to this problem. But the future of education will depend upon our ability to develop a programme of tied Central grants for education which will be free from the defects noticed in the past and will, consequently, be acceptable to the State Governments. This may almost be described as 'financial concurrency'.

V

The main point of my argument is simply this: the Constitution makes education an almost exclusive responsibility of the States and vests little authority in the Centre in this field. In the larger national interests, however, it is necessary that problems of education are solved on the basis of a 'working partnership' between the Centre and the States. To create such a partnership through an amendment of the Constitution is not possible and may even be undesirable. But it can certainly be created through an imaginative administrative approach, combined with sound professional leadership supported by fairly large financial grants, tied where necessary. It is in this direction that we shall have to strive in the years ahead.

UNION-STATE RELATIONS IN INDIA'S INDUSTRIAL ADMINISTRATION

N. J. Kamath

THE relationships between the Centre and the States of the Indian Union cover practically all aspects of administration. No study of these relationships can, therefore, be complete without an analysis of the policy, procedures and problem areas in the field of industry.

Industrial Policy Resolution, 1948

"Real progress must ultimately depend on industrialization." These were the words with which the late Prime Minister Jawaharlal Nehru sought the mandate of the Indian Parliament to take the country forward through an era of industrial development that had been ushered in with the dawn of Independence. The first statement of policy issued by the Government of India was the Industrial Policy Resolution, 1948. This emphasized the importance to the economy of securing a continuous increase in production and its equitable distribution and laid down that Government must play a progressively active role in the development of industries.

The Industries (Development & Regulation) Act, 1951

The Industries (Development & Regulation) Act which was enacted in 1951 declared that it was expedient in the public interest that the Union should take under its control the industries specified in the first schedule to the Act. The regulation and development of industries specified in this Schedule is exercised by the Central Government in whose power it lies to issue the licence for setting up a new undertaking or for a substantial expansion of capacity. The Act also empowers Central Government to control the supply, distribution, price, etc., of articles relating to any industry listed in the schedule.

Industrial Policy Resolution, 1956

The acceptance by Parliament of a socialistic pattern of society and the completion of the First Five Year Plan were important developments which necessitated a fresh statement of Government of India's

policy in regard to industrial development. The result was the Industrial Policy Resolution, 1956 which governs the policy of the Government of India in the matter of development of industries, whether large, medium or small. This Resolution has, *inter alia*, given clear recognition to the important role of small scale industries in the development of the national economy. The small scale sector has been recognized as offering some distinct advantages such as immediate prospects of large scale employment, mobilization of local resources of capital and skill, more equitable distribution of the national income, etc. By special notifications, however, small scale industries have been exempted from the operation of the Industries (Development & Regulation) Act, 1951 and certain other specific Acts like the Tea Act, 1953, the Coir Act, 1953, Rice Milling Industries (Regulation) Act, 1958, and Sugar (Regulation of Production) Act, 1961. Small scale industries, therefore, remain a State subject while large scale units in the industries listed in the first schedule to the Industries (Development & Regulation) Act, 1951 are in the Central sector.

The Small Scale Sector

The definition of the term 'small scale industries' has undergone certain changes from time to time after the first working definition had been adopted in 1955 for purposes of administering the various programmes of governmental assistance. The current definition of small scale industries which has been in force since late 1966 is as follows:

"Small Scale Industries will include all industrial units with a capital investment of not more than Rs. 0.75 million, irrespective of the number of persons employed. Capital investment for this purpose will mean investment in plant and machinery only."

In calculating the value of plant and machinery the original price paid by the owner, irrespective of whether the plant and machinery are new or second-hand is to be taken into account.

Since industries engaged in the production of ancillary items and components required by the large industries needed a higher degree of mechanization and use costly machinery and equipment, for purposes of being treated as small scale industries a relaxation in capital ceiling up to Rs. 1 million has been allowed in the case of the ancillary units. Ancillary units have been defined as follows:

"A unit which produces parts, components, sub-assemblies for supply against known or anticipated demand of one or more large units manufacturing/assembling complete products and which

is not a subsidiary to or controlled by any large unit in regard to the negotiation of contracts for supply of its goods to any large unit. This shall not, however, preclude an ancillary unit from entering into an agreement with a large unit giving it the first option to take the former's output."

The units which are set up primarily for the replacement market also fall within the above definition of ancillary industries.

Small Scale Industries as State Subject

The primary administrative responsibility in regard to the development of small scale industries and implementation of the programme of assistance to them is vested in the State Government. The work relating to the development of industries in general and small scale industries in particular at the State level, is looked after by the Directorate of Industries in each of the States and the Union Territories. Each Directorate is staffed with administrative and technical officers at the State Headquarters and a District Industries Officer with appropriate supporting staff in each District. The State Directorates provide facilities to the growth of small scale industries by developing industrial land, building up factory sheds in industrial estates, allocating quotas of scarce raw materials, certifying import requirements, assisting in the provision of financial and other assistance and organizing industrial cooperatives. They also run various training schemes, production schemes and schemes for providing common facilities.

To advise the State Governments on measures to be taken at the State level to foster the growth of small scale industries, State Small Scale Industries Boards have been set up on similar lines to the All-India Small Scale Industries Board. The State Boards are comprised of representatives of State and Central Government Departments, State financial institutions and the associations of small scale industries in the respective States.

Central Role in the Small Scale Sector

Even though the development of small scale industries is the primary responsibility of the State Governments, in view of the fact that various questions and issues involved in the programme of development of small industries have an all-India character and can be efficiently considered and tackled only at the national level, the Central Government has assumed responsibility for planning and coordinating the basic programme of development of small scale industries. With

this end in view, an All-India Board known as the Small Scale Industries Board was set up in November 1954. The Board is comprised of Central and State officials, representatives of various institutions, financing bodies, Federation of the Associations of Small Scale Industries and a number of non-officials representing, trade, industry and other interests. Meetings of the Boards are held by rotation in each State, usually once every six months. This, no doubt, helps the members to acquire first-hand knowledge of developments in every State, besides drawing their attention to particular problems of local industries. The Board discusses questions connected with credit facilities, supply of raw materials, revision of the definition of the small scale industries for the purposes of the assistance programme, dispersal of industries, etc., reviews the programmes of implementation and formulates new directives for further growth of the small industry sector. Although the Board functions in an advisory capacity, Government attaches great importance to its decisions.

The responsibility for coordinating and executing the programmes and policies of the Government of India relating to the development of small scale industries is vested in the Small Scale Industries Development Organization (SSIDO), with the Development Commissioner, Small Scale Industries at its head. The SSIDO is administratively in the charge of the Union Ministry of Industrial Development and Internal Trade. The organization maintains close liaison with the State Governments and different organizations and institutions at the Central and State levels concerned with the development of small scale industries. It functions through 17 Small Industries Service Institutes (one in each State, including the Union Territories of Delhi and Goa), 5 Branch Institutes, 54 Extension Centres, 2 Training Centres and 3 Production-cum-Training Centres. The main functions of the SSIDO include (a) coordination, (b) industrial development, and (c) industrial extension service. This Central Government organization coordinates the work relating to the development of small scale industries on an all-India basis by:

- (i) evolving an all-India policy and programme for the development of small scale industries;
- (ii) coordinating the policies and programmes of various State Governments;
- (iii) acting as a liaison between different States as also between the State and Central Ministries, Planning Commission and Reserve Bank and State Bank;
- (iv) coordinating the programme for development of large and small scale industries; and

- (v) coordinating the programme for the development of industrial estates and ancillaries all over the country.

The Central Organization renders technical assistance which may be required by the State Governments for preparing schemes within the overall plan allocations. It assists the Union Ministries concerned with industrial development in regulating the Central assistance to the States for the development of small scale industries. It also watches the progress in the expenditure incurred by the State Governments in the development of small scale industries. For the development of ancillary industries, the SSIDO establishes liaison with the public and private undertakings and the Directorate General of Technical Development, etc., to ensure proper utilization of the existing production capacity in the small scale sector. The SSIDO is represented on different Licensing Committees, Development Councils and other bodies with a view to safeguarding the interests of the small scale sector. It also advises the Central Government on the question of reservation of more and more industries for the Small Scale sector, from time to time.

Another Central Organization, the National Small Industries Corporation was set up in 1955, mainly with the objective of supplying machinery and equipment to small enterprises on a hire-purchase basis and assisting them in procuring Government orders for supplying stores items required by Government departments. The main functions of the National Small Industries Corporation are:

- (i) providing small scale industries with modern machines on hire purchase basis;
- (ii) assisting small enterprises to participate in the stores purchase programme of the Central Government;
- (iii) developing small scale industries as ancillary units to large scale industries;
- (iv) arranging marketing of small industries products by starting emporia and sales depots and promoting their export;
- (v) distribution of basic raw materials through their raw material depots;
- (vi) import and distribution of components and parts to actual small scale users in specific industries;
- (vii) construction of industrial estates and the establishment and running of proto-type production-cum-training centres,

Large and Medium Industries as a Central Subject

As has been stated earlier, the larger scale units which do not fall within the definition of the term small scale units, in industries listed in the First Schedule to the Industries (Development & Regulation) Act, 1951 are in the purview of the Central Government. Besides the role the Union Government is required to play in planning and coordinating the basic programme of development of small scale industries to which a reference was made earlier, it has the main administrative responsibility for the planning, programming and the development of large and medium scale units in the scheduled industries, both in the public and private sectors. The State Governments, however, are closely associated with the planning and implementation of programmes for the development of the large and medium scale industrial units, whether they be in the public or private sectors.

The Public Sector

The Industrial Policy Resolution, 1956 had spelt out that for increasing opportunities for employment and improving living standards and working conditions of most of the people, for reducing disparities in income and wealth, for preventing private monopolies and concentration of economic power in the hands of a few, it would be necessary for the Government to progressively assume a predominant and direct responsibility for setting up new industrial undertakings and other infra-structure facilities. As per the classification of industries into three categories listed in the Industrial Policy Resolution, 1956, industries in Schedule 'A' to the Resolution, which are of basic strategic importance such as arms and ammunition, atomic energy, those in the nature of public utility service such as railways and air transport and those like iron and steel which are essential and require investment on a scale which only the Government in the prevailing circumstances could provide are to be set up only by the State. The Resolution had also spelt out in Schedule 'B', certain industries in the future development of which the Government will increasingly take a predominant part. These included industries such as machine tools, ferro-alloys, tool steels, fertilizers, road transport, synthetic rubber and the like. In keeping with these stipulations of the Industrial Policy Resolution, the Central Government has played a direct role in the execution of programmes in these industries by setting up public sector units. Nevertheless, State Governments too have their share of the public sector. Besides public utility services like Road Transport which are by and large left to the State Government initiative, State Governments have the freedom to set up their own public sector industries. They are also active partners in a number of public sector

units set up by the Centre in a number of basic or Schedule 'B' (of Industrial Policy Resolution, 1956) industries like steel and fertilizers.

Large and Medium Units in the Private Sector—Central Machinery and its Role

Besides the responsibility for setting up and running public sector industries, the Central Government has a planning, programming, and developmental role in the growth of large and medium scale units in the private sector. This role is played by the Centre through a number of its agencies like the Planning Commission, the Ministry of Industrial Development and Internal Trade assisted by the Economic Adviser and the Directorate General of Technical Development, other administrative Ministries concerned with industrial development such as Ministries of Petroleum and Chemicals & Mines and Metals, Steel and Heavy Engineering, Foreign Trade with its attached office of the Chief Controller of Imports & Exports, the Department of Economic Affairs and the Ministry of Company Affairs. The role played by this machinery of the Central Government in the growth of large and medium scale industry and the manner in which the State Governments are associated in this process may be conveniently examined under certain important phases of industrial administration.

The Planning Phase

In the field of industrial development, as in other fields, Government of India has adopted planning as a prerequisite of industrialization. The Planning Commission is the main constituent of the machinery for planning at the Centre. The Government of India Resolution setting up the Planning Commission in 1950 had indicated that in framing its recommendations, the Commission would act "in close understanding and consultation with the Ministries of the Central Government and the Governments of States. The responsibility for taking and implementing decisions will rest with the Central and State Governments".* The Resolution expressed the hope that the States would give the fullest measure of help to the Commission so as to ensure maximum coordination in policy and unity in effort. On the suggestion of the Planning Commission itself, the National Development Council (NDC) was constituted in August 1952, to serve as the highest reviewing advisory body in the field of Planning.† The membership of the NDC includes the Prime Minister, the

*Government of India Resolution (Cabinet Secretariat) No. 1-P(C)/50, dated March 15, 1960.

†Government of India Resolution (Cabinet Secretariat) No. 62/CF/50, of August 1952.

Chief Ministers of all the States and the members of the Planning Commission; on the recommendations of the Administrative Reforms Commission (ARC) the NDC has been reconstituted in 1967 to include all Union Cabinet Ministers as its Members. The NDC is thus clearly conceived as an apex federal body, though non-statutory in character for giving the States of the Union a greater sense of participation in formulation of national plans and in bringing about a national consensus regarding plan policies. The Planning Commission has also been equipped with the institution of Programme Advisers for groups of States for the purpose of maintaining close liaison with the States. These Programme advisers are required to function as the "eyes and ears" of the Planning Commission *vis-a-vis* the States falling in their jurisdiction.

The Planning Commission formulates the perspective, the Five Year and Annual Plans for the country as a whole. The main plan is the Five Year Plan of which there have been four since Independence. In the formulation of the Five Year and other Plans in the field of Industry, the Planning Commission has detailed consultations with State Governments as well as with the Central Ministries concerned with industrial development and takes the assistance of the Directorate General of Technical Development attached to the Ministry of Industrial Development and Internal Trade. It also seeks the guidance of the National Development Council at various stages of plan formulation. The initial macro-economic framework for the national plan as well as policy proposals are placed before the NDC for discussion at which the Chief Ministers of State Governments fully participate before the general approval of the Council is obtained. The macro-economic framework for the national plan that emerges broadly indicates the quantitative magnitudes as well as major policies involved in the formulation of the Plan. After such formulation, the Planning Commission indicates to each State both financial magnitudes of the outlay for the State Plans and guidelines for the formulation of the sectoral proposals. The States then formulate their Plan proposals and refer them to the Planning Commission. Further discussions take place till the Plan for development in each State in the field of industry, as in others, is evolved. This then is the planning process in which the State Governments are closely associated with the Centre.

Programming and Implementation Phase

The responsibility for programming and the direction for implementation of industrial projects in accordance with the priorities and targets as indicated in the plans, lies with the Ministry of Industrial

Development and Internal Trade in association with other Ministries concerned with specific groups of industries. After the adoption of each Five Year Plan, the Directorate General of Technical Development attached to the Ministry of Industrial Development and Internal Trade draws up the programmes for industrial development in the various sectors of industry over the five years of the Plan indicating the projects, priorities, investment outlays, as also the gaps which would require to be filled by setting up of industrial units. Side by side with this, as a continuing process and generally in accordance with the programmes and priorities outlined, the process of issue of licences for setting up of new undertakings and for substantial expansion as per the provisions of the Industries (Development & Regulation) Act, 1951 is undertaken by the Ministry of Industrial Development and Internal Trade. This process would merit being looked into in some detail.

The Process of Licensing of Industrial Units

The function of granting an industrial licence is the responsibility of the Ministry of Industrial Development and Internal Trade assisted by the Licensing Committee. The Licensing Committee (Full Committee) is presided over by the Secretary of the Ministry of Industrial Development and Internal Trade and has a fairly wide official membership consisting of the representatives of the State Governments as well as of various Union Ministries concerned, the Planning Commission, the CSIR and other interests. The Full Committee meets roughly once a quarter, but for facility of quick disposal of cases, most of the business is transacted by a Local Sub-Committee consisting of the local members of the Full Committee, *i.e.*, other than the representatives of State Governments, meeting once every alternate week. The applications received for a licence for the setting up of new industrial units or for substantial expansion of existing units in the large or medium sector are examined by the Directorate General of Technical Development or other appropriate adviser like the Textile Commissioner in the case of Textile Industry, for making their technical recommendations as to the feasibility or acceptability of the scheme proposed. The administrative Ministry concerned which receives these recommendations adds its own and places the application before the Licensing Committee. The recommendations of the Licensing Committee are submitted to Government for final decision. Whenever any State Government has reason to differ with the decision taken by Government on the basis of the recommendations made by the Local Sub-Committee, it is open to the State Government to ask for the case being taken up for reconsideration at a meeting of the Full Licensing Committee when the representatives of the State Governments will

also be present. These then are the ways in which the State Governments get associated with the decisions regarding the grant of licences for setting up industrial units or for the substantial expansion of existing units.

Import Licensing

In the process of setting up as well as of running industrial units, a natural requirement is the import of machinery and equipment that is not available in the country as also of raw material not locally available. This is true of the small scale as of large and medium scale units. In the context of the shortage of foreign exchange available to the country, it is inevitable that the Central Government has to assume regulatory control over the import of capital goods and raw material required by industrial units. The import of capital goods required for the setting up of new units or for expansion of existing units is regulated by the Union Ministry of Industrial Development and Internal Trade taking the advice of the Capital Goods Committee set up for the purpose under the Chairmanship of its Secretary. The technical advice as to what machinery and capital goods might be allowed to be imported is given by the Directorate General of Technical Development (DGTD) attached to the Ministry. The import of raw material requirements of industrial units is regulated by the DGTD which goes into the essentiality as well as the indigenous availability before recommending requisite quantities of raw material imports. The actual issue of import licences, whether for capital goods or for raw materials, is done by the office of the Chief Controller of Imports and Exports (CCIE) attached to the Ministry of Foreign Trade. This office no doubt goes substantially by the technical advice given by the DGTD or other concerned technical adviser such as the Textile Commissioner in the case of textile units. For facility of reference by the entrepreneurs, actual users and other importers, the CCI & E at the beginning of each financial year promulgates the import policy for the year through the issue of what is familiarly known as the "Red Book" which gives comprehensive guidance and instructions on the question of import of capital goods and raw materials required in the industry sector.

Foreign Collaboration

In the setting up of industrial units particularly where sophisticated technology is involved or where there is a large requirement of imported capital equipment of a specialized nature, there is often the need for foreign collaboration, including foreign investment in certain

cases. This aspect is within the purview of the Union Government which has set up the Foreign Investment Board under the Chairmanship of the Secretary of the Department of Economic Affairs in the Ministry of Finance. The Secretariat for the Board is provided by the Ministry of Industrial Development and Internal Trade. While the State Governments are not represented on the Board, they are kept fully in the picture about the policies adopted and the decisions taken by it.

Problem Areas

Having covered the ground relating to policy and processes of industrial administration at the Union and State levels, it is now possible to briefly recount the problem areas in this field of administration as between the Centre and the States. As can be discerned from the earlier narration, there is a good deal of overlapping as also consultation between the Centre and the States in the planning, programming and implementation phases of industrial development both in the small scale sector and in the large and medium sectors of industry. It has also been seen that while public sector is essentially a Union responsibility, there are quite a number of public sector undertakings and institutions in the charge of the different State Governments. This sort of dovetailing can and does give rise to problems as between the Centre and the States. The more significant problem areas would merit some discussion.

Financial Allocations

One problem area that immediately arrests attention is the question of financial allocations made to States, and associated with this is also the clamour from different States for a more equitable distribution of Central assistance. It has often been pointed out that the outlays available for projects under the Centre have been increasing more rapidly than those for projects under the States. This is a part of the overall situation where, under the Constitution, the Centre has been allowed greater flexibility in developing its financial resources which puts it in a better financial position than the States. The Study Team of the Administrative Reforms Commission on Centre-State Relationships which went into this general question of financial relations between the Union and the States has observed, "The favourable position given to the Centre in regard to financial resources reflects the strong Centre theme running through the Constitution and many feel that this has been an important factor in keeping the country united."* The Study

*Administrative Reforms Commission, Report of the Study Team on Centre-State Relationships, Vol. I, p. 15.

Team has, however, hastened to add, "But if national unity had been the only consideration all resources could have been kept at the Centre and devolutions made only to the States according to their needs. That this was not done underlines another principle, namely, that the allocation of independent resources to the States is essential for responsible public administration at the State level."* The Study Team has examined the Centre-State financial relationships and developed a new approach which consists of three propositions:

- (i) the arrangements for devolution should be such as will allow the States' resources to correspond more nearly to their obligations;
- (ii) the devolutions should be made in a manner that enables an integrated view to be taken of the plan as well as non-plan needs of both the Centre and the States;
- (iii) the advancement of loans should be related to the productive principle.†

This overall approach commends itself as equally suitable in regard to the more specific field of financial allocations for industrial development.

Problem Area of Planning

Closely allied to the question of financial allocations is the role of Planning. In this area of Planning as well, the States have a feeling of Central domination and their response is highlighted by their continuous endeavour to ask for greater Plan allocations. The problem can be sized up from the fact that financial magnitudes of the outlay for the State Plans which are indicated by the Planning Commission at the Centre are invariably exceeded by most of the States in their Plan proposals. The differences as between the Centre's viewpoint and the States' aspirations are sought to be resolved by Planning Commission and State Government representatives having elaborate discussions which over the years have become more and more detailed. While this is a salutary development, there is a criticism often voiced by the Centre to the effect that State Planning and development efforts have remained comparatively rudimentary and devoid of the necessary expertise. This is an aspect which should receive immediate attention from a majority of the States.

**Ibid.*

†*Ibid.*, pp. 21-22.

Location of Industry

The question of location of industry has been an area of considerable dialogue and discussion as between the Centre and the States. This problem has two facets, viz., "regional dispersal of economic activities" and "fair allocations as between States". The first facet pin-points the need to avoid undue concentration of industry in already over-crowded areas where the costs of other social services such as transport and housing could be excessively high. The second facet emphasises the need for an equitable distribution of the benefits of industrialization as among the several States of the Indian Union. This latter aspect has obviously certain political overtones which cannot be brushed aside in any summary manner.

To the extent possible, the process of licensing as also the machinery of the public sector has been used by the Centre to achieve regional dispersal of industry. But it stands to reason that if other techno-economic considerations contra-indicate location of industry in any particular region, whether in the public or private sector, then obviously the regional interest cannot be allowed to predominate. The real solution would lie in striking the right balance as between the various techno-economic considerations on the one hand and the political or other regional considerations on the other, which are generally involved in the location of industrial units.

Backward Area Development

Development of backward areas is yet another facet of industrial location. It must be said to the credit of the Centre that public sector projects have generally been located in backward areas to the extent possible as would be exemplified by the fact that all the 4 major public sector Steel Plants, namely, Bhilai, Rourkela, Durgapur and Bokaro have been located in the backward areas, the choice of States for their location being determined by the availability of raw materials and other techno-economic factors. The general question of industrialization of backward areas was discussed in great detail by the National Development Council and on the basis of the Council's recommendations made to the Government the Planning Commission appointed two Working Groups, one on Identification of Backward Areas and the other on Fiscal and Financial Incentives for starting industries in backward areas. The recommendations of these Working Groups are in the process of implementation. Once implemented it is expected that they would go a long way in attracting industry to the backward areas of the different States of the Union.

Employment of Local Personnel

One other area closely connected with the location of industries is the growing insistence on the part of State Governments to the effect that employment opportunities generally and in particular those in public sector undertakings should be increasingly reserved for the local people. This, by the very nature of things, tends to clash with the salutary principle that merit should be the dominant criterion in selecting personnel for employment under public sector units no less than in any other situations. There is considerable merit in the solution that has been evolved by the Centre in stipulating that employment in the public sector undertakings carrying a salary of Rs. 500 per month or less should be reserved for being filled through recruitment from among the local personnel. It would not be in the national interest to close the opportunities of employment at the higher levels to qualified persons outside each State.

Price Preference

A limited problem that has been assuming somewhat wider proportions in recent times is the system introduced by certain State Governments in their purchases under which price preference is sought to be given for products of industries which are located within their own State limits as against the products of units located in other States of the Union. If this system is carried to its logical conclusion, it can lead to very highly undesirable results to the detriment of the economy of the country as a whole. It is necessary for the Centre to resolve this problem through reasoned consultation with the State Governments.

Conclusion

The policies, procedures and problems as between the Centre and the States, in the field of industrialization have been examined in the foregoing analysis. In the resolution of the problems, it has to be remembered that India is the largest democracy in the world and that, industrialization being the master key to economic development, if the country has to go further forward it is indubitable that the Centre should have a dominant role in planning, coordinating and directing industrial development. There has to be a clear realization on the part of thinking people in the top-tier of the State Governments as well as at the Centre that national interests must necessarily have priority over regional interests, however compelling the latter may appear to be in the short-run. The Centre as well as the States cannot but have a dynamic approach to the problems thrown up in the day-to-day working of the Centre-State relationships as much in

the field of industry as in any other. There can be no major impediment to the solution of any problem faced in the process of industrialization so long as thinking and responsible people, whether at the Centre or in the States, have the will and the determination to work for the unity of the country.

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ADMINISTRATIVE ASPECTS OF SOME COMMON FUNCTIONS

V. M. Bhide

UNION-STATE relations have been, of late, a very popular subject of public debates, Press articles and Seminars. Quite frequently, the discussion has political overtones. Usually, the financial aspect of the issues involved gets highlighted. Some argue that the Centre has unduly reserved for itself large powers even in regard to day-to-day functions of administrative machinery over which legitimately the States should have entire control. Others contend that the attitude of the States betrays a lack of sense of responsibility and that there is, in fact, a case for the Centre to assume greater powers in certain sphere of administration hitherto regarded as common fields of operation. The argument very often tends to proceed on partisan lines and the issues get diffused. Inevitably the picture gets somewhat distorted. While the present discussion as it goes on may be all right from a political standpoint or a purely juristic point of view, it can perhaps be more purposeful if attention is focussed on the Central objective of the constitution, *viz.*, the general well-being of the common citizen. One cannot help feeling that this point is invariably missed. It is often forgotten that any discussion on the question of Centre-State relationship can become relevant from an ordinary citizen's point of view if it is related to the normal administrative functions of both the Centre and the States or the smooth functioning of the various organs of the entire administrative machinery.

A common citizen is obviously more concerned about the administrative aspects of the entire operation of the Government machinery rather than mere ethics of Union-State relationship. To him what matters is his personal experience when he comes in contact with any institution involved in public administration irrespective of whether it belongs to a State or to the Centre. The Directive Principles of State Policy mentioned in the Constitution, stipulate among other things, that the STATE shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties. The STATE has obviously to use a number of its organs in the discharge of this responsibility.

These include the administrative machinery of the Central Government, the State Governments or even the Municipal and other Local Self-Government Institutions. For so long as the functionaries of these institutions diligently perform their duties and the individual gets the services rendered by them reasonably satisfactorily, he is not likely to enquire as to who appoints these functionaries or who exercises administrative controls over them, for instance, Sanitary Inspectors or Health Inspectors are appointed by the Municipalities as also by the States. So long as they function efficiently and the individual gets the benefits of the health services in adequate measure, he will not bother as to the authority that appoints them or as regards the source which provides the funds for the health services. It is only when the contact of the individual with the organ of the administration responsible for the provision of some essential amenity or service becomes sluggish or reduces or destroys mutual confidence, that the individual is attracted towards such basic issues as the relationship between the State and the Union.

A perusal of the Seventh Schedule of the Constitution will show that there are a number of items relating to the provision of essential amenities of daily life of the individual in which both the Central as well as the State Governments have to play specific roles in the discharge of the responsibilities cast on the STATE in accordance with the Directive Principles of the Constitution. It is proposed to examine, briefly, in this article the functioning of the operative machinery responsible for providing some of the basic amenities to the individual under some of the common items entrusted to the States and the Centre so as to focus attention on the administrative aspects of the Union-State relationship in the discharge of the functions assigned to them.

WEIGHTS AND MEASURES

Let us take the simple question of the administration of weights and measures. That the provision of accurate weights and measures and an effective control on the maintenance of standards is a basic need of the community, cannot be disputed. The importance of such a control for the economic advance of the country is also obvious, and at any rate the idea is not new to our country. In ancient India, such control appears to have been effected through a Central agency. Evidence of legal metrology is found in the Indus Valley Civilization. Kautilya's 'Artha Shastra' also reveals the importance given to the maintenance of accurate weights and measures; operation of the laws on the subject also included an effective Central authority for the maintenance of the standards. Subsequent history of the operation

of such laws, however, presents a dismal picture. Adoption of a new coinage and weights became the symbol of sovereignty of the rulers of the numerous Kingdoms. Frequent changes and multiplicity of standards must have encouraged anti-social elements which were always prone to take advantage of the lapses in the administration. With the passage of time, malpractices adopted for personal gains seem to have acquired the sanctity of trade customs, some of which are prevalent in one guise or other even now.

The Constitution makes a specific mention of weights and measures in the list of functions of the Union and the States and divides the responsibility between them almost equally. Under entry 50 of List I (Union List) of the Seventh Schedule, the Centre is made responsible for the establishment of standards of weights and measures while under entry 29 of List II (States List), weights and measures, except the establishment of standards, has been left to the care of the States. Under entry 51 of List I the Union Government is further responsible for the establishment of standards of quality of goods for the export out of India or for transfer from one State to another. It will be observed that while the Centre's responsibility extends beyond the establishment of standards and it can insist on the standard or quality of goods exported outside the country or transferred from one State to another, the primary responsibility for the enforcement of the use of correct weights and measures to the standards laid down by the Centre is that of the States. For giving effect to the Constitutional provision, the Parliament passed the 'Standards of Weights and Measures Act' in 1956. With the passing of the Act, a model enforcement law was presented to the States which they faithfully adopted. They were also supplied with model rules, specifications for weights and measures. Provision was made for training and a pattern of organization was suggested to the States and above all financial assistance for the implementation of the whole programme. However, it is not enough merely to adopt a law regarding the standards of weights and measures or frame rules for its implementation. The importance of the use of accurate weights and measures by every one concerned in the daily life of the community and to the entire economic activity, has to be fully realized and the implications of the lapses in the enforcement of the law or the rules have to be imaginatively understood by all concerned for achieving the underlying objective.

Traders are known to adopt ingenuous ways of exploiting consumers in the absence of deterrent fear of enforcement of the law. In our country, the maxim 'customer is right' is unknown and no opportunity to exploit the consumer is ever allowed to pass. Even

a slight manipulation of weights and measures will easily give an unscrupulous retail trader an undue profit of 5 to 10 per cent. The Directorate of Weights and Measures at the Centre has estimated that even if the consumer is defrauded to the extent of one per cent, the total loss incurred every year may be of the order of Rs. 140 crores. If the exploitation is of the order of five to ten per cent, which is not unlikely, the loss to the consumer might be between three to seven per cent of his income. If one were also to take the exploitation in the wholesale transactions into account, the magnitude of such loss will obviously be colossal.

In the absence of effective enforcement, the peasant and the consumer can both be exploited at every stage of the transaction and even on a conservative estimate, the loss incurred by the common man in the wholesale and the retail transactions taken together may eat up a sizable portion of his annual income. The psychological effect of such a situation can be well imagined. The importance of a simple administrative function like the standardization and implementation of weights and measures, therefore, needs to be viewed from the viewpoint of an average citizen. The expectation that there would be very close cooperation between the Centre and the States in the application of accurate weights and measures, has still to be realized. From all accounts, the enforcement has been somewhat tardy. While some States have done better than the others, in this regard, many have still to realize the importance of the matter. While the pattern of organization envisages a separate organization with full-time responsibility, many States have allotted additional duties to the personnel employed in the weights and measures organization. In many States, the Inspectors are poorly qualified and the whole enforcement work in this vital service to the community, leaves much to be desired.

In the context of our ardent desire for rapid economic growth with social justice, the need for accuracy in weights and measures to industrial production, to public health and safety or to education has to be appreciated. Large manufacturing units have very often to depend on smaller units for the supply of parts or ancillaries. The latter produce the requisite parts with scales or gauges whose accuracy may not be known or is seldom checked in terms of the prescribed standards at any time. A large unit making purchases of such goods may insist on its own inspection with its own gauges or measures to judge the acceptability of the goods produced by smaller units. The result may well be, that a considerable portion of production of the smaller units might get rejected, not because the small units are

inefficient, but because the measures or instruments used by both the parties are not checked by the same standards. The rejected parts will not obviously be thrown out but may find their way to the market and passed on as genuine parts. A lay consumer is hardly likely to know about the fraud that is being played on him. We often hear reports about the adverse effect on our exports due to quality and performance of the products exported not conforming to the prescribed standards. Maintenance of rigid standards in the measurement instruments used in public health cannot be over-emphasized as a slight inaccuracy may lead to disastrous results. Similarly, in the field of education, to meet the increasing demand for equipment requiring precision, numerous concerns have taken up production. Anything that is produced has a ready market, and one does not know if the accuracy and reliability of equipment which is to be assured, is maintained.

It is often alleged that the enforcement of these laws suffers for want of funds with the State Governments. This, to say the least, is not to realize fully the responsibility of the individual States in this regard. The enforcement of laws would enable the States to recover sizable amounts by way of fees to finance substantial portion of the administrative expenditure on the administrative machinery involved. What is really necessary is to recognize the importance of the subject from the viewpoint of social and economic justice. Proper enforcement of the law and the rules in the field, besides creating a psychological climate for the social and economic activity, would also provide a valuable feed-back to the Central organization on the basis of which further refinement in the law or the rules can be brought about.

PREVENTION OF ADULTERATION IN FOOD, MEDICINE, ETC.

Another instance in which the Central and the State administrations have to work in unison, is that of food adulteration. It would not be unreasonable to assume that an average individual would expect that the food articles he has to buy for his daily consumption should be of the requisite standard, clean and unadulterated and obtainable in correct measure or weight. It would be interesting to see how many functionaries are involved and how the Centre-State relationship is inter-woven in providing such a reasonable and simple amenity to the common citizen.

Ensuring that the available food supply is clean or unadulterated within a locality, should ordinarily be the responsibility of the Municipal Administration. In any case, every State Government desires that its inhabitants should have abundant and unadulterated food supply.

Adulteration of food stuffs including milk and other commodities, however, is not of recent origin and the means available to an ordinary consumer to protect himself against malpractices, have, for long, proved to be inadequate. The administrative machinery at the various levels has, therefore, to render him the necessary assistance. While the primary responsibility in this regard may be that of the State Government, since the Central Government has to regulate the supply of food articles to the various regions in the country, certain responsibility in maintaining a uniform standard, devolves on the Central Government also. 'Adulteration of food stuffs and other goods', therefore, rightly finds a place under entry 18 of List III (Concurrent List) in the Seventh Schedule to the Constitution.

In the past, most of the States had their own food laws prescribing their own standards and rules for enforcement. These laws, however, lacked uniformity and a need for common Central legislation was obvious. Accordingly, Parliament enacted "The Prevention of Food Adulteration Act" in 1954. Under this Act, the Central Government is required to constitute the Central Committee for Food Standards to advise the Central and State Governments on matters relating to the administration of this Act. The Membership of the Committee includes representatives of the States and the Union Government besides other technical experts. The powers of the Union and the State Governments as also the functions of the Committee, which acts as a coordinator, are clearly stated in the Act. Functions, such as defining the standards of quality of production, distribution and sale of food articles, prohibiting the sale of articles which can be injurious to human health, etc., and prescribing qualifications, powers and duties of Food Inspectors or Public Analysts have been allotted to the Union Government. The powers given to the State Governments included defining the powers and duties of Food Authorities and the local authority, determining their jurisdictions, the fees to be charged for analysing the articles of food, etc. The State Governments are also empowered to delegate powers to the local authorities, like the Municipal Corporations, Municipalities, Notified Area Committees, etc., and also direct that the whole or any part of the fines imposed under the Act be paid to the local authority on realization.

Ordinarily, proper operation of the provisions of this Act by the various authorities concerned should leave no room for complaint as regards the unhygienic condition or adulteration of food articles. A scheme for the establishment and strengthening of food testing laboratories was also provided under the Plans for sometime, and the States could draw assistance in the form of grants to cover the

expenditure involved. The position with regard to the food testing laboratories that are in existence can be seen from the following table*:

Sl. No.	States and Union Territory	Population in 1961 Census (lakhs)	No. of districts	No. of Food Laboratories
1.	Andhra Pradesh	360	20	1
2.	Assam	119	11	1
3.	Bihar	465	17	2
4.	Gujarat	206	17	2 State 3 Municipal
5.	Kerala	169	9	1
6.	Madhya Pradesh	324	43	6 State 4 Municipal
7.	Tamil Nadu	337	13	2 State 1 Municipal Corpn.
8.	Maharashtra	396	26	3 State 2 Municipal Corpn.
9.	Mysore	236	19	2 State 3 Municipal Corpn.
10.	Orissa	175	13	1 State 1 mobile
11.	Punjab	111	12	1 State 3 Municipal
12.	Haryana	76	7	1 State
13.	Rajasthan	202	26	1 State 3 Regional
14.	Uttar Pradesh	737	54	1 State
15.	West Bengal	349	16	1 State 1 District level 3 Municipal 1 Board of Mines
16.	Delhi	27	1	1 Municipal

*Report of the Two-Man Committee to Review the Position of the Enforcement Machinery and Laboratory Facilities for the Proper Implementation of the Prevention of Food Adulteration Act, 1954. Directorate-General of Health Services, New Delhi, Appendix-V, page 19.

Many of these units do not have adequate and properly qualified staff or equipment.

The provisions as regards imposition and collection of fees and reimbursing fines, etc., to the local authorities should obviate the usual complaint of lack of finances. However, as is evident from the widespread criticism of the adulteration of food articles, enforcement of the law or the rules leaves much to be desired. This in turn gives rise to the demand that the Central Government should take some direct responsibility in the implementation of food laws; it in fact led to the appointment of a Parliamentary Committee in 1963 which recommended that the 'Prevention of Food Adulteration Act' be amended to enable the Central Government to have concurrent powers to appoint their own Food Inspectors and Public Analysts for effective enforcement of the Act, especially for checking inter-State movement of adulterated articles. An amendment to the Act was accordingly made in 1964. Complaints about adulterated food articles, however, still continue and it is quite obvious that the administrative aspects of such an important service to be rendered by the State and local authorities need greater attention. A coordinated approach by the administrative institutions involved will not only bring about a much needed improvement in the vital sector of such an important service but will also help in reducing the administrative expenditure substantially.

Position with regard to the manufacture, storage, distribution or sale of drugs is almost similar; though, quite obviously, greater vigilance is needed in this regard than even in the case of food articles. The subject of drugs and poisons is included in the Concurrent List in the Seventh Schedule. For regulating the import, manufacture, distribution and sale of drugs, the Central Government passed the Drugs Act, 1940, which was amended in 1955. Under the Act, the regulatory functions have been allotted to the Central Government while the enforcement is entrusted to States. The Central Government exercises its functions through a Technical advisory Board; these functions include specifying the drugs that would need import licence, and prescribing the form and the conditions for the same; prescribing the methods of test and analysis for determining the quality of drugs; prescribing conditions to be observed by the manufacturers, etc. The Central Government has also the powers to make rules which include qualifications and duties of Government Analysts and Inspectors and procedures to be followed in the inspections, tests, collection of samples, etc. The appointments of Analysts and Inspectors are to be made by the State Governments who are also to prescribe their jurisdiction.

The State Governments have also powers to appoint the licensing authority for the manufacture or sale of drugs. Fees have been prescribed for the grant or renewal of the various licences under the Act. The licensing authority is also empowered to delegate its powers to a person under its control.

The rules made under the Drugs Act lay down in meticulous detail the conditions of licences, the procedure for inspections and reporting, qualifications for the various licencees, requirements of premises of manufacturers and dealers, requirement of plant and equipment, etc. Ordinarily if the various functionaries were to operate conscientiously within their respective spheres, most of the objectives underlying the very purpose of the drug control could be achieved without difficulty. In practice, however, the operation of the law and the rules has not been found to be effective. The Central Health Council felt very much concerned about the prevalence of sub-standard and spurious drugs in the country and suggested the appointment of a committee to study the conditions of the drug-control-administration in different States and make recommendations for the effective enforcement of the provisions of the Drugs Act. Some of the observations of the Committee appointed in 1964 in this regard would be of interest:

“The Committee observed that in five States, namely, Gujarat, Kerala, Maharashtra, Mysore and West Bengal, there are full-time officers in charge of Drug Standard Control. In most of the other States, the controlling authority is the State Director of Health Services who has to discharge the functions devolving on him under the provisions of the Drugs and Cosmetics Act in addition to his other multitudinous functions although he is assisted by Deputy Directors or Assistant Directors, who, however, are also assigned this work in addition to their other duties.”

The Committee further observed that in the States where separate Departments exist, the standards of enforcement are better than in other States. As regards the observance of manufacturing techniques and control procedures, the Committee observed that except in a few units no attention was paid to the hygienic conditions. The maintenance of the equipment was on the whole poor. In a number of units, the raw materials were not tested at all before their use in the manufacture and some of the important tests were not performed. The Committee was of the view that there is no proper climate for observance of minimum standards. Manufacturers, in many cases,

take advantage of the lapses on the part of the administration and they disregard even the elementary precaution to ensure the safety of the products manufactured by them.

The Committee made very valuable and detailed recommendations for improving the situation and the Central Council of Health on which the States are also represented accepted its report by adopting a resolution in October 1967. There is no evidence yet, however, indicative of any perceptible improvement in the situation. Proposals for improvement are generally associated with proposals for augmenting the administrative personnel which involve costs. These in turn raise demands for funds and thus the whole matter enters the arena of Union-State financial relations. A closer scrutiny of the provision of the law and the rules on the subject would perhaps bring out that there is some built-in system of raising a substantial part of the required funds and that even with the existing capacity within the organization considerable improvement can be brought about with some support and readjustment in the administrative set-up. What is essential, however, is the recognition of the fact that in the performance of such functions there is a joint responsibility of the Centre and the State and they have to act in close cooperation with each other to achieve the objective of providing essential amenity to the community.

Instances of this nature where a coordinated approach by all the participating units can contribute to the general well-being can be multiplied, e.g., inspection of boilers and factories. Lack of finances, as has been shown above, should not ordinarily come in the way of effectively safeguarding the Community against the type of malpractices mentioned above and even if the States have to incur a little expenditure initially it is bound to pay them rich dividends in due course. In any case, their expenditure in maintaining the concerned services is bound to be taken into consideration by the Finance Commissions while considering the devolution of resources from the Centre to the States. What is necessary, however, is to identify the spheres of common endeavour in the field of administration, dedicated to the welfare of average citizen.

CONCLUSION

The instances mentioned in the foregoing paragraphs, it is hoped, will be sufficient to emphasize the need for taking into consideration the operational side of the administrative machinery in determining the Union-State relationship in a meaningful way. Discussions on the financial or constitutional aspects of the question, important though

they may be, will bring little solace to the common citizen unless these discussions are directed towards reorientation of the Union-State relationship so as to improve effectively the provision of amenities and services promised to him in the Constitution. There appears to be little chance of this happening unless the operational aspect of the various functions enjoined on the States and the Centre to perform is fully taken into account. This points directly to the need for taking up topical studies so as to bring out areas requiring coordinated functioning of the State as well as the Central institutions. Findings of such studies will undoubtedly prove useful in bringing about a better understanding of the whole question. A healthy criticism of the functioning of the administrative system through the inter-play of implementing or coordinating machinery will be far more useful for the smooth functioning of the various institutions and for rationalizing or improving the whole system rather than public criticism, which is generally based on hearsay and, therefore, is less informed. On the other hand, corrective measures brought about through the actual identification of the flaws or lacunae in the machinery will impart efficiency to the entire administrative structure.

SOME ASPECTS OF POLICY FORMULATION AT THE TWO LEVELS

P. K. Dave

AS in other federal polities, a formal separation of powers between the Union and the States is a central feature of the Indian Constitution. But while the powers, and the autonomy, of the States in their own sphere are by no means nugatory, the scheme is clearly of a Centre-oriented federation with a well defined normative role assigned to the Union. The main emphasis is, of course, in the large and important sphere allotted to the Union in the Seventh Schedule, the Union's supremacy in the Concurrent List and its retention of exclusive jurisdiction over residuary matters. Additionally, there are the sweeping "Emergency Provisions" in Articles 352—360 varying from the temporary assumption of the government of a State on the failure of the constitutional machinery, to the virtual suspension of federalism in a grave emergency in which the national security is threatened. Under Article 355, the duty is imposed on the Union to protect the States against external aggression and internal disturbance, and to ensure that the government of every State is carried on in accordance with the provisions of the Constitution.

Also of great significance are the provisions with regard to "Administrative Relations" between the Union and the States. Article 256 lays down that the executive power of every State shall be so exercised as to ensure compliance with the laws made by Parliament and any existing laws which apply in that State (on a strict interpretation, including the State's own laws), and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose. Further, under Article 257, the executive power of every State shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union, and the latter may give such directions to a State as may appear to be necessary for that purpose. Failure to comply with any directions given in the exercise of the executive power of the Union under any of the provisions of the Constitution, may, under Article 365, be deemed to be a failure of the constitutional machinery and the President may proceed to take action under Article 356 to assume the government of the State.

To complete the brief description of the setting, it is necessary to mention one other feature of Union-State relationships. The pre-eminent purpose of the State being planned economic and social development, with the wide range of subjects allotted to the Centre in the legislative and executive fields, and the financial division which gives it sources far more diverse and of a higher potential than those available to the States, the Centre acquires a dominating position *vis-a-vis* the States.

In this article some aspects of policy formulation in three important fields, namely, financial planning and national security will be examined briefly in the context of Union-State relationships.

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It has already been noted that the financial division is heavily weighted in favour of the Union; the resources available to the Union are highly elastic, and those of the States are relatively inelastic. Every five years, normally immediately before the commencement of a new Five Year Plan, a Finance Commission makes an assessment of the Non-Plan budgetary needs of the States, but it does not make any assessment of Plan requirements, the latter function being left to the Planning Commission. The experience has been that the estimates of Non-Plan requirements of the States made by successive Finance Commissions have generally proved to be under-estimates and Non-Plan expenditures have gone on increasing steadily and rapidly, thus causing failures on the part of the States to raise the quantum of resources agreed to with the Planning Commission at the time of initial formulation of the Five Year Plans. As a direct result of this situation, not only do distortions appear at the successive annual Plans, but the essential Non-Plan needs of the States also tend to be starved of funds.

On the other hand, the Finance Commission does not make any study of the budgetary needs of the Union Government and this factor does not apparently come into the determination of the Commission's award regarding the devolution of resources to the States. The Union Government faces the same situation with regard to the steady increase of administrative and other non-Plan expenditures, but with its flexibility of resources, it can apparently make the necessary budgetary adjustments.

An example of the stresses and strains on the States' resources is of the dearness allowance payable to Government employees to compensate them for rises in the cost of living from time to time. The

Union Government has committed itself to a formula for such compensation, and dearness allowance is enhanced for its employees as and when the need arises. There is, not unexpectedly, pressure upon the State Governments to give equal compensation to their employees every time the dearness allowance is raised at the Centre. There is no consultation between the Union and State Governments at the time the central dearness allowances are raised, and the extent to which individual States might follow suit is also similarly left to their own discretion. Rise in cost of living being a national phenomenon, connected amongst other things, with expenditure under the Five Year Plans, it must necessarily be tackled on the national plane and policy decisions evolved in mutual consultation between the States and the Union. The recommendation of the Administrative Reforms Commission that the Finance Commission should take into consideration the problem of granting increased emoluments to the State Government employees on account of increase in the cost of living, while making allocations of resources to the States, does not seem quite adequate. A five-yearly Finance Commission cannot possibly have before it the likely developments in the economy, the inflationary pressures that may be generated in the course of Plan implementation, and other such factors. It seems necessary, therefore, to devise a more satisfactory basis for formulation of policy in this matter. It is suggested that, firstly, the formula for compensation should be evolved jointly by the experts of the Union and the States; and, secondly, the financial implications of its application in each State should be taken into account at the time of preparation of the Annual Plan, and adjustments for developments in the course of the year made again when the annual review of financial resources is conducted by the Planning Commission.

In the sphere of taxation, again, we see an area amenable to joint policy formulation. Apart from the grants-in-aid, the States are interested in the taxes which are statutorily shared between them and the Union. But as things are at present, there is no arrangement for consultation with the States in this matter. Similarly, the Union as the principal agency for Plan formulation, is interested in effective resource mobilization at the State level, which task again is left almost wholly to the State Governments. Nor is there any coordination in the matter of exploiting the resources available under the taxes that are mentioned in Article 269, which can be levied and collected by the Union and assigned entirely to the States. It is suggested that there should be an institutional arrangement for consultation between the Union and the States on all these matters. The consultation with regard to divisible taxes and the taxes leviable under Article 269 may be held jointly with all the States, first at expert level, to be followed by

an annual meeting at ministerial level. And, with regard to State taxation, discussions may be held with individual States at the expert level, and with the State Finance Ministers.

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In the sphere of planning, only two aspects will be touched upon: the coordinating role of the central agencies, and institutional arrangements for the formulation of planning policies at the Union and State levels.

The fact that economic and social planning is a concurrent subject and the Union has undertaken a definitive role in it, provides the *raison d'être* for the existence of sizable central ministries in State subjects such as agriculture, education, health, transport, irrigation and power, and so on. In conjunction with the Planning Commission, these ministries lay down sectoral targets and intra-sectoral priorities; frame central and centrally sponsored schemes; participate in the scrutiny and approval of State plans; and clear technically such State schemes as require prior clearance. This role is supplemented by an effort made by the ministries in varying degree, to assist their counterpart organizations in the States to develop higher levels of competence in plan formulation and implementation.

There appear to be two drawbacks in the performance of the above role. The first is that, preparatory to the framing of the Five Year Plans, the Union ministries do not establish contact with the State agencies sufficiently in advance; as a result the plans presented by the States tend to be no more than lists of schemes that invariably add up to far more than is available for each sector. Nor can adequate consideration be given to targets and priorities. The difficulty of the Union ministries, of course, is that they are themselves not aware of the resources available to their sectors till quite late and are, therefore, unable to influence the preparation of State plans. The need obviously is to advance the time-schedules for the determination of the resources available for the Five Year Plan, and their sectoral distribution. This alone would enable the Union ministries to fulfil their coordinating role in the preparation of State plans.

The second drawback arises with reference to the central and centrally sponsored schemes. That there should be central schemes operated directly or through the State Governments, cannot be questioned; this would be so, particularly for schemes of national importance, or areas in which the central agencies act as innovators

or pace-setters, or promote experiments. These schemes are wholly financed and controlled by central agencies.

Centrally sponsored schemes are usually such, as, in the opinion of the central agency concerned, cover desirable areas of growth and which might need the incentive of central assistance to encourage the States to take them up. These schemes are financed by grants and loans in varying proportions; and the States may also be required to finance them partially. In the Fourth Plan the centrally sponsored sector has shrunk quite considerably, arising perhaps from the criticism that the attraction of central assistance causes the States to accept even schemes of dubious value or those not having much relevance in the local conditions prevalent in different States.

In both these categories, particularly when the schemes are implemented by the State Governments, the tendency of the central agencies is to introduce a degree of rigidity without allowing for variations to suit local conditions. For example, while a State may wish to implement a scheme financed with central aid, the scheme itself may not be quite suitable for that State; there may be shortage of the kind of technical personnel required; there may be inadequacies in the supporting services, requiring modifications which might not be readily acceptable to the central agency; and so on. It is by no means necessary that schemes of this kind should be implemented uniformly in all the States; nor is it necessary that when implemented, there should be no local variations. The schemes ought to be framed in close collaboration with the counterpart agencies in the States, and there should be readiness to accept local variations to the extent necessary in each individual case. At the State level, close and objective scrutiny of each scheme so as to test its applicability to the State, should be encouraged.

The most important institutional arrangement for the coordinated formulation of planning policies at the national level is the National Development Council established in 1952 with the Prime Minister, Chief Ministers of the States and members of the Planning Commission as its members, and with the following charter:

- (1) to review the working of the National Plan from time to time;
- (2) to consider important questions of social and economic policy affecting national development; and
- (3) to recommend measures for the achievement of the aims and targets set out in the National Plan, including measures to secure the active participation and cooperation of the people,

improve the efficiency of the administrative services; ensure the fullest development of the less advanced regions and sections of the community and through sacrifices borne equally by all citizens, build up resources for national development.

With this charter quite obviously the National Development Council was meant to be the supreme federal body for the formulation of plan policies. The fact that it has failed to become such a body has been commented upon by the Administrative Reforms Commission. This has been so mainly on account of the infrequent meetings of the Council, delayed circulation of the basic documents and inadequacies of preparatory staff work which could have enabled the Council to make a more substantial contribution to planning. Apart from recommending the re-constitution of the Council so as to include Union Ministers for the various important subjects connected with the Plan, the Administrative Reforms Commission has recommended that, in order to expedite its work, the Council may appoint from time to time, and particularly at the time of formulation of Five Year Plans, suitable Sub-Committees and panels. While these measures might, to some extent, improve the performance of the Council, what seems most important is the introduction of institutional arrangements, both at the Centre and in the States so as to achieve that standard of basic thinking and analysis that alone would help the Council to perform its functions fully. At the central level, as recommended by the Study Team of the Administrative Reforms Commission on Centre-State Relationships, there should be a standing advisory committee consisting of Official Advisers from each State, the Central ministries concerned and the Planning Commission—this committee may itself break up into sub-committees for various subjects with the addition of such experts in each area as may be found useful. Such a standing committee would be the proper agency for doing the necessary staff work and briefing the members of the National Development Council well in advance before its meetings are held. At the State level, there should be supporting institutional arrangements, not only in the form of Planning Boards but also of committees of official advisers, who would do the preparatory work on all subjects that come before the National Development Council. It is only by arrangements such as these that cooperative federalism in the field of planning can be achieved.

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In the field of national security, protection against external aggression is clearly a Union function and there can be no conflict of interest

as between the Centre and the States. Public order is, however, a State subject and ordinarily the Union is concerned only with assistance to State Governments in dealing with internal disturbance by the provision of the services of the naval, military and air forces, and the 'other armed forces' of the Union, namely, the Central Reserve Police and the Border Security Force. Theoretically, as the Administrative Reforms Commission has recommended, the use of the forces of the Union can be made either at the instance of the State Government or *suo motu* by the Centre, but the fact remains that the Union cannot use the forces *suo motu* without invoking the emergency provisions of the Constitution. That this would not be done except in the gravest emergency, is quite obvious and hence the need for a degree of coordination in the framing of policies in the field of public order.

At the central level, apart from keeping the internal security situation under watch, the main functions assumed relate to the modernization of the State police forces; establishing institutions for scientific or technical assistance in the investigation or detection of crime; and conducting training courses for police personnel at the higher levels and in specialized subjects. There are periodical conferences of heads of the State police organizations for an exchange of views on various matters of importance.

With increasing lawlessness and a larger incidence of crime, pressures on the State police forces are bound to develop progressively; there will also be more frequent need for the Union to offer the services of its armed forces to the States for controlling such situations. The role of the Union Government in this matter seems clear enough: it has to continue to promote the modernization of police forces and their techniques in matters such as prevention and investigation of crime, improvement of law and order intelligence, providing a clearing house of information on police techniques, initiating projects of research and study of various aspects of law and order administration and making a running assessment of the situation so as to be in readiness to come to the aid of the State Governments in handling serious situations.

At the State level, a more or less identical role devolves upon the heads of the police organizations and the State Home Departments. However, there is need to separate planning and policy formulation from the enforcement of the various laws in the field. As an agency for the enforcement of the laws, the police has statutory functions which cannot be fettered by governmental direction and control. This is an aspect which is insufficiently appreciated at present. Policy

formulation, supervision and direction at the State Government level should be broadly confined to matters such as the development of high professionalism in the police force; its preparedness for dealing with crime and law and order situations; establishment of an effective agency for prosecution of criminal cases; and research and study of the various police problems.

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Policy at both the Union and State levels is always subject to political determination; but there is no abrupt line between policy and administration. As government grows more and more complex, the administration acquires greater importance in the policy process. The emphasis sought to be laid in this article is on the need for a more organized, purposeful and mutually cooperative participation in the processes of policy formulation, by the official and expert levels of the Union and the States. The Centre has, in all the three fields discussed, a prominent leadership role assigned to it, and it will carry authority and secure adequate response from the States only to the extent this role is effectively fulfilled.



ADMINISTRATIVE CONSULTATION—FORMAL AND INFORMAL

Ram K. Vepa

THE Constitution of India is both federal and unitary: while it vests the Central Government with large powers, particularly in emergent situations, it also provides a wide spectrum of functions to the constituent state units. There is, in addition, a Concurrent List covering a number of items in which both the Centre and States have the authority to legislate. This, in turn, underlines the need for constant consultations between the Central Government and the State Government at various levels. It is proposed to discuss briefly in this article, the manner in which such consultations take place so as to ensure a constant and continual understanding between the Union and State Governments.

Need for Consultation

Apart from the purely constitutional aspect, there are vital political considerations which make such consultations of paramount importance. As long as a single national party ruled at the Centre and practically in all the States (with infrequent exceptions) the political party itself provided a common platform on which consultation at the highest level could take place. Thus, in the early years of Independence, it was hard to distinguish between party pronouncements and official policies. A resolution passed at the annual session of the Congress party or at the meetings of the AICC was virtually a mandate to the Government. In fact, many of the significant trends in Government policy originated at such gatherings which formed a common thread binding all the administrations, both at the Centre and in the States. The Congress Parliamentary Board consisting of the elder statesmen of the party formed a coordinating agency between the Centre and the States.

In addition, there was the towering father image of Jawaharlal Nehru who, undisputedly, was the symbol of modern India. Even those who disagreed with him were forced to acknowledge that he,

like Gandhiji during the freedom struggle, represented India entirely—if one man can ever be said to do so. His distinguished record of service, his popularity with the masses, and his worldwide prestige endowed him with a moral and political authority far exceeding any that a lesser Prime Minister could ever hope to exercise. When Jawaharlal Nehru spoke, it was the voice of the people of India and few politicians, either at the Centre or in the States, could hope to question its authority or its wisdom.

Today, the situation in India is widely different: particularly after the 1967 elections, the political complexion of many State Governments has changed and in some cases, like Tamil Nadu and Orissa, there was no mistaking the change. In others, like Uttar Pradesh, Madhya Pradesh, Haryana, West Bengal, Bihar, Rajasthan, Kerala, and Punjab, uneasy coalitions have ruled with the prospect of being overthrown by a new combination of groups. This fluid political situation has made it necessary for constant consultations to take place between the Centre and the States, in such matters as law and order when the stability of the country is threatened. Militant mass movements, such as the Naxalite activities and 'land-grab' movements, have lent a sharpness to such problems as land reforms, creation of new job opportunities, for which urgent solutions have to be found. In addition, the uneasy border situation which thrice in the last eight years flared up into open war, makes it imperative that there is close and constant coordination between the various units of the country.

In another way, too, the situation has undergone a subtle change. There is no longer any father image like that of Jawaharlal Nehru; had Lal Bahadur Shastri lived, he might have grown into one but his tenure was all too brief. Today, the Prime Minister is still feeling her way to build an image of assured political authority; and in the initial years, she has been forced to depend largely on the powerful support of the Chief Ministers of major States. This, in turn, implies that outside the Cabinet, there is a group of the State Chief Ministers who need to be consulted and whose views carry great political weight—apart from the intrinsic administrative importance of their views, for, after all, if the States are the primary implementing agencies for all reforms and if the instruments of law and order are controlled by the State, it would be impossible for the Centre to take any effective action in any field without the active and wholehearted cooperation of the State authorities. In the administrative pattern, today, the relationship between the Centre and States has, therefore, become a key area of activity, if administration is to function smoothly.

Nature of Consultation

In discussing the problem of consultation between the Centre and States, one needs to distinguish at least three tiers at which such consultations take place. The highest level is that of the Governor who is the head of a State and who is appointed by the President of the Republic. It is to the President that he is responsible and, therefore, he represents one channel of consultation between the Central administration and the State Governments. At the next tier is the political executive—the Chief Minister and the party chiefs at the state level with the Prime Minister and the party organs at the Centre. Quite obviously, where the ruling party at the Centre is different from the one at the state level, there is hardly any consultation at the party level except in a national emergency when an all-party conference might be called. Lastly, and perhaps significantly, is the consultation at the official level ranging from Chief Secretaries of States to departmental heads who are frequently called to Delhi for discussion or occasionally, when senior officials of the Centre journey to State capitals, for holding discussions with the State officials.

Quite obviously, the content of such consultation varies from level to level. At the highest level of the Governor, the broad impact of the national policies on the State and Centre is discussed. These are non-political and non-partisan and are concerned with the fundamental objectives as laid down in the Constitution. The integrity of the country, the protection of minorities, and the uplift of the Harijan and the Tribals, are some of the matters that concern the Governors. At the second level, the consultations are frankly political and deal with more specific issues that confront the Government in its day-to-day administration. It is at this level that policies are evolved, and the broad strategies to follow in the Plan period and on vital matters that concern the citizens are finalized. At the official level, it is the *implementation* of the policies laid down at the political level that form the chief concern. How are the various schemes progressing? What are the bottlenecks in the success of a programme? These are undoubtedly matters of detail, but they are fundamental to all administration and, hence, form subjects of consultation at the official level.

Perhaps, it should be clarified that consultations, however, pompous they may sound, need not always be formal. While meetings and conferences represent a formal method of ascertaining the views of the State representatives, there is a great deal of informal consultation that goes on at all levels and it may even be claimed with some

degree of justification that the really worthwhile consultation is what is done informally. Formal meetings are often open to the Press and get too much of the limelight for the participants to open their minds fully and frankly; every one is conscious that the opinions they express at such meetings are likely to affect their image in the public mind. But informal meetings, sometimes in the offices and often at homes, enable persons to open their minds and express themselves more frankly leading to a genuine understanding of each other's viewpoints. Hence, in assessing the nature of consultation, it is good to remember that like the iceberg, what is seen outside is only a small part—and perhaps not the significant part—of the totality.

Governor and President

The role of the President and Governor in the political and administrative pattern of the country has been the subject of much controversy since the early days of Independence. While the Constitution assigned them a role similar to that of the monarch in the United Kingdom, their precise powers and functions in the Indian context were not always clear. Are they merely figure heads to act as symbols of the State and nothing more, having to do whatever the Prime Minister at the Centre and the Chief Minister of the State want them to do, or do they have any special powers and responsibilities as the Heads of the State? In the recent years, it is becoming evident that in a fluid political situation, it is the Governor alone who represents a focal point of stability at the State level and who has to run the day-to-day administration once the President decides to take it over. Hence, a Governor, who is above the political disputes in the State, is beginning to be seen as an important element in the administrative framework of the country.

It is the Governor's job to keep the President informed of all that is happening in the State—not as a partisan or a political figure, but as an objective observer who views the scene dispassionately. In fortnightly reviews to the President, the Governor makes an assessment of various events in the State and provides the head of the country with his views on various matters. Where the State administration is unable to maintain law and order or where forces of disorder threaten the stability of the State, it is the Governor alone that can report impartially to the President who then takes the decisions on the advice of the Prime Minister. With the increasing occurrence of lawlessness in the country and large-scale defections of political parties, the Governor's report becomes a matter of great importance as forming the basis of any decisions by the Centre. This is particularly so in the

case of States ruled by a different political party from that at the Centre in which case other channels of communication are clogged, if not completely disrupted. The Governor, at times, has to take a vital decision, as in West Bengal two years back, which might make him the centre of a controversy but most often he stays away from it and merely acts as the eyes and ears of the President in the State.

Another opportunity afforded to the Governors is the Annual Conference of Governors which is a three-day affair when the President, the Prime Minister and a senior member of the administration discuss with the Governors problems affecting all the states. This, again, is a valuable occasion when the Central administration is able to obtain a frank report on the conditions in several States and the impact of the central policies at the state level. Such Conferences may not be productive of any immediate policy decisions but, none the less, they enable the central and state administrations to take stock of each other and to evolve policies in the light of such knowledge. Since these Conferences are not political in nature, there is greater objectivity and frankness and the President and Prime Minister are able to obtain an assessment by seasoned and experienced observers which may otherwise be difficult to get. And, apart from the purely formal conferences, much is gained at the social 'Get Togethers' that invariably attend such a Conference through informal talks and discussions.

National Development Council

Perhaps, the highest institutional arrangement for consultation between the central and state governments is the National Development Council (NDC) which may be regarded as the supreme consultative body in the country. Presided over by the Prime Minister and consisting of all the Chief Ministers of States and Union Territories as well as the Union Cabinet Ministers, it is the NDC that provides the highest level forum for discussions on all vital matters affecting the Centre and States. Whether it is the adoption of the Fourth Plan or the implementation of land reforms or allocation of revenues between Centres and States, it is the NDC that discusses them to arrive at a consensus, if not an outright decision. It provides an opportunity for face-to-face discussions between the chief executive authorities in the States and at the Centre on problems of great importance. And, in the case of States where the ruling party is different from that at the Centre, it forms virtually the only forum for such discussions.

But quite often, the NDC itself gives the impression of being a shadow play; although, discussions are held at closed-door sessions,

so much of it leaks to the Press that statements made at the NDC become virtually public in a few days. The postures adopted at the conference seem more for public consumption than for meaningful discussion. There is much sparring and verbal jousts; except in the case of one or two, most seem to take the NDC as an occasional get-together to meet colleagues of other States and exchange experiences. Perhaps, the really important part of the deliberations is again behind the scene when the Prime Minister meets individual Chief Minister or groups of them at which decisions are agreed upon which are made public at the session of the NDC. Occasionally, as in the case of a location of a public sector project, or redressal of regional imbalances, there are discordant notes struck by the chiefs of the 'backward' states, irrespective of party affiliations; but these are soon stilled and harmony is again restored in the discussions. The NDC, valuable as it is, is perhaps more useful for bringing together periodically at one place all the executive authorities in the country than for the specific discussion it generates.

Group Consultation

Another important forum for consultation (as far as the Chief Ministers belonging to the ruling party are concerned) is the numerous party meetings and conferences. Many of the Chief Ministers are on the Working Committee or Parliamentary Board of the Congress party and all on the AICC. The meetings of these bodies give an opportunity for discussion of problems affecting individual States. At times, meetings are arranged by the Prime Minister with the Chief Ministers of particular States to settle specific matters, such as a river water dispute or a 'border' quarrel between two or three states. In addition, most of the Chief Ministers meet the Prime Minister and senior Union Cabinet Ministers frequently to press the State's point of view on matters of public importance practically affecting their States. At times, such meetings are attended by unusual publicity but, most often, they take place without much fanfare and notice which provides a good opportunity to make known unobtrusively but forcefully the view of the State. And, of course, the Prime Minister herself goes to the various State capitals as frequently as her duties permit her to be away from the Capital; and at these tours, there is a considerable amount of consultation, both formal and informal, which enables her to feel the pulse of public opinion in the State. Ultimately, it is public opinion that counts in any democratic framework; and while no one today can gauge the public viewpoint as preceptively as Gandhiji and Jawaharlal did in their life times, the tours of the Prime Minister provide her an opportunity to measure the intensity of public opinion on any specific issue.

Planning Commission

An important channel of communication, particularly in the planning process, is the Planning Commission that was set up in 1950 as the highest body dealing with planning in the country. And since planning in India touches on almost all aspects of the national life, there is indeed little that is outside the purview, immediate or remote, of the Planning Commission. In another sense, too, the role of the Planning Commission is significant: it is at a level where political policies are translated into administrative plans and field problems are taken into account in formulating national policies. The Commission itself is a quasi-political body and yet not entirely political. Composed of men drawn from several walks of public life, it commands an expertise, largely administrative in content, and yet as a Commission it deals mostly with the political authorities in the States. It represents, therefore, an important vehicle through which broad national policies are translated into administrative schemes and are incorporated in the state plans; on the other hand, by holding frequent consultations at the official level, it reviews the implementation of the plans, takes into account the bottlenecks and problems encountered in practice and tries to find suitable policy solutions for such problems. By keeping in close touch with the political levels, on the one hand, and administrative cadres, on the other, it enables a constant two-way dialogue to be maintained between States and the Centre at both official and political levels. In a sense, this may be its biggest contribution; however, much its critics may rail at it as an unnecessary appendage to administration, the Planning Commission does represent a separate channel of consultation between the Centre and the State and, what is more important, between the political and administrative cadres—which enables a beneficent interaction to take place between the thinking at the Centre and in the States. The Evaluation Wing of the Planning Commission also makes an objective assessment of the working of individual schemes which are useful to the administrative ministries, who may not always get the most accurate information from the States. Programme Advisers, who are experienced administrators are also attached to the Planning Commission to keep in close touch with groups of States and ensure that the plans in those States are proceeding according to schedule. In times of distress and national calamities, it is the Programme Advisers who make a rapid assessment of the extent of damage and the relief measures that are required to be taken to alleviate distress.

Ad hoc Commissions

Besides the Planning Commission, which is a permanent body, *ad hoc* commissions are appointed from time to time for specific

matters concerning the Centre and the States. The most prominent of such Commissions is the Finance Commission appointed once every five years to advise the Union Government on the distribution of revenues between the Centre and the States. Considering the difficult financial position of most states, the recommendations of the Commission are of great importance to every State and considerable efforts are made by each State to present as bleak a picture as possible to claim the greatest measures of assistance in the next five years period. Other Commissions of significance, in recent years, are the Administrative Reforms Commission, whose reports touched almost every aspect of Centre-State relationship (including an exclusive report on it) and the States Reorganization Commission which dealt with administrative boundaries of the constituent states. There are numerous other Commissions which deal with limited aspects of the Centre-State relationship and which provide opportunities to the State for expressing viewpoints on matters of national importance that affect the States in a significant manner.

Ministerial Committees

Each of the administrative ministries has a high-powered body—Committee or Board whatever it is called—which is often a mixed one, consisting of ministers and senior officials of the States and the Centre. Such Committees hold periodic meetings, ranging from once a quarter to once annually. These meetings which deal with specific aspects of the Ministry's work, often conduct deliberations which go into problems at some depth; they enable the representatives of the States to express their viewpoints with some vigour. And since the Union Minister usually presides over such meetings, it ensures that such views are heard by those in charge of national policies. This is so even in areas which constitutionally are allotted to the States; for even in such matters, a certain measure of uniformity is necessary and on all-India pattern is to be evolved. Land reforms, for instance, is a State subject but so vital are its long-range implications that the Centre has inevitably to step in and ensure that such reforms are implemented speedily so as to make land available to the landless in a significant manner. Similarly, employment opportunities, particularly for those technically qualified, has become an issue of national significance, although strictly it falls within the purview of State responsibility. Again, Small Industries Development is often thought of as the responsibility of the States and yet so important has dispersal of industrialization become from the point of view of creating new jobs as well as in reducing regional imbalances that the Central Government is forced to formulate programmes for development of small industries and take other steps

that will ensure its healthy growth in the national economy. Since planning is a total effort, much of distinction between the States and the Centre tends to be obliterated in practice and the latter is required to assume a heavier degree of responsibility than may appear necessary on paper.

Official Level Consultation

In addition to the high-level Committees and Boards, frequent meetings are held, both collectively and individually, by the various administrative ministries at the Centre with the corresponding ministries at the State level. In fact, the complaint often heard is not that such consultations are rare but that they are all too frequent; and that State level officials have to make the 'pilgrimage' to Delhi far too often for them to attend to their own duties at their headquarters. It is for this reason that in some States even senior officials are required to take the permission of the Chief Secretary, and even the Chief Minister, before they can go to Delhi. The utility of such meetings varies considerably; when held with careful advance preparation, they can be productive of much good while, on the other hand, they can easily slide into generalities and platitudes for hearing which it may hardly seem worthwhile to make the long trek to Delhi.

It may at this stage be pertinent to emphasize the role of the All-India Services in making Centre-State consultations at the official level smooth and effective. Since a significant proportion of the senior officials at the Centre belong to the Indian Civil Service (and increasingly, the Indian Administrative Service) there is a bond of fellowship and comradeship between them and the members of the same service at the state levels. This helps in making informal consultation effective through personal discussions between persons whose background and experiences are similar. The fact that both the persons may, in fact, not belong to the State also helps to introduce an element of objectivity in such consultations. Even amongst the States themselves, the role of the All-India Services in finding mutually satisfactory solutions cannot be minimized. There is the instance of a Deputy Commissioner in Bihar who was faced with a long-standing dispute with a neighbouring district in U.P., suddenly realized that his counterpart across the State border was his batchmate and, in fact, a good friend of his; a solution was soon reached aided by mutual understanding and goodwill. Such instances can be multiplied and it is, therefore, a matter of gratification that new All-India Services are being created, some already having been done in Forest, Medical, Engineering, etc. There is no doubt that such Services play a subtle

but important role in 'oiling' the transmission system between the Centre and the States. At a time when linguistic and regional variations seem to become more pronounced, the countervailing force of cohesion and fellowship provided by All-India Services is too valuable to be ignored.

Another feature in the last decade is the posting of special representatives of the State Governments at New Delhi to ensure speedy disposal of matters relating to the State in the Ministries at the Centre. These 'Minor Consular Corps', as they are sometimes referred to in jest, have been in operation for almost 10 years; but it is difficult to assess precisely their usefulness or impact. While it cannot be said that they influence to any degree the decision-making at New Delhi, it must be admitted that they help to make it quicker by arranging to obtain the requisite information quickly. These 'mini-embassies' also act as listening posts for the State to provide information to the political executive and senior officials of the State as to what is happening at Delhi. It is a measure of the proliferation of administrative agencies at the Centre in recent years that even States, such as Tamil Nadu—which, for a long time, was not in favour of opening an office at New Delhi—felt obliged to do so at last. These representatives also help to brief the MP's from the State as well as the Press at the national capital on the happenings in the State. They, thus, provide another link between the Centre and the States—but their role is somewhat undefined—quasi-administrative, and sometimes a little beyond—in making better known the problems of the State.

Pattern of the Future

Having discussed at some length on the existing pattern of consultation between the Centre and States, it is useful to speculate briefly as to the pattern for the future and whether any corrective action needs to be taken in checking undesirable trends. It seems likely that increasingly in the future, the tendencies of the States would be to demand a greater autonomy for themselves and a clearer demarcation of the powers of the Centre and the State. The demand of many State Governments to the given powers of licensing new industries in their areas or allocating foreign exchange are trends in this direction. Even more disturbing is the suggestion made by a State Government for a separate flag which is seemingly innocuous but dangerous as a portent. It is also likely that the political complexion of the administration at the States and the Centre would be widely diverse and the bonds of unity forged during the freedom struggle would become more tenuous as that struggle itself becomes a faded memory. The

possibility of the coalition governments—both at the States and even at the Centre—will make the picture more complicated, making it necessary for effective channels of communication at other levels.

In turn, this will make the other levels of communication more important to preserve the degree of understanding and rapport between the Centre and the States. The Governor, on the one hand, will become an important medium of consultation—the more weighty because it is impersonal and objective. There is already a point of view that the Governor must play a more dynamic role in the administration of the State, and that he has a special responsibility towards linguistic minorities and backward classes. It may, therefore, become necessary that the Governor ceases to be a figure head existing only at the pleasure of his Chief Minister but a personality in his own right able to command the confidence and loyalty of a large mass of the people. For this, it is important that the choice of a Governor is more carefully made than from the ranks of ageing politicians.

At the other end, the All-India Services will provide a balancing force against the divisive tendencies apparent in the country. The members of these Services, drawn from all parts of the country and selected purely on merit will represent a stabilizing element that will be an asset to the country. It is good, therefore, if more all-India Services are formed as these will owe allegiance not to any particular State but to the nation as the whole.

CONCLUSION

The Centre-State relationships will become even more important in the seventies and in this context the pattern of consultations, both formal and informal, will form an important element. Perhaps, in the ultimate analysis, it is these that will keep alive the country's integrity because if 'communication gaps' were to develop between the Centre and the States, the result would be discord in action. There is, undoubtedly, need for a constant review of the arrangements for consultation and for ensuring that the viewpoints of the one are made known—even if not always acceptable to the other—for it is only then that this finely-adjusted mechanism of a nation can move forward to an era of growth and prosperity.

THE CENTRE-STATE CONSULTATIVE MACHINERY IN INDIA

Shriram Maheshwari

BUSINESS of governance calls for continual consultation¹ among the various levels of a governmental hierarchy. This should be axiomatic. Consultation, however, undergoes a qualitative change in federalism with its separate, largely independent yet inter-dependent levels of government. In a competitive polity, it is indispensable and goes far beyond a mechanical function of saying one's piece. This, too, should look incontrovertible. The first kind of consultation referred to in the opening sentence is intra-governmental taking place in both unitary and federal governments—indeed, in all systems of government. The second one is inter-governmental and constitutes the theme of the present paper.

Consultation between the centre and the states is not only unavoidable but desirable also. By providing a sense of participation to both and by augmenting inputs in decision-making it makes for the harmonious functioning of the federation. In addition, there are pragmatic reasons also which point at the need for cultivating a network of consultation on matters incidental to federalism. Despite a formidable list of functions which the constitution of India confers on the central government, the crucial tasks of nation-building—agriculture, education, health, etc.—along with many regulatory functions like law and order remain lodged with the constituent states. This makes the central government critically dependent on the former in its move to take the nation forward. In such a relationship, central directives have virtually no place and consultation is thus the only technique to make the autonomous states develop broadly agreed programmes which

¹ It may be conducive to clarity of thought if one acquaints himself with the meaning of 'consultation'. A celebrated philologist gives the following definition: 'Consult... is a frequentative of *consulo*, signifying to counsel together... *Consultations* always require two persons at least, ... an individual may *consult* with one or many; ... advice and information are given and received in *consultations*... We communicate and hear when we *consult*; ... those who have to cooperate must frequently *consult* together...' (George Crabb: *English Synonymes*, 1920 centennial edition). This is a fairly detailed definition of consultation as a process and in its basic purposes, though the motives beneath it may be more numerous ranging from promotion of broadly uniform administrative patterns among the constituent states to deliberate delay in decision-making.

constitute the lynch pin of a welfare state.² The existence of concurrent list in the constitution making as many as forty-seven subjects open to legislation both by the centre and the states makes centre-state consultation imperative.³ There is yet another aspect of this question. As the central government⁴ in India calls on the individual states, in most matters, for implementation of its decision, it is but proper on its part to consult the states on such issues the brunt of which is to be borne by the latter. Even otherwise, the exigencies of a situation may either compel or commend consultation with the centre or with the state (or states). This in practice is done by both the levels of government as and when necessary.⁵

The consultative machinery as an integral part of the machinery of government acquires an attribute of indispensability in view of the fluidity which presently marks the country's politics—a situation we should learn to live with for quite some time to come. During the period of one-party dominance the use of the consultative machinery was, in a way, even optional, as centre-state or inter-state disputes used to be settled along the familiar political network. Since 1967, however, the Congress as a political force has been on the way out, causing in its wake a political vacuum all along the line. Consequent on a sudden and drastic weakening of the political network, use of the consultative machinery is apt to become more compelling and what is more, pressure on it would increase, necessitating its diversification and differentiation.

II

While the need for machinery of consultation between the central and state governments is undoubted and great, its development remained slow and stunted for want of demand for it. This is to be accounted for by the hegemony of the same political party namely the Congress at both levels of government and its extraordinarily unitary structure.

² This point greatly struck Paul H. Appleby, "The power that is exercised organically in New Delhi is the uncertain and discontinuous power of prestige. It is influence rather than power. Its method is making plans, issuing pronouncements, holding conferences. In reference to two different programme fields I have been authoritatively informed at both the centre and in the states that the centre's administrative function is performed by annual or semi-annual conferences. (*Public Administration in India—Report of a Survey*, New Delhi, Cabinet Secretariat, 1953, p. 17).

³ In future the initiative in this area is likely to remain with the states, necessitating consultation with them if the Central Government is to invoke the concurrent list.

⁴ In contrast to India the American federalism has a dual executive system; the federal legislation is implemented by the federal agencies and the state legislation by the state authorities.

⁵ This is covered under the third category, discussed later in this paper.

As a consequence, what were essentially administrative issues and problems normally expected in a typical federation solution through and by the regular governmental hierarchies used to be discussed, debated and finally resolved through the party machinery to an almost total exclusion of the former. This was largely possible because of the towering personality of Jawaharlal Nehru who had himself emerged as the final court of appeal on an amazingly wide range of subjects including those directly impinging on centre-state relations and thus a powerful agent of centralization in the country. All this reinforced the rigour and discipline of five-year plans in making the States succumb to central pressures and, in effect, converting a territorially horizontal federation into a functionally vertical one. Such a circumstance was unhelpful for 'consultation' to grow in the true sense of the term, for, in practice, it could hardly remain distinguishable from imposition and even dictation. While this is broadly true, the States, too, on occasions, succeeded in bending the centre to their wishes by successfully invoking the party channels. And, since 1962 the national political network started showing sign of becoming favourable to the states emboldening them to ask for and even strike better bargains with the centre. (They were becoming adults.) This new development threatening the hitherto unchallenged central supremacy was a direct consequence of the NEFA debacle and Nehru's perceptibly failing health and prestige. The fourth general election (1967) formally registered these changes causing the Congress's slashed majority in national Parliament and in many state legislatures and erosion of political power in the remaining ones.

III

Classification of Consultative Machinery

The consultative machinery between the Central and the State governments may be said to fall into three broad categories. The constitution itself has visualized institutions to this end. Article 263 envisages an inter-state council charged with the duty of:

- (a) inquiring into and advising upon disputes which may have arisen between States;
- (b) investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States, have a common interest; or
- (c) making recommendations upon any such subject and, in particular, recommendations for the better coordination of policy.

Although the inter-state council has not yet been set up, the Article was expressly invoked in 1952 and 1954 when the Central Council of Health and the Central Council of Local Self-Government were respectively established by the Central Government to discuss matters relating to health and local government both of which are in the State field. Article 262 lays down an adjudicating machinery for settlement of inter-state river water disputes which, in 1956, got crystallized in the shape of Inter-State Water Disputes Act. Although this Article stipulates arbitration, consultation takes place between the Centre and the concerned States before it is invoked. This was disclosed by the Deputy Minister in the Central Ministry of Irrigation and Power when questioned on certain pending water disputes. His reply was: "A further effort is being made to settle these disputes through negotiations, failing which these will be referred for adjudication under the Inter-State Water Disputes Act, 1956".⁶

The second category comprises a network of conferences and councils brought into existence by the Central Government to act as institutionalized channels for consultation with the states on a wide variety of subjects. These bodies are mostly *ad hoc* ones convened under the executive order although a few like zonal councils are statutory in origin and at least three of them—the National Development Council, the Central Council of Health and the Central Council of Local Self-Government—owe their existence to the resolutions of the central government. They mostly abound in areas earmarked to the States under the constitution and have been utilized as much for humdrum coordinational purposes as for exchange of views and sharing of experiences. Their number has been steadily increasing and, today, there is hardly any central counterpart of a state department which keeps itself deprived of the honour of convening a conference!

In addition to the conferences at the national level, they are also held at the regional level, the well-known among these being the zonal councils' five in number and set up under the States Reorganization Act, 1955.

These conferences take place at political, administrative and professional levels. The National Development Council, the Chief Ministers'

⁶ *Lok Sabha Debates*, Fourth Series, Vol. XXVI, No. 26, March 24, 1969, col. 129.

⁷ For a discussion of the role of zonal councils in centre-state relations see the author's *Indian Administration*, New Delhi, Orient Longmans, 1968, pp. 189-92. Also see the author's (i) 'Zonal Councils: A Study of the Northern Zonal Council' in A. Avasthi and S.N. Varma (Edited): *Aspects of Administration*, New Delhi, Allied, 1964, pp. 104-26; and (ii) 'Zonal Councils in the Indian Federal System—A Case Study' in *The Economic Weekly*, July 17, 1965, pp. 1131-7.

Conference, and the conferences of ministers of different departments are examples of conferences at the political level. They have been in existence for a fairly long time and at least two of them, the Chief Ministers' Conference and the Food Ministers' Conference, are even of pre-independence vintage. One can have an idea about the sweep of these conferences from the following list, which is illustrative, not comprehensive :

1. The Central Council of Local Self-Government.
2. The Central Council of Health.
3. The Food Ministers' Conference.
4. The Conference of State Home Ministers.
5. The Conference of State Finance Ministers.
6. The State Education Ministers' Conference.
7. The Conference of State Ministers of Agriculture.
8. The Conference of State Ministers of Cooperation.
9. The State Labour Ministers' Conference.
10. The Conference of State Ministers of Community Development.
11. The Conference of State Ministers of Social Welfare and Welfare of Backward Classes.
12. The State Housing Ministers' Conference.
13. The Conference of State Ministers of Irrigation and Power.
14. The Conference of State Ministers for Town and Country Planning.
15. The Conference of State Information Ministers.
16. The Conference of State Ministers of Cultural Affairs.

The conferences at the administrative level include the chief secretaries' conference and the conferences of various functional secretaries. They are all *ad hoc*. While the Central Minister concerned presides over the conference held at the political level⁸, the secretary in the central department acts as the chairman in the secretaries' conference. The Conference of Chief Justices of State High Courts, presided over by the Chief Justice of India, the Conference on Irrigation and Power attended by state government engineers and heads of river

⁸ The President of India presides over the Governors' Conference.

valley projects and the Conference of Vice-chancellors are among the conferences held at the professional level although the first one does not fall within the executive branch of the government.

Consultation between the Centre and the States also travels on paths, less glamorized and publicized no doubt but certainly more constructive and positive in intent. This, which is the third category, is essentially in the nature of a (mostly written) dialogue, frank and free because protected from public gaze, taking place as and when necessary. Numerous communications daily flow between the Central and State governments on diverse subjects ranging from a central minister's visit to the location of a proposed atomic energy plant. This, indeed, constitutes the daily business of government, turning into 'consultation' only in the event of differences and disagreements between the centre and the state government concerned. The adoption of planning in the country has unfolded a new dimension of almost continuous consultation between the Planning Commission and the States. The Planning Commission sets up panels consisting of representatives of Central Government as well as of States to examine subjects of common interest. Also, the Five Year Plan is discussed with the States at official, ministerial and chief ministers' levels before it receives the imprimatur of the National Development Council. All this consultation, however, takes place through 'proper channels' but sometimes there is even an inspired leakage in the press in a bid to back the State's demands with public opinion. Under this category may also be included these oral conversations, seldom reduced to writing in detail, between 'opposite numbers' to informally 'arrange' the matters. This area of operations, full of insight and fascination no doubt, may not be adequately explored presently in the absence of memoirs by politicians and civil servants.

Yet, currents flowing on subterranean paths do not completely remain unnoticed and unheard. It is, for instance, known that the chief minister is invariably consulted on the appointment of governor to his State. "As an extra constitutional convention the chief minister of the State concerned is informally consulted before appointing any individual as governor of the state."⁹ He is also consulted in the appointment of Chief Justice in the State's high court. One can easily recall other instances of similar consultation but the point which ought not to be overlooked is that the degree and even effectiveness of consultation in this category has depended on the position a chief minister enjoyed in the party hierarchy in relation to those holding power at the

⁹ Observed by the minister of state in the Ministry of Home Affairs as reply to an interpellation, *Parliamentary Debates Rajya Sabha*, Vol. LXVII, No. 25, col. 6008-9.

centre, his hold in the State, the degree of politicization there, his capability in whipping up popular agitation in case he is ignored by the centre etc. It was, for instance, not possible for the Central Government to appoint a governor in a State like U.P. without the complete agreement of Govind Ballabh Pant, its then chief minister. A certain governor was quietly transferred in mid-term at the behest of his chief minister. Such things were, however, done informally without any public knowledge, much less debate. Informal consultation has both advantages and disadvantages. It certainly eases the tasks of governance but at the same time allows the mushrooming of power-centres owing loyalty to factors like regionalism and linguism, etc., cutting across the political and administrative levels. Emergence of lobbies at the administrative level constitutes a threat to any polity, for these have the knack of functioning stealthily.

IV

It is but logical now to turn our attention to a few conferences and councils with a view to describing, albeit in brief, their composition and functioning. For such a treatment the following bodies have been selected:

- (i) The Governors' Conference.
- (ii) The National Development Council.
- (iii) The Chief Ministers' Conference.
- (iv) The Chief Secretaries' Conference.
- (v) The Conference of Inspectors-General of Police.
- (vi) The Central Council of Local Self-Government.
- (vii) The Conference of Municipal Corporations.

The first three are functioning at the political level. The next two are officers' conferences operating on the administrative plane. The last two have been selected for they deal with local government, thus indicating the stretchiness of the centre's interest even to the level of grassroot government.

The Governors' Conference

The Governors' Conference held regularly since the inauguration of the present constitution is, historically, a continuation of a much older arrangement under which the governor-general used to call the

conference of governors who, under the earlier dispensation, were the real, not nominal, executives. The Governors' Conference meets annually, each meeting continuing for two days. The President of India is the chairman of the Governors' Conference. The Vice-president and the Prime Minister also attend; other Central ministers are also invited, depending on the agenda. The agenda of the Conference consists of items suggested by the Central Government as well as those sent by individual governors. Generally, the Governors' Conference holds its discussions under two heads, namely, law and order and development.

The rationale of the Governors' Conference lies in its being a source of information to the Central Government on matters concerning the States, which is independent of the State-governmental machinery. This is a forum where the President-appointed governors apprise the President frankly and directly with the political, social and economic situation in their respective States.

Until 1967 this body was virtually without any use. As almost all States had stable and, what is more, Congress governments, the government at the centre ruled by the Congress found practically little use in a forum like the Governors' Conference. The political network was live and effective as a line of communication between New Delhi and State capitals. The political fluidity resulting from the fourth general election (1967) reflecting in and, in turn, getting aggravated by, the spectacle of "Ayachands" and "Gayachands" caught the governors napping, as it were, swinging them in the mainstream of political decision-making. Who was to be invited to form the government in the state; how was majority in the state legislative assembly to be tested; how claims and counter-claims of different political parties in the state legislature were to be examined were only some of the questions demanding almost instant answers from the governors. These are among the questions that the Governor's Conference has been discussing since 1967 and has, therefore, become a forum useful to the bewildered governors, codifying gubernatorial responses towards questions like the above.

As the real executive in the State is the chief minister, the Governors' Conference has often been treated by some governors as a forum to press for their States' demands. The Centre is unlikely to succeed in imposing its will on the States as the governors are, in normal times, mere constitutional heads. But the States, at least those having more possessive chief ministers, make it a point to brief their governors to lobby for them in the Governors' Conference. As a consequence,

the Governors' Conference has been tending to project the States' demands direct to the font of power—the President (who is the chairman) and the Prime Minister (who remains present in the meeting).

The National Development Council

The National Development Council¹⁰, set up in 1952 under a resolution of the cabinet secretariat, is the key institution in the sphere of Centre-State relations. In addition to the function of laying down guidelines for the formulation of the five year plan, approving and reviewing it and securing its coordinated implementation, the National Development Council concerns itself with important questions of social and economic policy affecting national development.

The National Development Council consists of the Prime Minister, the chief ministers of all states, the central cabinet ministers and the members of the Planning Commission. The Prime Minister is its chairman. The Council meets at least twice in each year, each meeting continuing for two days. It has set up a standing committee which meets more frequently.

Till 1962 the National Development Council was a forum which kept the balance of power in the federation tilted in favour of the Central Government. From then onwards the political power-structure started swinging in favour of the States. The National Development Council had almost a new birth in 1967. Since then it has come to be increasingly reckoned as a bargaining counter where the States are too anxious to wrest the maximum from the Centre and each State pleading most vigorously for a maximum share in the Central largess for its use. This role of the National Development Council is unlikely to disappear in the foreseeable future. The Central Government, surviving on precarious coalition or quasi-coalition, evidently lacks the capacity to decisively assert itself. The States on their part have come to be ruled by political leaders who have parochial outlook, seldom raising their head much above their individual States. The Council's meeting held in March 1970 is a fairly reliable pointer to the likely shape of things to come.

Beneath the political postures adopted by different States lie the hard economic realities. That politics was subservient to economics was made evident by the deliberations at the Council, which cut

¹⁰ A more detailed account is given in the author's *Indian Administration*, New Delhi, Orient Longmans, 1968, pp. 86-103.

across political alignments. The States confronted the central government with complete unity and, almost in the same breath, gave ample indication of inter-State differences, both kinds of role being imposed on them by the prevalent economic conditions. The Congress chief ministers joined hands with the non-Congress ones in demanding an upward revision of the States' outlays in the Fourth Five Year Plan. At the same time, the states stood divided between the 'haves' (Maharashtra, Tamil Nadu, Punjab and Gujarat) and 'have nots' (Madhya Pradesh, Andhra Pradesh, Mysore, Bihar, Uttar Pradesh and Rajasthan). An illustration of such a division is provided by the wrangling over the interpretation of 'backwardness' on which depended the quantum of central financial assistance to the States. Ultimately, the developed States succeeded, much to the chagrin of their less fortunate sisters, in prevailing upon the Planning Commission to accept a more generous definition of backwardness than what was proposed by the Pande Committee on this subject and, as a result, secured eligibility to concessions and financial assistance made available to the backward States for their development. But by far the largest effort of the State is devoted to the securing of maximum economic advantages for itself from the Central government although few may like to emulate in this respect Tamil Nadu which brusquely demanded that the former sanction a steel plant to it 'here and now or face his (the Tamil Nadu chief minister's) opposition to the fourth plant'.¹¹

A few other points emerging from this meeting are also worth noticing. The Council insisted on voting in the meeting. It departed from its earlier practice by not approving the five year plan unanimously; the plan was passed only by a majority decision. Besides through a 'directive', it urged on the Central Government to reassess the Central and State plans, which evoked the cryptic comment from D. R. Gadgil, the deputy chairman of the Planning Commission: 'quantum may be changed a little here and there—no more'.¹²

Apparently not satisfied with the present manner of the council's functioning, the Central Government appears to be exercised over how to improve it. With this in mind, it arranged separate meetings of the Congress and the non-Congress chief ministers before the formal Council meeting, and again held, after the Council had formally concluded its meeting, its 'informal' session from which the customarily attending members of bureaucracy were kept out. The latter move was calculated to take the heat out of the formal National Development Council discussions. Secondly, as a newspaper commented, 'this

¹¹ Vide, *The Times of India*, March 22, 1969.

¹² *The Times of India*, April 22, 1969.

departure from practice... has a wide significance. If the results justify, the National Development Council could gradually take on the functions of the inter-State council...'.¹³

It is plausible that the States, too, might be thinking of making the Council more effective than it presently is. Punjab, for one, has a plan for its reorganization, which it disclosed early in 1970. Punjab felt that the discussions in the National Development Council were hustled through rendering any free and frank exchange of views 'impossible'. 'The chief ministers are each allotted a few minutes to speak and at the end of the day decisions are announced. The decisions appear to be preconceived and the entire discussion seems to be wasteful and fruitless.' As the Council meets for a day or two and, further, as it is called upon to pronounce its views on several important and complex problems, the chief ministers are left with hardly any time to grasp the implications of all proposals. As a way out, it suggested that the National Development Council be assisted by a 'standing advisory committee' consisting of official advisers from each State and representatives of Central Government ministries concerned and the Planning Commission. The proposed standing committee would lay under thorough examination the agenda items and the notes prepared by the Planning Commission and vet these before they are put up to the Council.

Chief Ministers' Conference

Like the National Development Council, the Chief Ministers' Conference is the summit meeting of the chief executives of the central and state governments. The distinction between these two bodies is as between Dr. Jekyll and Mr. Hyde.

The Chief Ministers' Conference dates from 1946 when Vallabhbhai Patel, the home member in the interim central government, convened the Premiers' Conference to secure agreement to the formation of the 'Central Administrative Service' (meaning the IAS) and the Indian Police Service. It has been meeting every year since then, the frequency in a certain year depending upon the gravity of issues warranting notice of chief executives as well as the predilections of the Central Leadership.

The Chief Ministers' Conference discusses the whole range of matters concerning the States except, of course, the Five Year Plan, for which the appropriate forum is the National Development Council.

¹³ *The Times of India*, April 17, 1969.

The demarcation between these two bodies has been, however, indistinct. The Chief Ministers Conference has repeatedly discussed the food problem in the country, a subject which may equally appropriately be discussed in the National Development Council. The Chief Ministers' Conference meets more frequently than the National Development Council and is convened as and when some problem considered to be of sufficiently wide importance so as to deserve the direct attention of the chief ministers arises. It usually holds a two days' session. The Prime Minister presides over the Conference which is also attended by other central ministers concerned with the agenda of the meeting. The items for the agenda are submitted by both the Centre and the States although, in practice, the initiative has always rested with the Centre.

The Chief Ministers' Conference is potentially an important forum for the discussion of issues and harmonization of relationship between the Centre and the States. Although it may not always produce a set of agreed decisions, it may be helpful in reducing the mental distance between the Union and the States as also among the States themselves. It is the only forum where the consensus of the States on emerging problems may be ascertained. Consequent upon the weakening of the central government since 1962 and definitely since 1967, the Chief Ministers' Conference has emerged as a powerful body to discuss and regulate the Centre-State and even inter-State issues. What is more, in future, again flowing from the Centre's weakened position, to this body may be diverted, for its decision, many questions which would have normally remained with the central government for settlement. The recent decision of the Prime Minister to refer Tamil Nadu's request for a separate flag to the Chief Ministers' Conference is a significant pointer. The central government may in future deliberately de-emphasize its role as a decision-maker in many Centre-State and inter-State matters and may increasingly invoke this forum to opine on them, thus saving itself from the odium of displeasing a State (or states) with which it is for political reason too keen to remain on coalition terms.

The Chief Secretaries' Conference

The Chief Secretaries' Conference is attended by the chief secretaries of States and presided over by the cabinet secretary in the Central Government. The first Conference was held in 1965 to discuss the law and order situation in the country and although it was expected to become an annual occurrence it has not been meeting regularly.

The agenda discussed in the Conference consists of items sponsored by both the Central Government and the States. Like the Chief Ministers' Conference, this forum apparently finds nothing which it is prohibited from discussing; it is an open-ended Conference. And, it is this 'open-endedness' which severely restricts its utility as a forum for meaningful discussion. As it is called upon to discuss the whole gamut of subjects concerning the States, it should either agree to meet for a much longer duration (which is unlikely) or the agenda of the Conference may be broken up into functional components each to be explored in the appropriate functional secretaries' conference, rendering the Chief Secretaries' Conference redundant.

Yet, there is a rationale for a body like this, which lies in the steering work it may accomplish for the Chief Ministers' Conference. Its utility flows directly from the inevitable imperfection of the Chief Ministers' Conference: as the chief ministers cannot spare much time to discuss problems in a detailed way, it may be necessary for the chief secretaries to meet and engage in in-depth examination of the issues. In its present form, the Chief Secretaries' Conference is not organically linked up with the Chief Ministers' Conference. Its agenda is completely independent of that of the Chief Ministers' Conference. Its meetings are not timed with the Chief Ministers' Conference. If it is convened *before* the Chief Ministers' Conference to engage in preliminary exploration of subjects coming before the Chief Ministers' Conference, it may perhaps become a useful forum optimising the effectiveness of the latter.

The Conference of Inspectors-General of Police

The inspectors-general of police of the States meet to discuss matters like crime, law and order as well as those relating to the police. As crime is not a respecter of State boundary, a conference like this ensures its examination from the national angle and measures to curb it may also be devised in a coordinated way. Secondly, the centre maintains its own police establishments like the Central Reserve Police Force and the Border Security Force which have necessarily to operate in close cooperation with the machinery of law and order of the States; this Conference gives its thought to the development of a coordinated approach to such operational problems.

The Conference of inspectors-general of police meets bi-annually each meeting continuing for three days. It discusses issues like crime situation in the country, suppression of immoral traffic in women and

children, crowd and traffic control, indiscipline among students, training of the police, morale of the police force, prevention and investigation of crime, police equipment and uniform, welfare of the police force, etc.

The inspector-general of police constitutes the third tier in the State's police hierarchy, the first two being the minister and the secretary in the police or home department. By convening the Conference of inspectors-general of police the Central Government has extended its span of consultation right up to the level of the State directorate. Should the Central Government seek consultation with the State's political leadership (namely, minister) only or should it penetrate two steps further down coming face to face with the operative head of the police? As matters relating to police are, when necessary, already discussed in the zonal councils, what is that special advantage sought to be gained through this Conference which may otherwise remain elusive? If the Conference takes formal decisions on matters it discusses, it should be an intolerable situation, for this is a function of the State government; if it does not, it looks like an instance of over-consultation. As regards professional matters, these may be discussed at the sessions of the Indian Police Association which is the professional body of the police personnel.

The Central Council of Local Self-Government

The Central Council of Local Self-Government has been in existence since 1954 having been constituted by an order of the President. It consists of the central minister for health who is its chairman and the ministers for local self-government in the states. The Central Government had for the first time convened a conference of the local self-government ministers in August 1948, which laid stress on such annual gatherings. It even passed a resolution saying: "The conference is of opinion that to ensure coordination, a Conference of Local Self-Government Ministers should be held once a year." The Council is an advisory body. Its functions are:

1. to consider and recommend broad lines of policy in matters relating to local government in all its aspects;
2. to make proposals for legislation on matters relating to local government;
3. to draw up a common programme of action; and
4. to make recommendations to the Central Government regarding the allocation of financial assistance to local bodies and to review the work accomplished in different areas with such central assistance.

The Council held its first meeting in June 1955. It meets at least once every year, each meeting lasting for two days. The venue of the meeting changes every time. The Central Health Minister presides over the meeting but in his absence the members present choose one of their number to preside. The questions before the Council are decided by a majority of votes of the members present at the meeting. There is a provision for the experts and the technical advisers being invited to the meeting but they have no right to vote. The Council being a purely advisory body, passes resolutions at its meetings and also reviews the implementation of its decisions. At present, its jurisdiction is limited to the urban local government only.

The Conference of Municipal Corporations

Dating from 1959 the Conference of Municipal Corporations, originally known as the All-India Mayors' Conference, is convened by the Central Ministry of Health, Family Planning, Works, Housing and Urban Development. To begin with, it was a forum of the mayors of municipal corporations in the country. Its scope was later enlarged by including municipal commissioners also, and it has since been called the Conference of Municipal Corporations. The Central Minister for health presides over its meeting which normally continues for two days. "By convening a Conference of Municipal Corporations the Central Government has for the first time devised a direct bridge with the local governments in the country. Local government is a State subject under the constitution and is the direct responsibility of the State. The Central Government's attempt to forge a direct link with the local governments, by by-passing the States, raises grave constitutional issues besides undermining the authority of the States. A mayor is the first citizen of the city; it is worth examining the propriety of a central minister presiding over a conference of mayors. Finally, a forum like this is apt to eclipse the Central Council of Local Self-Government which is the organization of the ministers for local self-government in the States."¹⁴

V

All these forums generally suffer from certain common shortcomings which tend to impair their effectiveness. The meetings are

¹⁴ Maheshwari, Shriram: *Local Government in India*, New Delhi, Orient Longmans, 1970, Chapter III.

convened at short notice.¹⁵ The agenda papers are not made available to members well in advance¹⁶ to enable them to come prepared for

¹⁵ The following table indicates the time-interval between the issue of notice and the date of meeting of a randomly selected sample of conferences. It should be noted that the transit time of a communication has not been taken into account here:

Serial No.	Name of Conference	Date of issue of notice of the meeting	Date on which held	Interval
1.	Conference of State Food Ministers	12 February 1964	23 February 1964	11 days
2.	Food Conference of Chief Ministers	17 June 1964	24 June 1964	7 days
3.	Conference of State Chief Ministers	9 October 1964	26 October 1964	17 days
4.	Chief Ministers' Conference (Ministry of Home Affairs)	21 October 1964	29 October 1964	8 days
5.	National Development Council	30 August 1965	5-6 September 1965	56 days
6.	Conference of Chief Ministers (Ministry of Home Affairs)	27 October 1965	8 November 1965	12 days
7.	Conference of Chief Ministers	6 July 1966	19 July 1966	13 days
8.	Chief Ministers' Conference	17 March 1967	8-9 April 1967	21 days
9.	Conference of Chief Ministers and Finance Ministers of the States	23 March 1967	10-11 April 1967	18 days

¹⁶ The following table may be revealing.

Serial No.	Name of Conference	Date on which agenda notes issued	Date on which held
1.	Conference of State Food Ministers	2 items on 18 February 1964 2 items on 19 Feb. 1964 1 item circulated on the day of meeting	23 February 1964
2.	Food Conference of Chief Ministers	on the eve of the meeting	24 June 1964 26 June 1964
3.	Conference of State Chief Ministers	25 October 1964	26 October 1964
4.	Chief Ministers' Conference (Ministry of Home Affairs)	That week	29 October 1964
5.	National Development Council	piecemeal on (16 July 1965 23 July 1965 26 & 30 August 1965 1 September 1965)	5-6 September 1965
6.	Conference of Chief Ministers (Ministry of Home Affairs)	3 & 5 November 1965	8 November 1965
7.	Chief Ministers' Conference	14 November 1965	16 November 1965
8.	Conference of Chief Ministers	18 July 1966	19 July 1966
9.	National Development Council	12, 13 & 17 August 1966	20-21 August 1966
10.	Chief Ministers' Conference	1 April 1967	8-9 April 1967
11.	Conference of Chief Ministers and Finance Ministers of the State	7 April 1967	10-11 April 1967

discussion. Often, the agenda papers are distributed on the day of the meeting itself, rendering it impossible for members to make any meaningful contribution to deliberations in the meeting. The agenda notes are copious in size, generally poor in quality and draftsmanship, lacking in pointedness and are not much enlightening on the problems and issues under examination. As reading habit is as yet rather scantily developed in our country, and average member gets more often than not scared by the mere volume of papers sent to him almost at the eleventh hour. Nor is there any felicitous compilation of the agenda for the meeting. A tendency much in evidence is to clutter it with trivial items, which has the effect of eclipsing the momentous issues figuring on the agenda in addition to being wasteful of the members' time. Moreover, the meetings become unweildy in size, because each member brings to the meeting a number of officials apparently to assist him, many of whom have hardly any contribution to make. This happens because a member of the conference may not have the requisite confidence in his own ability to deal with the items on the agenda of the meeting and also because of a widespread craze for trips to Delhi (or to hill stations where several conferences meet). Furthermore, not all who come to a conference make it a point to be present in all its sessions. Generally speaking, the representatives avail of their chance to present their views after which they silently retire, apparently leaving it to the junior officers in their retinue to be present in the sessions. The ideal of all listening to all is seldom realized and the benefits from a conference as being a forum for exchange of views and sharing of experiences remain largely denied. As an aggregate consequence of not being well-led and well-fed, the discussions become, on occasions, desultory and not even germane to the issues under discussion. The minutes of meetings, loosely drafted and not always free from ambiguity, are circulated very late which is unhelpful for keeping track of what was actually done in the meeting.¹⁷ Nor is there a systematic or vigorous follow-up of decisions taken by the body.

VI

The Proposal for Inter-State Council

Consequent upon strained Centre-State relations since 1967, a demand has been made for establishment of an inter-State council charged with the responsibility of considering Centre-State issues. Kerala urged its formation soon after the fourth general election. Its establishment has also been recommended by the ARC

¹⁷ It has even been alleged that some time the minutes do not with complete fidelity correspond with what actually transpires in the meeting.

Study Team on Centre-State Relations¹⁸ as well as by the Administrative Reforms Commission.¹⁹ On the other hand, the Central Ministry of Law argued, in the memorandum submitted to the Administrative Reforms Commission, that the Constitution of India did not visualize any machinery for regulation of Centre-State relations. It held the view that the language of Article 263 made it amply clear that such an inter-state council was mainly to look into disputes among the States themselves and to advise the central cabinet on them, although some matters in which the Central Government and a few States might be interested—in the establishment of a steel plant, for instance—could be referred to the council for its consideration. In any event, in the opinion of this Ministry, Article 263 did not 'permit' the creation of a council to probe the gamut of Centre-State relations as such.

This fairly accurately reflects the attitude of the Central Government on the formation of such an inter-state council under Article 263. When faced with the demand for the formation of such a body the Central Government sought its postponement on the plea that it was waiting for the Administrative Reforms Commission's views on this proposal and that there were already several forums where the Centre-State issues could be discussed.²⁰ That this was only to cover up its lack of courage to reject openly this demand was apparent enough to the more discerning observers. The Central Government is resistant to the setting up of the proposed inter-State council lest its actions be discussed in this body where it may not have the last word. But it may be really difficult for it to succeed in indefinitely postponing the setting up of such a body in the face of mounting pressure in its favour. The only possible danger may lie in the swelling-up of Centre-State disputes and an easy propensity to take disputes direct to it instead of endeavouring to settle these through the normal processes of consultation. But this may happen to be a purely temporary phenomenon and experience would teach the States that the inter-State council is only

¹⁸ *Report of the Study Team on Centre-State Relations*, New Delhi, Administrative Reforms Commission, September 1967, pp. 301-5.

¹⁹ *Report on Centre-State Relationships*, New Delhi, Administrative Reforms Commission, 1969, pp. 32-5.

²⁰ In reply to a parliamentary question V. C. Shukla, minister of state in the Ministry of Home Affairs, observed: "The chief minister of Kerala has demanded the formation of an inter-state council under Article 263 of the Constitution to consider centre-state issues. There are already several forums for centre-state consultations, such as, the National Development Council, the Chief Ministers' Conference, the zonal councils and other numerous functional conferences and committees of ministries. The Study Team on Centre-State relations set up by the Administrative Reforms Commission has dealt with the question of setting up of any Inter-State Council. The report of the Study Team is at present under the consideration of the Administrative Reforms Commission and the Government are awaiting their recommendations". [*Rajya Sabha Debates*, Vol. 67 (LXVII) No. 28, March 26, 1969, col. 5987-8].

the final court of appeal and issues should be taken to it only in the last resort.

The Administrative Reforms Commission recommended that this council should consist of the Prime Minister, the Finance Minister, the Home Minister, the leader of the opposition in Lok Sabha, five representatives, one each from the five zonal councils and such central cabinet ministers or chief ministers as are concerned with a particular subject under discussion. "The inter-State council being a new body, its usefulness has to be judged by the experience of its working. We do not envisage at this stage a permanent inter-State council. The inter-State council, may, to begin with, be set up for a period of two years. A decision may be taken for its continuance in the light of the role it plays, its performance and achievements"²¹.

VII

In addition to what has been said earlier, the following conclusions also seem to emerge from a study of the consultative machinery in the field of Centre-State relations:

1. All the three categories taken together, there appears to be a surfeit of consultative bodies in certain fields of Centre-State relations. To give an example, agriculture and matters allied to it are considered by (i) the Conference of State Ministers of Agriculture, (ii) the conference of State Ministers of Community Development, (iii) the Conference of State Ministers of Cooperation, (iv) the Development Commissioners' Conference, and (v) the Conference of Agricultural Secretaries. In addition, the National Development Council, the Chief Ministers' Conference and the Conference of State Ministers of Irrigation and Power often meet to deliberate on agriculture. There is a case for rationalization: even downright disbandment of some and merger of a few others.

2. Ministers' conferences, in particular, have become devalued consequent on a flux in the country's politics. This is indeed disheartening causing, as it does, a setback to democracy. As the Centre-State problems are political in the ultimate analysis, they ought to be resolved by the political leadership.

3. Almost all major areas of administration are deliberated upon by both the ministers' and the secretaries' conferences. In such cases

²¹ *Ibid*, p. 34.

an insistence on holding the secretaries' conference before the corresponding ministers' conference would be conducive to a more meaningful functioning of both. A proper scheduling of the conferences which appears to be completely neglected at present is overdue.

4. At present, the State ministers and civil servants spend too much of their time on visits to Delhi, thereby causing work to suffer—and pile up. This is a grave matter needing the personal attention of the chief minister himself.

5. Many dimensions of consultation have been added up because of lack of clarity of the policy itself or lack of, or deficiency in, comprehension of the policy. If sufficient thought were given at the stage of policy-formation itself, many subsequent exercises, in consultation would have become wholly redundant.

6. Consultation as developed in the field of Centre-state relations shows greater inter-play of economic forces than is commonly realized. Indeed, consultation is a political instrument keyed to a sharing of economic benefits by all concerned and in this game the familiar party labels tend to become indistinct and blurred.

7. Consultation presupposes a spirit of give and take, which is possible if both the centre and the constituent states show a measure of flexibility in their mutual dealings without wandering away from the perspective. The Centre's attitude has remained marked by undue rigidity and, also, by a feeling of superiority. The States, too, have not always shown the requisite degree of responsibility in their utterances as well as in actions.

VIII

The Central Government should cultivate a high degree of sensitivity and anticipate repercussions including the human and sociological ones while engaged in the disposing of matters coming to it. Its approach towards consultation should be more tactical than merely technical. There are issues which, it is true, have no physical spill-over beyond its accredited sphere and yet should be decided only after intensive consultation with the States. Equally, there are matters in which the centre is not administratively involved (except that of taking a decision) but which, nevertheless, shake the very core of a State; the Centre must, in such cases, arrange prior consultation before agreeing on a course of action. Both these statements need to be illustrated by the centre's

stand on questions of pay and allowances of its civil servants, and of transfer of Berubari to Pakistan.

Considerable embarrassment is at present caused to the States by the Central Government's practice of taking unilateral decision on the emoluments and dearness allowances of its civil service. It is true that some states have been, in practice, accepting, as for their own employees, the Central Government's scale of dearness allowances. Other States, however, may not like or agree to abdicate their individual judgment so completely on such matters. There is a strong case for an integrated approach to such and some other questions which impinge on the service conditions of public employees, which call for consultation between the Central and the States.

The Berubari case was full of human pathos. Berubari was a place where persons ousted from Pakistan had been settled after partition. These displaced persons had not fully overcome the emotional shock of having been swept from their homes in East Bengal when they had again to be uprooted, as the Central Government had decided on the transfer of this territory to Pakistan. A prior consultation with West Bengal would have conveyed to the distant centre the human and sociological implications of such a decision but unfortunately no such consultation was ever arranged by the Central Government. And this happened when B. C. Roy, known for his influence over Jawaharlal Nehru, was presiding over West Bengal's destiny. B. C. Roy observed in the State Legislative Assembly: "Sir, certain questions have been asked. One question that has been asked is whether at any stage the Government of West Bengal or myself was asked about the future of Berubari Union. I said it categorically before and I repeat again that at no point of time was the opinion taken of my revenue officer or of the Government or of myself."²²

The consultative machinery is of recent development in the system of Indian administration. It is unevenly developed. It mostly exists in the sphere covered under the state list of subjects. It has been hitherto invoked, broadly speaking, to make the Centre's decisions prevail over the States in the latter's field of jurisdiction rather than being completely 'open-ended', and has been of less than optimum effectiveness. This reflects absence of any significantly articulated desire on the part of the Central Government to sustain and invigorate the participative technique in administration to reinforce the constitution, enrich its contents and broaden its base. The States, too, are to

²² *Assembly Proceedings*, West Bengal Legislative Assembly, Vol. XXVIII, No. 2, 29 November, 1960, col. 31.

blame, though perhaps to a much less degree, for they have not always entered into consultation with the centre free from mental reservations, often acquiescing in its decisions only to turn a deaf ear to them once back to the State capital. For one thing, consultation is apt to be more constructive if our political system develops a 'tenure system' under which the ministers at the central level are, after a period, made to contest for the State legislatures and the state level ministers, in turn, seek election to the national Parliament. The ministers would then be enabled to acquire a first-hand knowledge of the aspirations, anxieties and problems of both the levels of government in our federation.

As disposition towards consultation is largely influenced by cultural and sociological forces, it necessarily calls for special effort to develop an appropriate consultative technique in the realm of public administration. While the machinery for consultation may be built up more quickly, the consultative technique which is to fuel its engines may be slower in emergence. Yet, it is this which is vital to Centre-State harmony in the long run. In this connection one is apt to remember R. Bhaskaran, the great political scientist, who made the following singularly significant observation in as early as 1952: "In all important acts of state, legal as well as administrative considerations enter and if our objective is wise, equitable and stable government, then present tendency to canvass in public purely legalistic arguments should be moderated by due regard for the practical requirements of statesmanly administration. The field where the need is the greatest is in the field of the relations of the centre and the States and here the administration can build up (1) a highly centralized organization accustomed to order and ensure obedience to orders, or (2) a clearing-house issuing advice and letting state governments and the law taking their own course, or (3) a more statesmanly practice of delicate negotiation, conference and discussion by which political clashes and constitutional deadlocks may be averted without prejudice to any legitimate interest. The last is the best and requires most arduous labour from specially well-equipped personnel. I should consider that the most urgent problem in India today, even more urgent than the management of external affairs or economic planning."²³

The Central Government can not expect to succeed for long by browbeating the States and by constantly invoking, directly or obliquely, Articles 256 and 257. It must carry the States with it, which is possible only through consultations.

²³ Bhaskaran, R. : "Reform of Public Administration in India" in B. B. Majumdar (Edited): *Problems of Public Administration in India*, Patna, Pustak Mahal, pp. 43-44.

Consultation is both a process and a means. As a process, it offers considerable scope for improvement. It should seek greater and more meaningful involvement of members. It should become brisk and business-like. Above all, one should never overlook that consultation is a mean culminating in an action-programme. As it is a mere means it should be judiciously weighed: under-consultation is as deleterious as over-consultation. Indeed, under-consultation leading to a set of decisions is certainly to be preferred to a situation marked by over-consultation evaporating into nothingness. This needs to be emphasized, for loquacity is our common trait and our action-shyness, too, is known. It need also be stressed that consultation in certain areas and beyond a measure is positively dysfunctional. To quote Appleby: "Excess cross-reference and consultation in the course of administration is not 'democratic administration'; it frustrates the democratic aspiration; it is an evasion of responsibility on the part of those who must have special responsibility. Democracy hinges first of all on the manner in which responsibility is fixed and held accountable; second on responsiveness and considerateness. There are techniques that enhance responsibility and accountability, that enrich responsiveness and considerateness; these are democratic techniques. There are methods that diffuse and conceal responsibility, that reduce accountability, that misinterpret responsiveness, that overburden citizens and that convert considerateness into sticky sentimentality. These damage effectiveness and demean democracy"²⁴.

²⁴ Appleby Paul, H., *op. cit.*, p. 68.

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