CHAPTER-6
RAMAKRISHNA HEGDE'S PERSPECTIVES ON FEDERALISM
India is a land of great thinkers. She has given birth to social reformers and revolutionaries, emancipators of the oppressed classes, champions of social justice and sarvodaya. Among them the Budha, Mahaveera, Ashoka the great, Saint Basava, Akbar the great, Ramakrishna Paramahamsa, Raja Ram Mohan Roy, Swami Vivekananda, Mahatma Gandhi, M.N. Roy. B.R. Ambedkar, Sardar Patel, Jawaharlal Nehru, Jayaprakash, Ram Manohar Lohia are noteworthy. They have been responsible for the regeneration and reconstruction of India. The Budha's doctrine of righteousness, Mahaveera's concept of compassion, Ashoka's love for humanity, Basava's philosophy of humanism, Akbar's broad religious outlook, Raja Ram Mohan Roy's ideas on renaissance and modernity, Swami Vivekananda's notion of spiritual nationalism, Gandhiji's philosophy of sarvodya, M.N. Roy's concept of radical humanism and B.R. Ambedkar's fight for social justice have enriched Indian society.

Many social and political leaders have been transformed by these great sons of India. Among them Ramakrishna Hegde was one such person who emerged as a national level leader. He was influenced by these great men since his childhood. He tried to achieve his desired goals on the basis of preachings and practices of the values and morals of these men. Just as Gandhiji built up his moral personality on the basis of religious
scriptures and the great men of the world, Ramakrishna Hedge also built up his personality on the basis of Gandhism.¹

Ramakrishna Hegde is a versatile genius and very well seasoned politician of international repute. He is a scholar of par excellence in English and Kannada. This can be clearly known by an indepth analysis of his articles speeches. His multifaceted ideas can be examined as follows:—

HEGDE'S VIEWS ON CENTRE-STATE RELATIONS

The fundamental position of Ramakrishna Hegde is that "Strong states are imperative for a powerful centre." According to him the multi-government polity that prevails in India, relations between the centre and states and local governments are inevitably extensive and many sided. They affect the political, economic, social and cultural life of different sections of society in different ways. A clear definition of these relations is therefore crucial to the fostering of harmonious relations in society—indeed for the very integrity, survival and progress of the country.²

1. Ramakrishna Hegde's interview with the researcher in Bangalore, on June 10, 1999
2. Ramakrishna Hegde, "Strong States are imperative for a powerful centre", Sri Des Raj Chaudhary memorial lectures, New Delhi, 16th September, 1985, p.1.
He further says that the largest experiment ever undertaken in human history in the art of democratic living has been carried out in India since independence. Never, before and nowhere else, has more than one seventh of the human race lived together in freedom as single political entity. This unique phenomenon is rendered even more impressive by the fact that till independence India was a united country. In such Valley (Article 288) must be reserved by the Governor for the consideration of the President. Even some of the Bills pertaining to matters mentioned in the concurrent list (Article. 254(2)), may also be reserved by the Governor for the consideration of the President. During the financial emergency under Article. 360, the President may also direct that money as well as other bills may be reserved for the consideration of the President. Whenever a Bill is reserved for the consideration of the President, the President may direct the Governor to send it back for reconsideration by the state legislatures along with his comments. But even after the Bill has been passed by the state legislature for the second time the President is not bound to give his assent. Many Bills so reserved have been rejected purely for political reasons.³

3. J.R. Siwach, Dynamics of Indian Government and politics, Delhi, Sterling 1985, p. 239.
Hegde believes that the provisions of the constitution relating to demarcation of sphere of activity and distribution of powers and resource had been implemented both in letter as well as in spirit, the present crises could not have arisen. But during the last two decades in the legitimate areas of the states in respect of fiscal administration, administration and legislative matters, the powers of the states have been curtailed. Some of this was through legal enactments, but most of it by conventions and practices unilaterally established by the powerful influence of the Prime Minister to which states mostly governed by the same party as in the centre meekly submitted. The indirect surrender of powers by the states led in due course to the direct usurping of powers belonging to the states. This was clearly in violation of the spirit of the constitution which aimed at the harmonious functioning of different levels of Government.

Hegde notes that the real case for autonomy rests on the claims of territorial right of administrative entities, but on the comprehension based on experience that in a country like India, a centralised polity is incapable of dealing effectively with an unjust social order and the economic challenges.

He is of the view that on the economic front, a lot of decision making power has been concentrated with the central Government a situation, it is not only natural but inevitable that differences and disputes
should arise between the centre and then 22 states that constitute the union and even between the states inter-se.

Analysing the events since independence he finds that the relations between the union and state Governments have at all times been marked by some discomfort and tension. For nearly two decades after independence, differences were not as many as at present. Perhaps because the Congress party, as it then existed, had sway all over the country. Inter-government differences were dealt within the party than outside, perhaps in the initial phase of independence among national sentiments and the general concern for rapid economic development enabled national requirements to receive priority over state and the regional needs. Perhaps the sheer dominance of the political scene by leaders of the stature like Pandit Nehru, Sardar Patel, Rajaji or Moulana Azad could have tilted the balance in a certain way. Over the years however, with the emergence of new leaders in the country of different political parties, both at national and regional levels, inter-government relations have ceased to be any political party's domestic concern. Now they are a matter for both explicit discussion and argument.  

4. Ramakrishna Hegde "Strong states are imperative for a powerful centre: Sri Des Raj Chaudhary Memorial lectures, New Delhi, 16th September, 1985, p.2.
centre. And the results are there to see. After 38 years of independence, half the population still live below the poverty line. Despite the bursing granaries and record food stocks, the per capita consumption has gone up precious little in the last three decades (from 350 to 450 grams a day). There are more illiterate Indians today than the entire country's population of 1947. Half of the five lakh primary schools in the country lack buildings, 40 percent have no black boards, 70 percent have no children's books and over 80 percent have no toilets. India leads the world in such undesirable areas as blindness, leprosy and tuberculosis.

Hegde points out the areas where the centre has made inroads in the legitimate areas of the states they are as follows:—

1. Distribution of financial resources.

2. Use of instrument of extra constitutional authorities like the planning commission to circumvent the initiative of the states.

3. Industrial licences.

4. Arbitrary imposition of President's rule and delaying or refusal of Presidential assent for state bills.

Hegde notes that although "Economic and social planning" is an entry in the concurrent list of the VII Schedule, in practice, the degree
of consultation between the centre and the states in order to make planning joint endeavour has been minimal. What is happening in actual practice is that the states have to approach the planning commission for scrutiny of even minute details about their annual plans, things about which the planning commission may not have any real knowledge. The states are not free to decide on the size of the plan. The states have also got to plead for operation of the discretionary largess of the planning commission. Therefore, there is not only a distortion of the planning process but also certain avoidable delays plus plenty of tension. And all these are certain hindrances to national well being and integration.

Hegde thinks, it is necessary that priorities must necessarily be incorporated into state plans. But national priorities should emerge as a consensus between the union and the state governments at the National Development Council and should not be unilaterally imposed on the state by the central Government. The planning Commissions's scrutiny of state plans, should consequently be confined to only a few sectors such as major irrigation, large industries, power and transport.

The National Development Council, though without constitutional sanction, is the highest authority deciding all matters of policy regarding mobilization of resources for development and the use to which these
resources should be put. By its very nature, the NDC at present would be a large body. By its very nature, it has become so huge and cumbersome that it is totally unwieldy seldom meets, and does not transact any worthwhile business.

**HEGDE'S VIEWS ON GOVERNOR AND HIS ROLE IN PARLIAMENTARY DEMOCRACY**

Each state in India has a Governor in whom, as per Articles 145 of the constitution, all the executive powers of the state are vested. He is appointed by the President of India. Though the Governor holds office during the pleasure of the President (Article. 156) the period is limited to a term of five years. A person, however can be reappointed as a governor of the state or in any other state. Article 163 incorporates the British constitutional convention that there shall be a council of ministers with the Chief Minister at its head to aid and advise the Governor in the exercise of his functions except in so far as he is by or under the constitution required to exercise his function or any of them in his discretion under Article 164, the Chief Minister has to be appointed by a governor and other ministers have to be appointed by governor on the advice of the Chief Minister. The council of ministers has to be collectively responsible to the legislative assembly of the state.

The Governor is a "Link" between the centre and the state; but he is
an integral part of the state apparatus. When he is required to act in his discretion he has to act according to his own best judgement and understanding of the constitution and the laws as well as the parliamentary conventions. However what we find that in practice governors have been acting more as agents of the centre or the Prime Minister or the party in power at the centre, than as constitutional heads of the state. This is creating a tension area in centre-state relations and many unnecessary ripples in state politics.

Ramakrishna Hegde views the position of Governor within the framework of centre-state relations. To quote his own words "The ultimate objective being the same, the union and the states must function on mutually complementary and co-operative basis. They are and they should feel that they are equal partners in the great adventure of national reconstruction and development. This naturally requires the recognition of equal importance of both the functions, mutual respect and honour. A super power attitude and show of superiority on the part of the union, which is the natural consequence of the concentration of powers and resources, has been responsible for generating a feeling of frustration and sense of injustice and discrimination and helpless on the part of the

5. N.S. Gehlot, state governor in India, Delhi, Gitanjali, 1985, p. 358.
states which in turn produces the dangerous forces of regionalism. The concentration of power has also distorted the scheme of the constitution and led to the devaluation of important institutions like the planning commission and Reserve Bank which have become extended departments of the executive. Even the Governor has become a glorified servant of the union. An omnipotent and omnipresent union that the present Central Government has grown into and withering states are the very negation of the democratic polity.\textsuperscript{6}

Hegde opines that, an institution of crucial importance, on whose impartiality and integrity the autonomy of the state and the soundness of union-state relations depend, is the Governor of the state. It is unfortunate that on more than one occasion the Governor has by and large has been made to function as an agent of the Union Government. This position is totally violative of the constitution. Hegde cites Supreme Court judgement in Raghu Thilak's case, the Supreme Court has said quite categorically that the Governor is not amenable to the directions of the Government of India, nor is he accountable to them for the manner in which he carries out his functions and duties. He is an independent constitutional office which is not subject to the control of the

Hegde further adds that on many occasions, the actual practice has been contrary to this constitutional position. The Governor’s power to appoint the Chief Ministers and dissolve the state legislature has on several occasions been used to flout the expressed will of the people. It is therefore, felt that the constitution should be amended to ensure the independence of the office of the Governor. Hegde says that it is a matter of greatest concern that very provisions of the constitution have been consistently, systematically abused and perverted and the governor reduced to the rank of "a glorified servant of the union" in order to serve and promote the interests of the ruling party at the centre. The result is not only a gross distortion of the federal principle but also a negation of democracy. The issue is not of the states versus the union but of the law of the institution versus malpractice.

Ramakrishna Hegde concludes thus; the record proves beyond a shadow of doubt that, in most cases the Governors have used their office to serve the interests of the ruling party at the centre. It is unlikely that they would have acted thus except at the instance of the leaders of the ruling party. The clear intent of the framers of the constitution and indeed the letter and spirit of the constitution have been violated in all significant respects. These are: the appointment of the Governor in consultation and
with the consent of the state's Chief Minister; the calibre and stature of
the governors; the security of tenure to which a governor is entitled; the
imposition of President's rule and the Governor's right and duty freely
to discharge his functions and duties as head of the state without being
instructed or dictated to by the centre, especially in regard to the
appointment of Chief Minister and the dissolution of the legislature. Dr.
B.R. Ambedkar stated in explicit terms in the Constituent Assembly on
December 30, 1948, that in regard to these two matters as constitutional
head of the state "the position of the governor is exactly the same as the
position of the President." This clear constitutional position has been
subverted by destroying the Governor's independence and suborning his
impartiality. Governors are not allowed to follow and not to follow the
established conventions of the parliamentary system in regard to the
appointment of the Chief Minister and the dissolution of the legislature,
but abide by the directions of the leaders of the Government of India this
is wholly unconstitutional in itself and quite independently of the fact
that those directions are given in order to promote the interests of the
ruling party.7

In the process, the federal principle as well as the norms of

7. Ramakrishna Hegde, Thoughts and vision, publisher, Hegde 75,
Felicitation Committee, Bangalore, August 2001, p.49.
democracy have suffered grievously. The state's autonomy is violated. Its people are denied the right to be governed by its elected representatives in accordance with the established conventions of parliamentary system as was clearly envisaged by the founding fathers of the constitution.

**RAMAKRISHNA HEGDE AS A CRITIQUE OF SARKARIA COMMISSION REPORT**

The commission on centre-state relations was appointed on June 9, 1983 headed by former Supreme Court Judge Mr. Justice R.S. Sarkaria. But the states were not consulted even on the terms and composition of the commission. R.K. Hegde has studied the report in details and reflected on it. He has pointed out some of the short comings of the report. He has made criticisms in purely public interest. He opines that while several of the observations are ill advised and unfair, several of its recommendations will, if accepted and sincerely acted upon improve centre-state relations considerably.

1. **Basic outlook of the commission**

The Sarkaria commission's basic outlook can be quoted as observed

by the commission itself. "In India, the last 37 years of the working of
the union-state relations witnessed continuous expansion of the
responsibilities of the national government. The role of the union now
extends into areas in the state field. This extension has come about as a
result of the legislative and executive action of the union.

2. Legislative and Administrative Relations

The Commission's observation on legislative and administrative
relations is as follows: "We are of the view that it is not necessary to
make the union-state consultation regarding legislation on an item in
the concurrent list a constitutional requirement. This will make the
process needlessly rigid. But this should be a firm convention. The
advantage of a convention or rule of practice is that it preserves the
flexibility of the system and enables it to meet the challenge of an
extreme urgency or an unforeseen contingency. We recommend that this
convention as to consultation with the state government individually, as
well as collectively, should be strictly adhered to except in rare and
exceptional cases of extreme urgency or emergency."

Ramakrishna Hegde, in the spirit of a constructive approach
welcomes this recommendation despite its inadequacy. He notes that
despite the shortcomings, the most constructive aspect of the
commission's discussion of legislative relations is its emphasis on consultation in the inter-state council. It is in this spirit that he views the commission's recommendations in regard to consultation generally and particularly on subjects like education. He considers the commission's suggestion for appropriate safeguards against the union misuse of the power to appoint a commission of inquiry against Ministers of the state Government as very appropriate.

As to the reservations of Bills by Governors for consideration of the President, the states have had reason to complain of the gross delays in the union's considerations of bills passed by state assemblies. Governors have sent to the centre Bills in their own discretion. The constitutional position is different. A reading of the pertinent constitutional provisions viz, Articles. 200, 201 and 254 in the eight of the deliberations of the founding fathers makes it absolutely clear.

(a) That a Bill passed by the state Assembly with respect to a matter in the state list cannot be and need not be submitted to the union for the President assent.

Ramakrishna Hegde welcomes the Sarkaria commission's endorsement of this proposition. Because in the past some Governor had been known to refer to Bills on matters in the state list for the
consideration of the President. Hegde believes that the commission's recommendation on procedural reform will also be of considerable help. For e.g. that a Bill reserved for consideration of the President should be disposed of by the president within a period of four months from the date of which it is received by the union government; that reasons for withholding the assent should be communicated to the state Government and that assent should not be withheld only on account of policy differences nor accorded conditionally.⁹

3. Role of Governors

Greatest single source of distortion of centre-state relations has been the abuse of the office of the Governor. Hegde says that the commission's recommendations are sadly inadequate and failed to appreciate correctly the very basic question of the status and the role of the Governor. Hegde refers to the Supreme Court's observation in the Hargovind Pant v/s Dr. Raghukul Tilak AIR 1979 SC 709 case which is as follows: "it is no doubt true that the Governor is appointed by the President which means in effect and substance the Government of India, but that is only a mode of appointment and it does not make the Governor an employer or servant of the Government of India. Every person appointed by the

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⁹ Ramakrishna Hegde, Thoughts and vision, publisher Hegde 75 Felicitation committee, Bangalore, August 2001, p. 235
President is not necessarily an employee of the Government of India. So also it is not material that the Governor holds office during the pleasure of the President. It is a conditional provision for determination of the term of office of the Governor and it does not make the Government of India an employer of the Governor."

"His office is not subordinate or subservient to the Government of India. He is not amenable to the Government of India. He is not amenable to the directions of the Government of India nor is he accountable to them for the manner in which he carried out his functions and duties. He is an independent constitutional office which is not subject to the control of the Government of India. He is constitutionally the head of the state in whom is vested the executive power of the state and without whose assent there can be no legislation in exclusive of the legislative power of the state" Hegde regrets this authoritative pronouncement is ignored in the report.

The report says: "It has been suggested to us that effective constitutional safeguards should be provided to ensure that the office of the Governor is free from controversy" and adds, "While we agree that effective safeguards for this purpose should be evolved, we are of the view that not all these safeguards can be written into the constitution."
Hegde is sad that after nearly four decade's experience and the clearest proof of abuse of the office of the Governor by the centre, the commission would leave safeguard to be "evolved" and not written into the constitution. The only safeguard the commission recommends for incorporation in the constitution is that of consultation with the Chief Minister in the selection of the person to be appointed as Governor. Hegde hopes that this modest recommendation of consultation will be accepted and implemented by the Government of India.

The report also says "It is desirable that a politician from the ruling party at the union is not appointed as Governor of a state which is being run by some other party or a combination of parties. Hegde notes that a fortnight after the publication of the report Governors were appointed in five states in direct violation of the commission's recommendations. Hegde observes, the commission has failed to take note of authoritative material on vital aspects of the parliamentary system such as jurists's opinions in 1967 in response to queries by the then union Home Minister Shri Y.B. Chavan on the appointment of the Chief Minister when the party position in the Assembly is uncertain on dissolution of the Assembly the discussion as inadequate. And the best course would be to codify the rules and conventions established and acknowledged over the years in
the form of instruments of instructions prepared by the inter-state council. The Sarkaria commission has recognized that whether a Chief Minister commands a majority in the assembly or not it is not for him to decide but entirely for the assembly to determine. Hegde believes this is an indictment of the conduct of the Governor of Jammu and Kashmir and Andhra Pradesh in 1984 at the instance of the centre. And the commission's omission to pronounce a censure where censure is warranted rejects the triumph of tact over judgment.\textsuperscript{10}

4. IMPOSITION OF PRESIDENT'S RULE

The Sarkaria commission's failure to reckon with the record of increasing abuse of Article 356 of the constitution, which empowers the Government of India to impose its own rule directly on states and oust duly elected state governments from power, is considered as the gravest among its omissions by Ramakrishna Hegde. And its failure to recommend any effective checks on this power, which stems from its misappropriation, is its gravest lapse. Chapter VI of the report justifies the existence of such a power in terms which virtually exonerates its abuse.

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10. Ramakrishna Hegde, Thoughts and Vision, Publishers Hegde, 75, Felicitation committee, Bangalore, August 2002 p. 240
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The commission has quoted Dr. Ambedkar's data to the effect that the imposition of President's rule the centre must issue a warning to the state and has recommended, accordingly that such a warning should be issued. But it does not recommend constitutional amendment along these lines. Its adoption of the dicta is partial according to Hegde. He draws our attention to Dr. Ambedkar's words "In fact I share the sentiments..... that such articles will never be called into operation and that they would remain a dead letter. If at all they are brought into operation, I hope the President, who is endowed with these powers, will take proper precautions before actually, suspending the administration of the provinces. I hope the first thing he will do would be to issue a mere warning to a province that has erred, that things were not happening in the way in which they were intended to happen by the constitution. If that warning fails, the second thing for him to do will be to order an election allowing the people of the province to settle matters by themselves. It is only when these two remedies fail that he would resort to this article".

Ramakrishna Hegde concludes that in the light of the nearly four decades of the working of the constitution, it is clear that the very vagueness of the expression used in Article. 356 has facilitated its abuse. It is true that there is a judicial check. It is no less true that check has
failed to deter abuse. Nothing short of a constitutional amendment tightening up the provision and providing for a real effective and prompt judicial check such as an immediate reference to the supreme court, on the issuance of the proclamation imposing president's rule would suffice. The best course is to delete Article 356 altogether.

Hegde notes that within days of receipt of Sarkaria commission's report, the Late Prime Minister Shri Rajiv Gandhi had warned the states on the floor of the Lok-Sabha that he would dismiss any Government which, in his opinion was anti-national, considering the fact that he had branded the advocates of a cut in the defence budget only a few months career as anti-national it was apparent that the Government of India perceived no check whatever against its power to dismiss state Government in its own discretion. Hegde views the Sarkaria commission's recommendations on this point as hopelessly inadequate. And the commission's dismal failure on the crucial subject of imposition of President's rule.¹¹

¹¹ Ramakrishna Hegde, Thoughts and vision, publishers, Hegde 75 Felicitation committee, Bangalore, August 2001, p. 248.
To sum up, the conclusions and recommendation of 'Sarkaria commission', although of a halting nature, will nonetheless go quite some way to improving the present state of affairs, believes Ramakrishna Hegde. He says that it is a great pity that the commission should have marred its work by a pronounced centrist bias. How far that bias has influenced the commission is revealed by the fact that while the commission finds itself utterly unable to recommend the transfer of any item from the union list to state list or even from union list to the concurrent list, except Entry 97 in list 7 (residuary powers regarding non-tax matters), it sees nothing wrong whatever in recommending that Entry 5 in list is, the state list which confers that powers to legislate on local bodies, a subject which is inherently and properly a state subject, should be transferred to the concurrent list\textsuperscript{12}. It wants parliament to enact, albeit as a last resort, uniform legislation to provide for regular elections to state bodies by the same token, one wishes that the commission had recommended a time limit within which by-elections to state assemblies should be held by the election commission which has often stalled them

Hegde believes that uniform parliamentary legislation on local bodies would be inherently offensive to the states and destructive of their autonomy. The regularity of elections to all elected bodies from parliamentary by-elections to those of village panchayats can be ensured by amendments to the appropriate legislation in parliament and the state assemblies.

Hegde argues that this very recommendation serves to bring out the inherent infirmity in the commission's approach. Its Pro-centrist bias is coupled with a pronounced tendency to underplay and underestimate the abuses practised by the centre. In a section on political parties Commission inveighs against "new parties" and "splinter groups", "regional parties and coalitions". But nowhere does it mention the single greatest threat to democracy and federalism in this country the growth of the personality cult and authoritarianism in the organisation of the ruling party at the centre. This political phenomenon has now reached such proportions that it can safely be said that even if the Government of India were to accept and implement the modest recommendation of the Sarkaria commission, as indeed it ought to, Congress (1) States will be able to avail themselves of the gain only to the extent that their mentors
Hegde insists that the state which does not subscribe to this authoritarian, antifederal credo have a right to demand the Government of India that the recommendations of a body whose members were selected by it should be accepted readily and implemented speedily. The Government of India cannot fail to do this without undermining its credibility and reducing such enquiries to a farce. He notes that public time and money expended on the Sarkaria commission has been considerable. High expectations were built up, many of which have been belied. But in fairness it must be acknowledged that report does provide several opportunities for significant reform and change. All who believe in the national interest must work to make these recommendations a reality and that the ideal of cooperative federalism, so dear to our founding fathers, will become a present reality, hopes Ramakrishna Hegde.

**HEGDE'S SUGGESTIONS ON FEDERALISM**

Hegde presents Following Suggestions on Federalism in order to revive the dying culture.

1. The dignity of the Governor's office should be restored and its
independence should be guaranteed by making him the irremovable except by impeachment. The Governor is the head of the state. He should not be transferred from one state to another like civil servants. All correspondence with or by him should be routed through the President alone. In no case should only civil servant or for that matter, Minister of the union, deal with him directly. Instrument of instructions to guide the Governor in his duties should be embodied in the constitution.

2. It is of vital importance that the one principle recommended by the Administrative Reforms Commission, the Speaker's Conference and the Sarkaria commission and accepted by all political parties should receive constitutional recognition; namely, that where the governor has reason to believe that the Government has lost the confidence of legislative assembly. He should suggest to the Chief Minister that he advise him to summon the Assembly within a reasonable period and secure a confidence of vote from the Assembly. Late Rajiv Gandhi had solemnly promised in parliament on January 3, 1985, that, "We shall see whether this bill (Antidefection bill), may be in the next or if it has to be put elsewhere we can do there as well." This promise also was not kept.
A constitutional amendment is necessary to make it clear beyond doubt that it is the Legislative Assembly and the Raj Bhavan which will be the forum to decide whether the Government enjoys the confidence of the Assembly or not. This is an issue which the Assembly alone is competent to decide and no one else the Governor or, for that matter, any one in New Delhi.

3. Article 356, which provides for the imposition of President's rule, should be deleted altogether. It does not figure in democratic federal constitution anywhere in the world. It is a hang-over of the British colonial period, a replica of the hated section 93 of the Government of India Act 1935.

4. In regard to state laws, an explanation should be added to Article 254(2) to provide a time limit within which the president must signify his decision on the Bill referred to him by the Governor for his assent and to make clear beyond doubt that the reference could be made only.

(a) On the advice of the Council of Ministers and

(b) Only a bill on a matter in the concurrent list would be referred to the president for his assent; subject to the provision in

both cases that the governor would be entitled in his own discretion and as a matter of duty to refer to the president a Bill which derogates from the authority of the High Court.

5. The First Schedule of the Industries (Development and Regulation) Act, 1951 should be drastically changed in consultation with the states. A time limit should be provided for the centre to take a decision on any project proposed by a state and in the event of refusal of the centre's sanction, where the sanction is a requisite in law the decision as well as the reason for it should be laid before parliament where the state government so requires, the same shall be discussed in the inter-state council

6. The planning commission should be endowed with constitutional status and the states should have representation on the commission.

7. The constitution should be amended to lay down that the union's power to make grants for economic and social planning will be exercised on the recommendations of the planning commission which should be made a constitutional authority. The practice which late Rajiv Gandhi followed in announcing in partisan manner grants to states during his tours was most undesirable. It is not surprising
that the grants were never actually made. The constitution amendment will also clear the mess that now exists of the centre making plan grants under Article 232, which provides for occasional grants and not grants on a regular basis.

8. The authority and prestige of the finance commission should be fully respected and restored. And its independence guaranteed by providing that its chairman shall be serving judge of the Supreme Court. In recent years, we have witnessed that undignified practice of a high court judge serving as member of the commission which is presided by a politician belonging to the party in power.

9. The president's order of May 25, 1990 establishing inter-state council should be reviewed so as to enable the state Governments to refer to the council explicitly any matter of common interest.

10. The constraints on the state's powers to raise loans must be removed greater fiscal autonomy should be given to the states.

11. There should be a drastic reduction of the bloated central bureaucracy coupled with total shedding of power by the centre in domains which belong to the state. Agriculture, for instance, is a state subject exclusively but Krishi Bhavan has 29,000 employees likewise, it is difficult to justify the enormous apparatus of the
labour and several other ministers. The state suffers from the present situation in two ways. Their initiative is curbed and in the final analysis they have to pay for the centre's expenses as does every citizen.

12. There is therefore need for a comprehensive review of the present distorted centre-state relationship. The constitution must be restored to what its framers intended it to be suitable amendments should be made to the constitution to remove the distortions that have crept in and prevent the abuses that have been practised in the last four decades of which only some have been mentioned above. It is very important that such a review should be undertaken by a body established in full consultation with the states so that it commands their confidence. Its recommendations must be implemented promptly.

13. Pending this review, the grosser abuses and distortions mentioned here must be ended forthwith; for instance on the appointment of Governors, toppling of State Governments by the centre in consent with Governors, the imposition of President's rule, central approval of state Bills, central sanction to state projects curbs on state loans and on state planning.
Hegde believes that these suggestions do not go beyond the framework of the constitution at all. They do no more than fulfil the clear intent of the framers of the constitution. If implemented, they will make our federation a vibrant reality. India should not merely be a union of states, but in reality should be *united states of India*.\(^{14}\)

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HEGDE'S VIEWS:

ON PARLIAMENT AND POLITICAL CULTURE

Parliament is purely considered as a legislative body and forum for debates our constitution has adopted the parliamentary system of government which effects a harmonious blending of the legislative and executive organs of the state in as much as the executive power is wielded by a group of members of the legislature who command a majority in the popular chamber of the legislature and remain in power so long as they retain that majority. The functions of parliament as the legislative organ follow from the above features of the parliamentary system.

While the cabinet is left to formulate the policy, the function of parliament is to bring about a discussion and criticism of that policy on the floor of the House, so that not only the cabinet can get the advice of the deliberative body and learn from its own errors and deficiencies, but the nation as a whole can be apprised of an alternative point of view, on the evolution of which representative democracy rests in theory.\(^\text{15}\)

Hegde regrets that in recent years parliament has become a legislative machine churning out ill considered legislation and a forum in which not only lung power but even contests of physical strength are

staged. To be sure, parliament under our constitution, the nation's supreme legislative body but its significance in a democratic political system is far more profound believes Hegde. He further says that it is the grand inquest of the nation. If it no longer performs that role as it should, it is because our political culture has lost vitality and a parliament reflects the nation's political culture. Our parliament is no exception to this rule.

The ruling party and the opposition are integral inseparable parts of the entire parliamentary system. But, Jennings explained the task of an opposition is not merely to oppose and "to compel the government by all the methods of propaganda to modify its general policy, and finally to create the necessary public opinion against the government ready for the next election; it must take part also in the actual process of parliamentary government." Hegde is sad that this aspect is often overloaded—that parliament reflects the nation's political culture. But if, in turn, moulds that culture. It is a continuing, dual exchange. Parliamentary behaviour of political parties is the product of their political outlook and culture. To their cadres outside, that behaviour serves as a model. Hegde believes that every defect in the working of parliament has its roots in the debased politics of the country.

Hegde recalls the course of national politics since the day India became independent, finds that the zig zag course of politics is accurately
reflected in the graph that traces the rise and decline of parliament. Jawaharlal Nehru built up parliament by his constant attendance, and participation. Both Indira Gandhi and Rajiv Gandhi treated parliament with indifference if not scorn. Sanjay Gandhi's entry into parliament in January 1980 brought in its train a new feature that persists to this day the shouting brigade. His men would, on cue barrack selected opposition members so persistently as to prevent them from speaking. Rajiv Gandhi continued this most undesirable practice. On February 23, 1988, Dr. S.D. Sharma presiding over the Rajya Sabha was reduced to tears when he was hackled by Congress benches for allowing the opposition to make a mere mention of a Governor's expenses. Rajiv Gandhi was seen instigating, insubordination and insult. Dr. Sharma said to two ministers: "My advice to Mr. Chidambaram and Mr. Pilot is, you don't have to do anything more. You decide in your party and if you decide that I should go, I will go out".

About the proceedings in the State assemblies less said the better, opines Hegde. Every session of every assembly is marked by unruly behaviour, some times even violent on the part of the members irrespective of their party affiliation there are distressing incidents of members assaulting the speaker, as also the speaker conducting the

proceedings as an agent of the ruling party. Hegde is reminded of the episode that took place in Tamil Nadu Assembly some years ago when certain ruling party members assaulted and tried to disrobe the then leader of the opposition Jayalalita was reminiscent of the incident in Mahabharata. No systematic study has been made but Hegde guesses hardly 20 percent of the time of parliament and state legislatures is spent on serious business. There appears to be no distinction between municipal bodies and legislative bodies so far as the behaviour of the members concerned. Hegde notes that in September 1991, more than 60 members of the Lok-Sabha belonging to different political parties wrote a letter to the speaker Shivaraj Patil protesting the fact that the House had abdicated its responsibility on keeping close and purposeful watch over Government's spending. They pointed out that on September 5, 1991, the Lok-Sabha had voted demands of Rs. 28,824 crores relating to ministries, and departments and six Union Territories without any discussion. In 1989, the Lok-Sabha voted without any discussion Rs. 54,368 crores during the budget session of parliament for expenditure during the financial year from the consolidated fund of India.

Hegde believes that there is a clear nexus between confrontationist politics in the country at large and its projection in parliament as there
is between a confrontationist government, exploring its brute though
transient majority, desperate and therefore unrestrained opposition. One
highly significant episode will suffice to illustrate this. There is no doubt
that during the winter session of parliament in 1974 the opposition
parties took some utterly undignified steps, blocked the proceedings of
the Lok-Sabha and created a dead lock. After the emergency Indira Gandhi
used to cite its behaviour in defence of installation of a dictatorship in
the country. Her argument was, of course, groundless and dishonest.

But the genesis of the episode proves Hegde's point about the link
between parliament and political culture. After her victories at the polls
and the Bangladesh war, Indira Gandhi discovered that her popularly was
dwindling as the economy slid down and her ill considered measures
failed; for instance the take over of wholesale trade in food grains.
Corruption mounted so did repression, both provoked Jayaprakash Narayan
to launch the people's movement. Though initially confined to Bihar, it
catched the people's imagination all over the country.

According to Hegde, fundamentally, there has been a lack of respect
for the basic rules of democratic political contest. Those who lack
respect for these basic rules cannot be expected to respect the established
rules of parliamentary practices, either. This is the crux of our
problem." From this follow the rest, parliamentary committees become for aces the display of partisanship. Hegde mentions how Balaram Jakhar made a farce of the public accounts committee by nominating an ally of the ruling party as its chairman. Our electoral law is antiquated and our electoral system itself calls for reviews is incontestable. It is also necessary to reflect on changes in our constitution in order to plug the loop holes. But best of the constitution will be of no avail if the political culture is stagnant or diseased.

Hegde draws our attention to the speech of Dr. B.R. Ambedkar in the Constituent Assembly on November 25, 1949: "The working of a constitution does not depend wholly upon the nature of the constitution. The constitution can provide only the organs of the state such as the legislature, the executive and the judiciary. The factors on which the working of these organs of the state depend are the people and the political parties they will set up as their instruments to carry out their wishes and their politics. Who can say how the people of India and parties will behave?"

Hegde concludes that India's political parties have failed the founding fathers of the constitution and undermined the great institution they established—our national parliament. We cannot revive parliament without restoring the vitality of our political culture.\(^\text{18}\)

**HEGDE'S VIEWS ON PREPARING THE POLITICAL PARTIES FOR THE CONSTITUTION**

Political parties are the indispensable links between the people and the representative machinery of government. In democracy they are the vehicles through which individuals and groups work to secure political power and, if successful, to exercise that power. They have a no less significant function when in opposition, of scrutinizing the use of power and forcing the government constantly to justify its policies and actions. Also any democratic political system requires people's support for government programmes and policies, and a political party. Further a liberal democratic government operates in a milieu of challenges and opposition and political party plays a crucial role to meet the challenges of oppositions.

Yet the concept of political party has changed from age to age. While Burke, for instance, defined it as a body of men united for the purpose

of promoting by their joint endeavours the public interest, upon some principle on which they are all agreed; Laski viewed it as an organisation which seeks to determine the economic constitution of the state.\textsuperscript{19}

The contemporary party system in India developed originally in the context of the struggle for freedom and since 1550 within the framework of parliamentary government; both these environments have exerted their influence on the present character and structure of the political parties. The founding fathers of the constitution who so laboriously and thoughtfully built our constitutional edifice surely had in mind a certain kind of politics in the country which would give life and supply flesh and blood to the constitutional skeleton. They certainly had in mind political parties and political figures of a certain quality who would run the constitutional machinery. The founding fathers were themselves men who had distinguished themselves in public life. They were no mere bookish constitutional lawyers. They were witness to the political life of India and were also active participants in it. Some of their utterances in constituent assembly have proved prophetic.

When that body completed its labours, Dr. B.R. Ambedkar, Chairman of the Drafting Committee, bluntly said in his reply to the debate on

\textsuperscript{19} B.B. Misra, Political Parties in India, Delhi, Oxford University Press 1978, P. 1.
November 25, 1949, that "however good a constitution may be, it is sure to turn out bad because those who are called to work it happen to be a bad lot. However bad a constitution may be, it may turn out to be good if those who are called to work it happen to be a good lot. The working of a constitution does not depend wholly upon the nature of the constitution. The constitution can provide only the organs of the state such as legislature, executive and judiciary. The factors on which the working of these organs of the state depend are the people and the political parties they will set up as their instruments to carry out their wishes and their politics. Who can say how the people of India and their parties will behave?"

Hegde notes that all these years we have been "passing judgement" on the constitution without giving any thought to our failure to establish a party system which would properly work the constitution. The time has came for us to do the long overdue introspection. We need to prepare our political parties for the constitution. A democratic constitution cannot be worked by parties which themselves do not function democratically.

Hegde recalls that the Chief Election Commissioner Mr. S.L. Shakhdher comment on their sad state of affairs at a meeting held under the auspices of citizen for democracy and voter's council in New Delhi
on September 26, 1980. He had said, "political parties make strong demands for the conduct of free and fair elections to legislative bodies, but choose to ignore the application of the same principles when it comes to the functioning of their own party organs. It has been revealed before me in various cases that I had an occasion to witness that parties do not follow their own constitutions. They hold no party elections. They function for years on an adhoc basis. Some times there has been a tyranny of the minority over the majority because of undemocratic functioning and other practices. A few persons in a party occupying the vintage position in the apex body, quite often strangulate the democratic functioning and aspirations of the members of the party at the grass roots and keep the party under their strict control. The voice of the majority does not find expression in important decision making processes, thereby creating fissures in those organs and eventually leading to splits. I, therefore, suggest that there should be parliamentary legislation making it obligatory on the part of every political organisation to register their body and regulate their functioning by laying down broad outlines and norms."

While discussing the decline of parties Hegde mentions two matters which are often overlooked. One is the paucity of good literature.
The second and related matter is the relationship between political parties on politicians and intellectuals. Hegde over the years made it a practice to interact with academics, writers, journalists, artists and found the experience very rewarding. He hopes they felt the same way. He mentions this because such an exercise can be harmful for both sides if it is conducted with a view to enlist them for partisan ends. Intellectuals who broadly agree with the party's policies are one category. The other is those who do not but are not hostile to it. It is useful to interact with both.

Hegde reasons out that in a country of our continental dimensions a two-party system would be hard to evolve. What one can reasonably hope for in the present situation is a multi-party system in which at the national level two or three parties are determined to work together in opposition or in power on the basis of an agreed programme. He uses the word "determined" advisedly because without a determination to coalesce in the larger interest differences on any of the issues that arise can easily tear them apart.

To face the challenge of a stagnant party system, Hegde suggests that parties must build themselves up from the grass-roots on the basis of values. They must tackle in earnest the issues affecting the people and provide alternative policies. In a parliamentary democracy, there must always be an alternative. An opposition-viable, coherent, cohesive and functioning, must exist ready and willing to take over from the government.

First and foremost, suggests Hegde, all political parties must make the grant of party tickets to their candidates for election a far more democratic process than it is today. Whether the parties are organised constituency-wise rather than district-wise, the rank and file in the constituency must have a greater say. As a rule, the candidate must be one who has worked in the constituency.

Secondly, the legislature party of each state should be allowed a free say in the election of its leader. In general, there should be greater autonomy to state units than it exists at present. It is a mockery of federalism to have highly centralised political parties. A state unit should be heard on matters affecting the state and its views must be respected. It necessarily follows from this that the state units, in turn, must abide by the policies adopted by the democratically elected national executive.
at the centre on which their own representatives also have had their say.

Thirdly, it is imperative that the principles of natural justice are observed before a member is expelled from the party. Neither expulsion nor suspension without cause is justified. In this context, the move to extend the anti-defection law to legislators expelled from the political parties to which they belonged deserves to be condemned strongly.

Hegde infers that all these machinations can be repelled only by awakening the masses and making the political parties relevant to them. The people are mature. It is the duty of the political parties to rise to the occasion and prepare themselves for the tasks which the constitution expects them to perform. History will not forgive them if they fail this time as well.

NEW ADDITION
Chapter-VI New Addition

The principal areas of federalism in India are related to the dispute of distribution of legislative powers between the center and the state. Also concerned are the role of governors, the answerability of senior bureaucrats in the state administration. Central control over industrial, monetary commerce and the planning system, sharing of financial powers and resources between the centre and states.

There is also the question of central clearance for the MOUs (Memorandum Of Understanding) entered into by the government with MNC's (Multi-National Corporations) and private business houses. As this involves major kickbacks and cuts the sharing of the political spoils is also one area of serious concern. However, at the heart of the center-state dispute is the financial relationship.*

Currently, as much as 70% of total resources raised in the public domain is retained by the union government and only 30% is available to the 22 state governments. This kind of lopsided distribution of financial resources is without parallel for a federal polity. The more

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elastic sources of revenue are reserved for the center. The states are not allowed any share of the proceeds of Corporate tax which these days exceed those from income tax.

The center also refuses to share with the states the yield from surcharge on income tax. It is also necessary to mention the recently adopted practices by union government to collect additional revenue by raising the prices of administered prices of commodities such as petroleum products, coal, iron, steel, cement, aluminum etc instead of adjusting the rates of excise duties. By this practice, the states have been deprived of thousands of crore rupees. Another example concerns railways. A tax on railway fare was levied in 50's but soon merged with railway fares. The result is that railway fares are increased from time to time, but states have no share in it.*2 A point which is noted by Ramakrishna Hegde.

As highlighted by Hegde the states are facing huge financial imbalances, particularly on the revenue account. This is proved by the RBI Report 1994.* RBI Report. Government of India 1994 which says the Gross Fiscal Deficit (GFD) of states was Rs. 23,706 crores in 1993-94, up by 18.6% against 5.6% in 1992-93, highlighting the deterioration
in the revenue account.

According to the study, the composition of GFD shows a fall in the share of net loans from the center to the extent of 12,207 crores (43%) and state’s own net capital receipts to the tune of Rs. 10,806 (48.5%) and increase in the overall deficit to Rs. 2639.7 crores (11.1%).

Resource mobilization efforts of the states, in general, have a linkage with centre’s financial assistance to plans, in addition to the grants and share in taxes with the center’s assistance to plans shrinking and centre’s share in the total taxes rising by 15% into revenue sources of the state are gradually drying up. Amal Ray says, “the states have practically little or no autonomy to plan in their constitutionally delimited spheres to evolve autonomous development impulses programmes and strategies in their legitimate sphere of activities”.

According to Gopal, in this ongoing tussle within the bourgeoisie, Hegde articulates the point of view of pro-reforms section of the establishment who favour greater sharing of powers with the state.

Gopal considers Ramakrishna Hegde as a leading “centrist politician”. Hegde says that the planning commission has changed from an advisory body to an extra-constitution authority wielding enormous powers over the states without any representatives on it from states.

5. Ibid
planning commission consists of appointees by the center, state’s feeling of dependence has been heightened Hedge proposes constitutional status be given to planning commission and making it serve as an executive arm of National Development council.

Hegde further wants the authority and prestige of Finance Commission be fully restored and its independence guaranteed by ensuring that its chairman shall be a serving judge of Supreme Court. Hegde rightly further advocates of constraints on the state’s power to raise loans and greater fiscal autonomy for the states.

While liberalization has impinged upon the resources of the states, it has brought about an undesirable enhancement of their powers in certain areas: now states are relatively more free to deal directly with the multinationals. And the race is now on between different chief ministers while the slogan of more powers to the state’s the key slogan of liberal and regionalist bourgeoisie and their politicians does have some democratic content, it is clear that decentralization per se need not be always pro people*

Any power shift along federal lines will be limited by the actual

balance of power between congress and regional parties. Regionalisation at the level of party politics need not necessarily be Translation into greater federalization of the power structure. Any major constitutional change or even legislative measures is ruled out under the present arrangement because of the congress, which may thwart it. In all probability, the issue might well be frozen in a new commission on center-state relations as suggested by Ramakrishna Hegde.

Even the earlier Sarkaria Commission’s recommendations have not been implemented in full. Even if the every proposals of the commission set aside by the previous congress regimes are implemented it would be a significant step.\footnote{7. Rasheedudden khan: an article on ‘Political Integration in Federal’ India Times of India, Nov 19, P.6.}

The Sarkaria Commission had recommended that consultations with the states should precede any central legislation on subjects in the concurrent list. Moreover in 1988 an expert group set up by the center recommended that before any new centrally sponsored scheme is introduced detailed discussions should be held with the state government and their views should be given due weightage in the guidelines framed for the implementation of the schemes. The Sarkaria
Commission also recommended that the central schemes should be kept minimum and decentralization in the plan process should be maximized.

The Sarkaria Commission itself observed that Planning Commission functioned more as a limb of the union government rather than as truly federal institution. However neither in terms of value of centrally planned and sponsored schemes nor in terms of guidelines formed their implementation, has New Delhi shown any respect for Sarkaria Commission recommendations or that of similar bodies. It however remains to be seen whether the so-called assertion of the regional parties on the national scene would achieve anything substantial even where it is possible to do so merely by passing executive orders all these parties including the Janata Dal, DMK, Akali Dal, Telugu Desam had considerably toned down their regional clamour much before the elections.

What made Ramakrishna Hegde different? The answer in one word is ‘Ideas’. Of course all politicians have ideas, but they are about how to prosper from one day to another. Hegde stood out because his ideas were for the common good.**