CHAPTER - IV

CENTRAL GOVERNMENT AND 
PRESIDENT’S RULE
With the taking over of the State Government the President delegates the power of governance to the Governor of that State. But this delegation is subject to the superintendence, direction and control of the President. The use of the word 'President', however, is an euphemism for the President is the constitutional head of State, and all powers really vest in the Council of Ministers headed by the Prime Minister. What is, therefore, said and done in the name of the President reflects really the thinking and action of the Central Government. Since the Central Government is a party Government many aspects of President's rule such as its proclamation and termination may not be understood in isolation from the dynamics of politics, especially that of the ruling party at the Central level. Besides, consequent to the ringing out of the
State Legislature the Parliament takes upon itself the functions of law-making and taxation for the State, and all this entails work and responsibilities for the Central Government.

The Governor addresses his report which initiates action under Article 356 of the Constitution to 'My dear respected Rashtrapatiji', or 'Respected Rashtrapathiji', or in a few instances 'Respected President' or 'My dear Mr. President'. This document is first received by the President's Secretariat and seen by the President who forwards it to the Prime Minister for advice. In 1970 a departure from this procedure for transaction of business was made in instance. Uttar Pradesh Governor B.Gopala Reddy's report to President recommending President's rule was sent to the Prime Minister without being seen by the President V.V.Giri who at this moment of time was on a visit to the Soviet Union, an action which aroused a measure of political controversy in the country.¹

As an item like President's rule falls within the charge of the Home Ministry, the Prime Minister
marks it to the Home Minister for examination and initiation of necessary action. The report comes up for discussion with a note by the Home Ministry. The Prime Minister decides whether the report should first be taken up in the Political Affairs Committee of the Cabinet or straightaway come before the parent body. The more recent practice is to place the Governor's Report in the Cabinet itself. The Prime Minister who presides over the meeting gives a summary of the political developments in the State including, of course, the Governor's recommendation and suggests, also, a course of action. Generally the meeting is brief and the Cabinet endorses the views of the Prime Minister. The Cabinet's decision is immediately conveyed to the President who, then, issues the Presidential proclamation clamping Article 356 on the State and, by another order, issued simultaneously, delegates his powers to the Governor of the State both the notification and the order being announced by the Ministry of Home Affairs. 2

The whole exercise described above may ordinarily take from over a week (Punjab, 1966) to a few
hours depending upon the urgency which the Prime Minister may attach to this matter. Indeed, the quickness with which the entire cycle gets completed now is impressive. In the case of Gujarat (1976), the Babu-bhai Ministry fell at 1.45 p.m. on 12 March 1976. At 4.30 p.m. the Governor's report began trickling in Delhi through the telex and was completed by 5.00 p.m. The Cabinet met at 6.00 p.m. to discuss the report. And at 7.30 p.m. the President signed the proclamation bringing Gujarat under the operation of Article 356 of the Constitution. In practice it may not be more than a ritual, for the Governor keeps the Centre informally apprised of the political developments in his State and thus before sending his formal report recommending President's rule he assures himself about its acceptance by the Central leadership. Similarly, President's assent to the Cabinet decision on the Governor's report is automatic—but is an indispensable constitutional requirement. Constitutionally speaking, it is only after the President has signed the proclamation that the President's rule becomes effective in the State. The President's action in
clamping Article 356 on a State enjoys finality and cannot be judicially challenged. When, for instance, Rao Birender Singh took the matter to the High Court challenging the constitutionality of the President's proclamation by which in 1968 the President's rule was imposed in Haryana, the Punjab and Haryana High Court dismissed the writ petition observing that the President was not amenable to the jurisdiction of the judiciary and that the Parliament which is invested with the power to approve or not to approve of the President's action lies outside the Court's jurisdiction.\(^3\)

There are three patterns into which the President's rule may fall and the President's proclamation itself makes clear the pattern which has been opted for. These are the following: (i) The President removes the Ministry but keeps the State Legislature under suspension; (ii) He removes the Ministry and abolishes the Legislature but the Speaker of the Assembly continues in office; and (iii) He removes the Ministry, and the Assembly is merely suspended by the
first proclamation but is later abolished. But while a suspended Legislature may be abolished a reverse movement has never been attempted (the Assembly abolished in the first proclamation but revived and kept under suspension by a subsequent one).

Once a State comes under President's rule it is required to be administered in accordance with the provisions of the Constitution. Besides an administrative mechanism has to be devised and set into motion to regulate the affairs incidental and consequential to these provisions. A study of the governmental mechanism at the Central level to deal with the routines of administration pertaining to President's rule is the theme of the present chapter.

The Governor has, as said earlier, been delegated the power to govern the President-rulled State. But his rule is subject to the superior authority of the President, which means the Council of Ministers. Besides, it is the Parliament, (not the Governor) which moves in to fill the gap created by the dissolution or even suspension of the State
Normally, the Governor administers all the 46 subjects figuring in the State list of the Constitution. But important matters even in this sphere are referred to the functional Ministry at the Central level for advice and even direction. The President-ruled State's relationship with the Centre is organised on a decentralised basis. The words 'superintendence, direction and control of the President' are significant, meaning that under the President's rule the final voice in all matters rests with the Centre. On the same token, parliamentary questions on the State are replied by the functional Ministries. Soon on their receipt they are forwarded to the State for compiling the necessary information and draft replies. The State is under an obligation to send the relevant information to the functional Ministries on time. The replies are as a rule given by the functional Ministers. The Ministeries with whom the State Government comes to have extensive relationship are, Home, Finance, Law and Planning Commission, and the ones dealing with
developmental subjects.

But then, such a dispersed kind of relationship between the State and the functional Ministries point up to the problem of coordination at the Central level. There is, thus, the need for a noble or focal point at the level of the Central Government, and the obvious choice for this role is of the Ministry of Home Affairs which, it may be recalled, attends to 'matters relating to the emergency provisions of the Constitution (other than those relating to financial emergency)' under the Government of India Allocation of Business Rules, 1961. Even otherwise, of all the Central Ministers it is the Home Ministry with which the States have the most extensive and continuous relationship. While the State under President's rule deals directly with the functional Ministries, copies of important correspondence are regularly despatched to the Home Ministry. On the same pattern the Central Ministries deal directly with the State Government but make it a point to mark copies of all the correspondence to the Home Ministry. This arrangement is
calculated to serve two purposes. First and foremost, the Home Ministry is kept informed on the whole range of administrative dealings with the various segments of the Central Government. Besides, it is also expected occasionally to get in touch with the functional Ministries to expedite the proposals sent by the State and pending with them. This is the catalytic or trouble shooting role of the Home Ministry. All these and allied functions are in charge of a Division in the Ministry of Home Affairs, called the Centre-State Relations Division. Known as the Political Division till 1972, the Centre-State Relations Division deals, among others, with matters relating to President's role. Though bearing the designation of Centre-State Relations Division, it looks after certain other items of work as well, and what is more, not all federal problems constitute its portfolio. This Division is headed by a joint secretary who is assisted by a complement of deputy secretaries including directors and under secretaries. The joint secretary reports directly to the secretary in the Ministry of Home Affairs.
Does a functional Ministry enjoy sovereignty in its dealings with the State? This issue may be set in its proper perspective by posing another question. Does a Ministry enjoy complete freedom in the ordering affairs put under its charge? While a Ministry is empowered to dispose of a large range of matters referred to it by the State the more important ones are, as a rule, decided collectively, i.e., by the Cabinet. Two such items transcending individual handling are legislation and budget. The procedure evolved for each of them is briefly discussed below.

1. LEGISLATION:

As a rule, the State concerned prepares the draft legislation and forwards it to the functional Ministry with a copy to the Home Ministry. The functional Ministry begins considering it in consultation with all the concerned Ministries, especially the Home, the Law and the Finance Ministers. As with any Central Legislation, it finally comes before the Cabinet for its approval. It is only after the Cabinet has cleared it, does the legislation gets placed before
the Consultative Committee of MPs. In other words, the latter may suggest amendment to it or even disapprove it. No significant changes are, however, expected at this stage. Contrary to the parliamentary authority the Committee has only a consultative role. From the Committee, the piece of legislation goes direct to the President for his assent. The Committee being the surrogate of Parliament the bill does not come before that body for its approval. On the contrary the procedure for enactment of the budget is not short-circuited.

2. BUDGET:

The budget proposals are as a rule prepared by the President-ruled State and sent to the Ministry of Finance. It is then discussed by a group of concerned ministers, which always includes the Finance, the Home and the Planning Ministers.

It is significant to note that the budget proposals are never placed before the Consultative Committee of MPs for its comments. After it has been
approved by the Cabinet, the Finance Minister presents it in the Parliament and the procedure applicable to the Central budget is observed in the case of the State's budget but the time allotted is barely a few hours. After the passage of the budget in the two Houses it goes to President for his assent.

3. ASSESSMENT:

A word about the nature of the laws as well as of the budget enacted for the State under Article 356 may be relevant here in the context of the query whether the State Government under President's rule is a mere care-taker Government. A study of the laws and the budgets passed for the States under Article 356 discloses that radical changes in policy especially those having political implications and major taxation measures are generally not contemplated during the continuance of President's rule. It was while piloting the Punjab State Legislature (Delegation of Powers) Bill in the House of the People in 1951 that C. Rajagopalachari, the Home Minister, explained the scope of legislative work to be done
by the Centre when a State was placed under President's rule: 'It is not the intention of Government to take up all legislation simply because they have authority for a summary process and go on with every kind of thing simply for the sake of making laws. What they (Centre) have to take is only that which is most urgent and most necessary either from the point of view of the present emergency (reference is to President's rule in Punjab) or from the point of view of any emergency that may arise in the province. Their intention is only to take up absolutely essential legislation..... But if they (the measures) are controversial and are likely, so to say, to forestall the legitimate activities of a popular Ministry, I promise that such things will not be tackled and it is not a pleasure for Government to tackle such things. We shall only deal with necessary things. K.N. Katju, the Home Minister in 1953, categorically regarded President's rule in Pepsu as a care-taker rule.

If, for instance, the popular Government had taken a policy decision to introduce prohibition in
the State, it is extremely unlikely for this polity to be changed under President's rule. There have been two notable exceptions to this general convention. The Communist Ministry in Kerala (1958) had completely dissociated itself from the scheme of common police reserve force implemented in the Southern Zone but Kerala joined this force when the State came under President's rule after the dismissal of the Namboodiripad Ministry in 1959. Similarly, on 2 April 1976, Nagaland under President's rule became a member of the North-Eastern Council although the popular Government had solemnly decided to keep out of it. The ethics of these two instances are seriously questionable; President's rule ought not to be utilised for reversing the political decisions of major import made by the popular Ministry.

It seems that the laws enacted under the President's rule generally embody the provisions already included in the budget which has been passed by the Parliament. A large number of laws passed for the State are in the nature of amendments to the
existing ones. Certain taxation proposals passed by Parliament demand corresponding revisions in appropriate existing acts. Also, revisions of acts become called for to take care of judicial decisions or to remove gaps and difficulties discovered in the course of their administration. Hence most bills passed are really amendments to the existing acts. For example, during the period February 1974 to March 1975. When Gujarat remained under President's rule, the Parliament enacted the following laws for it: (i) The Bombay Inams (Kutch Area) Abolition (Gujarat Second Amendment) Act, 1974; (ii) The Bombay Tenancy and Agricultural Lands (Gujarat Second Amendment) Act, 1974; (iii) The Bombay Land Requisition (Gujarat Amendment) Act, 1974, and (iv) The Gujarat Panchayat (Amendment) Act, 1975.

It is thus apparent that the State under Article 356 remains in an extended relationship with, and dependent upon, the Central Government. While the Governor has been delegated powers of governance, at the same time, he has also been made dependent upon the Central Ministries for major decisions and more
particularly in the field of legislation and budget. The passing of the budget is a constitutional obligation and, moreover, it makes but one demand on the Centre in a year and so does not pose much of a problem to the State Government. The same however, cannot be said about other matters. While the State Government may give up top priority to a matter, the functional Ministry which has to approve of it may respond less enthusiastically, thus delaying action. The harried Governor and other officials of the State may visit Delhi and impress upon an early action but the Ministries may have other pressures and commitments, and in this process even the Home Ministry's trouble-shooting role, even when activated, may have limited effectiveness in the face of Centre's own priorities.7

Extensive, thus, becomes the Central Government's concern towards and participation in policymaking in areas in the State List of subjects of the Constitution. The Central role under President's rule becomes vastly increased particularly in the case of
the State which was ruled by an opposition party. With varying degrees of assertiveness, therefore, New Delhi emerges as the super-capital of the State and State Government officials are seen continually visiting Delhi to explain and pursue certain proposals. Similarly, but on a much reduced scale, the officials from Central Government Ministries also begin visiting the State to discuss matters and see things for themselves. Any way, one of the effects of such an administrative arrangement is delay in the processing of new policies and programmes. To expedite decision-making at the Central level, a committee of secretaries was formed when Uttar Pradesh was placed under President's rule in 1973. But such contrivances, while cutting short the delay in the disposal of issues, are hardly meant to promote original and vigorous thinking on matters of long term policies. The existing machinery of Government caters to matters of day-to-day administration but not suited for long-term planning. Or, perhaps, the President's rule has never been meant for making policies on major issues.
PARLIAMENT AND PRESIDENT'S RULE:

Under the scheme of the Constitution, Parliament is intimately involved in the promulgation and continuance (but not with termination) of President's rule in the State unless, of course, it is not of more than two month's duration. Since Article 356 strikes out the democratic processes and institutions in the State concerned, such an action must require the sanction of the people's representatives at the higher, national level. The Parliament also gets formally endowed with the functions of legislation and taxation which in normal times are the responsibility of the State Legislature. Besides, the Parliament must begin to act as a watchdog both on the central executive's activities in so far as they relate to the State under Article 356 and on the State Government's functioning. But this body is not associated, even obliquely, with the termination of President's rule as no statement is made or placed in the two Houses when the President revokes it.9

APPROVAL OF PRESIDENT'S RULE:

The Constitution obliges the President's rule
to be formally endorsed by both Houses of Parliament within two months of its proclamation. While seeking this approval the Home Minister lays on the table of the House, President's proclamation as well as (since the sixties) the Governor's report, and initiates discussion with a statement in which he explains the circumstances necessitating the imposition of President's rule in the State. This is followed by a debate in the House. This is the first and the most important opportunity for Parliament to take stock of the situation calling for President's rule in the State. As the imposition of Article 356 is a political move, the discussion in the House is, understandably, charged with political overtones, being on party lines. The ruling party being safe behind its majority in the House, the debate which generally continues for a day or two ends with the expected endorsement of the governmental action. The parliamentary approval remains valid for only six months and, therefore, if the President's rule is continued to come before it again to seek its consent, and a debate again follows.
PASSING OF THE STATE LEGISLATURE (Delegation of powers)

BILL:

The second opportunity which Parliament gets generally within a month or so of the imposition of President's rule (except when it is not in session) is of a more substantive nature. One must recall that under President's rule the powers of the State Legislature become exercisable by Parliament or under its authority. The second occasion involves that august body in enacting a statute authorising delegation of legislative power of the State Assembly to the President. Originally, the State Legislature (Delegation of Powers) Bill was passed like any other Bill with its usual three readings. Now the Parliament approves a resolution under which the Bill gets passed. This process takes much less time, but the Parliament gets deprived of an opportunity of a detailed discussion of the affairs relating to the State under Article 356. There have been a few instances (for example, Punjab in 1971) when the Parliament was given a single opportunity to pass the statutory resolution as well as the bill.
delegating legislative powers to the President. Coming back to this subject, in consequence of this enactment the President, may, from time to time, whether Parliament is in session or not, enact as a President's Act a bill containing such provisions as he considers necessary. The 'President's Act' when enacted is required to be laid before each House of Parliament and the latter passes a resolution within thirty days signifying its approval or making amendments. This statute also includes a provision for the constitution of a committee consisting of members of Lok Sabha and of Rajya Sabha which the President 'shall, whenever he considers it practicable to do so, consult'.

The Parliament, thus, gets its second opportunity when enacting the legislation delegating legislative power to the President. The need for this kind of legislation has been felt since the beginning of President's rule in India. Justifying it, C. Rajagopalachari, the Home Minister, observed in 1951 when Punjab came under Article 356, 'If every legislative measure that may be necessary to enact from time to time for
the state of Punjab were to be taken up by Parliament it would require a great deal more or time than we can possibly spare and it would hold up all other measures of all-India importance. This bill (i.e., Punjab State Legislature (Delegation of Powers) Bill) seeks during this emergency period to confer on the President the necessary powers.10

However, it was not without serious misgivings that Parliament agreed in 1951 to enact the Punjab State Legislature (Delegation of Powers) Bill. One member observed, "I do not know of any kind of Government except a despotic Government where the law-making powers are given to one person..... A standing committee of the House consisting of the elected members from Punjab in the House may be constituted and others will be associated with them. They may be given the power to prepare bills and it will be easy for Parliament to pass them."11 K.T. Shah observed, "Parliament may sit, and I hope it will sit long enough to pass any urgent legislation in the Punjab that may be necessary or some arrangement may be made whereby
a semblance of a legislative body may be instituted for Punjab even during the interval so that we should not have the mortification of taking from the armoury of the British regime everything that we ourselves used to condemn. Over the years the significance of this occasion the deligation of legislative power to the President has steadily declined and today it is comparatively a tame affair. The debate takes place at a low key and the sailing of this piece of legislation is smooth and uneventful. But the contents of the Parliamentary statute are no less momentous. The act gives a blank cheque, as it were, to the executive in the field of law-making and the Parliament's role becomes optional, in the process getting restricted to mere passing, if it chooses, of resolutions according approval of or modifications in the Act. The Consultative Committee of Members of Parliament, set up under this statute, remains seized with legislative matters of interest or concern to the State. This Committee needs a somewhat detailed discussion.
CONSULTATIVE COMMITTEE OF MPS:

A Consultative Committee of Members of Parliament is set up generally to 'advise' the Government on matters of legislation relating to the State under President's rule. Its function is to whet the laws meant for the State before they are enforced. As a convention, however, it tends to function like a mini-Parliament showing its concern towards all matters relating to the State. It is a committee nominated by the Speaker of the Lok Sabha and Chairman of the Rajya Sabha but is not a parliamentary committee. Its meetings are convened by the Ministry of Home Affairs. It meets two or three times in a year, sometimes in the State concerned itself. Since Parliament has been constitutionally associated with the administration of President's rule in a State, it has to be consulted in matters relating to the latter. As it does not have the time to perform this role, its committee is constituted for this purpose. This constitutes the raison d'être of the Consultative Committee of MPs.
The Consultative Committee on State Legislation was not set up at the time of the first State, namely Punjab, coming under President's rule in 1951. But a plea for some kind of similar body was made in the Lok Sabha by Thakur Das Bhargava who said, "I want to submit that this House may appoint a Sub-Committee comprising Sardar (B.S.) Mann, Bakshiji (Bakshi Tek Chand) and four of five Members of Punjab; some Members from other States may also be included. That sub-Committee would make laws for Punjab."

When two years later Pepsu was put under President's rule many Members of Parliament expressed their strong misgivings on the matter of delegating Parliament's legislative power to the President without having any consultation or say in legislation-making. In deference to their wishes, K.N. Katju, the Home Minister, agreed to set up a Consultative Committee. As a result the Pepsu Legislature (Delegation of Powers) Act, 1853, delegated legislative power to the President provided that before enacting any such Act the President shall, except where it is not practicable so to do, consult the Committee.
constituted for the purpose consisting of ten Members of the House of the people nominated by the Speaker and five Members of the Council of States nominated by the Chairman. The statute did not restrict the discretion of the Speaker and the Chairman to the MPs from the state concerned. 'But what we had in mind', K.N. Katju said, 'was that Members who would be particularly acquainted with the local conditions, very likely their names would occur to the Speaker and the Chairman first so that they might be able to give their useful advice'. What was left to evolve through a convention became a statutory provision in the case of Kerala in 1956, when Parliament passed the Kerala State Legislature (Delegation of Powers) Act. According to this legislation, the President was to consult a Committee constituted for the purpose 'consisting of all the Members of the House of the People and the Council of States who for the time being fill the seats allotted to the State of Kerala in the two Houses'. Pandit Govind Ballabh Pant, the Home Minister, announced this change in December 1956 when moving the Kerala State Legislature
(Delegation of Powers) Bill in the Lok Sabha. He observed, 'As there is no local legislature, the Parliament has to devise some ready machinery for giving legislative sanction to necessary measures meant for the Kerala State. So it is proposed to give that power to the President. But, before any such Bill can be accepted it will be placed before, and considered by, the Committee consisting of all Members from Kerala. In fact, even before the formal acceptance of the proclamation I have had the privilege of consultations with the Members from Kerala. They have been good enough to give me very useful advice. Now, by virtue of this bill, measures relating to Kerala will be placed before the Committee, and then the President will give them the legal form and sanction.\textsuperscript{18}

The composition of the Consultative Committee was to undergo further changes both in its pattern and in size in years to come, and a beginning in this direction was made with the passage of the Kerala State Legislature (Delegation of Powers) Act, 1959, which
provided for a compromise between the two principles. Accordingly, the Consultative Committee of MPs for Kerala consisted of thirty Members of the Lok Sabha nominated by the Speaker among whom were included all Members from Kerala and fifteen Members of the Upper House nominated by the Chairman among whom were included all the Members from that State. This marked a departure from the earlier practice of making this Committee consist only of the Members of Parliament from the State under President's rule. Justifying the change, B.N.Datar a Minister in the Ministry of Home Affairs, said that Parliament also needed 'to be reflected in this Committee,' and the Government's stand was accepted notwithstanding the opposition by Members of Parliament from Kerala. The compromise proved to be interim, and by 1961 the composition of the Consultative Committee began to reflect the strength of various political parties in the Parliament. The Orissa State Legislature (Delegation of Powers) Act, 1961 was the first to lay down this direction and provided that before enacting any act the President
'shall, whenever he considers it practicable to do so, consult a Committee constituted for the purpose, consisting of fourteen members of the House of the People nominated by the Speaker and seven members of the Council of States nominated by the Chairman'. Thus the provision for inclusion of all MPs from the State under Article 356 became conspicuous by its absence in the Orissa State Legislature (Delegation of Powers) Act. At this time the MPs from Orissa numbered thirty, twenty from the Lok Sabha and ten from the Rajya Sabha. This meant that some MPs from Orissa were to be kept out of the Committee. Many MPs objected to this manner of constituting the Committee. Even the Speaker asked why all MPs from Orissa could not be put on it. Replying to him, Lal Bahadur Shastri, the Minister for Home Affairs, said, 'The only point is the Committee will become an unwieldy body. In these States (reference was to Kerala and Orissa) it is a smaller number. But take, for instance, Uttar Pradesh. Of course, I hope no President's rule would be introduced there. But suppose it happens like that, then we will have a
very big body, a very big Committee, if all the Members from that State are to be included. So, that should not be the precedent.

In short, originally the Consultative Committee used to comprise all the Members of Parliament (which means both Houses) elected from the State concerned, regardless of their political affiliations. Such a composition could be viewed as a mechanism to introduce the popularly elected local element in the management of affairs of that State. In the single party dominance system, this manner of constituting the Committee did not pose any significant problem, for it tended to reflect, at the same time, the political complexion of Parliament. When, however, Kerala with its substantial Communist following came under the President's rule in 1959, the constitution of the Consultative Committee along the above lines would have made it a Communist-dominated body, thereby completely upsetting the political balance between Parliament and this Committee. This occasion was utilised by the ruling
party to introduce a modification in the manner of constituting it and this process was completed in 1961. The Consultative Committee now reflects, in size and shape, the political complexion of the Parliament itself. Within the constraints of proportional representation of political parties in it, the attempt is to put as many MPs from that State on it as possible.

The meeting of the Consultative Committee is presided over by the Minister for Home Affairs. The Governor accompanied by the Chief Secretary generally attends the meeting, giving a resume of the work done in the State during the period under President's rule. Where there are advisers, the latter attend on behalf of the Governor. Generally speaking, Members of Parliament belonging to the State under Article 356 are more vocal and take more interest in its activities than those who come from other States. Even the MPs of the first category show more concern for the problems affecting their constituency than in general matters of State-wide
significance. Moreover, the legislators do not
evince sustained interest in the work of this body.\textsuperscript{20}

\textbf{OTHER TOOLS :}

The Committees of Parliament have their
jurisdiction extended to the state under President's
Rule. The Committee on Public undertakings, for
instance, examined the functioning of the public
undertakings of Kerala when the State was under
Article 356. The Public Accounts Committee also
covered Kerala. In practice, however, the parlia-
mentary committees have their hands already full,
and extension of their concern to the State under
President's rule is not a general event.

The foregoing is an analysis of the insti-
tutionalised opportunities available to Parliament
to discuss affairs of the State under Article 356.
In addition, it can press into service all the other
well-known mechanisms of control such as adjournment
motion, no-confidence motion, half-hour discussion
Parliamentary interpellations, etc. Not all these
mechanisms are utilised in practice, and not by all
or all the time. More active in invoking them are the Members of Parliament coming from the State concerned, more particularly the opposition members. For instance, the number of parliamentary interpellations focused on that State registers an appreciable increase under President's rule.

An increase in the workload of individual MPs from the State is seen to occur consequent to the exit of State legislators. Their constituency linkage becomes more encompassing and they begin to spend more time in their State, visiting the State capital more often and meeting the officials, especially the Governor and the advisers. As a former Governor put it to the author, 'The MPs are never satisfied with seeing the Advisers only. They all come to see the Governor bringing all sorts of problems. But they are more individual case-oriented, and seldom do they come with general problems'. It is be noted that the solitary State level people's representative who ordinarily remains in office even under President's rule is the Speaker of the State
Assembly. His principal function remains to look after the secretariat of the Assembly and has practically no role in influencing the ordering of affairs in the State.²¹

**EVALUATION:**

With these avenues open to Parliament is this body able to ensure or enforce accountability of the State Government? The Scheme of President's rule as designed in the Constitution sought, while suspending the democratic process in the State, to make operative parliamentary control and surveillance over the State Government. The types as well as range of this control have already been discussed in the present chapter. But the mechanism is neither adequate not effective to secure the equivalent of the vanished accountability of the State Government. In the first place, Parliamentary control, by its very nature, is remote-control, and is really no substitute for State level direction and monitoring of the State Government. Secondly, Parliament does not have the necessary time and energy even to deal with
its direct tasks, much less with this delegated responsibility. At any rate, all the problems of the State Government do not get highlighted in Parliament. Thirdly, it is too tall a demand on 500 and odd members of Parliament to direct their attention to the affairs of the State under President's rule. Jyotirmoy Basu expressed this dilemma this way: 'About the budget side, I would say that it is a great pity, because we know so little about Punjab's budget. We had no time to study it carefully. We do not know the facts that should be studied. Just we are doing something which should not be done.' At best, only the Members of Parliament belonging to that State show a measure of concern towards the administration of the State. Fourthly, the parliamentary orientation is manifestly political and partisan, and the Central Government does manage to remain completely safe behind its majority in the Parliament, thereby rendering the mechanism of parliamentary control of sporadic and occasional effectiveness, if not altogether devoid of impact.
One therefore cannot help arguing that public accountability of the State inevitably becomes low, irregular, uneven, and askewed when it comes under President's rule. Parliamentary control and surveillance become all the more restricted as a result of another practice which needs to be curbed and discouraged. There is a trend in the more recent past for the Executive to simultaneously seek parliamentary approval of the two resolutions on President's proclamation and on the State Legislation (Delegation of Powers) Bill. On one occasion the Parliament was called upon to take up for discussion, in addition to the two resolutions, the budget for the State under Article 356. Paucity of parliamentary time is given as a reason behind this practice but any combining of these events inevitably curtails parliamentary scrutiny. Under President's rule, the Consultative Committee of MPs becomes the bulwark of public accountability. But it does not seem to be effective in its functioning, and in this context the following observation of a Member of Parliament made in 1956 is revealing:
The Home Minister also said that 13 Bills (relating to Kerala when it was under President's rule in 1956) have been passed and all were accepted by the (Consultative) Committee. With due respect to the Home Minister I would submit that it is not a very correct picture. The Minister in the Ministry of Home Affairs (B.N. Datar) knows well that during the discussions which we have had, very many points of fundamental difference were also raised which could not be ironed out. But to our surprise we found that when the Bills were printed and circulated as Acts, it was also pointed that the Bills had the concurrence of the entire Committee...... Also, you will find that the Consultative Committee is neither a Parliamentary Committee nor a Committee which represents the Travancore-Cochin legislature. I am strengthened when I say this because, on a question of fundamental difference between Shri Datar and myself, I had the position clarified from the Hon. Speaker who wrote to me that although it is a Consultative Committee
it is not a parliamentary Committee and therefore, as a necessary corollary, we are not in a position to exercise the rights and privileges as Members of this House when we are functioning in this Committee. No record of the discussions which we have had are kept. There is no rendering in short hand and then transcribing in long hand. The result is, whatever they (the Government) say we have to accept. Although it creates an impression that all members have agreed, it is not a fact.\textsuperscript{23}

There is no evidence to suggest revision of the above assessment. A Member of Parliament said in 1971, 'During the six months of its (Consultative Committee on West Bengal Legislation) existence only two sittings were held and that too for 6 or 7 hours. Important issues could not be discussed. Some problems were placed before the Consultative Committee and they were got through in an hour..... So, my definite demand.....is that the Consultative Committee should regularly meet and discuss the issues
that are there and the important issues that come up daily. Similarly, more thought should be given on the composition of this body. It may perhaps be so constituted that it reflects the strength of the political parties in the State Legislature concerned, thereby making it spiritually closer to the State under Article 356.

This does not necessarily mean gross irresponsibility on the part of the State public administration. President's rule provides for a new set of persons such as the Governor and his advisers to show continuous regard for public interest and to exercise control over State Government functions. As a result, the hierarchical accountability becomes more fully activated. As the Governor emerges as the kingpin of State administration, he, more than any one else, may contribute most significantly towards making it efficient both in the technical and the social sense. To ensure this, he undertakes regular tours in the State and gingers up the public administration. He makes himself more
accessible to more people and on occasions even gives summary divisions in many matters. The advisers also tour the State and expedite decision-making. Laudable as these efforts undoubtedly are, they are hardly a substitute for what has been constitutionally taken away from the people—their popular Government. President's rule is, at best, a necessary evil; the shorter its duration, the better it is.
REFERENCES


2. Ibid.

3. The judgement was delivered on 1 march, 1968. The Tribune 2nd March, 1968.


9. Ibid.


13. The Official Nomenclature of this body is the Consultative Committee on (Name of) State Legislature.
    December, 1956, Col. 3549.
    August, 1951, Col. 590.
16. Parliamentary Debats, Council of States, Vol. III,
    No.47, 12 May, 1953, Col. 5579.
17. Section 3 (2) of the Kerala State Legislature (Dele-
18. Lok Sabha Debates, Part II, Vol X, No.27, 19 Decem-
    ber, 1956, Col. 3546.
19. Lok Sabha Debates, Fifth Series, Vol. IV, No.21,
    21 June, 1971, Col. 159.
21. Ibid.
22. Lok Sabha Debats, Fifth Series, Vol IV, No.21,
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23. U.P. Nayar's speech in the Lok Sabha, Lok Sabha
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    Col. 3548 - 3549.