

## The Indian Political Scene

On November, 26, 1949, India gave herself a constitution setting up a democratic sovereign republic. Two months later, this constitution became effective partly under transitional provisions. The written constitution of India is the bulkiest if not the weightiest of such documents. But even then its study will not yield all the information that a student of the constitution usually seeks about the working of the government and administration in a country. For one thing it refers to earlier constitutional documents and political usages in India and elsewhere. For another, in some cases it only lays down the general outline of a constitutional provision leaving it to other authorities to fill up the skeleton subsequently. As is usual with written constitutions all over the world it is also getting overlaid by conventions arising out of the practices of the governments, legislatures, political parties and the people. The judiciary too has been busy telling its framers what their handiwork really stands for, now that it is a law of the land. We can thus talk today of the Indian Constitution in 1950 instead of the Constitution of India.

In some quarters an impression prevails that ours being a written constitution, conventions of the Constitution cannot—or is it should not?—take shape here. Such an opinion runs counter to the experience of mankind elsewhere, in the U. S. A. as in the U. S. S. R., in France as in Australia, in Canada as in Switzerland. All constitutions work under continuously changing demands and conditions. It is neither possible nor expedient to answer the practical problems that thus arise by a series of ever changing 'laws'. In countries which have written and rigid constitutions the formal amendment of the constitution is a difficult affair. The constitution however has to answer the strain and the

stress of political development here as elsewhere. Conventions offer a more convenient method of dealing with these problems according to the prevailing political philosophy of the day. 'They can be more easily modified when they fail to answer the purpose they were supposed to serve.' They represent the political usages developed within the legal framework of the constitution. It is true that in India some matters left to 'conventions' elsewhere have been included in the legal framework of the constitution. But this has by no means exhaustively covered all matters of political usage. Conventions have thus already been arising during the course of the year indicating how various organs of government will actually function.

It would be a mistake to try to trace even the legal framework of the government in the Constitution of India alone. It has already been supplemented and modified by Constitutional Orders and Ordinances issued by the President, by enactments passed by Parliament and State legislatures and by the rules of procedure and rulings given in the various legislatures. The privileges of the members of its legislatures have to be traced in British judicial decisions and parliamentary practices. The rights and interests of the public servants recruited before 1946 have to be sought for in earlier enactments and practices governing All India Services. It is my intention today to take stock of the Constitution as it stands.

One of the most notable gains of the year has been the widening of the personal freedom and liberty of the individual. When the chapter on Fundamental Rights was being discussed one of the judicial luminaries in the Constituent Assembly dubbed it as a charter of oppression rather than a charter of liberty. He might have proved a true prophet but for the fact that the framers of the constitution built better than they knew. The Government of the Union and those of the States seemed to have acted on the assumption that the inclusion of this chapter made little difference.

in the sum total of the rights enjoyed by the citizens. They were apparently supported in this view by the academic critics of the constitution most of whom argued that the exceptions provided for governmental invasion of personal rights made the substantial provisions almost useless. But the Governments and the critics both received a rude shock when Court after Court handed down judgments laying down in precise terms how wide were the liberties the constitution conferred on the citizens. The Government of the Union hastened to pass a Preventive Detention Act arming itself and governments of the States with such powers as it assumed the provisos to the fundamental rights allowed. It is a welcome commentary on the constitution that the Chairman of its Drafting Committee failed to keep within the term of the Constitution when as Minister for Law he piloted the Preventive Detention Act through Parliament. The Supreme Court held one of its most important provisions invalid and demonstrated how limited under the constitution was the power to detain citizens. Thus as interpreted today the constitution has taken away from the executive the power to deal indiscriminately with the personal liberties of the citizens. It has confirmed the right of citizens to move freely throughout the Union, it has conferred on the citizens the right of free association, it has given them freedom to practise any profession or follow any trade. The newspaper press has had its right to publish whatever does not offend against the law, without fear of punishment. It need fear no arbitrary restrictions on its circulation imposed, as they used to be, by executive bans on the entry of a newspaper in a State. The secular character of the democratic republic of India was emphasized when the restrictions on admissions to educational institutions and on employment in public services based on caste, colour or creed were held invalid and against the constitution. This is probably the most notable achievement of the constitution enabling the State to enlist in its service the

best available talent in the country. The decision of the High Court of Bombay *re* the Prohibition Act cut at the root of a new inequality that was threatening to emerge: the placing of the foreigners, the armed forces and the princes in a new category of citizens, albeit for the purpose of allowing them to suffer from the ill effects of intoxicants. The High Court of Nagpur has claimed the right to examine the public acts of the Governor. The High Court of Punjab has held invalid most of the provisions of the old law dealing with sedition and the like.

The Supreme Court has strengthened its position in the polity of the country. It has now assumed the right to entertain appeals against the decision of all types of administrative institutions exercising judicial rights. It was amusing to discover the other day some of the Speakers warning their colleagues against the passage of bills defining the privileges of the members of the legislature because this would, they thought, bring the Speakers under the authority of the Supreme Court! It has put life into the dry bones of fundamental rights and opened its door to all complainants seeking justice. Its rules have made it impossible for it to revise a decision once given unless an appeal is formally made for such a revision. In actual practice it has already translated a minority judgment into a decision of the court.

The Supreme Court has been so much flooded with applications of citizens who believed that they had been unlawfully deprived of their fundamental liberties that little time was left to it to do anything else. It is hoped, however, that as the Supreme Court clarifies the law, pressure on it would cease as the executive would learn the limits of its power. In setting up a special court at Hyderabad to dispose of the appeals which were pending before the judicial committee of Hyderabad, all concerned have, in their haste, resorted to a procedure which clearly makes the Court at Hyderabad illegal and unconstitutional.

Only one judge of the Supreme Court has been assigned to the Hyderabad Court whereas all courts must consist of three judges. The two vacancies have been filled by the appointment of two judges of the High Court of Hyderabad as *ad hoc* judges. Now *ad hoc* judges can be appointed only when there is no quorum of a court first duly constituted. No court at Hyderabad was duly constituted and the appointment of the *ad hoc* judges to the bench is thus clearly unconstitutional. A similar exercise of power on a wider scale would enable the Government of the Union to convert seven judges into seven courts with two *ad hoc* judges on every bench.

The constitution gave the Rajapramukhs the power to fix the salaries of the judges of the High Courts in their States. The President was authorized to fix their tenure of office. The existing salaries ranged between Rs. 600 to Rs. 3,000 a month, the qualifications varied as widely, with the result that most of these cases had to be decided individually. The tenure now fixed by the President varies from one day to two years. It is amusing to record that when the judge worst affected by the Presidential order preferred an appeal against it, the Ministry of States ordered the government of the State concerned to pay him his salary, pending the decision of the enquiry by the Chief Justice of India. It is satisfactory to note that the Chief Justice of India has upheld the action of the President. It would be however pertinent to enquire here on whose recommendation originally the action in all these cases was taken. If the original recommendation came to the President from the Cabinet inspired by the Ministry of States, it was certainly wrong on the part of the Ministry of States to try to saddle the government of the State concerned with the salary of the judge it had already condemned. If the recommendation to the President passed through the Chief Justice of India, it was unfair for the President to depute the Chief Justice of India for an enquiry as to the

correctness or otherwise of his own recommendation. The more charitable interpretation seems to be that in their haste to promulgate the order before January 26, 1950, all concerned erred in giving too little time to passing judgment on a large number of cases.

Another notable gain of the year has been the emergence of the Parliamentary character of government at the centre and in the States. The constitution set up at the centre a President and a Council of Ministers to aid and advise him; in the States the executive power is vested in the Governor, again with a Council of Ministers to aid and advise him. The Ministers of the Union and those in the States hold office during the pleasure of the Chief Executive but they are also jointly responsible to the legislature. The constitution implied that in the States at least the Governors need not always consult their Council of Ministers—not in matters in which they were left to act in their discretion. The working of the constitution during the year brought out prominently the parliamentary character of the Government. For one thing the constitution had failed to specify matters in which the Governors were to act in their discretion and therefore left almost the entire field of government under the Council of Ministers. For another the staffs of the Governors and the President are woefully inadequate to enable them to take any active part in the administration. Some students of the constitution feared that as the Council of Ministers was confined only to aiding and advising the Chief Executive, he might embark on a policy of his own either by rejecting the advice of his council or by acting on his own initiative. Such a tendency was supported by the Rules of Business made by the President and the Governors for authenticating the orders of their governments. They continue to burden the Chief of the State with responsibility for his entire government. The most energetic of the Governors began by writing notes on the files sent to them to discover that their comments were noted upon by the

departmental secretaries or were treated as if they came from a superannuated secretary of the department. Most of them now content themselves by writing personal letters to the Chief Minister if they feel very strongly on any matters arising out of the information supplied to them. Those who, before their entry upon this office, were not members of the party in power dare not do this even. The President of the Union has similarly become the Chief of the State rather than head of the Union Government. The President and the Governors have also been acting as publicity agents for their governments by making speeches outside the legislature extolling the work of their governments and defending them against all comers. This again has had a tendency towards making the governments parliamentary rather than otherwise.

Thanks to the changes, introduced in rules of legislative business, the probe of Parliament can be more usefully and effectively employed in the Indian administration today than was the case before the Constitution became effective. There are greater opportunities now of ventilating grievances than there were yesterday. An unsatisfactory answer to a question asked in the morning can become the same evening a subject for discussion for half an hour before adjournment. This Indian version of the Eleven O'clock Rule may not have been resorted to much yet; but it provides almost an immediate forum for the members to give expression to their dissatisfaction. When the legislators meet to pass a vote of thanks to the President or the Governor for his address at the opening of the session, they get an ample opportunity for a full dress debate on all aspects of the Government's work. The discussion can range over all the subjects referred to in the address. More can be brought in by appropriate amendments to the vote of thanks. Opportunities for criticising the policy of the cabinet in Parliament and State legislatures have been further increased by the practice of putting together all the grants into an

Appropriation Bill. An adjournment of the House for purposes of debating an urgent question of public importance has been made easier for the opposition by lowering to a quorum the number of members required to give support to the motion to grant leave for the same. The motion must now be discussed the same afternoon. A motion of "No confidence" in the Council of Ministers can be moved if it receives the support of ten per cent of the members thus enabling such a small number of critics of the government to force it, any time during the session, to an open debate on its sins (?) of omission and commission. Select Committees no longer have the ministers-in-charge as their *ex-officio* chairmen. The Speaker nominates them, thus enabling non-government members of the House to take a more effective part in their work. Power has been conferred on Select Committees to hear evidence and summon witnesses thus making better provision for their more successful discharge of the duties assigned to them. Presentation of petitions on bills before the legislatures has been provided for, thus enabling opinion outside the House to express itself on legislative proposals under consideration. The Estimates Committee of Parliament now enables the legislators to scrutinize departmental estimates of expenditure and thus extends parliamentary supervision of administration to this vital field. The Public Accounts Committee considers the report of the Comptroller and Accountant General on the Finance Minister's discharge of his duties as the custodian of the country's finances. It need no longer be presided over by the Finance Minister, thus extricating it from the ridiculous position of passing judgment on its chairman's public conduct, not as chairman, but as a Finance Minister. The creation of the Consolidated Fund and the Contingency Fund brings Indian practice nearer to the British parliamentary tradition. It has been asserted, however, on the floor of some of the State legislatures that the Contingency Fund absorbs far too large a proportion of the revenues of the



State and thus frees the State Governments from obtaining Parliamentary approval for spending money before it is actually spent.

The authority of the Speaker in the legislatures has been freed from many restrictions by which it was confined before. He allots time for various types of business in the House, his rulings on the admissibility of business or on points of order can no longer be upset by executive interference. He certifies business to be deemed financial business, he receives messages from the Chief Executive through a minister, he appoints chairmen of various Select Committees, he can adjourn meetings of the legislature indefinitely. He has an almost complete control over the legislature in session. The authority to name a member and suspend him for the rest of the session is, however, now shared by him with the legislature. He moves that the member be suspended, but it is the vote of the House that actually does so. The rather sinister combination of Speakership with an active career of partisan politics was at last terminated by the resignation of the Speaker of the Assembly in U. P. But the claim to impartiality which the Speaker of the House of Commons makes is still far from realization in India. The presiding officers of our legislatures do not consider themselves dedicated to the onerous office of holding the scales even among contending parties in the legislature. They do not think that letting the government of the republic go on, yet protecting the rights of the members is a task likely to tax all one's energies. Some of the Speakers do not think it wrong to become fighting advocates of dubious causes and contending creeds. They may excuse themselves on the plea that with the new elections of bigger Houses looming so near they are not sure of their political future and do not think it expedient to make a complete if not a clear break with their past. It is unfortunate, however, that some of them have not quite accommo-

dated themselves to their new surroundings and thus continue to take part in the deliberations of the House over which they are supposed to preside. The announcement of a government decision through the chair (Deputy Speaker) in Parliament almost created a constitutional crisis in the Government of the Union the other day. The clumsy attempt to spare the Prime Minister interruptions in Parliament in an earlier session misjudged the Prime Minister and misinterpreted the duties of the chair. It is no use decrying English traditions as unsuitable for reproduction here. We have deliberately adopted the English system of government in our constitution and if we intend making a success of it, we need utilize all the political experience which the English have gathered over the centuries unless it be demonstrated that a particular part thereof would harm the development of democratic institutions here. We need take no pride either in our ignorance or in our stupidity.

Though these gains were apparent, the legislatures continue to meet occasionally and fitfully as if they were an accretion rather than a substantive part of the governmental machinery. This is in no way due to the lack of business at the Centre or in the States. The number of Ordinances and Orders issued and their nature testify to the need of more frequent and longer sittings of legislatures. The Parliament has still to fill many a lacuna in the constitution; When it meets its agenda is always very heavy. The House of Commons usually meets for eight months in the year. The American Congress too has as long a record. In Australia and Canada as well the parliamentary sessions are longer as well as more frequent, Parliament and legislatures can become the nerve centre of the governments only if they are in session longer, thus necessitating that the governments make all their major decisions with the approval of the House. A discussion in the legislature, or fear of one, may not result in a change in the policy of the government. It would, however, always subject the measure to a close scrutiny by the opposition.

A very significant feature of government at the centre and in the States has been the absence of a strong opposition. Some critics have tried to read into it dictatorship of a single party. Such critics seem to miss the very nature of the one party state. Such states do not permit candidates of any other party to contest the elections. Fascist and Bolshevik States never permit members of the legislatures to desert the party in power and organize an opposition. All such attempts are dealt with as treason and members concerned are quietly and some times publicly made impotent to do any harm if not 'liquidated'. Nothing like this can be suggested to have happened in India. Such critics further forget that it is the business of a majority party to govern on its own, only taking care that it does not harm the minority beyond redress. Democratic governments do not govern with the permission of the Opposition howsoever numerically strong the latter may be. Such a course, if adopted, would confuse responsibility and make it impossible for the electorate to judge between the government and the opposition at the election time. Mr. Churchill's host of Conservatives has little effect on the course of the British policy today. The Australian Senate had only one member of the Labour party in opposition for several years. It is not the size of the opposition that makes a government democratic, it is the mere existence thereof that proclaims that the government can never be 'an uncriticised lie'. In India opposing doctrines are free to express themselves, to seek converts, to form organization and so to compete for success at the tribunal of public opinion.

It has further been asserted that the legislatures in the country do not perform any useful function today as they usually rubber-stamp the decision of the party in power. Those who assert this are still living in the nineteenth century. It is not the function of the legislature to-day to govern-least of all in the U.S.S.R. 'All parliamentary activity concerns keeping or refusing to keep a government in

power primarily'. The true function of Parliament besides registering the decision of the government is to serve as an outlet for individual or collective grievances and to warn the government when it is becoming unpopular. The legislatures in India have amply served this triple purpose. Parliament in India in 1950 witnessed a greater ventilation of individual and collective grievances, real and fancied, than could have been found anywhere else in the world in the same period. It listened to warnings galore about the waning popularity of the government. It continued to register the decisions of the government by voting grants, passing legislation and approving taxation proposals. It will have to be conceded by any fair student of politics that the Government in India permitted its own supporters much greater freedom in criticising it than was the case anywhere else.

Transition from one constitution to another always raises difficulties. The transitional provisions of the constitution vested the power to remove such difficulties in the federal government through Presidential Orders. Some of the heads of the States failed to promulgate rules of business under article 166 (2 and 3) of the Constitution. When this was discovered the President removed the difficulty by passing an Order that the rules of business in existence before the coming into operation of the Constitution be deemed to have been in operation from January 26, 1950. A rather subtle 'difficulty' was discovered in the application of the Articles 217 and 124 to present judges of the High Courts and it was ordained that a non-Indian judge of a High Court may be appointed a Chief justice of a High Court or a judge of the Supreme Court. An English incumbent of a High Court bench is said to have resented the bar sinister and seems to have requested the removal thereof. Rumour has it that he went to the length of assuring the powers that be that if he was elevated to the Supreme Court he would lean to the side of

the executive in interpreting the constitution. Probably the assurance, if given, killed all his chances of elevation!

So far as the public services are concerned several developments during the year deserve notice. The High Court of Madras held that neither the executive nor the legislature had the power to apportion appointments to public services among different categories of citizens. Ignoring such a clear interpretation of the constitution the Punjab Legislative Assembly passed a resolution recommending to the government that the vacancies in the public services be largely filled by citizens hailing from the rural areas. In Bombay certain appointments hitherto filled on the recommendation of the Public Service Commission were filled as political appointments without however changing the rules as to the tenure of office and termination of services. Whereas the constitution seems to have placed appointments of district judges on non-party basis by authorizing the Governor to make them in consultation with the Chief Justice of the High Court, in actual practice they continued to be made by the party in power. It has even been suggested that an officiating Chief Justice lost his chance of being made a permanent Chief Justice on account of his strong opposition to the way in which the Rajapramukh flouted his recommendations about the appointment of district judges. The appointment of the judges of the High Courts raised several delicate questions. The President makes the appointment after consulting the Chief Justice of India, the Governor of the State and the Chief Justice of the High Court, but in making it—as in his other acts—he is aided and advised by the Union Council of Ministers. A convention seems to have grown up that no such appointment be made unless the Chief Justice of India consents thereto. It seems to have been argued that the provision asking the President to make the appointments in consultation with the Chief Justice of India overrides the general direction given to the President to act only with

the aid and advice of the Council of Ministers. A similar interpretation of the relevant sections should place the appointment of the district judges in the hands of the High Court. Here and there in making the appointments to advisory bodies and to hold charge of department a tendency was observed towards discrimination against public servants serving in States not of their origin. Such instances of 'provincialism' were fortunately very rare.

Greater use was made of the Public Service Commissions during the year than had been the case hitherto. The practice of appointing rank outsiders remained at a discount. If a politician has been appointed as the Union Backward Class Officer, the scales were kept even by appointing a civilian as the Chief Election Officer. The expansion of the Union Secretariat too seems to have come to a stop.

The Union Cabinet during the year remained an interesting political phenomenon. It began as a Congress body in principle but a coalition in personnel. The resignations of an erstwhile Mahasabhibite and a Liberal were followed by the inclusion of an administrator as Minister of Finance. One of the Cabinet ministers declared the other day his alignment with a dissident group in the Congress thus adding a further division to the political loyalties of its members. The Cabinet seems to be held together by the Prime Minister who alone naturally decides what variety of personal political opinions can be tolerated among its members and for how long.

Joint responsibility of the Union Cabinet is enjoined upon the members of the Council of Ministers by the Constitution. This presumes consideration of the major problems of administration by the Cabinet. The resignation of Dr. John Mathai seemed to suggest that some of the non-Congress Ministers were in the Cabinet rather as technical advisers than as members of a Cabinet.

This naturally leads us to the advisory bodies and their place in the administration of the country. Quite a large number of such bodies are functioning 'at various levels' today. There are sub-committees of the Cabinet, there is a planning commission attended by a large number of advisory bodies of its own, there are several other committees and boards working out—or trying to work out—various problems. Yet, when all is said and done not much 'action' arises out of their deliberations prolonged, animated, or otherwise. The main difficulty here as elsewhere is to find the experts whose judgment the lay cabinet would be willing to follow. This arises as much on account of the shortcomings, if any, of our experts as out of the belief commonly held by many of our politicians that they know all that is to be known about all subjects on earth.

The transformation of agitators of yesterday into cabinet ministers and legislators raised problems which are no nearer solution today than they were in the beginning of the year. On account of their experiences in the past, both the ministers and the legislators inherited a feeling of distrust towards the permanent servants and one of hostility towards systematic students of various problems. Further the Ministers as well as the legislators had so far been accustomed to work in the limelight of publicity. Many of them seem to have developed a capacity to share their innermost thoughts with their huge audiences! On the other hand the citizens continued to look for the same methods of doing 'business' in the new Ministers as those which these ministers had exhibited as popular agitators and leaders of party. Theoretically at least all members of, say, the Working Committee of the Congress, had occupied the same status. Forsooth, Ministers of State and Deputy Ministers claimed an equal place in the Council of Ministers. A tendency has been further visible among the Ministers to look upon themselves as clothed with almost sovereign authority in dealing with problems arising in their own departments.

This made the government a conglomeration of ministries rather than a Cabinet. Ministers shirked sharing the burden of their duties with their colleagues in the Cabinet. Economy in Government spending, enquiry into alleged incompetence or corruption in administration, attitude towards some of the crying evils in the administration under some of the Rajpramukhs, the princely scale of expenditure in our embassies abroad and even the all embracing food problem seem to have been seldom discussed *thoroughly* at Cabinet level with a view to *reaching conclusions*. The Cabinet in fact seems to have occupied a secondary position in directing the policy of the government which continued to be formulated and announced in conferences, committees, public meetings, press interviews and radio broadcasts by individual ministers. A notable gain in the right direction came in the Presidential address at the commencement of every parliamentary session. It has served a very useful purpose in compelling the Cabinet to formulate a definite programme of parliamentary activity. It is hoped that the experience gained by the Ministers during the current year would bring them closer together and compel them to think out many of their vital problems in the cabinet room rather than in the open session of Parliament. The Cabinet has certainly a secretariat but its permanent personnel is as new to the job as are the Ministers in the Cabinet. It would save trouble all round if the experience gained in the working of the cabinet secretariat in England was bodily adopted as Rules of Business made by President under Article 77 of the Constitution. This would enable the Cabinet to deal adequately with all problems of major importance though it would certainly cut into the tour programme and speaking engagements of many of the ministers.

This brings us to a major difficulty of administration today. The Ministers do not seem to attach that importance to desk work and prosaic delving, very often, into uninteresting files that their job demands. It was amusing—but no



ess. exasperating—to learn that the Prime Minister begins his day's work at 12 at night or later because he can find no time to attend to anything serious during the day! Churchill and Roosevelt did keep as late hours as all that, but not because they could not find time to attend to their business during the day. So much time and energy is being wasted by the Ministers in their journeys up and down the country that it is not surprising to discover that they get exasperated when they find files piled up on their tables on their return to the capital.

The relations between the Cabinet and the permanent civil servants have remained as fluid as before. Ministers like to rush from Delhi to Patna and from Bombay to Assam to ascertain facts which it should be the duty of their public servants to make available to them. Bills some times descend on public servants from on high without their first being subjected to the necessary scrutiny by permanent officials. Responsibility for administrative action or inaction continues occasionally to be placed on the shoulders of permanent servants rather than to be squarely faced by the Ministers themselves.

At the centre and in the States members elected in 1946 continue to function as legislators. They have not yet held office for more than five years; but as they were elected on an issue which is now no longer alive, a good deal of dissatisfaction has been felt for their 'clinging to power'. They can however be replaced only by a legislature elected under the provision of the new constitution. Though the work of preparing the electoral roll was begun almost as soon as the Constituent Assembly decided in favour of adult suffrage, the formal rolls are still far from ready. The seats in Parliament and the Council of States were distributed among States in last April when the Representation of the People Act also fixed the total number of members in various State legislatures. The distribution of seats among constituencies will come up before

Parliament in the present session and the voters may learn next year where they will be entitled to vote. The Indian register of voters will be the biggest in the world. There has been a good deal of dissatisfaction with the announcement that the elections will not be held till the end of the next year. It is difficult to read into this any sinister designs on citizens' rights by the party in power. If anything the delay is likely to harm rather than better its prospects in the elections. The distribution of seats and fixing the area of the constituencies have been in some quarters adversely commented upon. A rally of parties in opposition has set up a common front asking for multi-member constituencies obviously on the plea that in 1951 opposition parties are not likely to capture any seats in single-member constituencies. As this is not accompanied by a demand for proportional representation, one fails to see how a multi-member constituency will better the chances of the 'minorities'. If every voter has two votes in a two member constituency, the results are not likely to be different from what they would have been had the area been divided into two single-member constituencies. Moreover, if adult suffrage today is a necessary evil, as some believe it to be, proportional representation would be not only a bigger evil but an unnecessary one as well. But the primary function of the voters in a democratic state today is not to create a legislature which will mirror the bewildering variety of opinion held by the voters, but to produce governments. Multi-member constituencies would do it no better than single member constituencies.

Most of the dissatisfaction felt over the working of governmental machinery today is due to the fact that the lines of demarcation between the party, the government and the administrative services continue to be blurred. Occasions of national rejoicing were turned into party rallies on the one hand and a cause for the public servants' demonstrating their political alignment on the other. Permanent civil servants

have in large numbers participated in the ministerial wooing of their constituencies or in their campaigns on behalf of the party candidates. Administrative services placed themselves at the disposal of the party bosses when one political party held a rally, thus engendering a belief, however erroneous, that the permanent services were expected to be at the beck and call of political chiefs. No wonder that the average citizen, whenever he found his personal or even selfish interests ignored, ascribed it to the machinations of politicians. Notwithstanding the American precedent; the success of democratic government depends very much on the existence of an honest, impartial and fearless set of public servants. This is all the more so in a country which has yet to develop a political conscience, a tradition that certain things are "not done".

The first political rally of the party in power in the democratic sovereign republic of India at one time threatened to develop into a major political issue. The Prime Minister deftly turned it into a vote of confidence in his administration and got it too! If this precedent is followed up, it may limit the future function of the annual political rally to this much alone. This is exactly what the annual convention of the labour party usually does. The resolutions passed by the Nasik Session of the Congress recorded, not the directive of a sovereign body, but the recommendations of a political rally. It is necessary to recall that even in the past when the party leaders were not burdened with the cares of administration, they always found it possible to rewrite, if not to override, the directions given at the annual session. A mandate to wreck the constitution in 1937 found the Congressmen in office a little later on. A directive not to agree to the bifurcation of India was followed by the Congress acceptance of the creation of India and Pakistan. Now that there is a Congress government in office in the Union and the States, the case for leaving the shaping of governmental policy to those in office

is still stronger. They have access to information not available to outsiders. Nor can this information be always shared by the government with the political leaders not in office. It is time that the Congress realized that the major, if not the only, task of a political party is to capture as large a number of seats in the legislature as possible and run governments when its adherents form majority. This is the only justification for the existence of political parties in a democratic state. Winning the election involves evolving a political programme and educating the voters to a belief in its excellence as also the fitness of the party representatives to run the government. This is an ever present demand and would tax the energies of any party to its utmost. But it is the performance of a political party in office rather than its programme that would capture the floating vote. This places the burden of winning the election on the government rather than on the office-bearers, however exalted, of the party. The last President of the Indian National Congress recorded the change that has come over the party since the country became independent by exposing the hollowness of his office.

Apart from the questions of internal adjustment that the circumstances raise, they demand that the political party in power cease to interfere in the working of administration and to compete with the government by setting up its own agencies for performing what are clearly governmental functions. Inquiries into alleged misconduct of ministers in public offices and the feasibility or otherwise of linguistic States are not matters for party inquiry but administrative investigation. The bandying about of allegations of corruption, nepotism and worse, against the ministers *ad infinitum* cannot be, and has not been, laid to rest by party inquiries.

Though the Congress continues to dominate the political scene it is fast becoming, like many public parties elsewhere, a group of people loosely held together by past political

associations and a hope of sharing the fruits of victory at election. There is little sharp division of opinion visible among political parties in India about what needs to be done in the immediate future. They differ in the tempo of their programme, they are divided by the distant goals they proclaim. Pressure groups and dissentient opinions do not make political parties; they would ally themselves with any political party that promised to help them. Condemning the Government in power for its shortcomings, real or imaginary, does not constitute a party. Were it so, I would be a political party by myself as also every other student of politics. Laying emphasis on the prevailing corruption and incompetence in high places or how does not again create a party as some politicians fondly seem to imagine. 'It is a sad but sure truth that every time you speak of a fine purpose, especially if with eloquence and to the admiration of by-standers, there is less the chance of your making a fact of it in your own life' said Carlyle long ago. Even if this be not true, it is difficult to build a political party on 'fine purpose' alone. But the bewildering variety of opinion on distant issues that divides us today forms a very serious problem. Between the communal front of the Hindu Maha Sabha and the Cominform programme of the Communists a large variety of public opinion stands undecided. It can be easily wooed by painting a very rosy picture of the world to come though not just now.

It is little realized to what a large extent the Government controls business in India to-day. Export and import trade, distribution of many articles of necessity, the rate of dividend, the rate of interest, the investment of funds and the prices of many essential articles, are all controlled by the Government today. It has further added to its already large list of state undertakings several new items. But such Government control of business continues to lack method and long term policy on

one side and lack of public responsiveness on the other. It does not seem to have been realized on either side that the present relations between business and government form neither an isolated phenomenon peculiar to this country nor a temporary phase likely to disappear after some time. 'Today the choice does not lie between a free economy and a planned economy but between unco-ordinated controls by groups and genuine planning in an integrated society'. The sooner this is realized the better it will be for all concerned, particularly the consumer. The Constitution in its directive principles of Government has put the matter beyond doubt. Yet we go on from one experiment to another in the hope that some day such things would come to an end. This has made the evolving of any long term policy difficult. It is time we decided first of all 'the ultimate objective of human activity, that quality in goods, activities, thoughts, motives' which we think adequate for our needs. It would then be possible to devise appropriate means to reach that end.

It is necessary to emphasize that the emergence of a democratic sovereign republic of India could not have by itself solved any of our major problems. It could only remove that sense of frustration from which many of our best minds suffered in the past because they could not find it possible to serve their country fruitfully. Now that we are masters in our own house we have to tackle all our problems ourselves. But if our efforts are to be successful in a democratic way, it is necessary that we make of politics 'the greatest and the most honourable adventure'. If it be true that the infant mortality of the new democracies is high we need take very good care to guard ours. Let us remember that if freedom be the essence of democracy, it had better be 'the freedom of service self-chosen and sometimes of sacrifice self-imposed.' Democracy can work only if the citizens are inspired 'by public spirit, justice, fair play and a consideration for others. Politically inert people unconscious of any binding interest form a very grave

danger to democracy'. While the politicians may exploit popular inertia as well as lack of cohesiveness, it is, I believe, the duty of those of us who are engaged in the task of teaching or studying political philosophy and political institutions to educate our masters, the people, politically. When men are sorely tried and their hopes are shattered, prophets of power may make them all sorts of bids'. It is precisely then that our duty becomes all the more compelling. Let us therefore come out of our cloisters and dedicate ourselves to the task of making democracy better understood by the rich and the poor, the trade unionist and the mill magnate and, last but not the least of all, the public servant and the professional politician.

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