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CONSTITUTIONAL CHANGES

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THE THIRD INSTALMENT of the recommendations of the Swaran Singh Committee on Constitutional changes is now before the public for debate. The most important item of the proposals relates to 'no-confidence' motions against the Ministries at the Centre and in the States. Clause 3 of Article 75 relating to the Union Cabinet and Clause 3 of Article 161 concerning State Cabinets provide that "the Council of Ministers shall be collectively responsible" to the House of the People, or the Legislative Assembly, as the case may be. Accordingly, a motion expressing want of confidence carried by a majority of members present and voting led to the resignation or dismissal of the Ministry in question. Parliamentary conventions had further developed, whereby the defeat by a simple majority of those present and voting was equated with loss of confidence in the Ministry calling for its resignation. Nevertheless, the Council of Ministers could move and get passed a vote of confidence immediately thereafter and thus overcome the defeat. This safety valve ensures that snap voting does not bring down Ministries which command the confidence of the House.

Now, the Swaran Singh panel has suggested that the Constitution may be so amended that a 'no-confidence' motion against the Council of Ministers at the Centre and in the States shall be deemed valid only when adopted by not less than half of the total mem-

bership of the Lok Sabha or the State Assembly. Thus, even if a 'no-confidence' motion is carried in the House by a simple majority of those present and voting, the motion will be void and of no effect if the number of persons voting for the motion constitutes less than 50 per cent of the concerned legislature. At first sight, it may appear odd that a motion carried by a majority will not be binding on the members. There are, however, several instances where the simple majority rule has not been considered adequate for effecting changes. The shifting of loyalties of members of panchayat boards and the disruption of good administration by frequent 'no-confidence' motions led to the enactment of a measure requiring a two-thirds majority for the validity of such motions against panchayat presidents. The Indian Constitution itself requires a majority of total membership of the House for the validity of an amendment to the Constitution. In the Security Council of the United Nations, a resolution relating to the substance of a matter shall not be deemed to be adopted unless the majority includes the concurring vote of all the five permanent members. There can be no legal objection to the provision of the kind suggested by the Swaran Singh Committee. The multi-party system has contributed to the instability of governments and has retarded development in our country. The 'Ayarams' and 'Gayarams' have accentuated the

misery by unprincipled shifts from side to side. There is no reason why an unethical minority should be allowed to hold the State and the people to ransom. Even the mere knowledge that shifting loyalties will not result in shifting Ministries from power will deter such unscrupulous adventures. As a result, more stable Ministries striving to serve the people instead of endeavouring to survive all the time may emerge out of these recommendations.

There are, however, some snags in the scheme calling for a more thorough scrutiny. It is the essence of parliamentary democracy that a Ministry carries out its programme with the majority it commands in the House. While in the Presidential form, the legislature may negative the executive's recommendation, the parliamentary system does not contemplate such deadlocks. It is conceivable that in a multi-party democracy like ours, the Opposition may be strong enough to defeat the measures of a Ministry, but not to pass a vote of 'no-confidence' against it. In such a contingency, the Ministry will be immobilised and unable to function and the Constitution amendment will be of little help to the Government. The resulting chaos may be worse than the disease sought to be cured by the Swaran Singh panel. There have been in panchayat administration innumerable situations of the kind envisaged. If it is conceded that the Ministry should resign on the

defeat of its financial or legislative business unless reversed by a vote of confidence, then the contemplated amendment will be a dead-letter, as the Opposition will muster strength to defeat the measure rather than bring a motion of 'no-confidence'. If, on the other hand, the panel's recommendation is intended to stall frivolous 'no-confidence' motions, the object will not be served as most 'no-confidence' motions are tabled not with the hope of passing them but with the object of spitting wrath and fire. It is possible that in the case of a deadlock between the Ministry and the legislature, the Ministry may advise the President or the Governor to dissolve the House. It is, therefore, not clear how the Constitutional amendment requiring one-half of the total membership of the House for passing a vote of 'no-confidence' will materially improve the

situation.

Another important change recommended by the panel relates to the power of Parliament to legislate on matters within the State List. Article 252 confers power on Parliament to legislate on matters in the State List if two or more States consent and to extend the law to other States which may later adopt resolutions to that effect. This provision makes it necessary to obtain the consent of the States every time an amendment to such legislation is proposed. For instance, the Urban Land Ceilings Act, which has been adopted with the consent of a number of States requires again the formal consent of the States even for making minor amendments. This not only makes the procedure cumbersome but entails unnecessary delay. Once the States had broadly agreed to the basic principle of legislation, it is un-

necessary to seek again the consent of the States for each and every amendment. Except for theoretical adherents to State autonomy, others will easily concede the advantages of the proposed amendment.

Other suggestions deleting the right of the legislature to modify the quorum provided for in the Constitution and enabling the holding of elections even before delimiting constituencies after census are welcome changes. There may, however, be some apprehensions in the minds of civil servants that limiting to an opportunity the right of representation in the case of separation from service or reduction in rank may adversely affect them. Perhaps, a right of representation confined only to mitigation of punishment may be considered a concession at the appropriate stages of legislation.

PARTICIPATIVE MANAGEMENT

A. K. NANDA

WHILE TOP managers in the private sector of industry still continue to be in two minds, whether management by participation is a better substitute for management by organisation, the public sector in industry has given the lead. In reply to a question in Parliament, the Deputy Labour Minister, Mr. Balgovind Verma, stated that 87 public sector undertakings had either implemented or initiated action to implement the decision on workers' participation in management at the shop, floor and plant level. Now that the public sector has considerably improved its image in terms of performance, it has earned the credibility of its lead.

Improvement in Productivity

The trade unions could come to immediate help in making the participation broadbased and result-oriented. Instead of concentrating their efforts on wage bargains they can educate the workers about how such participation in management will improve productivity in the unit and their own well-being. It is important for the workers to know how this is going

to minimise the scope of friction between the management and labour and how important is their assent to any upward revision in productivity norms. The unions could be of distinct help in persuading the managers to establish a system of reward for hard work, honesty and ingenuity. It could also insist on opening a channel of upward communication which does not exist in many places. Because of being tied up with bureaucracy, managers in the public sector are still not very responsive to the system of upward communication which provides an opening to the lower level workers to speak to the managers freely about their problems on the job. What is known as the proper channel in the public sector does not always work properly.

Inter-Personal Relationships

As a result, the communication, instead of being a two-way flow, tends to flow only downward in which circulars, notices and memos are passed down from the supervisory staff to lower level workers. Downward communication has a high degree of accept-

ance because of the stamp of authority, while upward communication is devoid of any authority. It has to flow in a direction directly opposite the flow of official authority. Communication being an interpersonal process, the development of inter-personal relationship, based on mutual respect and trust, is essential for promotion.

Time and Work

There is, in general, only a tenuous relationship between the attitudes of workers towards aspects of their productivity in such industries where the work is machine-paced and of assembly line or highly functionalised type broken down into simple, repetitive tasks of short duration for which standard procedures exist. These standards specify the work that each worker is to do in a given time. They are usually under direct hierarchical pressure to produce the specified standard.

Attitude to work, a vital factor

In other situations where work is not highly functionalised and for which time standards can be set, a positive correlation is established between the pro-