



A Review of Legislative Control over the Administration

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Abstract: In a democratic administration, more especially in a parliamentary democracy, all state activities emanate from the legislature. The legislature lays down the public policy-the work programme. It decides the nature and extent of administrative organization, the number of personnel required for the organization, the method and procedure of work and also the funds that are to be made available to the administration for carrying the policy into practice. But the role of the legislature does not end with this. It further follows the public official in his day-to-day activity and controls his actions - though only in a general way-and holds him responsible for all his omissions and commissions. The present research paper makes a review of legislative control over administration.

Keywords: Democratic, Administrative, Control, Responsible Government.

Introduction: India's political system stands for a system of limited government, responsible government and rule of law. It is opposed to any exercise of arbitrary or totalitarian power by the rulers and its fundamental assumption is that sovereignty belongs to the people at large. However, in recent years, there has been phenomenal expansion of governmental activities, which has been termed by some as governmentalisation. This has inevitably led to the strengthening of bureaucracy or 'bureaucratisation' in terms of numbers and powers. Increasing unlimited powers in the hands of administration - unrestricted and unregulated can be most dangerous. It is like a wild' mountainous river, full of fury and tremendous power, causing massive destruction all the way down. In order to be used for development and human welfare, the river has to be tamed, the power has to be harnessed by building a dam over it, producing usable and safe energy and distributing it to the consumers in limited and controlled doses at every point. Control devices are those dams by which the administration is channelised and all administrative actions are to be tested with reference to the constitutional provisions.

The efficiency and effectiveness of administration depend, to a great extent, upon the adequacy and quality of legislative control over administration. It is the duty of the legislators as representatives of the people to keep a continuous and systematic control over administrative operations. It may be kept in mind that the executive has to follow the policy laid down by the legislature.

Both presidential and parliamentary democracies control their administrative systems through legislatures directly as well as indirectly. This control of legislature over administration is exercised in great details through question hours, debates, legislature motions, budgetary approval and committee investigations.

The success of any institution depends on the quality of leader who man it. The nature of leadership is greatly determined by the factors of age, education, occupation, political career party affiliation etc. of its members. All these factors do not only help in the formulation of attitudes and perceptions but also influence the behaviour-pattern of the members which is very important in the functioning of a legislature. A study in profile of parliamentarians helps in understanding whether power is scattered through a wide variety of social groups, representing cross-sections of a society or a single group or class of people is monopolizing the leadership. It would also be helpful to know the proportion of representation of minority, down-trodden and economically backward groups in the national leadership.

In a democratic country the legislature perform many functions, out of them one of the most important is the control over administration. Many of the parliamentary opportunities, like, adjournment motions, vote of no confidence, discussion on demands for grants, calling attention motions, half-an-hour discussion, 'zero hour' discussion etc. fall in this category .

The legislature is a barometer that measures the likes and dislikes of the public at large. In addition, legislatures may be treated as one of the pillars of the regime. Without this institution, a constitutional order may be no longer said to exist. The institution of Legislative Assembly bridges up the gap between the rulers' and the masses. This is accomplished through the legislators because the latter are both the articulators and representative of the public aspirations, mood and feelings.

In a democracy, public officials are ultimately responsible to the people. The responsibility is exercised through elected representatives. In a parliamentary democracy, the executive is drawn from the parliament. The parliament invariably holds the minister responsible for anything that goes wrong in the ministry even if he had no knowledge of it or did not approve of it. Audit report is the business of parliament to ensure financial accountability. This it does through an independent audit by the controller and auditor general and it's financial committees. The CAG prepares an audit report for each of the government whose accounts are audited. The report goes to the president in case of the center and governor in case of a state. The heads have the report placed before their respective legislatures who in turn refer the reports to their public accounts committee. After thoroughgoing investigations, findings are reported

back to the legislature concerned in the form of a report. This type of control exercised by the parliament is often said to be in the nature of a post mortem examination.

The zero hour discussion is an Indian innovation and has emerged since 1962. It is an extra-regular method to bring up issues, and is invoked by the members in the house immediately after the question hour but before the regular business of the day is taken up. Matters of public importance which have not been listed in the day's business, are raised. The Half-Hour Discussion has become very popular especially because the normal business does not provide adequate opportunity for raising questions of immediate importance.

Calling Attention Motion fetch some urgent matters are brought to the notice of the house through the calling attention motion. The minister is usually given a short notice to prepare himself his reply. Administration is kept constantly under review and responsibility ensured. In Short Notice Discussion the speaker may permit short discussion on matters of importance and urgency and the members are not satisfied with the answer to the questions or any information given by the ministers. This discussion is not for more than 21/2 hours and there is no voting on the discussion but the government has to make a reply.

India has adopted the Parliamentary form of government. Under this system, in the traditional parlance, the Legislature, the executive and the Judiciary for the three branches of the government. The Legislature in India is however, the focus of power as the Indian Constitution vests sovereignty in the people and the will of the people is expressed through the Legislature. The nature and scope of legislative debates also determine the impact of the legislative control. The debates and discussion are the main weapons in the hands of the members. But this weapon is subject to many limitations. The major limitation is that the time allotted for deliberations is limited. Even this limited time is often wasted in discussing trivial matters and party politics rather than on the assessment of government working, efficiency and improvement.

Debates on Enactment of Acts and Amendments the various readings of a bill provide opportunities to the members of Parliament is approached for the amendment in the Act, the members again get an opportunity to discuss the same. Budget Discussion: Since the introduction of the Budget on Account Parliament has greater opportunity of discussion on the budget proposals. The members of Parliament have various opportunities of discussing the budget on the following occasions. After the presentation of the budget general discussion takes place. On this occasion the discussion relates to the budget as a whole or any question of principles involved therein. Voting on grants provides the second opportunity. Discussion at this stage is confined to each head of the Demand and if cut motions are moved to the specific points raised therein, in the discussion is sufficiently pointed and may be focused on specific points. Discussion on the finance Bill provides an endless opportunity to discuss the entire administration. In the words of G.V. Mavlanker, It is an acknowledged principle that any subject can be discussed on the Finance Bill and any

grievance ventilated. The principle being that the citizen should not be called upon to pay, unless he is given, through Parliament the fullest latitude of representing his views and conveying his grievances.

The discussion on the budget in Parliament provides the members with opportunity to review, the working of various Departments and Ministries. It also enables them to elicit information on the progress achieved in the implementation of various programs undertaken by the Government. The members get an opportunity of examination the worthwhileness and the social and economic implications of the new expenditure proposals included in the budget.

In India the instruments of legislative control are: Question adjournment motions Resolutions votes Budgets and Legislative committees – Public account committee, estimates Committee, on subordinate legislation and the committee on Assurances. These tools of exercising legislative control are described here briefly.

Question Hour: The first hour of every Parliamentary day is reserved for question which provides an effective form of control. Question asked can keep the entire administration on its toes. A question is an effective device of focusing public attention, in a striking manner, on different aspect of administration's policies and activities. Any administrative action can provoke a question, through the member cannot compel the Minister to give the answer. The Speaker too may disallow certain question. A question is asked with a view to getting information, obtaining ministerial opinion on a subject or simply hammering the government on alleged weak points. Many of the question may be trivial but some do because tremendous harm to the Government the Life Insurance Corporation episode of 1956 resulting in the resignation of Finance Minister arose from an answer to a question. This is a widely known popular and commonly employed method of ensuring accountability. From time to tie members have been raising matters of great importance though their question.

During the question hour in parliament, any member can ask any question seeking information on any matter. The minister concerned replies to these questions with the aid of his secretaries who supply him requisite information. If the answer is found to be unsatisfactory, supplementary questions could also be put. The purport behind the question hour is to ventilate public grievances and to draw the attention of the house to the various facilities provided by the government. Since the questions may concern any branch or field of administration, public officials are constantly alert, conscientious and responsible for their official acts.

Adjournment Debates: The device of adjournment motion is a tool day to day control, and be utilized for raising a discussion in the House on any specific question or urgent nature and of public importance. If allowed by the presiding officer, an immediate debate takes place on the matter raised, thus suspending the normal business of the House. In practice, it has been seen that the speaker has shown a consistent tendency not to interpret the term urgent nature and of Public importance liberally. In Debates and Discussion the parliament may exercise control through various debates and discussions which provide an opportunity for the review of government policies and their implementation processes. The more notable occasions for discussions among these are, during the president's

inaugural speech to both houses of parliament, the budget speech to the finance minister of during the introduction of new legislative proposals.

Parliamentary Committees: Modern parliaments are so overburdened with work that they neither have the time nor the technical expertise to go into the details of the work in of various administrative agencies and government was departments. Thus the parliamentary committee system was evolved to act as a watch on public administration and governmental functioning. Some of the important committees in India are the public accounts committee, the estimates committee, committee on public undertakings, and the committee on subordinate legislation among others.

Governor Address: The Governor addresses is prepared by the government and each minister is responsible for the portion pertaining to it. The Governor's address broadly spells out the major policies and activities with which the executive would be pre-occupied in the period immediately ahead. The members of legislature have an opportunity to criticize the entire realm of administration for its alleged acts of omission and commission. In democracy legislature can perform many functions, out of them one of the most important is the control over administration. The Parliament of India control administration through various devices such as Parliamentary questions, motions for adjournment on matters of public importance, debates and discussions on the floor of the House. Parliamentary committees also exercise control.

Conclusion: Thus, we can point out that the constitution of India lays down the structure of the government both Union and State levels a parliamentary form of government. At Union level Parliament is the legislature that is bi-cameral and at state level legislative assembly is the legislature that is single house in maximum states and bi-cameral in some states. In a democracy, public official are ultimately responsible to the people. The legislative control over the administration through various tools. The legislative provides check against the otherwise unlimited authority of the executive branch. The legislature control over administration to make it accountable towards public.

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