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*New Institutionalism and Legislative Governance in  
the Indian States: A Comparative Study of West  
Bengal and Uttar Pradesh*

**SUDHA PAI**

Centre for Political Studies  
Jawaharlal Nehru University  
New Delhi

&

**PRADEEP K. SHARMA**

Centre for the Political Studies  
Jawaharlal Nehru University  
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**New Institutionalism and Legislative Governance in  
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Sudha Pai and Pradeep K. Sharma<sup>1</sup>

In recent years institutional perspectives have reappeared and questions such as what institutions are, how they work within systems and the extent to which they shape political and administrative behaviour and outcome have become important in Political Science again. This is due to dissatisfaction with the dominant position behaviouralism has occupied in much of the research in the discipline. The result has been a convergence from several directions upon the importance of institutions: revival of older institutional traditions within the discipline following the decline of behaviouralism "which brought the state back in"<sup>2</sup>, rational choice theories wherein institutions are seen as the end product of rational collective action and theories of normative institutionalism. This convergence has produced a broad approach described in the existing literature as "New Institutionalism".

In keeping with these trends in India much concern has been expressed about the decline of public institutions at the national, state and local levels. However, it is mainly economists arguing that "institutions matter" who have voiced much of this concern. Based on the New Institutional approach within economics they have

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- 1 Sudha Pai is Professor, and Pradeep K. Sharma is Assistant Professor, at the Centre for Political Studies, School of Social Sciences, Jawaharlal Nehru University, New Delhi. The authors are grateful to Dr Amiya K. Chaudhuri of Calcutta University for his help in data collection in Kolkatta without which this paper would not have been possible. We are also grateful to Dr. Rahul Mukherji for his comments on an earlier draft. An earlier version was presented at a Workshop on *Institutions and Governance: Legislatures in India* organized by the Centre for the Study of Law and Governance, Jawaharlal Nehru University, November 30, 2004.
- 2 Examples are the work of comparativists such as Lijphart (1984) or Hall (1986) or those studying the relationship between politics and policy making vis-à-vis the role of parties and organised interests such as, Skocpol, Evans and Reuschmeyer (1985).

pointed to some important features of institutional failures of the state and the market, that cause or prolong underdevelopment in countries such as India (Bardhan, 1996). They have also pointed to the institutional impediments to reform in the Indian economy due to various government failures. In contrast, the new institutional approach has not been used by political scientists to understand the impact of institutions upon political life, explore their internal functioning or reasons for their decline, or in some cases, failure. In the 1950s and 60s, when the legal-formal approach was dominant, a number of institutional studies were undertaken.<sup>3</sup> From the 1960s the influence of the behavioural approach directed attention upon political processes and attention shifted towards studying phenomena such as electoral behaviour, role of caste and political parties.

The 1980s witnessed renewed interest in the role of institutions in India. However, much of this arose out of a perception of a 'crisis of institutions', which led to literature that described state institutions as rent-seeking and corrupt, and in some cases, underlined the need for rolling back the state.<sup>4</sup> Some scholars also examined whether there had been 'decline' or 'decay' and de-institutionalisation of the dominant single-party system. Despite this, studies on institutions have remained few apart from some recent studies on parliament, the judiciary and the Constitution.<sup>5</sup> During the 1990s scholars have pointed out that institutions have become more important with the initiation of economic reforms. A centralized, interventionist state has been challenged by an increasingly decentralised, regulatory state and market economy. Similarly in the political sphere, a dominant party system and majority governments have given way to a multi-party system and coalition governments. In this changed situation with regulatory institutions becoming more important, procedural rules making and enforcing institutions have become more important. They are needed to create, sustain and perfect markets, but also to ensure

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3 A number of studies on the governor, state legislature, and coalition governments were undertaken in the 1960s and 1970s.

4 Among others, L.I. Rudolph & S.H. Rudolph (1987) Pranab Bardhan (1984). Also relevant here is Kaviraj (1984)

5 Subhas Kashyap (1991, 1994, 2000); S. Prakash, (1997); Bhawani Singh (1973).

fairness in the election and operation of a multi-party system and the formation and conduct of coalition governments in a federal framework (Rudolph and Rudolph 2001: 130-31). But studies of the role of institutions in this changed environment have not been undertaken.

Attempts by the BJP heading the NDA government at the centre to review the Constitution also brought the issue of institutions to the fore. The government decided to set up a Commission in February 2000 "to comprehensively review the Constitution of India in the light of the experience of the past 50 years and to make suitable recommendations". (The Times of India, New Delhi, February 15, 2000). The BJP argued that there was "a persistent demand within civil society for such a review" (The Times of India New Delhi, April 3, 2002). This led to a debate about whether the Constitution required a change and if so the nature of the change. Reacting to this in a speech on 27 January 2000, the President K.R.Narayanan raised the issue whether "it is the Constitution that has failed us or we who have failed the Constitution" (Asian Age January 28, 2000, New Delhi). Some interest arose due to the Constitution Review Committee, but its deliberations focused narrowly upon constitutional provisions and there was little discussion on the functioning of institutions. The two volume report submitted by the Committee in April 2002 concentrated on the areas of conflict within the Constitution such as Article 356, role of the Governor, the Judiciary, State Finance Commissions, panchayats, making education a fundamental right, etc. It did not discuss or recommend any substantial changes in the structure or functions of institutions at the central or state level.

Using the New Institutional approach this study attempts a comparative analysis of the functioning of the Legislative Assembly i.e. the lower house in two states within the Indian Union: Uttar Pradesh (UP) and West Bengal. The aim of this exploratory study is to understand how far New Institutionalism can provide an alternative method of both conceptualizing and evaluating legislative performance and based upon it an explanation of existing patterns of (good/bad) governance in the Indian states? Existing approaches

view the strength and capacity of the institutional and particularly the legislative component of governance in the states as dependent upon the nature of the society in which they are embedded. Here the crux of the problem, raised by Migdal while discussing Third World states, is the capability of state institutions to penetrate society, regulate social relationships, extract, appropriate or use resources in determined ways because of the existence of "strong" societies (Migdal 1988).

The significance of our central query arises not only from the lack of research on the functioning of state legislatures or, recent reports of their decline as effective policy making institutions. But more fundamentally, because most explanations by scholars of change, development or crisis in the Indian polity, have been almost entirely society-oriented. This is particularly true of states such as UP where the emphasis in recent decades in research has been upon the rise of caste and communal identities, mobilization and electoral politics leading to instability and poor governance. The role that weak and ineffective institutions may have played in contributing to political instability in UP has not even been raised. In the case of West Bengal political stability and better governance has been explained by the existence of a disciplined and cadre-based communist party. But, little or no space has been devoted by scholars to understanding what legislative institutions do, and how this in turn affects society and politics. New Institutionalism in contrast, argues that more effective functioning of legislative institutions based upon the development of rules, procedures and norms leads to better policy making, more stability and continuity and greater legitimacy. Thus, our study based on the New Institutional approach could help us answer two important questions. First, it could enhance our understanding of the ways in which legislatures in the context of a developing society undergoing rapid social change can insulate themselves and avoid being captured by narrow selfish interests of individuals, groups or parties. Here comparative studies are useful because they could help us understand why some legislatures are able to do this better than others. Second, it could contribute to our understanding of the differential patterns of governance in the states through an examination of the internal

functioning of legislative institutions. We will return to these issues in the concluding sections of the paper.

### **The Study:**

The Indian states working within a common federal framework, laws and regulations provide a rich laboratory for comparative studies of institutions within them. A comparative study of many institutions at the state level is possible, such as chief ministers, legislatures, governors, state election commission, panchayat institutions, police and judicial institutions. The importance of the legislature was underlined by Nelson Polsby when, writing on the US House of Representatives, he described it as a highly specialized political institution and argued that for a political system to be free and democratic it was essential to "institutionalize representativeness" with all the diversity that this implies, and legitimize and "contain political opposition" within the legislature (Polsby 1968: 144). These ideas are useful in the Indian context also, especially in the states where the legislatures are closer to the people than the central legislature. Another important reason for selection of the legislature is a perception that the performance of many state legislatures has declined over a period of time and they have not been able to fulfill the role assigned under the Constitution. While some research has been undertaken on chief ministers and governors, legislatures in the Indian states have remained neglected. Two types of studies exist on state legislatures few of which examine in depth their internal functioning: those that concentrate on the formal structure and organization as provided in the Constitution<sup>6</sup> and those which focus on the socio-economic background of the "legislative elite" the interests represented<sup>7</sup> and the autonomy of these institutions from societal forces in policy making. However, a few recent studies on state legislatures provide useful data on their internal functioning<sup>8</sup>

6 C.M.Jain (1972); Duncan B. Forrester (1969).

7 Ram Ahuja (1975); S. Jha (1972); S.L.Puri (1978); R.R. Nair (1973).

8 Some examples are Gehlot (1985) Chaudhuri (1993)

This study attempts by examining the legislative performance of the selected legislatures of West Bengal and UP, to measure the extent to which they have become institutionalized during the post-independence period. The legislative assemblies of UP and West Bengal have been selected for comparative study because they constitute two important states within the Indian Union. In both these states the National Movement was strong and threw up important political leaders with strong commitment to liberal values and democratic institutions. In both Legislative Councils began to function during the colonial period as early as 1861 and though the powers and responsibilities of these institutions were limited and within a colonial milieu, by independence many political leaders in these regions had accumulated legislative experience. At independence UP was recognized as one the best governed states in the Indian Union, while studies have argued that the West Bengal Assembly had developed norms of functioning similar to the British Parliament. However, there has been increasing divergence in the functioning of legislative institutions in these two states – despite their similar legacies – in the post-independence period. By the end of the 1990s, these legislatures can be placed at two ends of the continuum among states, based on the degree of institutionalization.<sup>9</sup> UP represents states such as Bihar, which hold very few sittings, do not observe rules and procedures, the standards of debate and behaviour are poor, committees do not perform and their control over the executive is negligible. In short, they can be described as moving – after an initial period of positive functioning – towards de-institutionalization during the 1990s. West Bengal on the other hand – represents states such as Kerala, Karnataka, Maharashtra – which sit for much longer, observe rules and regulations to a greater extent, have introduced innovations such as Subject Committees that have

9 This assessment is based on the Pharande Report on state legislatures. Officially known as the Report on “Procedural Uniformity and Better Management of the Time of the House” 2001, headed by N.S. Pharande the Speaker of the Maharashtra legislative assembly and consisting of presiding officers of other states. (Henceforth described as the Pharande committee) The committee examined maintenance of rules and procedures and time management in state assemblies. The committee held six meetings and examined evidence from the states based upon a questionnaire sent to 32 state Legislative Assemblies of whom 26 replied and provided the required data.

introduced greater control over the executive, are more disciplined and open to adopting a Code of Conduct. In short, they can be described as having achieved greater institutionalization over time. This divergent development provides rich material for a comparative study of the state legislatures of UP and West Bengal.

## FRAMEWORK OF ANALYSIS

### **New Institutionalism**

In this section a brief discussion of the New Institutionalism framework and how it will be used in this study is provided. In this approach institutions are seen as having an inner life, logic of action and morality of their own that determines their success, politics and the flow of history.<sup>10</sup> Contextually constrained and socially shaped they are viewed as the engines that drive social and political life. Institutions such as bureaucracies, courts and legislatures are undoubtedly arenas for contending social forces, but they are also collections of standard operating procedures and structures that define and defend values, norms, interests, identities and beliefs. New Institutionalism argues that political institutions are more than mere mirrors of social forces, that they have institutional autonomy, which gives them a life force of their own and makes them agents of change. The basic argument is that institutions can be treated as ‘political actors’ leading to institutional coherence and autonomy. (Kerman 1997) Institutionalization of action through rules reduces ambiguity and chaos and introduces order and meaning. Programmes adopted by a simple compromise by a legislature become endowed with separate meaning and force by having an agency established to deal with them. In short, institutions define the framework within which politics takes place.

However, New Institutionalism is not a single approach. Scholars using it fall into three broad categories: rational choice, sociological and historical institutionalists; the only common link among them being a skepticism towards atomistic accounts of social and political

10 For a discussion of New Institutionalism, see, Peters (1999); Koelble (1995).

change and a conviction that institutional arrangements matter in understanding reality. It is interesting to note that they developed in the late 1970s, quite independently of each other with little exchange until recently. Each has its own point of view and position regarding how institutions establish themselves, function and change over time. Many scholars argue for wholeheartedly embracing one of them. Our study does not argue for a crude synthesis of positions, which is neither possible nor desirable. But it definitely agrees with Hall and Taylor that after developing in relative isolation, time has come for a more open and extensive interchange among them (Hall & Taylor 1996). They moot this idea in order to carry forward the theory of institutional behaviour. For us, it has the advantage that it may lead to a framework best suited to studying institutions in the distinct context of a post-colonial democracy where rapid and in some instances de-institutionalizing social change is taking place, in which the legislative institutions established are still 'young' and need to establish and legitimize themselves. Accordingly, our study uses the normative institutionalist approach put forward by March and Olsen, which borrows selectively from the three mentioned above (March & Olsen 1989). In order to understand why this approach has been selected a brief discussion of the three approaches emphasizing the aspects relevant to our study is necessary.

Rational choice institutionalism unlike the other approaches arose out of the study of legislative institutions, namely the American Congress. Hence, a discussion on this approach is very relevant for our purposes. Early studies sought to understand why despite differences of perception of legislators and wide variety of legislation introduced in the house, stable majorities for legislation and considerable stability was observed.<sup>11</sup> Rational choice analysts argued that this was because of the way in which the rules of procedure and committees of Congress structure the choices and information available to members making 'logrolling' among them possible (Shepsle 1989). Thus, it was felt that the institutions of the Congress lowered transaction costs of making deals so as to allow gains from exchange among legislators that make the passage of stable legislation possible. In short, institutions solve many of the collective action

<sup>11</sup> A good example is Riker (1980).

problems that legislatures habitually confront. From here theorising that rational choice underlay the efficient working of institutions was the next step.

This approach drew upon the "new economics of organization" which emphasizes the importance of property rights, rent seeking, transaction costs to the operation and development of institutions and theories of agency which focus upon the institutional mechanics whereby "principals can monitor and enforce compliance on their "agents" (Weingast & Marshall 1988). Internal debates exist within this approach, but scholars agree that actors in institutions have a fixed set of preferences, behave entirely instrumentally so as to maximize their attainment and do so in a highly strategic manner that presumes extensive rational calculation. It stresses on strategic interaction in the determination of outcomes. Politics is viewed as a series of collective action dilemmas akin to the classic prisoner's dilemma. There is a classic calculus approach to the problem of explaining how institutions affect individual action and a deductive approach is used to explain the origin of institutions in terms of their value to the actors affected in terms of loss or gain. Douglass North for example, suggests that utility-maximizing individuals with clear intentions create institutions, though he agrees that once created, institutions set parameters to further action (North 1990) While this approach enables us to understand that rational calculations of self and group interest underlie much of legislative behaviour, it focuses rather narrowly on rational and functional imperatives in the choices made by individuals and collective groups in an institution.

Though not denying that individuals attempt to calculate their interests, historical institutionalism in contrast, conceptualizes the relationship between institutions and individual behaviour in relatively broader 'cultural' terms'. Developed in response to group theories of politics and structural-functionalism popular in the 1960s and 70s, historical institutionalism<sup>12</sup> views individuals as satisfiers rather than utility maximisers, and emphasizes upon the interpretation of a situation and the extent to which individuals

<sup>12</sup> For the main arguments of this approach see, Steinmo et. al. (1992).

turn to established routines or familiar patterns of behaviour to attain their purposes. This approach gives importance to asymmetrical power relations across social groups which impacts upon institutions; and allows greater room for other actors such as socioeconomic development and the diffusion of ideas.

Most important for our purposes this approach is associated with a distinctive perspective on historical development. It is a strong proponent of an image of social causation that is path dependent in the sense that it rejects the traditional postulate that the same operative forces will generate the same results everywhere in favour of the view that the effect of such forces will be mediated by the contextual features of a given situation inherited from the past. Institutions are seen as relatively persistent features of the historical landscape and one of the central features pushing historical development along a 'set of paths' (Krasner 1988). This is important for our study, which briefly discusses the institutional legacies of colonialism that shaped the type of legislative institutions established and their future functioning. Much literature exists within this approach, which explains how institutions produce such paths, i.e. how they structure a nation's response to new challenges. Early analysts emphasized the impact of existing 'state capacities' and 'policy legacies' on subsequent choices (Skocpol et al 1985). Others stress the way in which past lines of policy condition subsequent policy by encouraging societal forces to organize along some lines rather than others, to adopt particular identities, or to develop interests in policies that are costly to shift (Pierson 1993). In this context historical institutionalists stress upon the unintended consequences and inefficiencies generated by existing institutions in contrast to images of institutions as more purposive and efficient (North 1990). Equally important for our study many historical institutionalists also divide the flow of historical events into periods of continuity punctuated by 'critical junctures' i.e. moments when substantial institutional change takes place thereby creating a 'branching point' from which historical development moves onto a new path (Krasner 1988). Such moments are visible in our study in both the selected state legislatures, due to rise of new social groups or political parties which introduce substantial change in the

functioning of the institution.

Arising as a sub-field of organization theory in the late 1970s, sociological institutionalism on the other hand pointed out that many institutional forms and procedures are adopted not on grounds of rational utility but because of "embeddness" in culture, society, organizational identity and other fields which define the very concept of self-interest and utility.<sup>13</sup> In this perspective institutions are more broadly defined as culturally constructed and as moral templates that provide the "frames of meaning" guiding human action (Scott et al 1994). Individuals are viewed as socialized into particular roles and they internalize the norms associated with it and in this way institutions affect behaviour. Thus, many sociological institutionalists emphasize the highly interactive and mutually constitutive character of the relationship between institutions and individual action (Berger & Luckmann 1966). This approach argues that change takes place not merely to increase efficiency of an institution but because it enhances the social legitimacy of the organization and its participants. Social legitimacy comes from either the normative rules imposed by the state, out of professionalization which imposes better standards, out of discussion among actors and so on. These are aspects significant for our study, which discusses the extent of socialization of members, their behaviour in the legislature, the resulting efficiency of the institution and the attempt to impose norms by outside agencies.

Based on the above discussion our study argues that the Normative Institutional approach put forward by March and Olsen is best suited for our study for the following reasons (March & Olsen, 1989). By introducing a normative content to the starkly rational and explicitly functional argument to the rational choice approach<sup>14</sup> it has removed institutional analysis from the "over deterministic and unique assumptions" of rational choice theory (Wildavsky 1990:85). It also provides an alternative to the closely related Political Economy-Rational Choice approach in which institutions are seen as reducing costs of transaction because markets (place of exchange)

13 See, Granovetter & Swedberg, (1992).

14 For an analysis and a critique of the shortcomings of rational choice rationalism see, Karen S. Cook and Margaret Levi, (1990).

and societal production (public welfare) operate better by means of external controls, monitoring rules and credible commitments.<sup>15</sup> At the same time it is strongly embedded in a socio-cultural analysis of individual motivations – derived from social developments – and collective action. Second, although rational action is a part of reality in terms of anticipated consequences, it is viewed within a broader i.e. cultural framework of rules, roles and identities. This means rational choice and related action can be seen as one of many institutional factors that maybe socially legitimized under certain circumstances. This approach has therefore introduced an awareness of the limits of rationality, of its embeddedness in an institutional context and brought a considerable shift from calculating options in relation to benefits, to investigating rules, roles and identities as they are revealed in codes of conduct of a group or agency, vis-à-vis the procedural rules emanating from the constitutional design that is established in a political system. Third, March and Olsen have also incorporated the idea of path or historical dependency developed by North (1990) and Putnam (1993) in their study of institutional change. They have therefore brought some aspects of historical institutionalism in their analysis. Often individuals and interest groups develop a stake in perpetuating a system, and reversal of a path i.e. change in institutions is difficult to bring about. Revolutions occur when fundamental conflict between organisations over institutional change cannot be mediated within the existing institutional framework. This perspective is best described as using the “logic of social appropriateness” in contrast to the “logic of instrumentality” (March & Olsen 1989).

### **Methodology:**

In our study institutions are defined as the formal or informal procedures, routines, norms and conventions embedded in the organizational structure of the polity or political economy. Institutionalization means the long and complex historical process by which legislatures gradually establish boundaries, create and observe norms, rules and procedures and deal with increasing

<sup>15</sup> See, Douglass North, (1990).

complexity leading to disciplined, stable and predictable behaviour and ability to perform their functions in an efficient and effective manner.<sup>16</sup> At the same time historically it is not a unilinear development, reversals do take place. The internal processes and functioning of legislatures become gradually insulated over time against sudden and de-stabilizing changes taking place in society. Finally, increasing institutionalization has an impact on the functioning of the political system as a whole and can help explain differing levels of legislative governance in the Indian states.

To evaluate legislative performance our study employs a central concept within the normative institutional approach namely, the logic of appropriateness. This phenomenon March and Olsen argue ‘holds’ or ‘binds’ together an institution and which, if observed by its members individually and collectively, leads over time to institutionalization contributing to the stability of the political system as a whole. It provides a theoretical framework, an ‘ideal-type’ against which actual legislatures can be evaluated, the reasons for their success or failure put forward, and the extent of their institutionalization measured. Some aspects of this underlying logic developed by March and Olsen used in our study are:

the development over time of universal rather than particularistic goals and interests leading to merit rather than nepotism;

the construction and elaboration of meaning i.e. an interpretation of institutional life that provides a sense of purpose, direction, identity and belonging to members of an institution;

the development of obligatory rather than anticipatory action by members based upon calculating or rational choice;

the promotion of integration and legitimacy which leads to a

<sup>16</sup> Huntington defines institutions as “stable, valued recurring patterns of behaviour”. Institutionalization according to him is the process by which organizations and procedures acquire value and stability. The level of institutionalization could then be defined by the adaptability, complexity, autonomy and coherence of its organizations and procedures. Huntington (1968).

meaningful sovereignty of the people and order, stability and change through either path-dependent or intentional methods. (March & Olsen 1989)

Our study hypothesizes that a key aspect, which helps institutionalize the above-mentioned normative practices and thereby build the logic of appropriateness, is the development of "House Leadership" i.e. a small but experienced, core group of senior long-term members. This core group is responsible for creating rules, norms and procedures, setting high standards of not only exemplary behaviour but of effective debate and functioning all of which contributes to better legislative governance. The existence of such a group enables the building of boundaries, development of a sense of purpose, direction and belonging to an institution. They keep in mind collective institutional goals rather than narrow selfish ones based purely on individual or party interest and provide legitimacy to the legislature in the eyes of the electorate. They are also able to put into action correctives to deviant functioning and suggest innovations that improve the functioning of the House. Most important they provide not only leadership, but also an example to other members and pass on this legacy to younger members through the process of socialization into the institution and over time this leads to institutionalization. As discussed in the concluding section, our study suggests this is particularly important in parliamentary systems, which unlike the presidential system, is subject to greater political instability arising out of the imperative that a single party or a group of parties must at all times maintain a majority in the House.

Our hypothesis of the central role played by a capable core House Leadership is able to explain success in one case and lack thereof in the other. The study show that the UP assembly has failed to build boundaries and constant turnover of membership has been a consistent feature. Even in the 14th assembly elected in 2002, 174 out of 403 members were first time members. Important positions within the House such as the Speaker and the Leader of the Opposition have been subject to constant change and failed to develop into occupational specialties, which could evoke respect from members, leading to bad behaviour and even violence. The number of days that

the House meets annually has declined and meetings of financial committees are not held regularly. An important reason is the absence of a core responsible House Leadership, which could provide correctives to the decline it is facing. Corrective measures have been suggested but they have come from outside agencies: the Presiding officer of the Lok Sabha and other state legislatures.

In contrast, the West Bengal legislature recently felicitated 31 members who have completed five consecutive terms i.e. 25 years - including the 12<sup>th</sup> legislative assembly - for their contribution to the functioning of the House. Some of them have completed more than 25 years in the House. They are knowledgeable about the rules of the House, sit on important committees, and have contributed in maintaining parliamentary standards of debate and behaviour. They are also able to put a check on members who do not behave well or transgress standards of debate. Many other members have completed a decade in the House. Not all of them are from the CPI(M) which is the major partner in the ruling coalition. The speaker and deputy speaker of the assembly have completed twenty and fifteen years respectively without a break in their posts and are held in respect and obeyed by the members of the House. Consequently, the West Bengal assembly has developed better and more clearly defined boundaries and therefore greater commitment on the part of members resulting in a higher level of observance of norms, rules and procedures together with better conduct; its time management is more efficient and it has shifted to a more effective committee system, which allows greater supervision over the executive. The House has been able to deal much better with the de-stabilizing impact of rapid societal change and political parties and leaders have behaved with greater responsibility and displayed greater commitment to effective functioning. In short, it is moving towards increasing institutionalization over time.

To evaluate the extent of institutionalization of our selected legislatures, our study focuses on four major areas of legislative performance: establishment of institutional boundaries, time duration of sessions, specialized committee system and introduction of corrective measures to ensure maintenance of standards of decorum and behaviour. These four aspects are closely inter-related

and can collectively affect performance.

1. Existence of institutional boundaries or differentiation vis-à-vis other institutions such as the executive is an important marker of the extent and pace of institutionalization. It enables the legislature to work as a specialized institution with a distinct membership and functions; build a collective institutional identity and integration, which provides the House continuity and stability thereby increasing its efficiency and effectiveness. It also promotes the development over time of universal rather than narrow goals based upon interest of party, faction or social group. These features are particularly important in newly established institutions struggling to define their boundaries, purpose and role. This aspect is analysed in the study through examination of turnover of House membership and growth of the office of the Speaker and the Leader of the Opposition as occupational specialties.
2. Time management is an important aspect that impinges upon the efficiency and effectiveness of legislatures. In our study we examine the number of days annually the state assemblies of UP and West Bengal have held sessions in the post-independence period. It enables us to analyse whether the legislature has devoted sufficient time to discuss the Budget, other government business and allowed the opposition to ventilate grievances. There are rules governing these activities that legislatures must obey. A decline in the number of sessions as in the case of UP points to a lower level of commitment on the part of members particularly leaders to the institution and is an indication of low establishment of boundaries.
3. The ability to deal with increasing complexity and specialization over time is required for improved performance of the legislature. This is an aspect that is dealt with by improvements in the committee system all over the world. Committees form the heart of any

legislative system without which well-formulated, effective legislation or control over the executive is not possible. Our study focuses on the shift to Departmentally Related Subject-based Committees (DRSCs), which allow greater in depth scrutiny and control over executive departments.

4. Normative institutionalism means not merely the ability of an institution to survive but also to provide correctives to negative features. Reversal of decline and a return to improved standards and methods of functioning is possible. The development of democratically agreed upon rules and procedures are an important foundation on which effective functioning of a legislature rests. The extent to which rules, conventions, routines and structures have been internalised and are adhered to, allows the development of internal coherence and trust among members and an interpretative order which provides continuity and stability. This has not been a feature of many state legislatures. Our study examines attempts by presiding officers of some state legislatures and officials of the Lok Sabha to introduce correctives to declining standards of functioning in state legislatures by establishing an Ethics Committees and a Code of Conduct for members of all legislatures.

The rest of the paper is organized in two parts. The first part provides a brief historical background of the state legislative assemblies of UP and West Bengal and legacies from the colonial period. The second part analyses empirical data to understand the extent of institutionalization of each of these legislatures since independence in a comparative vein. Drawing on the empirical data on the functioning of legislatures in two states, the conclusion discusses how far the framework of New Institutionalism is useful in understanding the functioning of legislatures in countries such as India.

### Colonial Legacies: United Provinces and Bengal

Within the normative institutions approach as already discussed, institutions are seen as path dependent i.e. affected by their past they embody historical trajectories and turning points. What comes first, even if it was in some ways "accidental" conditions what comes later though reversals of earlier legacies, as our study shows, are also possible due to new developments.<sup>17</sup> A brief examination of the development of the provincial legislatures in the United Provinces and Bengal<sup>18</sup> during the colonial period is attempted in this section to understand their legacies for the post-independence period.

Legislative councils were established as far back as 1861 and 1886 in Bengal and the United Provinces respectively. But it was only with expansion in terms of membership and powers, enlargement of the deliberative forum and the incorporation of the elective element under successive Acts in 1892, 1909 and particularly 1919 that we have the faint beginnings of a democratic legislature.<sup>19</sup> Under the 1919 Act the membership of the Legislative Council in the United Provinces became 123 of which 100 were elected and 23 were nominated members. In Bengal the membership of the Legislative Council was 125 of whom not more than 20% could be official members rest being elected members. In both the regions elaborate rules for the functioning of the legislature were framed and members gained the right to ask questions and discuss the Budget in the Council though they could not move any motion to cut the estimates presented. By 1920 legislative committees were established in the provinces, from where they travelled to the centre by 1922.

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17 Many Historical Institutionalists have traced continuities in government and politics and emphasised timing and sequence in institutional development. Skowronek, (1982); Skocpol et.al. (1985); Hall, (1986).

18 The North Western Provinces as UP was known during the colonial period came under British colonial rule in 1861 but was renamed with addition of a larger area in 1902 as the United Provinces of Agra and Oudh. Bengal came under British rule in 1861.

19 For details about the legislative councils in the United Provinces and Bengal see, Jain (1993).

The Act also provided for a president and deputy president of the Council both of whom initially were Englishmen. The first Indian to be appointed the presiding officer in the United Provinces was in 1925 while in Bengal it was in 1937, (Jain 1993)

It was only with the Act of 1935 that a bicameral legislature was established in the provinces and the two Houses came to have powers similar to parliament in Britain. The Legislative Council became the upper chamber, which was a permanent body not subject to dissolution with one-third of its members retiring every three years. The legislative assembly became the lower or popularly elected house. In both the United Provinces and Bengal elections were held to the lower house in 1935 and 1946 and ministries were formed.<sup>20</sup> Many of the features of the legislative institutions in the states continued under the new Constitution providing them continuity from the past.

### *United Provinces*

Official records of the Legislative Council and later the bicameral legislature in the United Provinces suggest that it was a body that met regularly and took its task seriously. Beginning from 1861 it functioned as a legislative body in which the proceedings were patterned on those of the British parliament. Time was spent on questions and answers, discussions of the Budget, criticism of the government and in committees. Various aspects of governance such as, police bureaucracy, local government, excise, education, civil and public works were discussed extensively.<sup>21</sup> Members gained experience in the legislative procedures, and rules and regulations, in short the functioning of legislatures. Thus, official reports point out that UP at independence had a legacy of representative government though it was under a limited franchise and within a colonial structure under which political leaders had received training in self-government (Jain 1993).

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20 Ibid.

21 Proceedings of the Legislative Council of the United Provinces, Official Report, Allahabad. Printed by the govt press, United Provinces, relevant years beginning 1906.

However, a study of the United Provinces points in a different direction. Critical of the motives underlying the establishment of the Legislative Council by the colonial government, Verma argues that until 1919 it was a legislature only in name. He points out that Alfred Lyall the Lt. Governor of the United Provinces suggested to the Viceroy that it would be easy to 'buy off the trouble' caused by the raising of taxes by extending the Indian Council Act 1861 to the province (Verma 1978: 78). Accordingly in November 1886, the Legislative Council was established with only 9 nominated members 4 of whom were Indians. The Council had no legislative powers except 'Yes' or 'No' on official measures, during its tenure it passed only 5 measures and had no work at all between 14 November 1887 and 16 February 1891. (Ibid. 79) There were constant demands by Indians for increase in membership of the Council and enhancement of its powers that was conceded by the Act of 1892. The members were also granted the right to ask questions and discuss the annual budget. However, the changes did not provide the members much chance to participate. During the 17 years it existed, only 36 questions were asked in total and in one year it sank as low as one. The Budget was already settled before it was presented to the legislature and members could introduce no change in it (Ibid.).

The 1909 reforms increased membership and provided for an increase in the powers of the Council by adding the right of discussion to that of asking questions. A number of educated Indians such as Madan Mohan Malviya and Moti Lal Nehru were elected to the Council. But they found the number of subjects they could discuss were limited. The role played by the Council can be understood when we find that between 1909 and 1916, 20 bills had been passed and of these 15 received little opposition from the non-official members. However, the right to ask questions was used by members and we find that the number asked rose from 218 in 1910 to 333 in 1917. But a review of the legislative activities of the provincial council clearly shows that the government carried out the bulk of the legislative work. Under the 1919 Act subjects were divided into reserved and transferred and it was only after this period that some experience in self-government was provided through the legislative councils. In sum, Verma argues that it was a colonial government and the amount

of power granted to the Legislative Councils until almost the 1930s was not much. Indians were constantly engaged in demanding greater amounts of self-government rather than working within the Councils. The amount of training they received in terms of time spent in the legislature, extent and type of powers granted to them, and the number who got a chance to participate, was small (Ibid.).

Regarding the 1930's a recent study argues in a similar vein that the Congress party decided to accept office and work within the legislatures primarily to combat the 1935 Act "from within" and to "show the limitations of a partial transfer of power" (Menon 2003: 77). It was a "constitutional experiment" and the legislatures were expected not to "govern" as much as to generate public enthusiasm for the national cause. Acts of legislation would emanate from mass movements, which would be triggered off by activities within the legislatures (Ibid: 78). Yet at the same time Menon's work shows that a small band of senior Congress leaders such as G.B. Pant and Purshottandas Tandon did take the legislature seriously and tried to pass ameliorative legislation for the people. A number of important Acts were passed by the legislature: Release of Political Prisoners, the UP Tenancy Act, Debt, Rent and Market regulations, Rural Development and Prohibition. On the Tenancy Act the legislature spent 22 months, meticulous care was taken in drafting it and it was sent to two special committees. The record of the Pant ministry was much better than all the other provincial Congress ministries. A unique feature was the extent to which the ministry was willing to entertain questions in the assembly, which by the end of its term ran into thousands. Each day a phenomenal number of questions and supplementaries were asked, which were patiently answered (Ibid: 131).

### ***Bengal***

A similar picture emerges in the case of Bengal. A study argues that in the early formative period of its career prior to 1920, the Legislative Council resembled "the durbar of a native prince". It was a "caricature of a legislature". The British were least inclined to introduce representative institutions but did so because they felt it would not harm the Empire if the Bengali Babu were allowed to

"discuss his own schools and his own drains" (Dutta 1980: vii). During the first sixty years of its existence the legislature was a mechanism which was meant to infuse a feeling of participation among a microscopic section of Indians in law making and alienate the upper strata of the population from the general body public (Ibid: 189). However, after 1920 the study argues, a reconstituted and enlarged legislature under the Act of 1919 played a significant role in the evolution of the parliamentary system, which gave it a "degree of uniqueness unparalleled in other provincial legislatures" (Ibid.). The Council exhibited tendencies, which mark the hazy beginnings of a parliamentary system. Rules of Procedure, which with some changes are in use even today, first established in 1862 were subsequently enlarged in 1919 and in the 1930s. As a result a comprehensive set of Rules were available to the assembly after independence. The role of the Council was limited but the experience communicated was considerable. The right to ask questions introduced major changes, its debates were of a high order and its elaborate rules of business and parliamentary norms are practiced even today. It in fact "developed its own ethos" (Ibid: 200).

Another study agrees that it was a "captive assembly" upto the late 1920s, but argues that in Bengal the period between 1937 and 1947 was "exceptional". (Chaudhury 1993: 21) During this period the norms of the parliamentary system came to be established. Under the ministry of Khwaja Nazimuddin, Parliamentary devices like searching questions, motions of public interest, censure, adjournment motions and no-confidence motions were used often and with effect. The supremacy of the legislature over the executive was firmly established when the ministry had to resign when the Agricultural Budget could not be passed. The life of the second assembly convened after the 1946 elections was short-lived due to partition but it did pass important legislation.

Two colonial legacies emerge from our brief account of the establishment of legislative institutions in the colonial period. The constituent assembly decided to adopt the parliamentary system as in Britain as it had already been established and the political leadership was familiar with its working. This provided the legislative institutions continuity with the past and they could build on the

experience they had acquired. However, at independence the legislatures in the provinces were still "young" or newly established with little experience. Although the origin of legislative institutions in an embryonic form in the provinces of British India can be traced as far back as 1861 when Councils were appointed under the Lt. Governor. Upto 1919, the role of the provincial legislature in the United Provinces and in Bengal was very limited. It was only in the 1920s and particularly the 1930s they developed characteristics of legislatures with rules and procedures similar to the parliamentary system in Britain. But they developed under a colonial system; political leaders entered the legislatures in the provinces not only to work within them but also to use them as platforms to oppose colonial rule, demand greater self-government and independence. They developed as institutions reflecting the hopes and aspirations of a subjugated people struggling for self-governance (Chaudhury 1993:16). Consequently, at independence the legislatures in the states had in reality functioned only for about a decade, the extent of training that members of the legislative councils received in both the provinces was not much. It was only after independence that they could emerge as full-fledged legislatures functioning within a democratic structure.

## II

### Functioning of Legislatures: UP and West Bengal

#### 1. ESTABLISHMENT OF BOUNDARIES

##### Turnover of members

The establishment of boundaries of institutions refers mostly to the building of stable careers by individuals who join it. When individuals do not constantly move in and out of an institution, its membership stabilises, entry is more difficult without work experience and turnover becomes more difficult. In the case of legislatures such members develop detailed knowledge of it's working, its leadership becomes professionalized and becomes

recognized and permanent. In short, the institution establishes and "hardens" its outer boundaries. (Polsby 1968) Entry into this exclusive group becomes more difficult and recruitment by political parties is more likely to be from within the group, and the period of apprenticeship lengthens.

Tables 1a, b and c provide the number and percentage of turnover of membership in the legislative assemblies of UP and West Bengal from the 2<sup>nd</sup> to the 12<sup>th</sup> assembly. Two features are clearly seen in the case of UP. First, the number of members re-elected to the House has been smaller and increased more slowly than in the case of West Bengal. Table 1a shows that the percentage of first time elected members in the 2<sup>nd</sup> legislative assembly in 1957 was as high as 89.4% which dropped to 42.5% in 1996 and further to 41% by 2002, a decrease of as much as 48%. However, upto 1985 the percentage of members elected for the first time remains 50%. Yet at the same time the number of members re-elected in the categories between 2<sup>nd</sup> to 5<sup>th</sup> rose steadily, though slowly. While the detailed figures for the 14<sup>th</sup> UP assembly are not available, 175 members have been elected for the first time.<sup>22</sup> As the total members in the House are now 403 due to the formation of the state of Uttaranchal, this constitutes about 44% of the membership.

A second feature is that although there has been a long term decrease since independence in members elected for the first time, there are points of time when first time members increased again, which coincides with significant political shifts taking place in the state. As table 1b shows in 1980 the percentage of first time members rises to 57.3% after dropping to 52.1% in 1977 and again to 55.9% in 1991 after dropping to 43.7% in 1989. While the former was due to the changes experienced during the late 1970s such as the Emergency, formation of the Janata party and the return of the Congress under Mrs. Gandhi in 1980; the latter reflects the decline of the Congress and the emergence of new political forces such as the SP and the BSP in the state. In 2003 most of the first time elected members are from the SP, BSP and fewer from the BJP and the Congress. Thus, the assembly has not been able to insulate itself and its efforts to build

<sup>22</sup> This information was supplied by the UP Vidhan Sabha Secretariat.

boundaries is constantly affected by the appearance of new political forces due to changes taking place in society. Our findings in the next section about the disorderly behaviour of the comparatively newer members in the House, their lack of respect for rules of procedures, low attendance and the urgent need for a Code of Conduct for the UP assembly, underlined at the Annual Presiding Officers Conference in recent years, support these findings.

In the case of West Bengal, the percentage of first time elected members is lower than in UP in 1957 in the second assembly. In 1957 it was 55.1% i.e. almost half the members who were elected in 1952 were re-elected which is a considerable number. By 2003 this figure drops to 37% a decrease of about 18%, which is less than in UP. In contrast to UP, where there is constant fluctuation during the 1980s and 1990s in the number of first and second time members over various elections, there is only one point at which this process is temporarily interrupted in West Bengal. This is seen between 1972 and 1977, which is due to the defeat of the Congress party, and the assumption of office by the United Front. There is a rise of first time elected members in 1977.<sup>23</sup> But this seems to be a temporary phenomenon and a decline is again visible in the 1980s and 1990s with a faster rise in the number of members elected for the second, third, fourth and fifth time. In 2003 there is a slight rise again in the number of first time members. An explanation provided by the Speaker is that this is due to 'generational change' with many senior members retiring from the CPI(M) and influx of new members.<sup>24</sup> However, despite these features, table 1d shows the West Bengal assembly has a core of 31 members who have completed five consecutive terms – a period of 25 years – including the 12<sup>th</sup> assembly. One of these (Jyoti Basu) has been a member since 1942; three from the 3<sup>rd</sup> assembly; two from the 4<sup>th</sup>; three each from the 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> assembly and 16 since the 8<sup>th</sup> assembly consecutively. This gives the West Bengal assembly a considerable advantage over the UP

<sup>23</sup> In 1972 the number of members who did not provide any information to the Bidhan Sabha secretariat is as much as 157 which leads us to think that probably the number of first time members is higher than the table shows.

<sup>24</sup> A perusal of the Who's Who published in 2003 by the Bidhan Sabha Secretariat shows the influx of many younger members.

assembly.<sup>25</sup> Thus, in comparison with UP the West Bengal assembly has been able to build better boundaries and has members with long years of experience in the House. As our study shows little later, this is reflected in better observance of rules and codes of conduct and effective functioning of the House.

From our analysis of the building of boundaries in both UP and West Bengal, two conclusions can be drawn: it is a lengthy process and second it is not unilinear, reversals being possible due to disruptive changes taking place in society. Moreover, in the early years of an institution and during periods of significant societal change, building of boundaries is slow and is not autonomous from society. Over time legislatures develop greater autonomy from societal forces and therefore a greater capacity to provide effective legislative governance based upon universal rather than narrow partisan interests. A comparison with the US House of representatives reveals similar results. A study of turnover of membership between 1789 and 1965 i.e. from the 1<sup>st</sup> to the 89<sup>th</sup> house, shows that the percentage of first time members at every election was high during the 18<sup>th</sup> and 19<sup>th</sup> century and dropped to 20.9% only in 1965 (Polksby1968: 146). The process was not smooth either with many reversals. The number of first time members exceeded 50% in fifteen key elections during the 18<sup>th</sup> and 19<sup>th</sup> century - the last of which was held in 1882. In the 20<sup>th</sup> century the highest incidence of turnover - 37.2% which is almost double the 20<sup>th</sup> century median - occurred due to the Roosevelt landslide election of 1932 - a figure exceeded forty-seven times, in other words, almost all the time in the 18<sup>th</sup> and 19<sup>th</sup> centuries. (Ibid.)

## 1.2 Development of Specialized Posts

Another method of investigating the extent to which a legislative institution has established boundaries is to examine the emergence of specialised posts within it such as the Speaker and

<sup>25</sup> We are grateful to the Speaker for giving us this information (see, appendix table 1d) together with details of names of members during an interview on July 8, 2003. The House recently felicitated these members at a function held at the Bidhan Sabha.

Leader of the Opposition. In the state legislatures both posts are patterned on the parliamentary system as it developed in Britain. Under this system continuous re-election of the same person as Speaker with provision of a 'safe constituency' provides the House with continuity and stability and leads to growing specialization. It enables him to become a neutral presiding officer who rises above partisan considerations in performing his duties and establishment of a career and an "office" which commands respect. Similarly the office of Leader of the Opposition provides a focus to the activities of the opposition. Otherwise different control mechanisms within the House such as calling attention motions, adjournment motions, questions, mentions etc. remain "micro" individual initiatives (Chaudhuri 1993:178). Unless the members of the opposition approach the executive with certain amount of strength within the House, it cannot exert control over the actions of the government. Most important, both these officers of the House are part of the "House Leadership" which plays an important role in the maintenance of rules and procedures and effective functioning of the House. In our study we analyse the development of both posts as singular occupational specialties by examining the procedure of selection, the extent of continuity and neutrality.

## The Speaker

At independence in the central and many state legislatures including UP, senior political leaders expressed a desire that the Speaker should be selected by consensus between the ruling and the opposition parties and open contests on the floor of the House avoided. It was felt that this would ensure continuity and neutrality in the post. In West Bengal in 1962 Siddhartha Sankar Ray a former minister in the Congress ministry agreed with Jyoti Basu the leader of the opposition that the ruling party and the opposition might have a consensus candidate provided the ruling party stipulated that the common nominee would resign from the Congress Legislature party and would be independent in so far as the parliamentary politics in the House was concerned (Chaudhuri 1993: 36). But none of these conventions have developed in either UP or Bengal. Rather rivalry

and competition on the floor of the House have marked the election of the Speaker, there has been little continuity in the persons selected and it has become a partisan post in the hands of the party in power.<sup>26</sup>

In both UP and West Bengal elections were held on the floor of the assembly for the post in the immediate post-independence period. In UP in the 1930s beginning with P.D.Tandon, three Speakers were elected by the House without a contest, but unlike in Britain this did not become the convention after independence. Nihalluddin in May 1952 and Ganga Ram in 1967 contested the candidatures of Khare the first Speaker and of Aggarwal the third Speaker, respectively. The contest in both cases required the use of ballot papers and in the second case was particularly stiff because the Congress party lost its majority following the 1967 election and a coalition government had to be formed (Gehlot 1985:175). In West Bengal, the ruling Congress party's nominee K.C.Basu, was opposed by an opposition candidate Amarendranath Basu who was defeated (Chaudhuri 1993: 37). Similarly the first United Front ministry in 1967 put up Bijoy Banerjee who was opposed by a candidate Kazim Mirza put up by the opposition Congress party. The Left Front decided when it came to power in 1977 to appoint Mansur Habibullah as the speaker and in 1982 H.A.Halim. The badly divided opposition did not put up a candidate after 1977. However, in 2003 following the elections to the 12<sup>th</sup> assembly the Trinamool Congress (TMC) put up a candidate who was defeated. Consequently, by the 1970s a convention developed that it was the prerogative of the ruling party to select the Speaker.

As table 2a show, there has been little continuity in the person

26 These practices actually began in the Lok Sabha and provided a model for the State assemblies. In the immediate post-Independence period it was criticised and contested by opposition parties in the Lok Sabha many times. As early as 1956, H.N.Muherjee, Acharya Kriplani and others emphasised the need for "previous consultation" with the opposition prior to the election of the Speaker. They also wanted a convention that once elected the Speaker should cease to belong to any party. (Lok Sabha Debates: 8th March 1956). On August 24, 1966 Madhu Limaye pointedly asked the Speaker Hukum Singh to resign from the membership of the Congress party and next day moved a resolution against him but it was not supported by the required number of members to be introduced. Given in Gehlot (1985): 72.

Despite a motion against Mavlankar the first Speaker, the Congress party did not bother to consult the opposition nor did subsequent Speakers relinquish their party membership.

occupying the post in UP even during the period when the Congress party enjoyed a majority continuously. The first Speaker A.G. Kher held office for a period of ten years indicative of the beginnings of some continuity. However, from 1962 as the table shows a new person has been appointed every time a new House convened after an election.<sup>27</sup> In fact, between 1980 and 1985 during the tenure of the 7<sup>th</sup> assembly, two persons held the office. No attempt was made to provide a "safe constituency" to the Speaker. Kher who was the Speaker in the first and second assembly, and Verma the Speaker in the third assembly were defeated in the 1962 and 1967 elections, respectively. When the Congress gained a majority again in the 1969 elections it elected Khare unopposed again but he retired due to poor health from politics and after the 1974 elections the Congress selected V.D.Singh the former deputy Speaker. The victory of the Janata party led to the election of Banarsi Das its nominee as the Speaker. During the 1990s also as table 2a shows a new Speaker was appointed every time a fresh coalition government was formed.

It is important to note that in West Bengal as table 2b shows, there has been much greater continuity in appointments to the post of the Speaker compared to UP. Political instability and fall of governments between 1967 and 1977 did not lead to change in the person occupying the office of the Speaker. Despite the fact that assembly elections were held in 1969 following the fall of the government, the same Speaker B.K.Banerjee was re-elected after the elections and continued his term till 1971. Similarly Majumdar continued as the Speaker despite the fall of the government and fresh elections in 1971 upto 1977. The defeat of the Congress and the formation of coalition governments in the mid 1960s and 70s did not make a difference. Moreover except for the period 1957 to 1962, all persons appointed to the post have held office continuously during the life of the Assembly in which they were appointed. Most important, in contrast to UP from 1977 when the Left Front coalition government came to power there has been much greater continuity

27 It maybe mentioned here that the record has been no different in the Lok Sabha. Every House has had a different speaker upto 1991, the only exception being Sanjiva Reddy who become speaker twice though not in consecutive terms. Jain (1993): 49, table 9.

with only one change in the person holding the post. Hashim Abdul Halim who was the Judicial Minister in 1977-1982 has been the speaker since the constitution of the 9<sup>th</sup> assembly in 1982 i.e. a period of over twenty years.

The present Speakers of the UP and West Bengal assembly when interviewed<sup>28</sup> agreed that the Speaker should be selected by consensus; a safe constituency designated and once elected the person should resign from his party. The UP Speaker K.N. Tripathi felt that a safe constituency would make the post "more accountable" and members would have more respect for the Chair. However, as the West Bengal Speaker H.A. Halim pointed out, this is an "ideal situation". Despite being the speaker for twenty years he had not relinquished his party membership, as there was little certainty that his party would offer him a ticket. Halim argued that the Speaker is accountable to his constituents who expect improvements such as drinking water, roads and electricity in the constituency. For even small such improvements the Speaker is dependent on the ministers of the ruling party, as he does not get any special funds. Due to these circumstances he frankly pointed out that he is Speaker "as long the party wants". The UP Speaker claimed that while technically an election is held, a convention has developed in the assembly of selecting a consensus candidate.

Despite these constraints the West Bengal experience shows that continuity of tenure does make a difference in the manner in which Speakers carry out their duties in the House. The West Bengal Speaker pointed out that his long tenure of twenty years has led members to respect him and ensured greater discipline. He has been able to develop a style of functioning, which members understand, follow and respect. No violent incidents have taken place in the House since 1984 when he "named" some members, although heated discussions and disagreements do take place. He feels that over the years, honesty, character and integrity have come to be accepted as cardinal principles of public life and the members endeavour to

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28 Interview with H.A.Halim on July 8, 2003 at Kolkatta in his office. Interview with K.N.Tripathi on June 21, 2003 at New Delhi at UP Bhawan. We are grateful to the Speakers of the West Bengal and UP Assembly for giving us their time and answering our questions.

maintain these standards. He also felt that the responsibility lay with political parties who should not give tickets to candidates with a criminal or corrupt background as they do not believe in parliamentary behaviour and make trouble in the House.

Against this background, the Speakership has not evolved as a neutral post standing above party politics either in UP or West Bengal though the impact has been different in both states. As table 2a reveals, in UP none of the members appointed as Speaker gave up active membership of their party. A precedent was set in the colonial period itself. Highly respected by all the members of the House P.D. Tandon maintained political neutrality and ensured impartiality. But he resigned on August 10, 1947 in order to serve the Congress party organization thereby setting a wrong precedent. More important, in 1937 when ministries were formed in the provinces, the role of the Speaker was conceived in a more "American" than "British" style. Seeking non-party neutrality in a colonial situation was viewed as a sign of incompetence in a Speaker. In the post-independence period not only have Speakers retained their party affiliations, they have remained active in politics. Involved in the factional politics of the Janata party while holding the post of Speaker, Banarsi Das resigned from the post to contest the Chief Ministership on March 26, 1979 and was sworn in the very next day. Subsequently from March 27, 1979, to February 17, 1980, no person could be elected Speaker and the post remained vacant for a period of sixteen months during which the deputy speaker presided over sessions. Similarly, Misra the next incumbent resigned as Speaker when the Congress High Command decided to make him the Chief Minister in July 1982.

However, in his study of the Speaker in UP upto 1980, Gehlot has argued that once appointed Speakers during that phase kept a "distance" and "virtually detached" themselves from party politics and behaved in an impartial manner. This he argues was in keeping with the tradition laid down by Mavlankar the first Speaker of the Lok Sabha. However, the situation underwent a change in the 1990s. The lack of conventions that would have provided the post dignity, neutrality and respect, began to be felt once the Congress lost its pre-eminent position and no party was able to gain a majority. The

post came under new challenges and tensions and incumbents were not able to fulfill their duties.

A good example is Speaker K.N. Tripathi, a senior member of the BJP and close to the former PM Atul Behari Vajpayee and senior BJP leaders, who has been re-elected every time his party has formed a government in UP during the 1990s (see table 2a). Described as partisan in conducting the proceedings of the House, his role from 1997 onwards has been viewed as that of a 'BJP spokesman' rather than the holder of a constitutional office. On October 21, 1997 during a special session of the house convened so that the BJP government under the leadership of Kalyan Singh could prove its majority after the BSP withdrew support, Tripathi gave "instant recognition" to 22 members of the Congress, 12 members of the BSP and 2 members of the JD who broke away from their parent parties and formed new groups. As a result they did not attract the Anti-defection Act, which enabled Kalyan Singh to prove his majority in the House (The Hindusthan Times New Delhi, October 22, 1997).<sup>29</sup> Despite unprecedented violence in the assembly during which 45 persons were injured and the absence of the opposition parties, the Speaker decided to continue the special assembly session "irrespective of circumstances". Alleging that the voting was not conducted properly, the opposition argued that the provocation for violence came from the Speaker who was in a hurry to recognize the breakaway factions so that the BJP could obtain a majority. The Presiding Officers of the Lok Sabha and other state assemblies condemned the dubious role of the Speaker. It was felt that Tripathi had misused his discretionary powers and the post of the Speaker came under a cloud.<sup>30</sup>

More recently, in 2003 it has been alleged that Tripathi has helped the ruling BSP-BJP coalition - which was not sure of its majority - in holding only very brief sessions of the House. In February 2003 the debate on the vote of thanks on the governor's address scheduled to last five days was guillotined to only two days despite the stringent protests of the opposition. The Deputy Speaker rushed through the session and declared a majority for the government

29 According to the anti-defection Act one-third of the members of a party must split for it to gain recognition as a separate group otherwise they would be disqualified.

30 "Focus on the Speaker" News Time, Hyderabad, October 22, 1997

through a voice vote and not a division process as required after which the House was adjourned. The Mayawati government till its fall in August did not present a formal budget during 2003 and had hoped to manage through a vote on account. (The Times of India New Delhi, August 8, 2002)

When interviewed Tripathi argued that though the Speaker is a 'political person' elected on a party ticket, he is not necessarily under the control of his party and can be either partisan or neutral, there being enough room for both modes of functioning. Defining the post as "not neutral but impartial" he argued that retaining party membership does not hamper functioning as it depends on the Speaker's "guts, knowledge, personality" that allows him to work independently. He further pointed out that it also depends on the knowledge of the Assembly members about the rules of the assembly and the respect they are prepared to accord to the post. Yet, he also felt that Speaker should be proactive and must intervene in the proceedings of the House, of course in accordance with the rules and procedures.

The development of neutrality in the post of Speaker and its impact on the functioning of the House has been markedly different in West Bengal. The post has been through three periods: A dominant political party in power for the first fifteen years confronting a very powerful though fragmented, opposition; a combination of leftist parties despite their political differences along with a breakaway group of the Congress forming the government, facing a reduced but cohesive opposition; and a predominant Marxist Communist party in power along with other leftist parties (Chaudhuri 1993: 39). Throughout these periods the post of the Speaker has not been above party politics. Despite this, Chaudhuri in his study argues that "authority and impartiality" have been and remain, the characteristics of the Speakers of the West Bengal Legislature. He points out that throughout the last three decades, the Speakers in the West Bengal Assembly have played a very effective role in upholding procedural norms and promoting democratic interactions among the members belonging to different political parties. Mansur Habibullah despite being a member of the Communist party upheld the traditions of his predecessors and did nothing that could have

imperiled the liberal democratic process of the House and made it very clear that the proper functioning of the House depended upon cooperation between the opposition and the government. Chaudhuri's study provides examples of the Speaker expressing strong displeasure over the late arrival or absence of a Minister who was expected to answer questions in the House. In one case the House was adjourned until the arrival of the Minister. The development of such norms has helped a weak opposition to exert control over the executive (Ibid 40). Thus, the Speaker in West Bengal despite being a party man unlike in UP has succeeded in maintaining order and gaining the respect of members. However, the present West Bengal Speaker belongs to a Marxist party and he agreed that for him his party membership is a "belief" and he could not "abandon" it. Hence, for him it is not simply a matter of membership of the House but membership of a party with an ideology to which he is committed. In this sense in West Bengal since the Marxists came to power it has remained a political post in the hands of a party with a distinct ideology.

Our study shows that in both the UP and West Bengal assemblies the Speaker stands midway between the British and American system: placed within a parliamentary system he is dependent for his post on the ruling party, at same time as in the American design he has retained his party affiliation and remains active in politics. Yet, despite the development of similar conventions, our study points to striking differences in the manner in which the Speakership has developed and functions in West Bengal and UP with significant consequences.

### **Leader of the Opposition**

A similar line of development is seen in the case of the post of the Leader of the Opposition. In the state assemblies in the post independence period a convention grew that the opposition party with the largest number of seats in the House would appoint its member/leader to this post. Tables 2c and 2d which give the tenure and party affiliation of the leaders of the opposition in the UP and West Bengal assemblies show that there is, as in the case of the

Speaker, divergence in the manner in which the post of the Leader of the Opposition has evolved and functioned in the two states. In UP between 1952 and 1967, a period of fifteen years when the Congress was in power continuously, the opposition consisting of many parties made no attempt to collectively appoint a single person continuously as the Leader of the Opposition, which would have helped them face a ruling party with a large majority. In fact, as table 2c shows opposition parties did not appoint the same person even for a single assembly term. Between 1955 and 1962 two leaders from the PSP and between 1962 and 1967 three leaders from the Jan Sangh, both of which were the largest opposition parties, held the post. This feature has continued in the 1980s after the decline of the Congress and in the 1990s following the rise of coalition governments.

In contrast in West Bengal, as table 2d shows there has been greater continuity in the person appointed to this post by opposition parties. Senior party leaders who have long been members of the House were selected and constant change in the person holding the post as in UP is not seen. Jyoti Basu, a senior leader of the CPI (M) who later became the Chief Minister held the post for a period of 10 years, followed by Biswanath Mukherjee after the split in the Communist party. Similarly, Abdus Sattar of the Congress party held the post for a period of 8 years after the collapse of the Janata party. However, during the 1990s three members of the Congress party have held the post despite the fact that it has been the major opposition party throughout the decade.

These developments point to the fact that the evolution of the post of Leader of the Opposition in both UP and West Bengal - with some significant differences between the two states - has been in a different direction from the Westminster model. A study of the West Bengal legislature points to the difficulty one encounters in the very conceptualization of the 'Opposition' in the Indian states (Chaudhuri 1993: 180). Unlike the familiar Western parliamentary system the legislatures in the Indian states have experienced a politically fluid situation in which the designation of the opposition could hardly be attached to a single homogenous group. The structure of the opposition being different the evolution of a single responsible post as an occupational specialty in both states has been difficult.

Fragmentation, constant splits within parties and rivalry rather oppositional unity for constructive criticism has been the norm. This is truer in UP than in West Bengal.

In UP upto 1967 the opposition consisted of many parties competing as much for space between themselves as against the Congress. The growth of the Jan Sangh in the 1960s did create hopes of a two party system but the emergence of the BKD and the split in the Congress led to a fragmented opposition. The "anti-Congressism" of the opposition, a central feature of the long period of Congress dominance did not lead to the strengthening of this post. Rather, the opposition parties remained divided and differences between them were responsible for disruption of the proceedings of the House. Between 1967 and 1980 following the defeat of the Congress a number of short-lived governments were in power and leaders from different parties such as the BKD, Congress (O) and various factions of the Janata party occupied the post of Leader of the Opposition. The emergence of coalition governments during the 1990s has not made any difference and different political leaders from various new parties such as the SP, BSP and BJP have held the post. In West Bengal there has been comparatively less fragmentation and greater party discipline on the left. In 1962 the opposition was a fragmented lot but with the CPI (undivided) relatively the largest group against the Congress, which had a strong majority. In 1969 the opposition was represented by virtually a single political party – the Congress, which faced a motley of parties with different ideological leanings that formed the United Front. In 1977 the opposition changed with the emergence of virtually two groups: the Janata and the Congress and smaller groups such as the SUC, ML and the Gorkha League (Chaudhuri 1993: 180). In the 1980s and 1990s the opposition has continued to be divided and a split in the Congress has led to the emergence of the TMC.

Due to this fast changing composition, the very concept of opposition in the states has to be understood differently. It is not as a single party in the British parliamentary sense that the role of opposition parties can be visualized. The strength of the British parliamentary system depends among other things on a strong opposition. Because of historical circumstances and social divisions

the Indian states could not develop such a system. The post of Leader of the Opposition could not develop into an "institution" with a "macro control device" over the proceedings of the House (Chaudhuri: 1993: 179). This is truer in the case of UP than West Bengal where senior leaders have held the post for a long time.

## 2. TIME MANAGEMENT: DURATION OF SESSIONS

Table 3a provides the number of sessions held by each Assembly beginning from the first to the fourteenth Assembly in the case of UP and the thirteenth in the case of West Bengal. It shows that upto the Third Assembly in the mid 1960s, the number of sessions were fairly high in the case of both states, being an average of two or three sittings annually. In UP in the First Assembly 17 sessions were held i.e. 3 sessions annually, a figure not reached again in the entire post-independence period. The number of days for which the First Assembly sat between 1952 to 1957 was a high of 455 following which there has been a steady decline downwards, the next high point being 224 in the 8<sup>th</sup> assembly between 1980 and 1984 and 203 in the 9<sup>th</sup> assembly between 1985 and 1989. In 1952 the assembly sat for a record of 138 days in UP while now it sits for less than half of this. In West Bengal as the table shows there is greater consistency with 3 sessions held annually upto 1966. This was followed by a downward curve in the mid 1960s in both states during the period of instability and coalition governments. The number of sittings fell more in the case of West Bengal where the number of short-lived governments were more than in UP. However, from the mid 1960s there is a different trajectory where the two states are concerned. As table 3a shows, in the case of West Bengal there is a recovery by the mid 1970s and return to an average of two sittings annually once the United Front coalition stabilized, which continues till 1991. But in the case of UP there is a downward trend. Despite the Congress regaining a majority in 1980 an average of two sittings annually is not re-established.

These patterns have continued in the case of both states in the 1990s. Table 3b shows that between 1993 and 1997 the UP assembly on an average sat for just 128 hours over 23.5 days annually. In 1990 the assembly met for 35 days and in 1992 for 42 days. In 1993 it met

for only 6 days. The decline in the number of sittings began in the post-emergency period. Till 1976 the House had an average of 32-45 days, after which a downward trend is seen. In fact, UP set a precedent by passing the entire budget in just 6 days in 1991 during the Chief Ministership of Mulayam Singh Yadav. There was some improvement in the late 1990s, the average for the 5 years between 1995-2000 in UP being 31 days. In 2001 the house sat for 32 days including the budget session but in 2003 the assembly met only once in February and the government did not present a formal budget. The Mayawati government unsure of its majority was not keen to face the House. The assembly was due to convene on August 7, 2003 but was postponed at the last minute by the Chief Minister to August 28. The Chief Minister wanted a brief session so that she could get a vote on account and obtain legislative sanction for three months without presenting a formal budget which would take much longer. In a similar manner in the early 1990s the Mulayam Singh government had survived for eight months on a vote of account. (The Times of India August 8, 2003). In contrast, in West Bengal as table 3b shows the duration of sessions have been much higher. During the period 1993 to 1997 it was 52 days and 254 hours annually which is double the number in UP (Malhotra 1998: 245-46).

It was this downward trend visible in many state legislatures that led to the appointment of the committee on "Procedural Uniformity and Time Management" consisting of presiding officers of state legislatures headed by N.S. Pharande chairman of the Maharashtra Legislative Council on November 9, 1998 which examined the number of sessions held by Assemblies of 25 states over five years - 1993 to 1997.<sup>31</sup> It pointed out that a distressing feature was that barring a few assemblies where the number of sittings has remained more or less the same over the period of study, in most assemblies this number has been on the decline. Table 3c gives the number and duration of sittings of state legislatures between 1993 and 1997. It shows that there is considerable variation: only 3 states sit for over 50 days annually, the large majority of states

31 The UP Assembly did not take the questionnaire seriously seen from the fact that many questions elicited no reply, or no data was furnished by its secretariat. In contrast, the questionnaire seems to have been taken more seriously by the West Bengal Assembly.

numbering 21 sit for between 21 to 50 days, 6 states sit for only 11-20 days and 2 for less than 10 days. Most state legislatures hence, do not sit for the mandatory 33 days required for passing the budget. In fact West Bengal is one of the three states - Kerala and Karnataka being the other two - whose legislatures sit for more than 50 days in a year. In terms of hours also the West Bengal Assembly is among the 6 states, which sat for an average of 254 hours annually during this period. Only two states have held sittings of over 300 hours annually. In contrast, as table 3b shows UP falls into the third category of state assembly, which sit for 21-30 days annually though in many years, the number of sittings has fallen below this number.

There have been attempts in recent years to correct this trend which are of particular significance for UP. Successive All-India Conferences of Presiding officers have in recent years at their annual meetings expressed concern at the shrinking days of sessions in state legislatures. In the Conference of Presiding officers held in Shimla from 21 to 23 October, 1997, a Resolution was adopted calling upon the smaller state legislatures to hold their assembly sessions for a period of at least 60 days in a year and the larger states to have annually a minimum of 100 days of sittings. (Malhotra 1998: 248) The Pharande committee has pointed out that Article 174(1) of the Constitution provides that not more than six months can elapse between two sittings of the state legislatures. However the Constitution does not provide for the minimum number of sittings and length of such sittings, that a legislature should necessarily have during a year. Consequently, this can lead to a situation where the government can decide to have only three one-day sessions of a House without violating any provision of the Constitution. The Committee has argued that the perception that legislatures are meant only for transacting government legislative and financial business is incorrect. They have an important and constructive role to play in the House by raising through various parliamentary devices the grievances of their constituents and ensuring greater executive accountability to the legislature, which is the essence of the parliamentary form of democracy. The Committee strongly felt that a consensus ought to be arrived at regarding the minimum number of sittings of the legislatures and the Constitution should be amended

accordingly. It held that 100 sittings for the bigger states and 60 sittings for the smaller states as recommended by the Presiding Officers Conference held at Shimla should be followed. The committee also pointed out that the introduction of the concept of Departmentally Related Standing Committees (DRSCs) could also provide greater amount of time to the Assemblies. (Pharande 2001: 9)

An analysis of responses to the questionnaire shows that only 12 out of 23 legislatures are in favour of increasing the number of sittings of the House; 7 are satisfied with the present number of sittings while 3 felt that it would depend upon the amount of quantum of the work to be transacted by the House. Only one legislature felt that the concept of minimum number of sittings in a year could be brought into force only if there is a Constitutional provision to that effect. The UP legislature agreed with the recommendation of the Pharande committee that the number of sittings of the House needed to be increased. Yet at the same time despite its few sittings, the Assembly in its reply said that it was able to complete both the government business and business initiated by private members within the time it meets. The West Bengal assembly on the other hand while arguing that the number of sittings per year would depend upon the volume of business before the House, agreed that during the Budget session there was need for a longer session to ensure a thorough discussion upon this important measure. 24 legislatures – including UP and West Bengal – felt that the Presiding officers should be consulted about the duration of the session. The speaker of the Delhi Assembly in November 2001 based on this report also advocated a constitutional amendment to the Constitution to provide for dissolution of the Vidhan Sabha, which fails to hold the prescribed number of sittings in a year. (“Speaker for mandatory sittings of House” The Hindu New Delhi, November 27, 2001). The West Bengal Speaker argued that he was not in favour of a constitutional amendment for fixation of the number of sittings of state assemblies annually. He felt that this should be achieved through development of a healthy political culture, which cannot be brought in by legal enactments. He felt that generally there should be an attempt to work towards having 45 days of sittings for small assemblies, 60

days for medium and large assemblies and 80-100 days for the Lok Sabha.

### 3. SUBJECT COMMITTEES: SPECIALIZATION AND ACCOUNTABILITY

The differences in the effective functioning of state legislatures have widened with the adoption by 9 state assemblies, including West Bengal, of a new Committee system namely the DRSCs. It is a system, which is very similar to the Committee system used by the two Houses of Congress in the US.<sup>32</sup> In fact, though the need for the establishment of these committees in parliament was discussed as early as 1978 at the Conference of Presiding Officers of Legislative Bodies, they were first set up in Kerala in 1980 and West Bengal in 1987. On 18 August 1989, the Lok Sabha constituted three such Committees relating to Agriculture, Science and Technology, Environment and Forests.<sup>33</sup> The experiment proved successful leading to the decision to adopt a full-fledged committee system. On 31 March 1993, seventeen new DRSCs were constituted (11 in the LS and 6 in the RS). The committee system has been described as “a path breaking endeavour in the area of parliamentary surveillance over the administration”. (Bhardwaj 1995: 366)

The initiative for this shift came from the Lok Sabha but the reasons are common and were a number of problems experienced by members in the central and state legislatures. An immediate reason for the establishment of subject-based committees was

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32 A comparative study of other countries, including Australia, Canada, France, federal Republic of Germany, Japan, New Zealand and the UK shows that they have adopted this system in recent years. (Parliamentary Committees Lok Sabha Secretariat., 1988) Britain after whom our parliamentary system is patterned replaced its ad hoc committee system with 14 departmentally related subject committees in 1979. In Britain 17 DRSCs exist which look into the expenditure, administration and policy of the main government departments. Legislation however does not come in their purview and is still examined by the Standing Committees set up afresh to look at every new bill. In Australia which has a parliamentary system similar to India, these committees were established in 1987. In USA where they have existed since the beginning they wield enormous powers.

33 For details see, Bhardwaj (1995): 366.

widespread unhappiness with the functioning of the Consultative Committees. These committees had no staff except for Ministry personnel and their meetings were merely briefing sessions. The number of inquiries on the floor of the legislature during Zero hour increased and the opposition members were unhappy because Ministers did not take members into confidence and they often learnt about changes in the departments from the media. Members were keen to have their own staff and infrastructure attached to and under the control of the assembly, so that they could use them to collect information and maintain better control over the executive.<sup>34</sup>

Second, over the years there has been an unprecedented growth in the range, magnitude and complexity of governmental activities. All over the world committees are tending to move towards a pattern of specialized committee system.<sup>35</sup> They are looked upon as the arm of the legislature and the real work is done here. The new committee system is predicated upon close interaction between and mutual responsiveness between the executive and parliament. In India in central and state legislatures, the existing three financial committees – Estimates, Public Accounts and Public Undertakings committees – and a number of House Committees and Standing Committees have not been able to deal with increasing number of complex issues. This led to a situation where they found they did not have the time to effectively perform their functions of debating policies, making laws and overseeing Executive actions in various fields of administration.<sup>36</sup> There was a growing realization that if

34 In the interview the Speaker of the West Bengal Assembly pointed out these reasons. See also Rubinoff (1996) for the Lok Sabha.

35 Polsby mentions that the House of Representatives has developed over the years a corps of members who are “devoted subject-matter experts” and are extremely influential in their field. He gives the example of Robert Kastemeier chairman of the relevant subcommittee of the House Judiciary committee who is the expert on copyright law. This enables the House to pass quality legislation on various subjects. The House had 22 committees and many subcommittees in the early 1980s: Polsby (1986): 117

36 By the end of the 1970s there was little time for the Lok Sabha to consider legislation or exercise budgetary oversight of more than a handful of nearly 40 subject agencies. As a result, most departmental budget requests were “guillotined” i.e. passed without any discussion or scrutiny of ministry administration. Some departments had in fact never been reviewed, and during the 12 years 1980-81 to 1991-92, the budgets of not more than 15 ministries/departments were ever discussed and less than 21 were guillotined. In the 1988-89 session, a record 34 were guillotined, and in 1990-91, the requests of an all-time low of three agencies were discussed and 29 were guillotined. Finally in 1992, for

legislatures have to fulfill all these functions, they need some institutional arrangement, which ensured scrutiny of the government budget and performance and also suggested policy directions and initiatives. Third was a growing need for greater expertise and specialization in scrutinizing the activities of the executive. Subject committees at the centre and state level it was hoped would elicit facts through data collection and expert testimony, examine proposed legislation, scrutinize budgets, recommend policies, and monitor bureaucratic implementation of legislation. With small bodies considering details, it was hoped that the entire legislature would better accomplish its assigned task of discussing matters of broad policy and principles. One of the main arguments was that it would enable legislators to oversee the operations of the government in a more transparent setting. They were designed to be a mechanism that would provide meaningful dialogue between the government and the members of the legislature. The watchdog function would be enhanced and legislative scrutiny would be more constant and continuous. And over time government would become more accountable as members developed subject expertise. There would be increasing specialization of members. Continuous legislative oversight would ostensibly be produced in a setting where there was a constant turnover of members as the committees could avail themselves of the testimony of expert witnesses, initiate studies, issue reports and examine draft legislation as a prelude to legislative action or postponement. (Rubinoff 1996: 727) Thus, it was to revitalise legislative institutions that the Lok Sabha began to consider establishment of subject based standing committees in the late 1970s.

At present only nine states – HP, Kerala, West Bengal, AP, TN, Karnataka, Mizoram, Orissa and Assam have constituted DRSCs.<sup>37</sup>

the first time, the proposed budget of the Ministry of External Affairs was not discussed. (Rubinoff 1996: 726). The situation is worse in the case of the state legislatures which meet for shorter periods of time.

37 The Pharande committee in its report noted that only seven state legislatures had set up DRSCs: West Bengal, Kerala, Assam, Himachal Pradesh, Meghalaya, Mizoram and Orissa. Goa has a Budget committee which examines the budget estimates, revised estimates, actual expenditure, supplementary and excess expenditure vis-à-vis the performance of departments as well as plan proposals of the Goa Planning Board. The committee was of the opinion that DRSCs should be set up in all legislatures and should be patterned on those existing in Parliament. Pharande (2001): 7-8.

The earliest to do so was Kerala in 1980 followed by West Bengal in 1987. The other states followed soon afterwards. UP has yet to set up DRSCs. In terms of number, West Bengal in 1998 had 14 subject committees while Kerala had 10, Mizoram 5, Orissa 4, Karnataka 14 and HP 6. (Malhotra 1998: 260-64) In Karnataka however, these committees were abolished with effect from 27 March 1998 on the ground that their functions were found to be overlapping with those of the other standing committees of the legislature. (Ibid: 250)

### 3.1 DRSCs in West Bengal

Although the period for which DRSCs have functioned in West Bengal are yet brief for a conclusive evaluation, an examination of their structure and functions point to improved transparency, efficiency and effectiveness in functioning of the committee system.<sup>38</sup> The structure of these committees enables larger number of members to participate in them. Seats on the DRSCs are allocated to different parties and groups, including independent members, as far as practicable in proportion to their strength in the house for a period of one year. The presiding officers of the House appoint the chairpersons of these committees. But unlike the Lok Sabha where ministers are not nominated, as members of the DRSCs and members have to resign if appointed as a minister, in West Bengal the minister-in-charge of the subject is invariably the ex officio member of the concerned subject committee. In West Bengal in a house of 294 members there were in 1998, 13 committees with 15 members each with the concerned minister as ex officio member. Thus, more than half the members of the house are members of a subject-related

38 It is pertinent to note that the record of the Lok Sabha has been positive also. Perusal of reports shows that the subject committees in the Lok Sabha have on the whole been guided by the established principles of objectivity; achievement of the intended goal or targets; appropriateness or feasibility of economy in terms of Plan outlays and annual budgetary allocation for a particular programme or scheme; and scope for improvement in this regard. They also locate departmental accountability in terms of the implementation of various schemes and programmes. They not only point out lapses but also give guidance and suggestions for better performance. Above all, they have been functioning in a non-partisan manner keeping the interests of the state above that of their narrow party interest. Rubinoff (1996).

committee at any point of time, which leads to a high level of involvement of ordinary members including backbenchers in the scrutiny of departments. Second, as table 4a shows, in West Bengal the subject committees sat annually on an average for 53 days during 1993 to 1997. This is higher than the corresponding figure for Karnataka (48) HP (27) Mizoram (22) and Orissa (51), but slightly lower than for Kerala (55) (Malhotra 1998: 259). Some committees in West Bengal sat for longer than others. As table 4a shows the subject committee on Irrigation and Waterways (25.80 days) sat for the longest, followed by the Urban Development and Municipal Affairs (25 days) the committee on Power, Commerce and Industries (24.20 days) (Ibid: 261). In fact in total, committees sat for longer than the number of days that the West Bengal assembly sat on an average between 1993 and 1997 i.e. 52 days. Thus, the executive accountability through the subject committees in terms of time spent is more than through the assembly itself.

Third the functions of the DRSCs are wide ranging: 1) to consider the demands for Grants, Annual Administrative reports, policy documents and other important matters, 2) suggest measures to effect efficiency and economy in the administration, 3) to scrutinize the Assurances given by the Ministers on the floor of the House, 4) to scrutinize bills if referred to them and 5) to report to the House whether the power to make rules, regulations, sub-rules etc. conferred by the constitution or conferred by any lawful authority are being properly exercised within such delegation. DRSCs cannot refuse a Grant but can recommend variations from one sub head to another, but such variations shall not have the effect of increasing the total allocation under the demand. Prior to the establishment of these committees the House mainly due to paucity of time did not consider all demands for grants. The situation has now changed, at least some members consider them in detail and the house considers the reports. Such scrutiny in most assemblies is ordinarily confined to variations in the demands from the previous year, more particularly increase, the need for economy and efficiency, new services and relationship of expenditure to needs. However, in West Bengal the committees examine the working of the Department in its entirety and not only those aspects, which are referred to it by the assembly or the speaker.

Four, DRSCs have impacted to a greater extent on the Budget than other financial committees. This because after the general discussion on the Budget the assembly is adjourned for a fixed period during which the committees consider the demands for grants of the concerned ministries. After the demands are moved in the assembly they stand automatically referred to the concerned committee for scrutiny. The committees are expected hence to look at the Budget at the pre-voting stage and advise the government in the matter of formulating policies underlying the budget estimates. The committees are required to present Reports to the House on the result of such scrutiny within four weeks before the budget is voted upon. They cannot ask for more time to submit their report and are therefore time-bound in their working. A separate report on the demands for grants of each ministry is given. The assembly, in the light of the reports of the committees considers the demands for grants. In West Bengal, unlike in the case of the Lok Sabha, subject committees can suggest changes in the allotment of sub-heads for minor heads keeping the total allotment under the demand unchanged. While some state legislatures such as Orissa provide only 10 days to the committees for scrutiny, in West Bengal a period of 8 weeks is provided. The committees can and have in many cases, made valuable suggestions to Ministries regarding the preparation and presentation of the Budget estimates and related matters. They have also presented Action Taken reports to the assembly. (Malhotra 1998: 253-54) Committees also look at the Plans and programmes and the quarterly progress of the respective departments and suggest measures for improvement in administration. The Action Taken Reports from the government are sent to the legislature for discussion. The Speaker can refer any other matter to these committees.

Five, in many states particularly Kerala, subject committees have also been made part of the legislative process in some cases. They examine the general principles and clauses of such Bills introduced in the assembly pertaining to the concerned Ministries/ departments, as are referred to them by the Speaker of the house, and submit a report. Every Bill must be referred to the subject committee concerned for detailed examination, and amendments

suggested in the house are discussed. In West Bengal, they do not examine legislation but their "Committee on Reforms and Functioning of the Committee systems" is actively considering introducing this practice. Since legislation remains outside the purview of the Assembly in West Bengal, the subject committees do not examine delegated legislation. The subject committees also consider Annual Reports of Ministries and Basic Long Term Policy Documents presented to the assembly. They also discuss and formulate views on the State's Five year Plans; Centre-State relations in so far as they concern their state; reports of the Public Service Commission; and reports of any other statutory or any body including Commissions of Inquiry laid before the assembly or any other matter referred to them by the Speaker.<sup>39</sup>

A brief perusal of the working of DRSCs during the tenure of the 11<sup>th</sup> Legislative Assembly of West Bengal (1991-96) shows that they have been able to increase the accountability of the executive to the legislature by scrutinizing the working of departments. Table 4a gives the number of meetings held, the average attendance by members, evidence taken, study tours and number of reports submitted to the House during the tenure of the 11<sup>th</sup> Assembly upto 1995. It shows that DRSCs have been active in West Bengal. The number of meetings ranged from 72 to 118 over a period of five years, attendance has been high, and the committees have taken evidence and conducted study tours both within and outside the state. A range of topics has been covered including pre-Budgetary scrutiny of many subjects.

An analysis of the working of the Subject Committee on Health and Family Welfare shows that it was able to scrutinize the working of the department and increase accountability of the executive to the legislature (Dutta 1997: 176-77). The Committee did strenuous work. Apart from proposals for re-appropriation of funds, the Committee, in its Reports provided substantial information about the policies and practices of the Health Department. For example in the 1994-95 Report, the Committee was emphatic in pointing out that budgetary allocation was sure to be meaningless if performance

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39 For more details see, Malhotra (1998): 254.

of various wings and units of the Health Department were not properly assessed. In the 1995-96 Report, the Committee regretted that the Government was yet to submit the performance report to the Committee. It further pointed out that its insistence to be associated with the preparation stage of the Budget was also not heeded. If that was done, it would have helped in "objective assessment of the Department and the perceptual assessment of the Subject Committee" to formulate well-balanced budgetary demands. The Committee wondered why the Department was reluctant to undertake that experimental exercise and felt that the credibility of the Health Department was sure to suffer as a consequence. The Committee was also quite critical of the "unhealthy nexus" between commercial diagnostic institutes and medical and para medical personnel in different categories of Government hospitals. It pointed out that health care planning exemplified a lack of priority of preventive and promotive health. The Committee felt that the assistance of the Union Government could be better utilized. It asserted that because of the erroneous planning, facilities remained under-utilized in hospitals and different wings of the Health Department. The committee was quite critical of the commercial blood banks and observed perceptively "transfusion of blood obtained from professional donors means purchasing disease to tide over a crisis". The Annexure on the Committee's Questions and the Departmental replies and the recommendation of the Committee disclosed a remarkable body of knowledge about the working of the Department. (Ibid.)

In reply to the Committee's Questionnaire (1993-94) the Health Department informed the Subject Committee that "prompt actions on the recommendation of the Committee have been taken in disciplinary matters such as shortage of drugs and appliances, manpower etc., which have brought about good results". It further admitted that the "visits of the members of the Committee to different health units have made officers and members of the staff more alert than ever before". Health Department functionaries at all levels have, as a result of the visits become aware of the deficiencies. Exposure to the interactions with the members of the high powered Committee has brought about welcome changes in their attitude, leading to the

detection of gaps in administration of the units and suggestions to bridge them as far as practicable" (Ibid: 177).

The working of Subject Committees in the West Bengal legislature was evaluated in 1995 by a House committee, which gave its report in 1995.<sup>40</sup> This committee while recognizing that the new committee system has worked for less than a decade commended its functioning and made some valuable recommendations which are of significance for states which may wish to shift to this system. Regarding the structure of these committees it was suggested that all political parties and groups in the House should be accommodated in each subject committee; the opposition should be offered Chairmanship of a certain number of committees; every member of the House should be member of at least one Subject Committee; the number of Subject Committees should be increased to thirteen and their tenure should be increased from the existing one year to two or three years. The committee pointed out that Departments should report on the Action Taken on the recommendations and observations of the Subject Committee within six months. It specified that the functioning of the Select Committee in respect of a Bill would not be affected by the existence of a Subject Committee. The committee also felt that the scope of the Subject Committee should be widened and the status of the Chairman of the Select Committee should be raised to a rank not below that of a Minister of State. The West Bengal experience suggests that the extension of the DRSCs system to all state legislatures would increase the time at the disposal of the House, increase the effectiveness of scrutiny by committees and increase the accountability of the executive. In short, it could if well worked reverse the decline in the functioning of many state legislatures in the country including UP. The Speaker of the assembly also felt that it has been a very successful experiment since 1987.

### 3.2 Committees in UP

In UP, the issue of shifting to DRSCs is under consideration of

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40 Final Report of the Ad Hoc Committee on the Questions of the Subject Committee (WB Legislative Assembly Secretariat, 1995). Excerpts from the Report in Dutta (1997): 177-78.

the House but as yet no action has been taken.<sup>41</sup> The UP assembly does have 31 Standing Committees to advise departmental Ministers about the functioning of each department. Each consists of 20 members from both the Houses and is headed by the Minister concerned (Jain 1993 : xxi). But these are not DRSCs as they are under the control of the Minister and not the members of the legislature. States such as UP which are still to establish DRSCs have long faced a number of problems and continue to do so. A brief look at the functioning of the two financial committees - the Estimates and the Public Accounts Committee - makes this clear. These are long established committees in UP as they existed even before independence but they were constituted afresh in 1952. Both consist of about 20-25 members elected by the Assembly in accordance to the principle of proportional representation in order to provide representation to all political parties in accordance to their strength for a period of one year. While the chairman of the Estimates committee is from the ruling party that of the Public Accounts Committee is from the opposition party. They are both powerful committees, which are expected to be watchdogs over the financial activities of the Assembly. While the Estimates committee is expected to suggest economies and alternative policies to bring about efficiency and economy in the administration, the Public Accounts Committee is expected to scrutinize the expenditure already incurred.

A basic characteristic of the Estimates Committee is that it is not possible for it to go through the entire body of estimates. Each year the Committee takes up certain important subjects for scrutiny from the estimates of a single Department and by rotation completes the examination of all the departments over a number of years (Srivastava 1991: 166). The review is thus selective and limited in contrast to that of the DRSCs in West Bengal. Similarly the Public Accounts Committee is not able to go through the entire Audit report and hence certain items are selected annually in consultation with the Accountant General and investigated by the Committee. A long standing and common complaint of the Estimates and the Public

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41. This was mentioned by the Speaker when interviewed who felt that the new committee system should be introduced.

Accounts Committee in UP has been that they are not provided with information in time for them to complete their tasks and often the information is found to be incomplete, misleading, or inadequate which makes it difficult for the committee to investigate irregularities properly. (Sayeed 1973: 151, 183) A number of reports in the 1960s mention that despite reminders some departments did not furnish information (Ibid.153).

Second, despite the formation of sub-committees, with the increasing activities of the Government the estimates of the administrative departments are lengthy and complicated and it is not possible for the Committee to examine the entire estimates of a Department thoroughly. The committee therefore has to be content to select an important item from the estimates of a Department for minute examination. For the fifteen years from 1952 to 1967 the Estimates Committee submitted reports dealing with a total of 35 departments. (Ibid.154). Thus a big segment of the activities did not come under the scrutiny of the Committee at all. (Ibid.) Moreover, it appears that the Estimates Committee has seldom been able to submit its report within a year and it has taken much longer to submit its reports to the House. Between 1962 and 1967 the Estimates Committee submitted a total of 12 reports and spent on an average one year and eight months to submit them, in the case of four reports it took over two years. The time taken for the submission of the Implementation report is even longer. A study mentions that while the average time period in the 1960s was a little over 2 years, in two cases in which the report was originally presented in 1959 it took 7 years in one case and 5 years and 7 months in another; in the case of a report presented in 1961 it took 4 years and 10 months. (Sayeed 1973: 173). In the case of the Public Accounts Committee also the committee is often overburdened and therefore the number of reports it can see are few. In fact it was suggested that it should not investigate any minor irregularities but focus only upon the major ones so that it could have an impact on the efficient working of the government departments. This is very disappointing and contrary to the very purpose of the formation of the Committee. It is obvious that a suggestion for economy made several years ago has very little likelihood of being relevant and is bound to be futile. As a matter of

fact the real purpose of examining the estimates can be achieved fully only if the examination of the estimates is completed before they are voted upon by the legislature, which traditionally has been the pattern in England. In UP it is not possible for the Committee to submit its report on a particular estimate before the Budget is passed, in fact, this does not happen in most cases even before the next budget (Sayeed 1973:175).

The above arguments are true of the functioning of the Estimates and Public Accounts Committee in many state assemblies where a shift to DRSCs has yet to be made. However, in UP table 4b, which gives the number of sittings held by the Estimates and the Public Accounts Committee during the 1980s and 1990s, shows a steep decline in the number of meetings held by these committees. Upto 1989 the Estimates committee met between 34 to 73 times each year. Meetings were infrequent during the 1990s due to imposition of President's Rule three times but also because as shown earlier the number of days that the assembly met declined steadily. From 1997 the number of meetings has risen again though not reaching the number in the 1980s. Moreover the Committee submitted only one report in 1995 during the entire decade while in the 1980s in most years two reports were submitted, in 1984 the committee submitted 5 reports. A similar pattern is visible in the case of the Public Accounts Committee, which met more often and generated more reports during the 1980s compared to the 1990s. The Public Accounts Committee in fact held 114 and 101 sittings during 1982 and 1983 respectively, a figure not reached again even in the late 1990s when there is an attempt to increase the number of sittings. The Public Accounts Committee submitted about 4 to 5 reports annually in the 1980s reaching 11 in 1984. Thus in comparison with West Bengal which has introduced innovative methods to improve its committee system, the committee system in UP seems to be in steep decline.

#### **4. CORRECTIVES DEVICES:**

##### **4.1 Observance of rules of procedure**

In recent years there has been much criticism that state legislatures do not follow established rules and procedures which

has resulted in decline in standards of debate, standards of behaviour and decorum and even violence. Rules of procedure have been established in every state legislature.<sup>42</sup> There is also a Business Advisory Committee to overlook their use. The problem does not lie with the regime of Rules and Procedures but in compliance to these rules by members.

While many reasons exist for this state of affairs, an important one for our purposes is differences over the distribution of the time of the assembly between government business and issues that the opposition wishes to raise and discuss which often leads to disputes. An examination of the functioning of the state legislatures, shows that most of their time is devoted to government business. Out of the six hours of a normal sitting of most state legislatures one hour every day is earmarked for Parliamentary Questions and 2 ½ hours on every Friday are earmarked for Private Members Business. The rest of the time of the House, by convention, is available for transacting Government business like legislation and financial business etc. However, in a parliamentary democracy time must be available for ventilating grievances of the people who expect their representatives to discuss their problems on the floor of the House. This aspect is more important in the states as the legislatures are perceived as closer to the people and therefore more capable of solving their problems. This expectation spurs members, particularly those belonging to opposition parties, to give notices under various parliamentary devices such as Zero Hour, Question Hour, adjournment motions, mentions etc., leading often to differences between them and the members of the ruling party. An important device, which drains the time of the House, and causes conflict, is Zero Hour during which members can raise any issue of public importance.

Despite the existence of many written rules, not many state assemblies are able to discipline members regarding time distribution. A major reason for this is that in 12 state legislatures more than 50% of the time was spent on government business, reaching as much as 80% in 5 state legislatures. (Pharande report

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42 See Jain (1993).

2001: 10) This clearly requires that the duration of sessions must be increased if so much government business exists so that opposition parties and independents are able to make more use of the time of the Assembly. As long as the Congress party was in power in a number of states, the problem was not serious, but has become acute with the appearance of multi-party systems and coalition governments due to which parties compete for time on the floor of the House. As bigger parties consume most of the time, smaller parties and independents often do not get sufficient time to speak. In these circumstances it often becomes difficult for the Presiding Officer to strike a balance between these two extremes in view of the limited time available. Frustrated at not being able to speak and raise issues they consider important members sometimes tend to adopt strong-arm tactics and create disturbances in the Assembly. While such problems arise in the Lok Sabha, they are far more acute in the states.<sup>43</sup>

There are major differences in the observances of rules and procedures in the assemblies of UP and West Bengal. The UP Assembly did not furnish data on the time spent on government business, but pointed out that due to paucity of time business does get postponed and often an issue flares up over time distribution resulting in adjournment of the House. A major source of conflict between the ruling party and the opposition leading to violence is Zero hour. As per Rule 301 and direction 11 of Directions by the Speaker, the notices of the Zero hour can be given one hour before commencement of the sitting. Not more than seven notices are allowed and the Minister concerned must reply within a month from the date the issues are raised. However, in actual practice the secretariat pointed out that in recent years sometimes Question Hour is not taken up and Zero hour continues for hours together (Pharande report 2001: 68).

In UP disorderly conduct following disagreement over the rules and apportionment of time between the government and the opposition parties in the House became common for the first time

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43 The amount is not much in the case of the Lok Sabha when compared to the state assemblies. During the term of the 10th Lok Sabha for example, forty-five hours and twenty minutes i.e. 5.26% of the total time of the House was lost in disorderly scenes and disturbances. Pharande (2001): 5.

during the period 1967-72 (Sharma 1986: 87). On 4 and 5<sup>th</sup> March 1970 during the Motion of Thanks following the Governor's Address there were ugly scenes of disorder, shouting of slogans, angry protest against the attempt by the Chair and attempts at physical violence to the Deputy Speaker when he announced close of debate and voting on the amendments moved by some members. There were differences of opinion on the method of voting also. The House was adjourned but the violence continued on the second day and even attempts to drag the Deputy Speaker out of his chair. Unlike in more recent years, prompt action was taken on 9<sup>th</sup> March; two members gave a contempt notice against the member who manhandled the Deputy Speaker. The House discussed the motion and on 21<sup>st</sup> March found the member guilty of contempt and he was suspended till 30<sup>th</sup> June from the House. However, on 1<sup>st</sup> June the remaining punishment was revoked (Mittal 1976). Many such examples can be given from the 1980s also.

During the 1990s however, the UP assembly has witnessed a spate of rushing into the well of the house, frequent adjournment motions, pandemonium, bad language and even violent fights. This is not a feature when any particular party was in power but has been seen throughout the decade. Two examples when the issue of time distribution was raised will suffice. On December 16, 1993 there were pitched battles between the legislators. The SP-BSP coalition was in power at this time. The second instance is October 21, 1997 when there were fights between the treasury benches and the opposition in which the speaker and many other members were injured, some seriously. At this time the government was headed by the BJP with Kalyan Singh as the Chief Minister. (The Times of India New Delhi, Dec 2, 2001). The Pharande Committee found that in UP as much as 13 to 16 percent of the time of the Assembly was wasted in disorderly scenes, shouting and unruliness during the period 1994 to 1998. In other states the percentage ranges from less than 1 percent to about 9 percent, the only exception being the Delhi assembly whose percentage is 16 percent over a 5-year period.

In the West Bengal Assembly the average amount of time spent on government business during the 1990s was 80 percent (Pharande report 2001: 55). However, the Assembly secretariat pointed out that

disputes over distribution of time between the ruling party and the opposition leading to disorderly behaviour occur rarely. In comparison to UP, in West Bengal the percentage spent on conflicts and violent behaviour was too negligible to be furnished, matters being settled by negotiations or in some cases change in the rules (Pharande report 2001: 73-74). A important reason is that in West Bengal the time spent on Zero hour is only 4 percent which is much less than that of other states, which ranges from 5 to 30 percent. Presiding officers do not generally allow any member to mention any matter in the Zero Hour, which can be raised through other opportunities such as Calling Attention notices, etc. The Speaker when interviewed stressed that while orientation courses must be held for newly elected members to acquaint them with the rules of the assembly, development of a "healthy political culture" was essential. This was a collective task for all political parties who could generate sensitivity among their members leading to "good parliamentary culture".

#### 4.2 Code of Conduct

State legislatures have made attempts in recent years to correct and improve their functioning. Most of these initiatives have come from the Presiding Officers of the Lok Sabha and the states. At the Presiding Officers Conference held at Lucknow in October 1985 an attempt was made to outline in detail the duties and responsibilities of legislators and their conduct in the House both in UP and elsewhere.<sup>44</sup> The Conference pointed out that strict rules of etiquette and speech already existed which had been framed by the Rules of Procedure and Conduct of Business in the Lok Sabha and rulings given by presiding officers that were meant to be applied to all the legislatures in the country. A number of procedural devices existed for members to ventilate the grievances of their constituents such as Questions, half hour discussions, adjournment motions, call attention notices etc., apart from the usual opportunities for debate on the Motion of Thanks on the President's Address and the Budget. Hence, there is no need for members to create disorderly scenes

44 See, Presiding Officers' Conference, Lucknow, October 1985.

whenever they feel that they have been denied a right to speak. The committee pointed out that existence of Rules in the House was not enough; members should know them and learn to use them. The extent and amplitude of the words "conduct of members" have not been defined exhaustively and it is within the powers of the House in each case to determine whether a member has acted in an unbecoming or unworthy manner and to punish him for misconduct or disorderly conduct whether within or outside the House. The committee also pointed out that the Speaker of the House also enjoyed vast powers to 'name', suspend or even expel a member of the House (Presiding Officers Conference Lucknow, 1985).

The Pharande Committee has made some recommendations to solve this problem: allocation of more time to non-governmental business, formation of an Ethics Committee, need to regulate Zero hour, training of members in parliamentary etiquette and decorum and consensus not to allow interruptions to the Governor's Address etc. (Pharande report 2001: 7). The Committee pointed out that while all the state assemblies have separate Rules of Procedure and Conduct of Business, which normally are sufficient to deal with the situations arising out of the daily transactions of business of the House, procedural uniformity in all state assemblies was highly desirable so that when problems arise, precedents set up in one House could be followed in another. This was also the recommendation of the Committee of Presiding Officers, which was constituted in September 1984, on the "Need for a uniform set of Rules of Procedure and Conduct of Business in all the legislatures in the Country". It had recommended that the Rules framed in the Lok Sabha should be adopted by all state legislatures. This was adopted at the Presiding Officers Conference held at Srinagar in 1987 and reiterated at the 62<sup>nd</sup> Conference of Presiding Officers held in September 1998. At this conference the Lok Sabha Speaker held that Rules could be updated every two years and for this consultations between various legislative bodies in the country was needed. The Pharande committee argued that this would preclude differences of opinion on the floor of the House leading to disruption and often violence. The committee noted that 22 out of 26 legislatures had adopted the Rules of the Lok Sabha. Only 3 state legislatures - Jammu and Kashmir, Meghalaya

and Pondicherry legislative assemblies - have as yet taken no action in this regard. (Pharande report 2001: 7) In response to the Pharande committee the UP legislature replied that its Rules and Procedure and Conduct of Business are more or less in uniformity with those of Lok Sabha and that therefore no action had been initiated in this regard. The West Bengal Assembly while stating the same however, did point to some amendments to the rule necessitated with the establishment of DRSCs, which the Rules Committee of the House had suggested and which would come into force shortly. (Pharande report 2001: 39)

In the light of numerous instances of misconduct in assemblies the Annual Presiding Officers Conference on September 23-24, 1992 recommended the setting up of an Ethics Committee which would help Presiding officers in disciplining members.<sup>45</sup> An Ethics Committee set up in the Lok Sabha under the chairmanship of S.B.Chavan went into the question of improving standards of behaviour in the Lok Sabha and the state legislatures. In its report submitted in December 1998, it argued that it was not in favour of members subjecting themselves to the disciplinary authority of any outside agency. It therefore recommended that every legislature should constitute an "internal self-regulatory mechanism" consisting of an Ethics Committee and that a common Code of Conduct must be evolved to regulate the behaviour of legislators. Attempting to set a broad framework for such a Code the Committee argued that members should not do anything that brought disrepute to their legislature and maintain high standards in public life. However, by 2001 only 3 Assemblies had constituted the committee and these did not include UP and West Bengal. While most assemblies are keen to establish privilege committees they are not keen to establish an Ethics Committee to discipline members who indulge in misconduct. The Speaker of the West Bengal assembly while pointing out that the assembly has not had in recent years any violent incidents in the House, argued out that the parliamentary behaviour of members had changed over the years with changes in the social background of the members which had transformed the composition of the House.

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45 The all-India Conference of Presiding officers, 1992.

While earlier well-to-do lawyers and landowners and even ex-princely rulers were members of the assembly, today members come from lower social background, which he felt was a positive development. But it inevitably led to a decline in debating standards, but in West Bengal it has not caused frequent violence as in the case of UP.

A Resolution adopted at the All India Presiding Officers Conference on September 5, 1998 provided the basis for the Code of Conduct adopted subsequently by all legislatures.<sup>46</sup> The resolution agreed that all legislators should behave with decorum during the address of the President/Governor; every legislature should hold sufficient meetings so that members get ample opportunities to deliberate; the Question Hour should be fully and effectively utilized so as to ensure accountability of the executive and to provide opportunities for deliberation; members should follow rules of procedure to maintain order and decorum; the Committee should be strengthened in all legislatures in order to enable an in-depth study and closer scrutiny and ensure accountability of the executive to the legislature and a Code of Conduct should be evolved through consensus in order to ensure orderly behaviour.

Following this Resolution, on November 25, 2001, at a Conference of 16 Chief Ministers, 59 presiding officers and over 300 hundred legislators, a resolution was adopted which formed the basis for a Code of Conduct drafted subsequently.<sup>47</sup> It brought together all attempts made earlier in this regard to formulate a sweeping code, which included curbs on perks and gifts from "private parties". In a comprehensive discussion, the resolution focused on the reasons underlying the trend of disorderly conduct by members in legislatures. These were 1) non-availability of adequate time and consequent frustration of members over perceived inadequacy of opportunities to raise matters pertaining to their grievances on the floor of the House; 2) misgivings created at times by seemingly unresponsive attitude adopted by the Government and retaliatory posture by Treasury Benches; 3) disinclination at times, on the part of the leadership of parties in the legislature to adhere to

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46 All India Conference of Presiding Officers, 1998.

47 All-India Conference of Presiding Officers, 2001.

parliamentary norms and to discipline their members; 4) absence of prompt and proper action against erring members under the Rules of Procedure; and 5) lack of sufficient training and orientation specially of new members, in parliamentary procedure and etiquette.<sup>48</sup> The resolution then reiterated the need for at least 100 annual sittings of the legislatures of the bigger states and 60 for smaller states; an Ethics committee with rules based on the Report of the 1998 committee set up by the Rajya Sabha; as recommended by the Ethics Committee, political parties should also introduce self-correcting devices to improve the standards of legislative behaviour of their members; and DRSCs should be constituted in all legislatures.

The Code of Conduct lays down standards of behaviour. 1) Violations or breaches of the Code are to be punished by measures like admonition, reprimand, censure or withdrawal from the House for offences of a less serious nature and by automatic suspension from the service of the House for a specific period for grave misconduct as may be specified. 2) Immediate steps must be taken to ensure a minimum of 110 days of sittings of parliament and 90 and 50 days of sittings of the legislatures for the big and small states respectively, if necessary through appropriate Constitutional amendment. 3) Necessary changes be made in the rules of the central and state legislatures to provide increased participation of legislators in the parliamentary process. 4) A new, responsible and effective role be played by Leaders of the House, Leaders of all parties and of the Opposition in ensuring disciplined behaviour on the part of their members. 5) A more positive and responsive attitude should be adopted by the Government and Treasury Benches towards the Opposition by responding promptly to the matters raised by Opposition members on the floor of the House. The opposition should also in response be more tolerant and understanding. 6) Presiding officers should ensure that new members are given training and orientation in parliamentary procedure, discipline and decorum by the Secretariat of the State Legislatures.<sup>49</sup> However, not all legislators

48 Ibid, 2001:48-49.

49 Details on each of these aspects is available in Resolution Adopted at the All-India Conference of Presiding Officers on "Discipline and Decorum in Parliament and Legislatures of States and Union Territories" New Delhi, November 25, 2001.

are willing to accept such a code. Former Union Minister and parliamentarian Beni Prasad Verma who has also been a member of the UP assembly, says, "The legislative councils are not bound to follow such 'outside' resolutions". Questioning the support extended by Sonia Gandhi to this measure he argued that it was due to her inexperience and little knowledge of the Constitution. Many members of the UP assembly supported his observation (The Times of India December 2, 2001, New Delhi).

## CONCLUSION

Our study is an exploratory attempt to examine whether NI can provide a useful theoretical tool for analyzing the working of legislative institutions and their impact upon governance in the Indian states. In contrast to behaviouralism, which held that institutions reflect the society in which they are embedded, New Institutionalists argue that institutions have an inner logic of action, enjoy autonomy and can insulate themselves from and have the capacity to impact upon the flow of politics in the society in which they are based. Yet at the same time New Institutionalism is not a single approach. Rational choice institutionalists argue that utility-maximizing individuals with clear intentions create institutions, and this explains why some countries develop efficient economic and political structures. In this approach institutions are nothing more than rules that become institutionalized over time. While not denying that rationality is an important component in the decisions made by individuals and can contribute to improved functioning of legislative institutions. Our study employed the Normative approach which incorporates aspects of both historical and sociological institutionalism providing a broader, more inclusive definition in which institutions are shaped not only by rational choice but also by history, culture, norms, behaviour and beliefs of members. Within normative institutionalism the concept of 'logic of appropriateness' provides an 'ideal' framework to examine the actual performance of legislatures. In this framework while the impact of societal forces on the functioning of institutions is not denied, the focus is upon developments within institutions to explain their performance.

The study demonstrates that our central hypothesis namely the development of "House Leadership" used to explain differential levels of performance is a useful indicator of the institutionalization of normative practices in our selected legislatures. Consisting of a core of senior and experienced long-term members with high levels of knowledge, ability and commitment to the institution. This group, which is a product of establishment of boundaries and professional careers within them, enables legislatures to withstand the disruptive impact of rapid social change. It sets principles of behaviour for younger members, socializes them into high standards of functioning and provides the cementing 'logic of appropriateness' which helps produce over time institutionalization. Based on this hypothesis four aspects of legislative functioning were examined: establishment of boundaries; effective time management; specialized committee system and correctives to deviant behaviour in order to measure the extent of institutionalization of the state legislative assemblies of UP and West Bengal in the post-independence period.

The empirical data points to significant differences in the functioning of the legislative assemblies of UP and West Bengal and extent of institutionalization reached during the post-independence period. In West Bengal the boundaries of the legislature as a specialized institution have become better demarcated over time, turnover of members is less, the house has a core of members who have completed five - in some cases more - consecutive terms which has provided them commitment and expertise, and the assembly sits for at least fifty days in a year. In the West Bengal legislature disorderly conduct is rarely seen, rules and procedures are observed in a disciplined manner; it has in short established this as a principle in its functioning. In contrast in UP there was constant turnover of members during the 1980s and 90s, the building of a core of continuous and experienced members with leadership skills in the legislative assembly has been slow in developing, and even today consist of a handful. The decline in the number of sittings annually is so serious in UP that a constitutional amendment to ensure that the house meets for a minimum number of days annually has been proposed, which indicates that parliamentary traditions have failed to take root. Moreover, ugly scenes of disorderly conduct

and violence are witnessed very often and the assembly is not keen to observe the Code of Conduct or the rules established by the Ethics committee.

Neither in UP or West Bengal have the posts of the Speaker and the Leader of the Opposition developed into occupational specialties along the lines of the Westminster model. However, in West Bengal, the Speakership has evolved into a specialized, non-partisan and respected post which through its functioning has been able to further the process of institutionalization of the House. While in UP it has become a partisan office used by the ruling party to look after its interests in the House. The shift to DRSCs in the case of West Bengal has contributed to greater expertise and involvement on the part of members and made the House a specialized institution with clearer boundaries from the executive - an essential feature in a parliamentary system. In contrast in UP the house has not yet decided to shift to the new committee system and the Estimates and the Public Accounts Committee have not met regularly and submitted fewer reports during the 1990s. Consequently, our study indicates that while the West Bengal assembly has over time developed strong boundaries and become increasingly institutionalized; the UP assembly after an initial period of positive functioning in the post-independence period, has been moving during the 1990s towards de-institutionalisation.

More important, our study points to certain limitations in the New Institutional approach when used to examine the functioning of legislative institutions in the Indian states. New Institutionalism is an approach developed in the context of the presidential form of government, as it exists in the United States. In this system the legislature is separated from the executive and therefore "sovereign" with regard to its internal functioning. The House of Representatives can be studied as a discrete legislative institution in full control over its internal functioning. The house has a fixed term and the defeat of a bill on the floor of the house does not lead to the collapse of the government. This feature provides it much greater autonomy than a parliamentary system, which has to be far more sensitive to opinions in society. Moreover, in a parliamentary system there is an "embedded cabinet" and the legislature is not completely free to

develop rules and regulations which govern its functioning. Here it is pertinent to remember that in Britain, Parliament as a "sovereign" institution developed prior to the emergence of the Cabinet as a strong body within the House. It evolved as a full-fledged legislature without a strong executive controlling it. This is not true in countries such as India, which have borrowed this system after it was fully developed. Here it is the ruling party particularly its leadership, and not the House as a whole which determines time management, rules and procedures, election of the Speaker, committee system and lays down standards of debate and decorum.

The nature of the party system - existence of a one-party dominant, two-party or multi-party system - is also of greater importance within a parliamentary than in a presidential system. In Britain the early establishment of a two-party system in a small and relatively homogenous society provided the parliamentary system a measure of stability. In contrast competition and rivalry between parties on the floor of the House, formation of coalitions, defections and splits are features of the Indian parliamentary system, especially in the states in recent years. Partisanship is inherent in the situation, levels of contestation are higher and much depends on the standards of functioning and ethics established by the leadership. The type of political parties, their leadership, levels of discipline and the role they play is significant in the development of proper patterns of functioning and behaviour in a House. Within a parliamentary system changes in the House such as appearance of new parties, splits in existing parties or political instability due to no party gaining a majority creates greater political competitiveness which affects the performance of the House. Since the late 1980s the party system in UP is experiencing change from a single-dominant party system under the Congress to a multi-party system in which four parties are competing. It is hence undergoing fragmentation and re-alignment leading to tremendous change, which is reflected in the rapid turnover of members in the assembly. In contrast in West Bengal after a period of instability in the mid 1970s, the establishment of strong and discipline cadre-based communist parties has provided greater stability. Thus, it is necessary to keep in mind that the conditions under which

institutionalization develops within the legislature in a parliamentary system is different from that in a presidential system.

Closely related is the issue of whether legislatures in parliamentary systems find it more difficult to insulate themselves from changes taking place in society. Two components of institutionalization, which are constantly emphasized in studies using New Institutionalism are stability and predictability. This gives it an inbuilt conservative bias towards equilibrium. The concept of institutionalization arising from earlier theories of Political Development in the 1960s pointed to the idea of survival and reaching a more "advanced" level in a competitive environment over a period of time. In normative institutionalism March and Olsen have argued that it means not merely ability to survive, provide order and stability, but to grow and improve over time.

However, a slow process of institutionalization and lack of stable and predictable behaviour in legislative institutions in parliamentary systems undergoing rapid social change such as India need not be read in a negative light. Rapid turnover of members in UP for example is a reflection of an upsurge from 'below' and the entry into politics of a small, but politically powerful elite among the lower castes/classes, hitherto marginalized in society and not represented in the house. Hence, it can be argued that the UP assembly is in fact becoming more "representative" due to the influx of new members and greater "democratization" of the house is taking place. In the case of West Bengal it has been alleged that "fresh blood" has not entered into the communist parties and therefore the house consists of ageing members of the party. Evaluation of legislative governance failures in the Indian states while focusing on internal functioning of legislatures needs to be sensitive to rapid social change and its impact on these institutions. Our comparative enquiry into the internal functioning of state legislatures hence raises a key issue of the appropriate balance between internal and the external i.e. societal factors in evaluating legislative governance.

If these limitations are kept in mind, a comparative analysis of legislative institutions in the Indian states based upon New Institutionalism is useful in identifying factors that are responsible

for better institutional performance. UP and West Bengal are not isolated examples. As our study has shown they provide two variants of legislative functioning and behaviour in the Indian states. New Institutionalism provides insights into the conditions under which legislatures survive through a process of selection and learning from their experiences, build internal coherence, direction and a sense of purpose, which can enable them to withstand pressures from societal forces and thereby provide political stability. It can further help explain why some legislatures are able to manage rapid change and perform better as a result of which some states such as West Bengal have enjoyed better governance and levels of development, while others such as UP have failed to do so. In short, a comparative study of state legislatures using the New Institutionalist approach has the potential to contribute substantially to explanations of the social and economic differences and inequalities among the states, which it can be argued, arise from differing patterns of governance.

## APPENDIX

Table 1a

**Legislative Experience of Members of the UP Assembly (Second to Seventh Assembly)**

	II	III	IV	V	VI	VII
Elected	Assembly members 1957	Assembly members 1962	Assembly members 1967	Assembly members 1969	Assembly members 1974	Assembly members 1977
Elected 1st time	381(89.4)	308(72.30)	315 (73.6)	287 (67.4)	235(55.1)	222(52.1)
Elected 2nd time	43(10.0)	103(24.1)	84 (19.5)	114 (33.80)	120(28.16)	123(28.8)
Elected 3rd time	2(0.46)	10(2.34)	20 (4.6)	30 (7.0)	33(7.74)	50(11.73)
Elected 4th time	-	3 (0.70)	2 (0.5)	9 (2.1)	24(5.63)	20(4.690)
Elected 5th time	-	2 (0.46)	5 (1.2)	4 (0.93)	8(1.87)	7(1.64)
Elected 6th time	-	-	2 (0.5)	2 (0.46)	4(0.93)	2(0.46)
Elected 7th time	-	-	-	-	2(4.46)	2(0.46)
Elected 8th time	-	-	-	-	-	-
Elected 9th time	-	-	-	-	-	-
<b>Total</b>	<b>426</b>	<b>426</b>	<b>428</b>	<b>426</b>	<b>426</b>	<b>426</b>

Source: UP Vidhan Sabha ke Sadasyonka Jeevan Parichay, UP Secretariat, Lucknow.

**Table 1b**  
**Legislative Experience of Members of the UP Assembly**  
(Eighth to the Fourteenth Assembly)

	VIII	IX	X	XI	XII	XIII	XIV
Elected	Assembly members 1980	Assembly members 1985	Assembly members 1989	Assembly members 1991	Assembly members 1993	Assembly members 1996	Assembly members 2002
Elected 1st time	244(57.3)	215(50.5)	186(43.7)	238(55.9)	187(43.90)	181(42.5)	175*
Elected 2nd time	87(20.4)	114(26.75)	124(29.10)	80(18.77)	131(30.75)	115(26.99)	NA
Elected 3rd time	51(11.97)	50(11.73)	67(15.72)	49(11.50)	57(13.38)	59(13.84)	NA
Elected 4th time	20(4.69)	32(7.51)	28(6.57)	24(5.63)	27(6.33)	43(10.0)	NA
Elected 5th time	16(3.75)	6(1.40)	10(2.34)	15(3.52)	16(3.75)	18(4.22)	NA
Elected 6th time	4(0.93)	6(1.40)	7(1.64)	7(1.64)	5(1.17)	7(1.64)	NA
Elected 7th time	1(0.23)	2(0.46)	2(0.46)	3(0.70)	1(0.23)	2(0.46)	NA
Elected 8th time	2(0.46)	-	1(0.23)	2(0.46)	-	-	NA
Elected 9th time	1(0.23)	1(0.23)	1(0.23)	-	1(0.23)	-	NA
Vacant	-	-	-	8	1	1	-
Total	426	426	426	426	426	426	403

**Source:** Jain, 1993: 829, table 5 and, UP Vidhan Sabha ke Sadasyon ka Jeevan Parichay, UP Secretariat, Lucknow.

**Note:**\* Information only on members elected for the first time was available with the Vidhan Sabha.

**Table 1c**  
**Legislative Experience of Members of the West Bengal Assembly (Second to Twelfth)**

Elected	Members 1957	Members 1962	Members 1969	Members 1972	Members 1977	Members 1982	Members 1987	Members 1991	Members 1996	Members 2003
Elected 1st time	141(55.1)	103(40.2)	105(37.2)	71(25.2)	137(46.6)	69(23.6)	83(28.2)	69(23.6)	99(33.7)	110(37.4)
Elected 2nd time	83(32.4)	30(11.7)	44(17.18)	33(11.7)	50(17)	96(32.6)	58(19.72)	27(9.18)	81(27.5)	65(22.1)
Elected 3rd time	-	34(13.2)	17(6.02)	6(2.12)	28(9.52)	42(14.2)	69(23.4)	23(7.82)	37(12.58)	51(17.3)
Elected 4th time	-	-	8(2.83)	6(2.12)	17(5.78)	29(9.86)	17(5.78)	9(3.06)	35(11.90)	26(8.8)
Elected 5th time	-	-	4(1.4)	6(2.12)	5(1.70)	14(4.76)	5(1.70)	7(2.38)	23(7.82)	16(5.4)
Elected 6th time	-	-	-	2(0.70)	4(1.36)	3(1.02)	4(1.36)	4(1.36)	9(3.06)	15(5.1)
Elected 7th time	-	-	-	1(0.35)	1(0.35)	1(0.35)	1(0.35)	1(0.35)	7(2.38)	6(2.04)
NA*	31	89	104	157	52	40	18	155	3	5(1.7)
Vacant	1	-	-	-	-	-	-	-	-	-
Total	256	256	282	282	294	294	294	294	294	294

Source: 'Who's Who' Secretariat of the West Bengal Assembly, Calcutta.

**Note:**\* Information was not provided by members

**Table 1d**  
**Members of the West Bengal Legislative Assembly who have**  
**completed Five Consecutive Terms**  
**(including the 12th Legislative Assembly)**

<u>No. of Members</u>	<u>Terms Completed</u>	<u>Period</u>
16	8th to 12th	1977-2001
1	1st to 12th*	1946-2001
3	3rd to 12th	1962-2001
2	4th to 12th	1967-2001
3	5th to 12th	1969-2001
3	6th to 12th	1971-2001
3	7th to 12th	1972-2001
Total	31	

**Source:** Secretariat of the Bidhan Sabha, West Bengal.

**Note:** Jyoti Basu was a member of the Assembly prior to independence between 1946 and 1952.

**Table 2a**  
**Names and Tenure of the Speakers of the UP Legislature**

Name	Tenure		Tenure	Party
	From	To		
1. Michael Kein	21.1.1925	25.08.1925	7 months	-
2. Sir Sitaram	25.08.1925	31.07.1937	11years 1 month	-
3. P.D.Tandon	31.7.1937	10.8.1950	13years 1 month	-
4. Nafisul Hasan	21.12.1950	19.5.1952	1year 6months	Congress
5. A.G.Kher	20.5.1952	25.3.1962	5 years	Congress
6. M.M. Verma	26.3.1962	16.3.1967	5 years	Congress
7. J.S.Aggarwal	17.3.1967	16.3.1969	2 years	Congress
8. A.G. Kher	17.3.1969	18.3.1974	5 years	Congress
9. V.D. Singh	18.3.1974	12.7.1977	5 years	Congress
10. Banarsi Das	12.7.1977	26.3.1979	3 years 4 months	Janata
11. Sripathi Misra	25.8.1980	15.3.1982	1 year 4 months	Congress-I
12. Dharam Singh	25.8.1982	15.3.1985	1 year 6 months	Congress-I
13. Niaz Hasan	15.3.1985	9.1.1990	2 years 5months	Congress-I
14. Hari Kishan	9.1.1990	30.7.1991	1 year 6months	JD
15. K. N. Tripathi	30.7.1991	15.12.1993	2 years 5 months	BJP
16. D.R.Verma	15.12.1993	20.06.1995	1 year 6 months	SP
17. D.R.Verma	18.7.1995	26.03.1997	1 year 8 months	SP
18. K.N. Tripathi	27.03.1997	14.05.2002	6years...	BJP
19. K.N. Tripathi	14.5.2002	to date		BJP

**Source:** Jain 1993: 839-840, table 6 and records of the UP Vidhan Sabha.

Table 2b

## Names and Tenure of the Speakers of the West Bengal Legislature

Name	Tenure		Tenure	Party
	From	To		
1. Azizul Haque	7.4.1937	27.4.1943	6 years	-
2. Syed N. Ali	1.3.1943	14.5.1946	3 years	-
3. Nurul Amin	14.5.1946	15.8.1947	1 year 3 months	-
4. I.D. Jalan	21.11.1947	19.6.1952	4 years 5 month	-
5. S.K. Mukerjee	20.6.1952	20.3.1957	4 years 3 months	Congress
6. S.D. Banerjee	4.6.1957	15.5.1959	1 year 1 month	Congress
7. B. D. Kar	22.2.1960	11.3.1962	2 years 1 month	Congress
8. K.C. Basu	12.3.1962	7.3.1967	5 years	Congress
9. B.K. Banerjee	8.3.1967	2.5.1971	4 years 2 months	UF
10. A.L. Majumdar	3.5.1971	23.6.1977	6 years 1 month	UF
11. S.A.M. Habibullah	24.6.1977	13.6.1982	5 years	CPI(M)
12. H.A. Halim	14.6.1982	till date	20 years	CPI(M)

Source: Jain 1993: 884, table 3. And the records of the Vidhan Sabha

Table 2c

## Leaders of the Opposition in the UP Legislative Assembly (1950-2002)

Name	Party	Period	Name	Party	Period	Name	Party	Period
Triloki Singh	Jan Congress	1950-52	Girdhari Lal	Cong(O)	1971-72	S.P. Yadav	Lok Dal	1987-89
Rajnarayan	Socialist	1952-55	Charan Singh	BKD	3.01.72 to	N.D. Tiwari	Cong(I)	1989-91
Genda Singh	PSP	1955-57			2.02.72	K.S. Yadav	JD	17-07-91 to
Triloki Singh	PSP	1957-62	Girdhari Lal	Cong(O)	22.02.72 to			6-12-91
Y.D. Dubey	Jan Sangh	1962-64			5.05.72	R. Singh	JD(B)	1991-92
S.B. Singh	Jan Sangh	1964-65	Jairam Verma	BKD	11.01.73 to	#	#	#
M.P. Tripathi	Jan Sangh	1965-67			13.06.73	Kalyan Singh	BJP	1993-95
R. Vikal	-	2.03.67 to	Charan Singh	BKD	1973-74	*	*	1995-97
		2.04.67	Charan Singh	BKD	1974-77	D.R. Verma	SP	1997-2001
C.B. Gupta	Congress	1967-68	S.P. Malviya	-	30.03.77 to	S.P. Mauriya		18-09-01 to
Charan Singh	BKD	1968-70			30.04.77		BJP	17-10-01
Girdhari Lal	Cong(O)	26.02.70 to	N.D. Tiwari	Cong(I)	1978-79	M.A. Khan	SP	2002-
		3.10.70	R.M. Pandey	Janata®	1979-80			
K. Tripathi	Cong®	1970-71	Rajendra Singh	Janata(S)	1980-85			
			M.S. Yadav	Lok Dal	1985-87			

Source: Records of the Vidhan Sabha, Lucknow.

Notes: - Period when the Leaders of the Opposition was yet to be appointed.

\* From October 1995 to March 1997 UP was under President's Rule.

# From December 1992 to December 1993 UP was under President's Rule.

**Table 2d**  
**Leaders of the Opposition in the**  
**West Bengal Legislative Assembly**  
**(1952-2003)**

Name	Party	Period
Jyoti Basu	CPI/CPM	1957-67
	CPI/CPM	1967-72
B.Mukherjee	CPI/CPM	1972-77
K.K.Moitra	Janata	1977-82
Abdus Sattar	Congress	1983-91
S.S.Ray	Congress	1991-92
Zainul Abedin	Congress	1993-96
A.C. Sinha	Congress	1996-2001

Source: Website of the West Bengal Legislative Assembly.

**Table 3a**  
**Number of Sessions Held by each Successive Legislative Assem-**  
**bly of UP and West Bengal (1952 to 1992)**

House	UP		West Bengal	
	Period	Sessions	Period	Sessions
First Assembly	1952-57	17	1952-57	11
Second Assembly	1957-62	9	1957-61	14
Third Assembly	1962-67	10	1962-66	13
Fourth Assembly	1967-68	2	1967-68	4
Fifth Assembly	1969-74	9	1969-70	3
Sixth Assembly	1974-77	8	1971-71	1
Seventh Assembly	1977-80	9	1972-77	13
Eighth Assembly	1980-85	9	1977-82	12
Ninth Assembly	1985-89	8	1982-87	11
Tenth Assembly	1989-91	5	1987-91	10
Eleventh Assembly	1991 to Nov 92	2	1991 onwards	2

Source: Jain 1993: 831-32 and 877-78.

**Table 3b**  
**Number and Duration of Sittings of the**  
**UP and West Bengal State Legislatures**  
**(1993-97)**

State	Strength of House	No. (days) and duration in brackets in Hrs and mts of sittings					Annual Average
		1993	1994	1995	1996	1997	
Uttar Pradesh	426	6 {24-52}	37 {185-10}	27 {154-13}	Pr. Rule -	24 {149-32}	23.5 {128-27}
West Bengal	240	49 {236}	64 {322}	47 {233}	47 {244}	57 {238}	52.8 {254.36}

Source: G.C. Malhotra 1998: 245-46, Table V.

**Table 3c**  
**Number and Duration of Sittings of Legislatures of States and**  
**Union Territories**

No of Sittings (Annual average in days)	No of states/Uts	Duration of Sittings (Annual Average in Hours)	No of states/Uts
Less than 10	2	Less than 100	13
11-20	6	101-200	11
21-30	8	201-300	6
31-40	6	Above 300	2
41-50	7		
Over 50	3		
<b>Total</b>	<b>32</b>		<b>32</b>

Source: Pharande Report 2001.

Table 4a  
Performance of Subject Committees In the West Bengal Legislature

Name of Committee	No of meetings held upto Apr-95	During the 11th Assembly		(1991 to 1996)				Total no of reports submitted since inception
		Average attendance by Members	No of meetings attended by members	No of evidence taken by committee	No of study tours within the state	No of study tours outside the state		
1. Agriculture	114	11	3	91	14	2	7	
2. Education	69	11	24	38	8	2	10	
3. Environment	48	9	8	21	8	2	3	
4. Health family Welfare	88	12	10	50	14	2	10	
5. Irrig&waterways	118	11	56	80	11	1	10	
6. Panchayat	65	10	8	20	4	1	11	
7. Power,commerce & Industries	65	8	6	53	28	2	10	
8. Public works	99	10	10	76	22	3	8	
9. Transport	80	10	1	28	9	1	5	
10. Welfare, tourism Sports, youth services	11	5	22	12	3	8		

Source: Dutta 1997

Table 4b  
Number of Sittings and Reports Presented by the Estimates and Public Accounts Committee since 1980 in UP

Year	Sittings of Estimates Committee	Sittings of Public Accounts Committee
1980	3	29(4)
1981	34(2)	30(5)
1982	72	114(1)
1983	72(2)	101(7)
1984	51(5)	60(11)
1985	43(2)	26
1986	36(1)	20(1)
1987	73	79(5)
1988	51(2)	59(5)
1989	6(1)	9(5)
1990	3	11
1991	-	-
1992	33	63
1993	-	-
1994	11	1
1995	26(1)	-
1996	-	-
1997	22	1
1998	39	21
1999	16	51(2)
2000	2	14

Source: Compiled from the Journal of Parliamentary Information (Issues in the 1980s, 1990s and 2000)

Note: Figures in Brackets give the reports submitted by the Committee in that year.

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