

THE CONCEPT AND PRACTICE OF COLLECTIVE MINISTERIAL RESPONSIBILITY IN INDIA

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ABSTRACT

Collective Responsibility, in general, refers to a set of humans associated with an organisation/business agency taking obligation of a mission or person. For example, the complete university institution in a school that attends a class will take collective obligation of a selected student's gain or lack. This concept of Collective Responsibility is applicable in several fields, like education, private business agency or software program software companies and politics also. We see collective obligation in several incidents of our day by day life. A software program software institution collectively finishing a project, a CM and his cabinet ministers searching after the State or maybe absolutely everyone staying indoors to prevent unfold. This paper attempts to deliver the Content on Ministerial duty, a fundamental constitutional precept within side the British Westminster parliamentary system steady with which ministers are accountable to the parliament for the behaviour in their ministry and authorities as a whole. Ministerial duty is vital to the parliamentary system, as it guarantees the duty of the authorities to the legislature and thus, ultimately, to the population. This precept is specially based totally on a frame of constitutional conventions, mounted through manner of way of precedents, rather of on fine statutes. In a few nations which include the United Kingdom and Canada, the felony status of ministerial duty is likewise based totally at the oath taken through manner of way of every minister upon turning into a member of the Privy Council. Ministers—called ministers of the crown in Commonwealth nations—have each a collective and a character duty to the parliament.¹

INTRODUCTION

The most important of collective obligation holds the ministers responsible to the legislature. As in step with the Indian Constitution there may be a properly incorporation of the collective obligation of the Union Executive to the residence of the human beings and of the kingdom Executive to the legislative assembly. Article seventy-five (3), absolutely mentions that the

Council of Ministers will be together accountable. Then that means that may be derived is that the Government ought to keep a majority with inside the Lok Sabha for its survival. The primary item of this Collective obligation is to make the entire frame of individuals retaining ministerial office together, or, if one might also additionally so have positioned it, “vicariously accountable: for such acts of the others as are referable: to their collective violation so that, even if a person won't be personally: liable for it, yet, he'll be deemed to proportion the obligation with folks that might also additionally have: genuinely committed few wrong.¹⁰⁵⁸ The Prime Minister of Britain Lord Salisbury, very properly defined the precept of collective obligation as: “For all that passes with inside the Cabinet, every member of it who does now no longer surrender is sincerely irretrievably accountable, and has no proper afterwards to mention that he agreed in a single experience to a compromise at the same time as in every other he turned into persuaded with the aid of using his colleagues.”¹⁰⁵⁹

The provision of Collective obligation points out below Article seventy-five of the Indian Constitution essentially elucidates a couple of meanings.

Firstly, All the individuals of a selected authorities will be congruent to its guidelines and Secondly the ministers who have been availed to voice opinion for or towards of a selected coverage implemented, will be accountable for its genuine achievement or maybe failure of the same.¹⁰⁶⁰

As in step with this doctrine, all the ministers are certain to embolden publicly the choices made with the aid of using the Cabinet as entire and could display no incongruence or inconsistency with those choices out of doors the cupboard room.

The doctrine has developed as a method of retaining the: look of cupboard team spirit and celebration field and: displaying that the authorities is firmly behind the guidelines it: promotes and. The doctrine of Collective Cabinet Responsibility developed: as a method of giving public look of cupboard team spirit and: actual collective choice making.¹⁰⁶¹

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¹⁰⁵⁸ <https://www.studocu.com/en-gb/document/university-of-glasgow/constitutional-law/lecture-notes/collective-and-ministerial-responsibility-notes/3215195/view>

¹⁰⁵⁹ Life of R.B. Salisbury, Vol. II, pp. 219-220.

¹⁰⁶⁰ <https://www.ifes.org/sites/default/files/con00096.pdf>

¹⁰⁶¹ Venkateshwaran, *Cabinet Government in India*, pp. 73-93 (1967)

The precept of collective obligation keeps the team spirit of the Cabinet and the Council of Ministers. Prime Minister Nehru took event to throw a few mild at the precept as follows with inside the: context of State Governments.

“A Government after the parliamentary model is one united entire. Each member of the authorities has to guide the others as long as he stays with inside the authorities. The Minister has to guide his different Ministers and the different Ministers ought to guide every different and the Chief Minister. It is pretty absurd for any Minister to oppose or provide even the influence of opposing a colleague of his. Opinions can be freely expressed in the Cabinet. Outside, the authorities need to have simplest one opinion. There isn't any query of a member of authorities being impartial in an arguable trouble wherein the authorities are involved besides with inside the uncommon instances which we might also additionally don't forget as subjects of conscience, in which freedom is given.”¹⁰⁶²

- Article seventy-five (3) of Indian Constitution states that the Council of Ministers will be collectively responsible to the House of the People.
- Collective duty way individuals of a Cabinet observe an incorporated coverage, for which they all receive duty and on which they stand or fall collectively.
- Even if there are variations amongst them on minor subjects, they ought to constantly place up audited the front inside facet the legislature and in advance than the country.
- In India, because Independence, many Prime Ministers had trouble in implementing collective obligation.
- let's say, throughout the regime of Jawaharlal Nehru, the country Janus-faced a scarcity of meals grains, leading to high costs.
- once the MPs criticized the got for now no longer effort this drawback properly, the then Minister for Food and Agriculture, aforementioned the individuals ought to direct their court cases towards different ministries, collectively with the Ministry of Irrigation related Power for now no longer presenting good enough water for cultivation; the Ministry of Commerce and trade for now no longer supply fertilizers; the Ministry of Health.¹⁰⁶³

¹⁰⁶² See Journal of Constitutional and Parliamentary Studies, Vol. III, No. 1.

<https://journal.rostrumlegal.com/the-concept-of-collective-ministerial-responsibility-in-india-theory-practice/>

¹⁰⁶³ <https://www.nap.edu/read/9929/chapter/7>

For now, no longer checking the expansion of the population; the Ministry of Railways for now no longer presenting a good enough range of wagons for motion of meals grains; and consequently. The State governments for now no longer correctly implementing the varied guidelines regarding agriculture. There are various different instances wherever Prime Ministers have been unwilling or unable to enforce collective responsibility, thereby poignant the country's progress.

IMPACTS

The shortcoming of the government to perform on the idea of collective responsibility can be a vital explanation for

1. Contradictions and disagreements between cupboard members of the chief branch
2. Loss of sensible good thing about being a part of a team
3. Loss of party loyalty and private loyalty to the prime minister
4. serious value and time-escalation in implementing development comes

Need for Modifications

- United Kingdom may be a unitary state wherever all powers are unconditional in an exceedingly single supreme central government.
- The native governments are created just for body convenience and that they derive their authority from central government which may conjointly get rid of them altogether at any time.
- Whereas, Republic of India may be a federal state during which power is split between Centre and States.
- The framers adopted the federal system because of 2 main reasons—the giant size of the country and its socio-cultural diversity.
- For this purpose, Indian Constitution although primarily modelled on British Parliamentary system has incorporate bound modifications to suit its federal requirements.

CONCLUSION

Ministerial obligation lies at the guts of our democracy, and it stays imperative to the manner for the duration of which we will be inclined to are ruled, even so the Criticisms towards the continued connection of the philosophy and no matter the harm caused with the

aid of using extra attention of Coverage and outlay power within the fingers of 1 minister. Responsible government and additionally the power of the nation .The Constitution can be assortment of statutory and standard provisions that govern the manner for the duration of which the facility of the nation is disbursed and exercised. Within the Westminster system, powers are additionally disbursed on a unitary or federal basis, however their exercising is ruled with the aid of using the not unusual place precept of accountable government.

The shortcoming of the government to perform on the idea of collective duty can be a vital rationalization for

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2. Loss of celebration loyalty and private loyalty to the prime minister
3. Serious value and time-escalation in imposing development comes

United Kingdom can be a unitary country wherever all powers are unconditional in an exceedingly unmarried supreme important government. The native governments are created simply for body convenience and that they derive their authority from important government which may conjointly get rid of them altogether at any time. Whereas, Republic of India maybe a federal country in the course of which energy is split between Centre and States. The framers followed the federal gadget due to the fact of 2 principal reasons—the giant length of the .and its socio-cultural diversity. For this purpose, Indian Constitution although mainly modelled on British Parliamentary gadget has incorporate bound changes to in shape its federal requirements.

Ministerial duty lies at the guts of our democracy, and it stays important to the manner in the course of which we will be predisposed to are ruled, even so the criticisms levelled in opposition to the continued connection of the philosophy and no matter the harm caused through extra attention of coverage and outlay energy inside the fingers of 1st ministers. Responsible government and additionally the energy of the country. The Constitution can be assortment of statutory and standard provisions that govern the manner in the course of which the facility of the country is shipped and exercised.